California Department of Transportation

Title VI Program Plan

October 2016

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INTRODUCTION

The California Department of Transportation (Caltrans) is a recipient of Federal Highway Administration (FHWA) federal-aid highway funds. Recipients of federal funds are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI). Title VI forbids discrimination against anyone in the United States on the basis of race, color, or national origin in the programs and activities of an agency receiving federal financial assistance. In addition to Title VI, the other nondiscrimination statutes that afford legal protection are: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability). Together, these requirements define an over-arching Title VI Program. It is important to also understand that Title VI and the additional nondiscrimination requirements apply to all Caltrans programs even when only one program receives federal funds.

The Civil Rights Restoration Act of 1987 defined the word "program" to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal funds. Simply stated, Caltrans is to ensure that none of its activities or programs treat any part of a community any differently than another. Caltrans is committed to achieving full compliance and expects every manager, supervisor, employee, and subrecipient of federal-aid funds administered by Caltrans to be aware of and apply the intent of Title VI and related nondiscrimination statutes in performing assigned duties.

The FHWA requires Caltrans, as a recipient, to prepare a plan to clarify roles, responsibilities, and procedures to ensure compliance with Title VI and related nondiscrimination statutes. Title 23 of the Code of Federal Regulations (CFR) 200.9(b) (11) requires an updated Title VI Program Plan every year by October 1.

The *California Department of Transportation Title VI Program Plan* focuses on the functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI and related nondiscrimination statutes.

Caltrans Office of Business and Economic Opportunity (OBEO) through its Assistant Director works with staff to implement and monitor compliance with Title VI nondiscrimination requirements. Questions about Caltrans Title VI Program may be directed to:

Office of Business and Economic Opportunity, Compliance/Title VI & Program Operations Branch, 1823 14th Street, MS.79, Sacramento, CA 95811. Phone: 916-324-1700; Fax 916-324-1862; email: Titlevi@dot.ca.gov

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October 16, 2013

NON-DISCRIMINATION
POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

Related federal statutes and State law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, please visit the following web page: http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, 1823 14th Street, MS-79, Sacramento, CA 95811. Telephone: (916) 324-0449, TTY: 711, or via Fax: (916) 324-1949.

FOR MALCOLM DOUGHERTY
Director

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DECLARACIÓN POLÍTICA

El Departamento de Transporte de California, en el Título VI del Acta de Derechos Civiles de 1964, garantiza "Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, ser excluida de participar en, ser negado los beneficios de , o ser sujeto a discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal ".

Estatutos federales relacionados y la ley estatal aún más esas protecciones para incluir el sexo, discapacidad, religión, orientación sexual y edad.

Para obtener información y orientación sobre cómo presentar una queja, por favor visite la siguiente página web: http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm

Además, si usted necesita esta información en un formato alternativo, como por ejemplo en Braille o en un idioma que no sea Inglés, por favor póngase en contacto con el Departamento de Transporte de California, Oficina de Comercio y Oportunidad Económica, 1823 14 th Street, MS-79, Sacramento, CA 95811. Teléfono: (916) 324-0449, TTY: 711, oa través de: (916) 324-1949.

FOR
MALCOLM DOUGHERTY
Directora

ORGANIZATION, STAFFING, AND RESPONSIBILITIES

The Director of Caltrans appointed the Assistant Director of the Office of Business and Economic (OBEO) in Headquarters (HQ) as the Caltrans Title VI Coordinator. The Title VI Coordinator is responsible for overall Title VI Program implementation and reports directly to the Caltrans Director. (Refer to Caltrans Organizational Chart in the Appendices, page 64). Pursuant to 23 CFR 200.9 (b) (1), Caltrans has established an adequately staffed Compliance/Title VI & Program Operations Branch to fulfil the Title VI statutory and regulatory requirement.

The following Programs within Caltrans have significant Title VI responsibilities and have a designated Title VI Program Area Advisor (PAA).

- OBEO
- Division of Aeronautics
- Division of Construction
- Division of Design
- Division of Engineering Services
- Division of Environmental Analysis
- Division of Local Assistance
- Division of Maintenance
- Division of Procurement and Contracts
- Division of Project Management
- Division of Rail and Mass Transportation
- Division of Research, Innovation and System Information
- Division of Right of Way and Land Surveys
- Division of Traffic Operations
- Division of Transportation Planning

There are 12 district offices throughout the State. Each district has a designated Title VI liaison.

The Title VI Coordinator is Caltrans' expert on the Title VI Program and the Title VI Program Plan (Plan) and plays a lead and participatory role in the development and implementation of the Plan statewide.

Responsibilities of the Title VI Coordinator are to:

- Administer the Caltrans Program in the development and implementation of the FHWA, Federal Transit Administration (FTA), and Federal Aviation Administration (FAA) Title VI programs.
- Maintain the Title VI Program Plan.
- Promote awareness of the Title VI issues.
- Staff the Program adequately in order provide technical expertise and training on Title VI matters.
- Conduct compliance reviews of districts and divisions to ensure compliance with Title VI requirements.
- Report Caltrans efforts and compliance with the laws to FHWA on an annual basis.

District Title VI Liaisons (DT6Ls)/ Program Area Advisors, (PAAs) HQ work at the direction of the Title VI Coordinator to assist and support Caltrans' Title VI Program roles and responsibilities and are experts on the Title VI Program, Plan, and Guidelines.

Responsibilities of the District Title VI Liaisons/PAAs are to:

- Promote awareness of Title VI issues, requirements, policies, and procedures.
- Provide technical assistance to internal and external stakeholders regarding Title VI requirements.
- Collect data and report on Title VI activities, including outreach events and trainings.
- Assist with Title VI monitoring and compliance activities.

ADMINISTRATION-GENERAL

Title VI Requirements

Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes state that no person in the United States shall, on the grounds of race, 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 program or activity, receiving federal financial assistance. Pursuant to this mandate, recipients of federal financial assistance must take affirmative steps to ensure that discrimination, as addressed by Title VI and related nondiscrimination statutes, does not occur in its organization. These steps fall into one or more of the areas listed below:

- Adopting policies and procedures that support Title VI requirements.
- Ensuring adequate public involvement.
- Implementing controls and data collection mechanisms to monitor for any adverse treatment or impacts on any groups.
- Ensuring that subrecipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants comply with all Title VI requirements.
- Conducting Title VI compliance reviews.

Public Dissemination of Title VI Information

Caltrans' Title VI brochure, *Caltrans & You - Your Rights Under Title VI and Related Statutes*, provides the public with information regarding Title VI and related nondiscrimination statutes and their rights under the law. OBEO publishes the brochure on its Internet Web site and posted in public areas of Caltrans facilities. The OBEO reviews the brochure and updates it as needed.

In addition, the Non-Discrimination Policy Statement, available in English and Spanish, are available online and in public areas. For additional information, please click on the Web links below to view the policy statement.

English - http://www.dot.ca.gov/hq/bep/title_vi/documents/English_Non-Discrimination.pdf

Spanish - http://www.dot.ca.gov/hq/bep/title_vi/documents/Spanish_Non-Discrimination.pdf

Limited English Proficiency

Executive Order 13166-Improving Access to Services for Persons With Limited English Proficiency, August 2000, is directed at implementing the protection of national origin discrimination afforded by Title VI of the Civil Rights of 1964. Caltrans' Limited English Proficiency (LEP) Plan, March 2010, developed by OBEO, helps Caltrans staff provide LEP persons with meaningful access to Caltrans' services and programs. The LEP Plan is available on Caltrans' Internet Web site. (http://www.dot.ca.gov/hq/bep/title_vi/LEP/documents/lepplan_final.pdf)

Complaints

If any individual believes that he, she, or any other program beneficiary has been subjected to unequal treatment or discrimination on the grounds of race, color, national origin, sex, age, or disability, the individual may exercise his or her right to file a complaint with Caltrans. Caltrans has a process for the prompt disposition of discrimination complaints it receives. Refer to the complaints process in the Appendices. Caltrans, OBEO uses trained staff to investigate Title VI of the Civil Rights Act of 1964 and related statutes discrimination complaints. The OBEO maintains a log of discrimination complaint information.

Data Collection

- Environmental Analysis

Caltrans' districts are required to prepare Community Impact Assessment (CIA) reports to document their efforts to identify minority and low-income groups, which could be disproportionately impacted by a project. The findings of this assessment is placed in the draft and final environmental documents for the project in question. The CIA reports and the approved environmental documents are kept on file in the district and made available to the public and interested parties upon request.

The identification of minority and low-income communities or groups is a major emphasis of the CIA under the heading of Environmental Justice (EJ). Information gained during performance of this assessment is essential to determine if the potential for disproportionate or discriminatory impacts would occur as a result of a specific transportation project's implementation.

Primary and secondary sources of information are consulted to determine if such communities and/or groups are known to be present within the transportation project's study area. The most current demographic information is reviewed to determine the ethnicity and economic levels of the study area's inhabitants and whether clustering of minority and low-income people is evident within the study area. Sources of demographic information include: U.S. Census, population and economic projections made by local or regional agencies. Appropriate public outreach and participation programs are decided upon as a result of this information. If accurate census data is not available, field visits to the project area are made. Local businesses and services are observed to identify minority populations.

- Planning

All economic, demographic, and related data collected and used by the Economic Analysis Branch (EAB) comes from governmental sources responsible for collecting and vetting the information for consistency and accuracy. These sources include, but are not limited to, the U.S. Bureau of Labor Statistics, U.S. Census Bureau, U.S. Bureau of Economic Analysis, California Department of Finance (DOF), and the California Employment Development Department.

In addition, the DOF prepares demographic projects that include Native American, ethnic minority, and low-income groups based on Census 2010 data. These demographic data are used in conjunction with the Statewide Transportation Projects Inventory (STPI) Geographic Information Systems (GIS) tool to

construct a comprehensive transportation project data repository that integrates and improves regional and interregional multimodal coordinated efforts in meeting state and federal mandates as well as including planned transportation projects that meet Title VI and EJ compliance efforts.

The trends portion of this effort describes the travel needs and behavior of ethnic, minority, low-income, senior, and disabled groups. Travel behavior coupled with the demographic growth and distribution projections assist planners and engineers to provide for future mobility needs of specific demographic groups.

While Office of State Planning (OSP) analyzes the results of the trend and demographic study, it also analyzes and monitors the effects of the following additional measures.

Educational Component

The Public Participation Plan (PPP) includes an ongoing educational component to raise awareness of transportation planning and programming issues and future mobility trends and challenges. The objectives of this strategy are to increase awareness of complex transportation issues and the importance of participating in the planning and policy development process. The OSP develops educational materials that simplify transportation planning and programming and incorporates visualization techniques whenever possible, both on the Web and in printed materials. The OSP provides full service translation, transcription, and interpreting services (e.g., large print materials, braille materials, audio recordings, qualified language and American Sign Language interpreters, and document language translation) as needed and appropriate, depending on public need for accommodation.

Early and Continuing Involvement

The OSP encourages early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties.

Caltrans encourages the public to be engaged early in the planning process, particularly at the local level, and to stay involved throughout the many stages of the transportation planning and programming process. Caltrans also emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low-income populations, from the early stages of transportation planning and investment decision making through planning, construction, operation, and maintenance.

Native American Consultation Coordination and Engagement

State and federal regulations require Caltrans to conduct government-to-government consultation with tribal governments of federally recognized Native American Tribes in our transportation planning and programming activities. Tribal government and Native American community input are essential in guiding the direction of the CTP. With the assistance of the Native American Liaison Branch of the

Office of Sustainable Community Planning, OSP coordinates ongoing consultation, coordination, and engagement with Tribal Governments in the update of the California Transportation Plan (CTP). In 2013, the OSP conducted four Tribal Listening Sessions with an interactive approach to solicit feedback from Tribal Governments and their representatives. The purpose of the listening sessions was to open the lines of communication between our agencies to ensure the consideration and incorporation of Tribal Government needs in the development of the CTP update. In addition, tribal representatives participated in the PAC, which acts in an advisory capacity for the development of the CTP. The OSP ensures that Tribal Government perspectives and community issues are addressed early in future updates of the CTP. The OSP conducts informational presentations on the CTP at the Native American Advisory Committee meetings.

Outreach Database

The OSP maintains an outreach database that focuses on statewide and regional-level transportation partners and key stakeholders. The OSP shares information and invitations to comment on the CTP over the Internet with the partner organizations, who forward it to their constituencies. Because it is often difficult to get the attention and comments from those who are traditionally underserved, such as minority and low-income groups, special efforts include adding a broad and diverse set of community-based organizations serving these populations.

Environmental Justice

Environmental Justice (EJ) is the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies. Executive Order 12898 directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority populations. As a recipient of federal funding Caltrans complies with the federal government's Environmental Justice Policy. Federally assisted Caltrans projects are analyzed for potential impacts to minority and low-income communities during the environmental review process. Caltrans' Environmental Handbook, Volume 1, Chapter 25 describes how Caltrans staff analyze EJ issues during the NEPA/CEQA environmental review process. Caltrans Environmental Handbook is available on Caltrans' Internet Web site. http://www.dot.ca.gov/ser/vol1/sec3/community/ch25ej/chap25ej.htm

Compliance Reviews

Caltrans annually reviews the programs with significant Title VI responsibilities to determine the effectiveness of the program area activities at all levels. The OBEO's Compliance/Title VI & Program Operations Branch is required to conduct internal compliance reviews of Caltrans programs, including the districts/regions. The purpose of the compliance reviews is to ensure Caltrans programs are meeting Title VI compliance requirements.

Special Emphasis Program Areas

The process Caltrans uses to identify special emphasis program areas is to identify which program area(s) need the most attention to ensure compliance and nondiscrimination.

Caltrans will review and evaluate its LEP Program, including updating the LEP Program Plan, conducting a four-factor analysis for FHWA-funded programs, and ensuring all Caltrans districts and divisions are aware of the procedures for complying with Title VI and the Executive Order 13166.

Annual Element Report

Caltrans, as a recipient of federal funds, prepares an annual report of Title VI accomplishments for the past year and goals for the next year.

Training

Training is required for all Caltrans employees. Per the Caltrans Director's Policy 28 R-1, employees must comply with Caltrans policies regarding Title VI in their day-to-day activities and complete Title VI training every two years. Supervisors and managers ensure employees receive Title VI training every two years.

Caltrans offers Title VI training via online and in-person. Caltrans districts and divisions track employees' trainings. DT6Ls and Program Area Advisors coordinates their district or division efforts with Training Coordinators in their area.

PROGRAMS WITH SIGNIFICANT TITLE VI RESPONSIBILITIES

Caltrans recognizes that Title VI, related statutes, and EJ nondiscrimination policy impacts all transportation decision making. However, only those programs having *significant* Title VI responsibilities are identified as Emphasis Programs and detailed in this Plan. The objective of the review process is to understand the processes of each program area to ensure fairness and open access to all members of the public. The review process is also used to summarize and highlight efforts to each program area for conducting outreach and providing better access to Caltrans' programs.

The Planning Process

The Core Transportation Planning and Programming function is under the direction and coordination of the Deputy Director of Planning and Modal Programs. The functional program areas are: Transportation Planning (statewide planning and regional coordination), Transportation System Information, Programming, and three modal programs: Aeronautics, and Rail and Mass Transportation.

The planning and programming functions include overall direction, coordination, provision of resources, and administration of funding: technical, training, and program. Twelve districts throughout the State implement Caltrans' programs and are most active in the communities served.

Caltrans' planning and programming function relies on a systematic, interdisciplinary approach for avoiding discrimination and promoting equity in the decision making process, especially in low-income and minority communities. This approach includes procedures and processes that utilize relevant data and public involvement in four major areas of activity: carrying out day-to-day assignments and long-

term studies; contracting out for services; passing funds through to transit properties, Metropolitan Planning Organizations (MPOs), and other subrecipients; and awarding grants.

Implementing activities include:

- Updating the California Transportation Plan (CTP), which includes review of current trends, challenges, and emerging issues such as the economy and job growth, climate change, population and housing growth, freight mobility, public health and transportation funding.
- Participating in planning and project certification reviews including those of regional Public Involvement Plans and Title VI compliance.
- Monitoring Title VI reports to identify areas of improvement or deficiencies.
- Preparing and carrying out public participation plans and programs.
- Participating in regional transportation planning activities.
- Providing technical assistance and training to California Tribal Governments.
- Collecting, modeling, and analyzing traveler information.
- Reviewing and commenting on local, state, and federal plans and projects.
- Inserting Title VI language in contracts and grants and monitoring for compliance.
- Utilizing the resources of Caltrans' Title VI Coordinator.
- Participating as a Title VI Interdisciplinary Team Member to address and represent the issues surrounding the operational dynamics of the Division of Transportation Planning.
- Administering the Transportation Planning Academy to develop and maintain professional skills and attitudes, which includes orientation to Title VI, EJ, and interdisciplinary departmental-wide issues.

In addition, the Division of Transportation Planning coordinates with federal, State, and regional agencies, as well as with Caltrans' programming, system information, and modal programs to ensure that the overall State and regional planning process complies with Title VI requirements, including EJ provisions. This effort is ongoing and requires close coordination with Caltrans' Title VI Coordinator. Among areas of coordination is reporting on suspended work and payments to a contractor should discrimination be alleged.

Following are detailed descriptions of transportation planning and programming activities according to their principal area of focus (statewide planning, regional planning and programming, and project selection) and the approach to integrating Title VI.

Statewide Planning

The major areas of focus in California's statewide planning process include the CTP, advanced/system planning and project initiation, community-based transportation planning, goods movement, transportation economics and policy analysis, and research. Carrying out these responsibilities depends, in large part, on the availability of accurate travel information, modeling, and use of Geographic Information Services (GIS) for presentation and analysis.

1) Office of State Planning

The Office of State Planning (OSP) builds and maintains partnerships within Caltrans and with other governmental agencies, the private sector, and the general public to ensure a safe, sustainable, and

efficient transportation system that achieves the three E's–Prosperous Economy, Human and Environmental Health, and Social Equity.

California Transportation Plan

Federal and State laws require the development of a long-range transportation plan. The OSP facilitates and prepares the CTP to meet these requirements. The CTP provides a common framework for guiding transportation decisions and investments by all levels of government and the private sector. The OSP also provides analysis and policy recommendations regarding current transportation issues and future trends and challenges.

California Interregional Blueprint

The OSP expanded the State's transportation planning process to include the development of a state level transportation blueprint focused on interregional travel needs. The California Interregional Blueprint (CIB) articulates the State's vision using GIS and modeling tools for an integrated, multimodal transportation system. This system will complement regional transportation plans and land use visions. The CIB is the foundation for the CTP 2040.

Caltrans Earth and California Transportation Investment System

In conjunction with the CTP, OSP utilizes Caltrans Earth (CT Earth). The CT Earth is a Web-based, California-focused 3D virtual globe that visually brings together the vast amount of transportation and land use information compiled through the CIB. CT Earth helps Caltrans, other State agencies, and the public make better decisions about our transportation system. The CT Earth complements and augments existing GIS tools, including the soon to be released statewide Transportation Projects Inventory (STPI) California Transportation Investment System tool. The GIS tool displays transportation projects planned and programmed on California's multimodal transportation system (including highway, local, rail, aviation, transit, bicycle, and pedestrian) over the next 20 years.

Economic Analysis

Part of OSP, the Economic Analysis Branch (EAB) provides transportation decision makers with expert economic and financial research, analysis, and legislative information to ensure the productive and efficient use of public resources.

The OSP resides within the Division of Transportation Planning and coordinates with other planning oriented divisions such as Aeronautics, Environmental Analysis, Rail and Mass Transportation, and Research, Innovation and System Information to develop the state planning tools and state long-range transportation plan. The OSP also works in partnership with the CTP coordinators in each of Caltrans' 12 district offices, who actively engage our partners, stakeholders, tribal governments, and the public in each of their jurisdictions.

Approach to Title VI

The OSP worked with a multi-disciplinary task force to develop and adopt a PPP to support development of the 2025 CTP (April 2006) and 2030 addendum to the CTP 2025 (October 2007). The PPP located at http://www.dot.ca.gov/hq/tpp/offices/osp/ppp.html supports Caltrans' mission to involve the public in transportation decision making and responds to federal laws and regulations as well as state laws and policies. Key elements of these regulations require Caltrans to develop a process that 1) provides public input into the development of the PPP, 2) ensures that the process provides full and open access to all interested parties, and 3) revises the process based on public input, as appropriate.

The PPP strategies maximize limited resources and reflect a set of outreach principles. These principles are:

- Provide early and continuing public involvement.
- Clarify how public participation will influence plan development.
- Partner with Regional Transportation Planning Agencies (RTPAs).
- Utilize innovative communication tools and media.
- Develop a robust educational component.
- Provide timely information.
- Provide adequate public notice.
- Ensure reasonable public access.
- Go to where the people are.
- Make use of smaller information group meetings and discussions.
- Tailor public involvement to the issues
- Ensure and demonstrate explicit consideration of comments.
- Provide periodic review and evaluation.
- Maintain a current database of stakeholder organizations and individuals.
- Seek out and consider the needs of the nontraditional stakeholder.

Participation Strategy

Public Participation Plan

The OSP developed a PPP, which supports Caltrans' mission to involve the public in transportation decision making and responds to federal laws and regulations that emphasize public engagement.

Data Collection and Analysis

All economic, demographic, and related data collected and used by the EAB comes from governmental sources responsible for collecting and vetting the information for consistency and accuracy. These sources include, but are not limited to, the U.S. Bureau of Labor Statistics, U.S. Census Bureau, U.S. Bureau of Economic Analysis, DOF, and the California Employment Development Department.

In addition, the DOF prepares demographic projects that include Native American, ethnic minority, and low-income groups based on Census 2010 data. These demographic data are used in

conjunction with the STPI GIS tool to construct a comprehensive transportation project data repository that integrates and improves regional and interregional multimodal coordinated efforts in meeting state and federal mandates as well as including planned transportation projects that meet Title VI and EJ compliance efforts.

The trends portion of this effort describes the travel needs and behavior of ethnic, minority, low-income, senior, and disabled groups. Travel behavior coupled with the demographic growth and distribution projections assist planners and engineers to provide for future mobility needs of specific demographic groups.

While OSP analyzes the results of the trend and demographic study, it also analyzes and monitors the effects of the following additional measures.

Educational Component

The PPP includes an ongoing educational component to raise awareness of transportation planning and programming issues and future mobility trends and challenges. The objectives of this strategy are to increase awareness of complex transportation issues and the importance of participating in the planning and policy development process. The OSP develops educational materials that simplify transportation planning and programming and incorporates visualization techniques whenever possible, both on the Web and in printed materials. The OSP provides full service translation, transcription, and interpreting services (e.g., large print materials, braille materials, audio recordings, qualified language and American Sign Language interpreters, and document language translation) as needed and appropriate, depending on public need for accommodation.

Early and Continuing Involvement

The OSP encourages early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties.

Caltrans encourages the public to be engaged early in the planning process, particularly at the local level, and to stay involved throughout the many stages of the transportation planning and programming process. Caltrans also emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low-income populations, from the early stages of transportation planning and investment decision making through planning, construction, operation, and maintenance.

Focus Groups, Committees, and Workshops

As part of the public participation process, the OSP obtains quality public input and in-depth information about transportation trends and challenges through a medium of open dialogue with focus groups, meetings, and workshops.

Focus Groups

General public focus groups are an effective method for gathering attitudes, opinions, and ideas to help formulate transportation policies and plans. The OSP conducted six statewide focus groups in August and September 2013. The target population OSP wanted to reach was the general public who met certain demographic criteria for compliance with Title VI and EJ requirements. The selection of focus group participants included certain demographic characteristics in order to comprise a statistically representative cross-section of the populace. The OSP developed a Focus Group Summary Report that contains valuable public input for the development of the CTP.

Committees

An essential component of the public participation process is the active engagement of stakeholder groups. Members of environmental associations, business alliances, community organizations, and other groups often have a considerable investment in transportation issues and offer valuable feedback in the planning process. The formation of two advisory committees, (1) Policy Advisory Committee (PAC) and (2) Technical Advisory Committee, included transportation partners, key stakeholders, and advocacy representatives. The purpose of the committees is to provide guidance, direction, and necessary approvals with respect to all aspects of the continuing, comprehensive, and cooperative transportation planning process of the CTP.

Workshops

Workshops provide the best forum for public interaction and comment. The OSP conducts meetings and workshops at convenient times for the public and stakeholders, in ADA-accessible locations and close to public transit. If needed, translation and sign-language service is available. These outreach efforts seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services. The OSP is planning to facilitate six statewide workshops to solicit public input and comment for use in developing the CTP. During the six workshops, OSP will conduct a 45-day public review and comment period for the Draft CTP. The collection of public comments will go into a general comment database.

Native American Consultation Coordination and Engagement

State and federal regulations require Caltrans to conduct government-to-government consultation with tribal governments of federally recognized Native American Tribes in our transportation planning and programming activities. Tribal government and Native American community input are essential in guiding the direction of the CTP. With the assistance of the Native American Liaison Branch of the Office of Sustainable Community Planning, OSP coordinates ongoing consultation, coordination, and engagement with Tribal Governments in the update of the CTP. In 2013, the OSP conducted four Tribal Listening Sessions with an interactive approach to solicit feedback from Tribal Governments and their representatives. The purpose of the listening sessions was to open the lines of communication between our agencies to ensure the consideration and incorporation of Tribal Government needs in the development of the CTP update. In addition, tribal representatives

participated in the PAC, which acts in an advisory capacity for the development of the CTP. The OSP ensures that Tribal Government perspectives and community issues are addressed early in future updates of the CTP. The OSP conducts informational presentations on the CTP at the Native American Advisory Committee meetings.

Outreach Database

The OSP maintains an outreach database that focuses on statewide and regional-level transportation partners and key stakeholders. The OSP shares information and invitations to comment on the CTP over the Internet with the partner organizations, who forward it to their constituencies. Because it is often difficult to get the attention and comments from those who are traditionally underserved, such as minority and low-income groups, special efforts include adding a broad and diverse set of community-based organizations serving these populations.

2) Office of Multi-Modal System Planning

The Office of Multi-Modal System Planning (OMMSP) develops guidance and administers resources for the preparation of Transportation Concept Reports and Route Concept Reports (TCRs/RCRs), Transportation System Development Programs, and District System Management Plans and Corridor Studies, which provide the basis for Caltrans' long range planning of the highway system and major transportation corridors. These documents together provide an analysis of existing conditions and possible future improvements along routes and transportation corridors.

The OMMSP also provides policy direction and resources to the districts in order to monitor, analyze, update, and document conditions on highways and transportation corridors and identify a menu of improvement options including projects, strategies, and actions.

Approach to Title VI

The System Planning Guidance is being updated to require RCRs reflect elements of public participation including discussion of EJ issues. Route concepts are the result of a coordinated planning process that includes input from regional agencies, cities, counties, transit providers and operators. These concepts are then brought forward for inclusion in the Regional Transportation Plans (RTPs). The RTPs are circulated for local and regional review and comment. Future projects are identified in the RTPs and in Caltrans' plans, and are linked to the development of the State Transportation Improvement Program (STIP) and State Highway Operation and Protection Program (SHOPP) processes. Public and special interest groups have additional opportunity for involvement through the STIP development process. These include public information notices for adoption of the programming documents via meetings conducted by the California Transportation Commission (CTC).

The Interregional Transportation Strategic Plan (ITSP) identifies funding priorities for 25 percent of the Interregional Improvement Program funds. The ITSP consolidates and communicates elements of the state highway system planning and is directly related to the analysis of system planning products and other planning efforts. It is circulated to all RTPAs and is available otherwise to those who request it. The ITSP external committee meeting is open for attendance to those interested.

The Intermodal Transportation Management System is a performance database analytical intermodal-planning tool. The system provides decision makers cost-effective strategies for improving the intermodal transportation system and is shared with and includes input from regional and local planning agencies. Individuals otherwise interested in the tool are provided copies.

The OMMSP is currently evaluating a course of direction for district system planning work activities and will be transmitting guidance documents for these processes to the districts.

The following recommendations will be made:

- System planning products will include an EJ component to comply with Title VI public participation elements.
- Revised system planning guidance documents will contain specific EJ components.
- Headquarters Planning OMMSP will monitor the district work programs for compliance with Title VI.
- State, regional, and system planning efforts will be coordinated to document early public participation on potential projects.
- District Planning will certify that appropriate public participation and EJ issues were addressed in the development of its system planning products to ensure nondiscrimination per Title VI.

3) Program and Project Planning (OPPP)

The Office of Program and Project Planning (OPPP) manages resources for the preparation of Project Initiation Documents (PIDs). PIDs are required to perform any construction on the state highway system.

The OPPP was created from the Office of Advanced System Planning. The OPPP manages the statewide PID workload by working with customers to identify needed PIDs, by allocating resources to the districts for PID development and monitoring the delivery of PIDs.

Approach to Title VI

The purpose of the PID is to identify the scope, cost and schedule of a proposed project. This document is used for potential projects on the state highway system to be considered for inclusion in future programming documents such as the State Highway Operations and Protection Program (SHOPP) and the STIP. The basis of the elements that are contained in PIDs were established and approved by the CTC.

The Division of Design develops specific guidelines for PID development and preparation. The guidelines include a section for system planning. System planning products such as TCRs, RTP, and State Implementation Plans require public participation.

Affirmative measures/recommendations to ensure nondiscrimination

- The OPPP verifies that the system planning section of PID guidelines address EJ. This ensures that EJ issues are addressed before a project is programmed.
- The OPPP recommends that every PID include a component to indicate/certify compliance with Title VI public participation/EJ requirements.
- The OPPP also coordinates with state, regional, and system planning efforts to document early public participation on potential projects.
- The OPPP verifies that the system planning section of the PID describes Title VI/EJ issues presented in the system planning documents. Complete identification and resolution of Title VI/EJ issues should occur in the project approval/environmental document phase if projects are advanced for programming.
- District planning certifies that appropriate public participation and EJ issues were addressed in the development of PIDs to ensure nondiscrimination per Title VI.

4) Office of Freight Planning

The Office of Freight Planning (OFP) develops strategies, policies, and methods to improve freight transportation in California. Goods move along the state's vast transportation network consisting of truck, rail, air, pipeline, and maritime modes that provide vital connections between producers, suppliers, and consumers within the state, nationally, and internationally. Aside from the state highway system, much of the freight transportation network is privately owned and operated. The OFP has both private and public sector stakeholders and sometimes hires consultants.

The OFP planning activities include developing statewide freight mobility plans, help administer the Trade Corridor Improvement Fund program, develop and implement the Sustainable Freight Action Plan in collaboration with multiple state agencies, and being responsible for the freight element of the State Rail Plan. Staff supports the California Freight Advisory Committee, produces educational materials, proposes and manages research studies, analyzes freight system performance, tracks future trends, and recommends system improvements through document review and other activities. Staff helps statewide coordination and commenting on various federal rules and requirements on freight.

Approach to Title VI

Aspects of OFP activities requiring Title VI compliance involve convening public meetings and workshops, focus group participation, and consultant hiring/work. The OFP staff helps monitor compliance through the following activities: applicants are not distinguished by race, age, or other discriminating characteristics; mandatory Title VI staff training; include accommodation notices on agendas for public meetings; access to language interpreters; and translation and publication of some materials into Spanish. California Freight Mobility Plan focus group participation involved compiling entity databases from various sources and having the consultant choose invitees with diverse perspectives. Contract templates include specific Title VI language.

5) Office of Planning Program Management Support & Research

The mission of the Planning Program Management Support & Research (PPMSR) is to deliver excellent financial guidance, business management, and administrative services to our customers.

The PPMSR provides support to the Deputy Director of Planning and Modal Programs, Program Managers, and the Deputy District Division Chiefs to efficiently manage the six Planning Divisions (Aeronautics, Environmental, Rail and Mass Transportation, Transportation System Information, and Transportation Planning) and to carry out the following functions:

- Conduct programmatic evaluations.
- Develop and monitor work breakdown structures for major activities.
- Develop and monitor program performance indicators.
- Ensure adequate resources and training opportunities for professional development.
- Assist in managing resource use.

Approach to Title VI

The PPMSR does not make funding recommendations or decisions.

The PPMSR functions primarily as a fund administrator. The responsibility for project selection decisions and contracting rest primarily with the Office Chiefs whom actually sponsor/implement the projects.

However, as part of its reporting responsibilities, the PPMSR prepares management expenditure reports and receives quarterly progress reports on status of projects. Annually, PPMSR submits a year-end report to the FHWA.

6) Office of Policy Analysis and Research

The Office of Policy Analysis and Research (OPAR) conducts expert research and analyses in support of Caltrans' mission and strategic objectives. The OPAR provides information and assistance to policy makers and transportation communities in support of an inclusive and equitable transportation planning process, sustainable transportation investment and livable communities, transportation energy efficiency and strategic financing, and the regulatory basis of planning requirements.

The OPAR consists of four primary functions: EJ and Title VI, Planning Regulations, Sustainable Transportation (energy efficiency, strategic finance, and land use), and special studies. Staff provides in-house analysis and manages consultant work. The OPAR works closely with other offices, programs, agencies, academia, and industry groups to develop and disseminate findings and studies.

The OPAR focuses on nontraditional areas of transportation planning.

Activities include the following:

EJ/Title VI

- Implement EJ in the planning program.

- Develop EJ policies, strategies, methodologies, and equity analysis.
- Coordinate Title VI requirements for planning and modal programs.

Federal and State Planning Regulations

- Provide analysis of planning regulations and their impacts.
- Implement TEA-21 plan-to-project streamlining requirements.
- Implement TEA-21 ITS mainstreaming requirements.

Sustainable Transportation

- Provide analysis of transportation energy infrastructure, alternative fuel and vehicle markets and their implications on transportation system operations, financing, and the environment.
- Develop energy policies and educational programs concerning statewide planning efforts.
- Provide critical analysis of transportation finance (strategic and tactical) including factors impacting transportation revenue streams and evaluate alternative financing methods and value pricing options.
- Research and document the potential contribution of transportation to sustainable/livable communities.

Special Studies

- Work in cooperation with California universities and research centers and national transportation research institutes on issues of state and national significance.
- Maintain continuous improvement in the transportation decision making process.

Approach to Title VI

The OPAR addresses issues of discrimination and equity through the collection and analysis of relevant data and the promotion of increased community involvement in the decision making process. Specific activities oriented toward eliminating discrimination and promoting social, economic, and environmental (SEE) equity are described next.

Public Participation Plan

The OPAR emphasizes and facilitates inclusive participation of all stakeholders, especially underrepresented and underserved communities, in the transportation planning process. All appropriate programs and major projects will have regionally and demographically diverse advisory committees. For example, statewide/regional community advisory EO 12898 council(s), including members from Community-Based Organizations (CBOs), will be convened to provide insights into implementing the EJ Grant Program and in developing EJ Guidelines. The results of which will benefit public participation plans throughout the planning division and Caltrans.

The OPAR assists Planning and Modal Programs and districts and works with local and regional agencies in integrating and promoting EJ into transportation planning processes through an inclusive, cooperative, and timely approach. The intent is twofold, a) identify and engage

communities, particularly minority and low-income, early in the planning process to prevent or mitigate adverse health, SEE impacts of transportation plans, programs, and activities on communities and b) to factor in equity in transportation investment decisions. During the creation of community advisory councils, CBOs are included to strengthen participation to achieve EJ. Specific activities in this program area are listed below:

- **Director's Policy on EJ**

  A Director's Policy on EJ to establish a consistent foundation and basis for integrating EJ into our plans, programs, and activities throughout Caltrans is being revised.

- **EJ Brochure and Bulletin**

  A brochure has been prepared to promote the Division of Transportation Planning's EJ Program. The EJ Bulletin will be a periodic publication of EJ activities within Caltrans that will highlight important EJ-related concepts, requirements, case studies, and programs for transportation planners as well as affected and interested parties throughout the state.

- **EJ Study**

  This study compiles and disseminates "best practices" used throughout the country and will be used as methodologies for EJ considerations in the transportation planning process. Results from the best practices analyses will contribute to a knowledge base within Division of Transportation Planning and transportation communities concerning EJ issues and requirements.

- **EJ Grant Program**

  This competitive statewide grant program provides broad and equitable funding assistance to low-income and minority communities to plan and implement transportation projects of local significance. The grant program attempts to demonstrate the benefit of inclusive planning process and exemplify transportation investments that would improve mobility, access, equity, and economic vitality in underserved communities. Eligible activities include: identifying diverse populations, interpretive materials and services, approaches to enhancing interagency cooperation, plans for the elderly and disabled, and private-sector partnerships.

- **Community Advisory Council**

  A statewide/regional community advisory council(s) will be formed with CBOs, local, and regional planning agencies, private sector entities, nonprofit organizations, research institutions, and other appropriate stakeholders to provide input into developing the EJ Program, particularly the Grant Program.

- **Federal and State Regulations on EJ**

  This element provides for continual evaluation of federal and state regulations affecting the implementation of EJ.

Title VI of the Civil Rights Act of 1964
In cooperation with federal, state and regional agencies and working with planning programs and districts, this effort ensures that the overall state and regional planning process complies with Title VI requirements including EJ provisions, and helps prepare Caltrans for reviews and certification processes. This effort is ongoing and requires close coordination with Caltrans' Title VI Coordinator.

In addition, contracting documents (for consulting services, university research, and the future grant program) include language that commits funding recipients to a course of nondiscrimination and Title VI compliance.

7) Transportation System Information

The mission of the Transportation System Information Program (TSIP) is to collect, maintain, and analyze information reflecting the characteristics of the state's public roads system and act as the primary provider of non-bias information related to the state transportation system's characteristics, operation, and performance. (Non-bias information is derived from surveys of people or data chosen on a random basis. Any personal data acquired from a population survey is determined at the end of the interview and is secondary to the purposes of the survey.) The program is a resource for federal, state, regional, and local agencies, academia, and the private sector who use the program's information to make their own planning and investment decisions.

Caltrans and its partner's access transportation information from a linked database system, make intelligent transportation decisions using GIS technology, and use state-of-the-art practice modeling and information systems to support Caltrans' planning and project decision making needs.

The TSIP has professional staff who collect, maintain, and analyze information reflecting the characteristics of the state's public roads system and act as primary providers of information related to the state transportation system's characteristics, operation, and performance. These efforts are accomplished through the following offices and functions:

- Highway System Engineering: Manages highway system federal and state designations and descriptions, including functional classification and National Highway System. Manages the development of recommendations leading to legislative route adoptions, traversable highways, route relocations, relinquishments of superseded highways, and related legislation. Provides maps of all functionally classified roads in California, including urban and rural boundaries and certifies mileage data for funding purposes on county maintained roads.
- GIS: Manages the implementation and deployment of the statewide GIS.
- Performance Measures and Data Analysis: Develops and implements transportation system performance measure publications for use by transportation decision makers and transportation customers, conducts transportation system trends analysis to produce reports and publications, and develops and manages access to integrated transportation system information.
- Travel Forecasting and Analysis: Maintains and operates travel demand and air quality impact models, provides technical and analytical services related to data collection activities and the Census Transportation Planning Package, produces annual reports on statewide vehicle miles

traveled, vehicle stock and fuel forecast reports annually, and certifies the maintained public road mileage in the Highway Performance Monitoring System (HPMS).

In partnership with others, the TSIP:

- Maintains a clear, open, and equitable process with an interdisciplinary approach to decision making while accommodating a wide diversity of perspectives.
- Provides information (analytical, statistical, social, environmental) to the decision making process.
- Complies with federal and state laws, regulations, and mandates.

Approach to Title VI

Overall, the public forums for information and recommendations managed by TSIP occur either locally in a district office or local agency or within the structure of the CTC. Public notices and employment opportunities contain language that complies with Title VI requirements. Consultant contracts contain Title VI language as supplied by the Division of Procurement and Contracts in Administrative Services.

The TSIP continuously expands the contacts in TSIP publication mailing lists to include additional customers including Native Americans, California Tribal Governments, and organizations that receive federal funds. Customers are periodically surveyed to assess information needs and improve quality.

The TSIP directly collects non-bias data and monitors contractors that collect transportation data. This includes reviewing reports, meeting directly with the contractors or conducting field investigations. The data collection standards used in the collection of such data follow the general statistical collection methods.

The HPMS data is collected on randomly selected samples of roadway. A randomly selected segment is chosen by picking a point in the HPMS database to begin with and then choosing the "nth" record (recurring interval) after that point in order to select adequate samples. This same statistical method is used to select the 16,000 households to be contacted in the Statewide Travel Survey being conducted by a consultant hired by TSIP.

Each TSIP contract contains Title VI language to transfer responsibility for Title VI compliance to the contractor.

8) Office of Sustainable Community Planning

The Office of Sustainable Community Planning (OSCP) works to promote and improve the integration of state transportation planning and decision making with local land use and community values. The OSCP's overall focus is on effecting community-sensitive approaches to transportation and land use decisions. The office seeks to integrate land use, social equity, and community values into a sustainable multimodal transportation system. The OSCP also seeks to enhance Caltrans'

leadership role in the development and delivery of transportation projects that are consistent with community values, therefore enjoy broad public support. In addition, OSCP's goals are to:

- Affect and improve Caltrans' processes and functions to reflect relevant context-sensitive approaches and community values.
- Develop partnerships to enhance community-based transportation planning approaches at local, regional, and state levels.
- Develop technical and program expertise in community-based transportation planning and active public participation techniques.
- Enhance Caltrans' leadership role by integrating community-based transportation planning approaches in Caltrans' planning processes.
- Provide incentives that further support community-based transportation planning at all levels.

The office's emphasis on community-based planning—including Smart Mobility, active transportation, Complete Streets, EJ, government-to-government relationships with tribal government, and meaningful public engagement—is fully consistent with the legislative intent of Title VI.

The OSCP is currently organized in four branch functions:

- Local Development—Intergovernmental Review
- Public Engagement and Emerging Priorities/Community Perspectives
- Smart Mobility
- Native American Liaison

Planning Public Engagement

Caltrans receives federal funding to support transportation planning public engagement in all 12 districts and at HQ. "Transportation planning public engagement" is a broad term used to refer to the processes and activities through which Caltrans shares planning information with the public, provides opportunities for participation, and receives input. Through public engagement, Caltrans receives, considers, and incorporates public comments, concerns, and perspectives from a wide variety of constituents and stakeholders, including disadvantaged and traditionally under-represented communities. Such involvement helps to engender support for programs, plans, and projects, which, in turn, increases the likelihood of the public's acceptance of transportation planning decisions.

Managed by OSCP, the public engagement program supports a variety of public outreach, education, participation, and collaboration efforts by Caltrans' staff, including interactions with Metropolitan Planning Organizations (MPOs), RTPAs, Councils of Government (COGs), and local transportation agencies at the county or city level. Such efforts may include regional committees and task forces in specialized areas such as active transportation, safe routes to school, transit, freight planning, congestion relief, transportation-related public health, sustainability, or land use. District outreach and engagement also typically includes interactions and coordination with local interest groups and CBOs on transportation issues.

Mandates and authorities for public engagement—in addition to Title VI of the Civil Rights Act of 1964 and Section 162(a) of the Federal-Aid Highway Act of 1973—are prevalent throughout federal and state statutes, regulations, executive orders, and guidance. Federal transportation authorization acts have consistently emphasized the importance of public engagement and collaborative planning, especially as expanded in 2005 under SAFETEA-LU. Under the current authorization, MAP-21, "public involvement remains a hallmark of the transportation planning process," according to the FHWA. Authority for this public engagement activity is further derived from the CFR, and United States Code, executive orders (including EO 12898, pertaining to EJ; EO 13166, pertaining to Limited English Proficiency; and EO 13175, pertaining to consultation and coordination with Indian Tribal Governments), state laws and government code, guidance, and best practices.

Goals of public engagement include: meaningful involvement of all people, information sharing among all parties, issues identification and clarification, alternatives evaluation, project concept improvement, collaboration, and consensus building. Actively collaborating with stakeholders and including input from wide segments of the broader general public helps Caltrans hear and respond to all voices in transportation planning activities. It also increases the public's confidence in the transportation planning decision making, which ultimately benefits Caltrans' overall goals.

Planning Public Engagement Contract

Caltrans also receives federal funding to retain a qualified, multi-disciplinary contractor team with the expertise necessary to assist HQ divisions and Caltrans' 12 districts with public engagement efforts related to transportation planning throughout California. The OSCP has managed a Planning Public Engagement Contract (PPEC) since 2002. The fourth multi-year contract, the PPEC4, began in September 2014 and will run until 2018.

The PPEC contractor team provides the specialized services and skills needed to ensure public engagement successes that might not otherwise be available to Caltrans, including outreach to disadvantaged and under-represented populations. The services performed under this contract meet or exceed the federal requirements of early and continuous public involvement.

As is true for public engagement in general, Title VI of the Civil Rights Act of 1964 is one of a number of underlying mandates for how Caltrans and its contractors conduct public engagement under the PPEC. The contractual Scope of Work requires that the contractor assist Caltrans in compiling information on public outreach activities for a year-end report, which also supports Caltrans' Title VI-related reporting. The Special Terms and Conditions section of the contract requires that the contractors comply with Title VI requirements to implement and maintain a policy of nondiscrimination, pursuant to Title 49 CFR Part 21. All of the Title VI assurances are included in the PPEC4 contract.

Environmental Justice and Community-Based Transportation Planning Grants

For nearly 15 years (that is, from Fiscal Year (FY) 2000-01 to FY 2013-14) Caltrans' EJ and Community-Based Transportation Planning (CBTP) grant programs provided funding for local communities to develop transportation plans and studies adapted to respond to local needs and resolve local transportation problems. These competitive grant programs provided funding to local

and regional entities throughout the state, including many communities that would not otherwise have been able to engage in transportation planning at the local level. Through community and stakeholder engagement, these grants helped communities plan for improved mobility, expanded transportation choices, reduced travel conflicts, and complementary land uses.

The statewide EJ grant program provided broad and equitable funding assistance to low-income and minority communities to plan and implement transportation projects of local significance. The grant program demonstrated the benefits of following inclusive planning processes; it exemplified transportation investments that would improve mobility, access, equity, and economic vitality in underserved communities. Eligible activities included planning assistance to diverse populations, interpretive materials and services, approaches to enhancing interagency cooperation, plans for the elderly and disabled, and public-private sector partnerships. In FY 2013–14, the Caltrans Office of Community Planning awarded 25 EJ/CBTP grants with a total value of $4.75 million.

The EJ/CBTP grant programs addressed Title VI issues in the form of selection criteria that emphasized public involvement, a focus on the traditionally underserved and affirmative measures to ensure nondiscrimination. Application considerations were:

- Demonstration of local support by way of specific resolutions letters of support from regional transportation planning agencies, city councils, planning commissions, county boards of supervisors, and the general public.
- Incorporation of a collaborative planning process with broad participation from community stakeholders.
- Location in an economically disadvantaged, low-income, or underserved community.

Contract documents for awarded EJ/CBTP projects included language that committed grantees to a course of nondiscrimination. Scopes of work for selected projects also required grantees to include a task to promote public participation activities throughout the duration of the project. Grantees were encouraged to seek out the involvement of appropriate CBOs to encourage participation from nontraditional, minority, and disadvantaged members of the impacted planning areas.

Caltrans district and HQ staff monitored the results of the EJ/CBTP grants on a yearly basis. In addition, OSCP managed an overall evaluation of the EJ/CBTP grant programs, which was completed in 2015. Among the findings of the evaluation were the following:

- The EJ/CBTP grants added value by helping local communities identify needs and develop specific strategies that incorporated the perspectives of community members and stakeholders.
- The EJ/CBTP-funded plans and studies enabled public outreach and plan development that most grantees believed would not otherwise have occurred.
- Grantees often used the final product from their EJ/CBTP grants to make a strong case for their community's needs when pursuing local or external funding for implementation or as a long-term comprehensive guide for the community's future development.
- The EJ/CBTP grants led to the development of transportation plans that had a high likelihood of implementation as evidenced by the fact that a substantial majority of these plans proceeded to (at least partial) project implementation.

- Grantees believed that communities highly valued the public engagement process in which they engaged, because it provided the opportunity for community members to voice their opinions, developed relationships and partnerships, and often resulted in desired solutions to transportation deficiencies.
- The grants increased capacity for transportation planning among grantees.
- The EJ/CBTP planning grants filled an important gap in dedicated funding for local transportation planning.

In FY 2014-15, the EJ/CBTB grant programs merged with other Caltrans planning grant programs into a new Sustainable Transportation Planning Grant Program, managed by Caltrans' Office of Regional Planning. The new program retains a significant focus on EJ and community-based planning values and inclusive practices and many former EJ and CBTP grantees have applied for funding under the new grant program.

Emerging Priorities

In FY 2014-15, using entirely state funding, OSCP developed and funded ten planning projects through a one-time grant program called Emerging Priorities. Among these planning projects is the first-ever California State Bicycle and Pedestrian Plan. This ongoing, statewide planning effort will establish a policy framework to guide statewide investment in bicycle and pedestrian facilities and interconnections as key components of the state's multimodal transportation system. Public outreach and engagement for the plan will reach out to all interested stakeholders, including traditionally underserved populations, EJ communities, and tribes.

The Emerging Priorities program also awarded a grant to a technical-transfer team under the auspices of the University of California to conduct a series of transportation safety assessments, bicycling safety assessments, and pedestrian safety assessments for approximately 15 Native American Tribal communities throughout California. The program also funded a goods movement study in the San Joaquin Valley and a Freeway Cap study in Southern California. Also funded under the Emerging Priorities program were educational and outreach programs to expand and extend the reach of Smart Mobility and Complete Streets principles and practices. All of these Emerging Priorities studies will be conducted in compliance with state contracting law (which includes nondiscrimination requirements) and other applicable mandates.

9) Office of Regional Planning

The Office of Regional Planning (ORP) is responsible for transportation programs and plans that provide the basis for project selection and development process. The ORP is comprised of three branches: Regional Planning, Climate Change and Regional Transportation Planning, and Air Quality and Environmental Planning. The three branches work cooperatively with Caltrans' 12 district offices providing guidance and direction and helping maintain California's regional transportation planning process as follows:

- Monitor the regional transportation planning process through the Overall Work Program (OWP) and Regional Transportation Plan (RTP), coordinate the administration and funding of these

documents, and act as liaison and advocate for California's regional transportation planning program.

- Responsible for the consistent and appropriate evolution of the regional planning process by reviewing and suggesting potential state and federal legislation relating specifically to the regional transportation planning process.
- Respond to expanding regional planning issues, including analyzing impacts of new state and federal legislation and maximizing the positive results of technological advances in planning and communications.
- Collaborate with federal, state, and regional partners to provide reliable information, guidance, and resources that relate to the regional transportation planning process.

The ORP mostly interacts with MPOs and RTPs. The focus of the collaboration with the transportation agencies is in regard to the OWPs and RTPs with emphasis on monitoring activities funded with ORP-administered transportation planning funds: state Rural Planning Assistance (RPA) and Federal Consolidated Planning Grant, which are FHWA and FTA funds. Annually, each MPO and RTPA prepares its OWP. The OWP is the regional transportation agency's program of transportation activities for that fiscal year.

The following MPOs are subrecipients for planning funds:

- Association of Monterey Bay Area Governments
- Butte County Association of Governments
- Council of Fresno County Governments
- Kern Council of Governments
- Kings Council of Governments
- Madera County Transportation Commission
- Merced County Association of Governments
- Metropolitan Transportation Commission
- Association of Monterey Bay Area Governments
- Sacramento Area Council of Governments
- San Diego Association of Governments
- San Joaquin Council of Governments
- San Luis Obispo Council of Governments
- Santa Barbara County Association of Governments
- Shasta County Regional Transportation Planning Agency
- Southern California Association of Governments
- Stanislaus Council of Governments
- Tahoe Metropolitan Planning Organization
- Tulare County Association of Governments

Metropolitan and Regional Planning and Title VI

23 CFR 450 Subpart C describes the requirements for Metropolitan Transportation Planning and Programming.

Regional Transportation Plan

The basic unit of transportation planning in California is the RTP as required under state law (Section 65080 of the Government Code) and federal statutes (Title 23, Section 134). The RTPs are the basis for the Federal Transportation Improvement Program (FTIP). The development of the FTIP and the Federal Statewide Transportation Improvement Program (FSTIP) are a function of Caltrans' Transportation Programming Program.

Each RTP is a long-range plan directed at the achievement of a coordinated and balanced regional transportation system, including mass transportation, highway, railroad, maritime, and aviation facilities. The plan is action-oriented and pragmatic, considering both the short and long-term future, and is designed to present clear, concise policy guidance to local and state officials. Additionally, the RTP is required to consider the factors specified in Section 134 of Title 23 of the U.S. Code to enable a combined state/federal planning process. The MPOs must prepare an RTP to address transportation issues and assist local and state decision makers in shaping California's transportation infrastructure every four years and rural RTPAs every five years.

ORP Administered Grants

The ORP administers federal pass through planning funds. The majority of these funds are formula allocations to the MPOs: FHWA-metropolitan planning and FTA Section 5303 funds fall in this category and are included in the Consolidated Planning Grant (CPG). Discretionary funds are also included in the CPG; these are FHWA State Planning and Research-Partnership Planning and FTA Section 5304. These funds are competitively available to both MPOs and RTPAs. In addition to the above noted requirements, all MPOs receiving federal funds and all RTPAs (non-urbanized areas) receiving Section 5304 funds are requested by the ORP to complete a Title VI Plan pursuant to FTA Circular 4702.1B.

Approach to Title VI

The MPOs, who are the major recipients of federal planning funds, are required to comply with Title VI implementation procedures and certification including data collection and reporting requirements. The RTPAs who receive federal planning funds are required to comply with Title VI as well. Federal regulation requires that agencies receiving federal funding comply with Title VI requirements during transportation planning activities.

General Requirements:

- Provide Title VI Assurances.
- Prepare and submit a Title VI Plan every three years.
- Complete and submit a Title VI Plan if first-time applicant receiving federal funds.
- Notify beneficiaries of protection under Title VI.
- Develop Title VI complaint procedure and complaint form.
- Record and report transit-related Title VI investigations, complaints, and lawsuits.
- Promote inclusive public participation.
- Provide meaningful access to LEP persons.

- Have minority representation on advisory committees.
- Provide assistance to subrecipients on Title VI requirements.
- Monitor subrecipients.
- Determine site or location of facilities.
- Provide additional information for Title VI upon request.

Additional Requirements for MPOs

All MPOs are required to self-certify compliance with all applicable federal requirements. Planning certification forms are signed annually by the authorized MPO executive and Caltrans District Director. This self-certification is included in the annual OWP and provided to FHWA and FTA as part of the OWP approval process.

Planning certification reviews, conducted jointly by FTA and FHWA of the metropolitan transportation planning processes of Transportation Management Areas, include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review MPO developed documentation to determine whether MPOs have:

- Analyzed regional demographic data to identify minority populations within the region.
- Provided member agencies, where necessary, with regional data to assist them in identifying minority populations in their service area.
- Ensured that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
- Monitored the activities of subrecipients with regard to Title VI compliance, where the MPO passes funds through to subrecipients.

Project Development

Project development has been designed through statute and regulations to provide many avenues for citizens and agencies to comment on project issues. The process includes preparing a project study report, securing project programming, preparing draft project report, perform environmental studies, secure project approval, obtain approvals/agreements/permits, prepare plans/specifications/estimates, acquire rights of way, prepare/advertise contract, conduct/complete construction project, and project close-out.

Part of this process requires compliance to the National Environmental Policy Act (NEPA) whereby the collection and analysis of data and information on project alternatives and related environmental effects are performed. This leads to a complete understanding of the existing and future environmental conditions and the possible effects of a proposed project in order to make the best project decision in terms of meeting the intended transportation need, the goals of an area or community, and for protection and enhancement of the environment.

The Division of Environmental Analysis, Division of Project Management, Division of Right of Way and Land Surveys, Division of Design, Division of Construction, and Division of Engineering Services

contribute to the success of the Caltrans project development process and adherence to Title VI requirements.

Environmental

The environmental process is an integral part of the project development process. It emphasizes public input, objective analysis of project impacts, and commitments of mitigation measures to reduce or eliminate significant impacts to minority or low-income communities. The environmental process, together with the project development and public involvement processes, ensures all transportation projects developed comply with Title VI and EO 12898 on EJ.

The Division of Environmental Analysis has developed guidance, an Environmental Handbook series, to assist all Caltrans' programs to understand the Division of Environmental Analysis' responsibility to ensure that Caltrans' projects and activities are planned, developed, and approved consistent with the charge to be good stewards of California's resources.

This guidance is a multi-volume Environmental Handbook and is intended to guide the work of both internal and external environmental practitioners. Volumes 1 and 4 provide guidance relative to consideration of Title VI issues. Volume 1 provides a collection of the laws, regulations, guidelines, practices, procedures, and processes that must be addressed as part of the project planning and development processes. It provides instruction for preparing and processing the environmental documents required by NEPA. Volume 4 provides guidance to individuals responsible for evaluating the potential Community Impact Assessment (CIA). Volume 4 appears as part of the Standard Environmental Reference (SER), the division's online guidance for performing environmental analysis. In addition to Volume 4, the SER also contains separate chapters on EJ and Community Impacts.

Caltrans' districts are required to prepare CIA reports to document their efforts to identify minority and low-income groups, which could be disproportionately impacted by a project. The finding of this assessment is placed in the draft and final environmental documents for the project in question. The CIA reports and the approved environmental documents are kept on file in the district and made available to the public and interested parties upon request.

The identification of minority and low-income communities or groups is a major emphasis of the CIA under the heading of EJ. Information gained during performance of this assessment is essential to determine if the potential for disproportionate or discriminatory impacts would occur as a result of a specific transportation project's implementation.

Primary and secondary sources of information are consulted to determine if such communities and/or groups are known to be present within the transportation project's study area. The most current demographic information is reviewed to determine the ethnicity and economic levels of the study area's inhabitants and whether clustering of minority and low-income people is evident within the study area. Sources of demographic information include: U.S. Census, population and economic projections made by local or regional agencies. Appropriate public outreach and participation programs are decided upon as a result of this information. If accurate census data is not available, field visits to the project area are made. Local businesses and services are observed to identify minority populations.

Public involvement is an integral part of the project development process (Project Development Procedures Manual, Chapter 22). Public open houses are a technique used to give the impacted community a chance to voice their concerns, learn more about the project, and meet project staff. Notices for these open houses are distributed throughout the project area in several ways: the most common is newspapers advertisements, posted invitations in public places, and flyers door-to-door where appropriate. Depending on demographic information, invitations are printed in languages readily understood by communities impacted and notices are printed in newspapers that target the community impacted. Language interpreters are made available at the open houses. When appropriate, printed informational materials are also printed in alternative languages appropriate to the project area. These actions are documented in the draft Environmental Impact Report/Environmental Impact Statement. Headquarters and Division of Environmental Analysis District Coordinators review Environmental Impact Statements for quality, completeness, sufficiency, and adequacy of the public participation and EJ documentation.

The Division of Environmental Analysis Manager is responsible for ensuring adherence to Caltrans' Title VI and Related Statutes Non-discrimination Policy Statement and that Title VI matters and related requirements are considered part of the environmental planning process and included in program directives. Responsibility for the identification, evaluation, and mitigation planning for environmental effects, including Title VI issues, has been delegated to the districts for mobility projects within their assigned geographic area. When Title VI issues are identified in the environmental process, appropriate mitigation measures are proposed to avoid, minimize, rectify, or compensate the impact. Mitigation measures are documented in the environmental document prepared for the project.

The environmental document includes a complete discussion of all of the public outreach and public participation efforts made during project planning and development, including early coordination with affected communities, their overall input into the project scoping process, documentation of all formal and informal meetings with community groups and the general public. The environmental document must include the rationale for the range of project alternatives, the selection of the preferred alternative, and the development of mitigation measures. The final environmental document includes responses to comments generated during the public review process.

The Division of Environmental Analysis offers a two-day community impact assessment workshop to all its environmental planners throughout the state. This workshop contains a heavy emphasis on EJ techniques for identifying minority populations and effective public participation techniques. Attendance records are maintained in headquarters. Workshops are also conducted for Caltrans' programs and local cities and counties. These workshops are conducted on a continual basis with an average of two workshops presented annually.

Right of Way and Land Surveys

The Division of Right of Way (R/W) and Land Surveys provides property rights for the construction of transportation projects in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). The Uniform Act requires fair and equitable treatment of the people affected by federally funded projects. These activities require ongoing interaction with the public during all phases of the highway project particularly in the following areas:

- Appraisals
- Acquisitions
- Condemnation
- Relocation Assistance Program
- Property Management

Approach to Title VI

The R/W has built into its policies and procedures affirmative measures to comply with the Title VI requirements. Checks and balances throughout the R/W process ensure fair and equitable treatment. Interpreters communicate with impacted individual(s) throughout the R/W process when needed.

The R/W Manual is provided to R/W agents and local agencies, as well as accessible online, to ensure consistent fair and equitable treatment to those impacted by transportation projects. Revisions are distributed/posted on an ongoing basis.

The R/W process includes providing property owners, tenants, and displacees with a Title VI brochure. The Title VI brochure provides information on the discrimination complaint process. Headquarters R/W performs Quality Enhancement Joint Reviews (QEJRs) to evaluate the regions'/districts' R/W functions to ensure Title VI and the Uniform Act compliance. Three or more senior-level R/W personnel perform QEJRs. The QEJR team typically consists of one functional senior from headquarters, one from the district or region being reviewed, and one from a district or region unrelated to headquarters or the district/region being reviewed. Files are randomly reviewed to make sure actions taken are consistent with the policies and procedures set forth by Title VI, the R/W Manual, the Uniform Act, and all other pertinent statutes.

The R/W Agents receive Title VI training. This affirmative measure is taken to ensure awareness of, and compliance with, the Title VI requirements. The training objectives are to:

- Foster understanding and application of a preventative and proactive team approach to ensure nondiscrimination in all programs and activities affecting R/W's customers.
- Identify potential Title VI issues that could arise during the R/W process.
- Promote understanding of R/W's roles and responsibilities as they relate to Title VI and nondiscrimination.

The R/W Agents also attend a mandatory ethics class and are held to the highest ethical standards in all dealings with internal and external customers. The Division of R/W has designated a headquarters Division of R/W Title VI Liaison (PAA) whose primary responsibilities are to:

- Assist the OBEO with R/W complaints by facilitating investigations and providing technical information.
- Attend necessary appeal hearings and expedite resolutions.
- Ensure the evaluation of district/region performance for compliance with Title VI laws and regulations and maintenance of Title VI records. This is accomplished by making sure that QEJRs address Title VI issues.
- Review and recommend necessary changes in policy.

- Report HQ R/W's Title VI-related accomplishments and goals to the Caltrans Title VI Coordinator for the Title VI Annual Element report to FHWA.

Appraisals

The R/W Agent provides the following documents to the property owner:

- *Notice of Decision to Appraise* letter (which offers the property owner or their representative to accompany the appraiser on his or her initial inspection of the property).
- Title VI brochure is also available in Spanish and can be translated into other languages upon request from District R/W staff. The brochure is accessible at the OBEO, Title VI Program Publications Web page. An interpreter is provided when needed.
- The U.S. Department of Commerce, U.S. Census Bureau, Language Identification Flashcard.
- Right of Way Title VI Discrimination Complaint Form.

Uniformity and fairness in the treatment of property owners is the goal of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Appraisals are made in accordance with the highest professional methods and ethical standards and with constant regard to the rights of the property owner. Caltrans' appraisers are consistent with the Uniform Act and the Uniform Standards of Professional Appraisal Practice (USPAP). The R/W uses a thorough review process, known as the cumulative review process, to ensure all actions taken are in accordance with the Uniform Act and USPAP. Additionally, in the course of appraisal review, the supervisor/reviewer confirms the parcel diary indicates Title VI information was delivered.

Acquisitions

During the first call or visit with the property owner, the R/W Agent verifies that the property owner received the Title VI brochure and other relevant Title VI documents. If the property owner states that he or she has not received the appropriate Title VI information, the R/W Agent then delivers the documents to the property owner. The R/W Agent documents his or her actions regarding the information supplied and its receipt in the parcel diary.

All first written offers are based on the appraised (fair market) value of the property to be acquired. Any subsequent adjustments to this amount are in accordance with accepted appraisal theory and standards and are subject to the scrutiny of the cumulative review process. Any adjustments must be fully justified, documented, and consistent across comparable properties.

Condemnation

Expert witnesses hired for condemnation purposes must complete an Ethic Group and Small Business Questionnaire (ADM-0362) as part of their expert witness service contract. This form is kept in the contractor's file in the Condemnation section where the information can be obtained should the need arise. All contracts include an anti-discrimination clause and vendor information is verified by DPAC.

Relocation Assistance

All displacees receive a standard General Information Notice which contains a nondiscrimination clause, as well as a Title VI brochure. The R/W Relocation Agent delivers this material and documents the action in the parcel diary.
Additionally, the Relocation Agent provides displacees with a Relocation Assistance Program (RAP) Information Booklet that includes a nondiscrimination clause and is available in English and Spanish. Where necessary, an interpreter is provided. Any such action is documented in the parcel diary.

Whenever a field relocation office is established, a bilingual or ethnic aide is made available in areas with a high percentage of non-English speaking displacees.

Property Management

The R/W Agent is required to inform the state's post-acquisition tenants about Caltrans' policy and procedures under Title VI. The tenant is provided with the Title VI brochure and other relevant Title VI documents. The R/W Agent documents the action in the rental file diary.

The first line supervisor ensures that Title VI requirements are being met by periodic review of the rental files and through discussions with the agents. In the course of the review process, the supervisor/reviewer confirms the rental file diary documents the Title VI information was delivered. The reviewer certifies that the rent is appropriately supported and a fair determination of market rent was established regardless of race, color, sex, age, or national origin. The reviewer looks for consistency in equal treatment among rental properties on projects that include a number of rentals.

Project Management

The Division of Project Management is responsible for the management and delivery of transportation improvement projects from inception to construction to close-out in order to meet the transportation needs for the people of the State of California.

As required by NEPA, the districts form Project Development Teams (PDT) for each project which meet as needed during the life of the project to develop/monitor scope, schedule and cost of the project. The PDT is under the direction and guidance of a designated project manager. Project team staff members deliver the project, provide technical advice, and implement any approved changes and/or revisions to the project. Interactions between the PDT and management provide a check and balance to ensure Title VI compliance is met.

The PDT also makes recommendations to the District Director on preferred alternative(s), if applicable, that is in compliance with the environmental document and public input. The districts document public involvement efforts in the environmental document and summarize them in the project report. These documents substantiate the efforts and actions taken to comply with Title VI.

Design

The Division of Design develops design procedures, policies, guidance and standards, and provides technical assistance, tools, training, and quality assurance to the districts for efficient and effective

project delivery needed to facilitate California transportation improvements and system integrity. The Division of Design's assistance to the districts enables consistency in State Highway System (SHS) projects from inception to construction through the development of project plans, specifications and cost estimates. The Division empowers the districts and local agency partners to deliver quality project scoping documents, project reports, and construction plans which include compliance to Title VI requirements.

Contracting – Division of Engineering Services

The Division of Engineering Services (DES) has established uniform procedures, which are used by DES' Office Engineer (DES-OE) for the advertisement and award of construction projects over $291,000.

The following are DES' Title VI responsibilities:

Including nondiscrimination and compliance requirement clauses in federally-assisted construction contracts.

- Distributing information related to Caltrans' contracts through various media to provide all bidders with access to contracting opportunities.
- Ensuring a level playing field in the bid and award process by applying the same criteria and standards to all bidders.
- Designating a Title VI Program Liaison to function as a contact regarding Title VI matters.

The DES carries out its Title VI responsibilities as follows:

Contract Provisions

Federally-assisted construction contracts include the following language: "The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, sex, age, or disability 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 or such other remedy as the recipient deems appropriate. Each subcontract signed by the bidder must include this assurance."

Federally-assisted contracts physically include Form FHWA-1273, "Federal Requirements for Federal-Aid Construction Contracts," which ensures nondiscrimination in the selection of employees and subcontractors. In addition, requires that each subcontract and lower tier subcontract include the Form FHWA-1273 and states:

"This requirement shall be enforced as follows: Noncompliance shall be corrected. Payment for subcontracted work involved will be withheld from progress payments due, or to become due, until correction is made. Failure to comply may result in termination of this contract."

The Notice to Contractors (The Notice to Bid) for every federally-assisted project will inform bidders that the project is subject to nondiscrimination and compliance requirements pursuant to Government Code Section 12990 and will address the payment of prevailing wage rates.

In addition, federally-assisted projects include language requiring prompt progress payment and prompt payment of withheld funds to subcontractors. Project language encourages the formation of "partnering" relationships between the state and the contractor to maintain cooperative communication and mutually resolve conflicts at the lowest possible management level.

Language for federal contracts with a Disadvantaged Business Enterprise (DBE) goal informs bidders that the project is subject to 49 CFR Part 26. The contract contains written notice of the goal, specifications related to DBE program administration within Caltrans, and any contract clauses required by 49 CFR Part 26. Contract documents for projects without a DBE goal contain language urging bidders to obtain DBE participation. After completion of any federally-assisted project, the contractor is required to report the names of participating DBEs, a complete description of the work or supplies provided, and the dollar amount paid to DBEs. Contract language allows Caltrans to withhold $10,000 from final payment until the contractor submits a satisfactory report.

The DES maintains a database that captures information regarding the participation of DBE contractors as outlined in federal DBE regulations. The DBE regulation promotes the participation of socially and economically disadvantaged-owned business enterprises. This data is reported regularly to the OBEO.

If there are changes to the contract language (including revisions to the federal prevailing wage rates) during advertising, all plan holders are notified of the change through an addendum to the contract.

Project Advertising

The DES advertises projects in a variety of electronic and printed forms in order to ensure equal access to information regarding contracting opportunities. These mediums include:

- The California State Contracts Register, published by the Department of General Services (DGS), advertises contracting opportunities for all state agencies. The Register is only available electronically on the Internet (http://www.dgs.ca.gov/dgs/Home.aspx) and is updated daily. Internet advertisements are published for 14 days.
- The Weekly Advertisement for Bids, published by Caltrans, lists all construction projects over a dollar threshold established by the Department of Finance (currently over $291,000) and is released for advertisement during that week. The advertisement identifies the geographic location of the project; the type of work; the number of working days; and the bid opening date, time, and location. The publication also lists projects previously advertised for which bids have not yet opened, and projects tentatively scheduled for future advertisements.

The weekly advertisement for bids publication is published on the DES-OE's Internet Web page. Caltrans provides the advertisement information to the DGS BidSync. Advertisement information is published on the DES-OE's Internet Web page. (http://www.dot.ca.gov/hq/esc/oe/contractor_info/)

The Twelve Month Tentative Advertisement lists projects that are tentatively scheduled for advertising in the next twelve months. The list is published on the DES-OE's Internet Web page and includes the projects location, type of work, and the estimated cost of the project.

In addition to the Weekly Advertisement for Bids, the DES's Internet Web page allows users to view and/or download general bidding and project information, the plans and specifications for individual projects, addenda issued on specific projects, the list of plan holders on projects, bid ordering information, and Caltrans' Standard Specifications and Standard Plans. The Internet Web page

provides links to a variety of resources to assist bidders. These links include: the California Department of Insurance, the California Contractors State License Board, Internet sites providing federal and state prevailing wages, and Caltrans' OBEO, Division of Construction, Contractor Payment site, the emergency contractor's registry site, and the Division of Procurement and Contracts.

Bid Opening

Caltrans does not pre-qualify bidders. Any firm-properly licensed in the classification required for the work, and posts a bidder's security-is eligible to bid on and be awarded construction contracts.

Bid openings for non-emergency projects are held on Tuesdays, Wednesdays, and Thursdays. Bids must be received by 2:00 p.m. on bid opening day. The date, time, and location of bid opening are specified in the Notice to Bidders. Bids must be submitted electronically per the contract.

The DES-OE, Contract Awards, conducts public bid openings. The bidders participate in the public bid opening via Webcast or teleconference. Instructions for accessing the bid opening are posted on the DES-OE's Internet Web page. (http://www.dot.ca.gov/hq/esc/oe/contractor_info/)

Caltrans verifies whether a bond was used as the bidder's security and that the bond was provided by a California admitted surety. In addition, confirms the classification and status of the bidder's contracting license. Although bidders on federally-assisted projects are not required to be licensed until contract award, Caltrans checks the license at time of bid and notifies the contractors immediately, which allow bidders time to resolve any licensing issues prior to award.

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The names of the bidders and their total bid are published on the DES-OE's Internet Web page. All bid documents are later published on the DES-OE's Internet Web page. (http://www.dot.ca.gov/hq/esc/oe/contractor_info/)

Contract Award

California law requires Caltrans to award projects to the lowest responsible bidder which meets all of the contract requirements:

- The bidder bid on all of the work specified, provided a valid bidder's security, and signed the proposal.
- The DBE submittal (if required) was received by Caltrans within the time limits specified.
- The bidder has demonstrated good faith efforts to meet the DBE goal by documenting that it either met the goal or made adequate good faith efforts to meet the goal.
- The bidder is properly licensed in the State of California.
- The bidder has not been suspended or debarred from bidding on federal construction contracts.

Before the contract can be awarded, the district or region, in which the work is to be performed, must evaluate the bid data and provide a recommendation whether to award the contract or reject all bids. The district/region can also recommend rejection of an individual bid, if the bid is mathematically or materially unbalanced to the detriment of the state.

Caltrans also has the authority to determine that an individual bidder is not responsible when Caltrans has reason to question the bidder's fitness, capacity, and ability to satisfactorily perform the proposed work. Caltrans weighs factors such as past failure to satisfactorily complete the work, termination of control for cause, a history of repeated failure to follow the Resident Engineer's direction requiring close supervision, abusive language or conduct toward state personnel, and falsification of Caltrans' records.

If Caltrans determines that a bidder is potentially not responsible, it will advise the low bidder in writing of the specific bases upon which this finding has been made. The letter offers the bidder five working days to request a meeting with Caltrans to reply to and rebut the determination and to present evidence that it is a qualified, responsible bidder.

The Division of Construction will appoint a Hearing Officer or a committee, to conduct a meeting which is recorded and prepares a written recommendation to the Chief Engineer regarding the bidder's responsibility. If the Chief Engineer concludes that the bidder is not responsible, Caltrans may either proceed to stop the work, forfeiture the bidders bonds and find a replacement contractor.

Construction

By the time a project reaches the construction phase, it has been planned, designed, and awarded to a contractor. All of the federal Title VI requirements have been fully integrated into the construction contract.

The Division of Construction's responsibilities are to safeguard public safety, provide for public convenience, and perpetuate public trust through construction engineering and contract administration. The Division of Construction works in partnership with the public, federal, state, county and city project stakeholders, division and district staff, industry and trade associations, individual contractors, and private consultants to construct high quality transportation projects within the provisions of the state and federal law.

The Title VI role of the Division of Construction is to follow through on community agreements, comply with mitigation measures, and preserve Title VI requirements built into the contract.

Approach to Title VI

An essential element for compliance with federal Title VI requirements is staff training of Construction Engineers, Resident Engineers, and Field Inspectors.

Procedures for processing Title VI and Title VII complaints are documented in a policy bulletin.

The Senior Construction Engineers are responsible for overseeing the work of Resident Engineers. This practice serves as quality assurance to ensure the integrity of the process.

As a matter of practice, as specified in the Construction Manual, Section 8-2, the District Construction and Resident Engineers perform periodic reviews to ensure the correctness of project records and adequacy of contract funds. Additionally, periodic reviews of projects are conducted to ensure that materials and completed work comply with plans, specifications, and design concepts.

Occasionally, a contract must be amended by a contract change order. Contract amendments may be due to a contractual requirement, changes in field conditions, or request by a contractor to perform the work more quickly, efficiently, or cost effectively. The Resident Engineer or the contractor may initiate a contract change order. Most contract change orders involve technical details that have no effect on Title VI; however, occasionally, a change order could have a significant change that could have a Title VI impact.

Significant changes involve adjustment of project scope, material, cost, or schedule. Examples of significant contract amendments are: new traffic detours, changes in the length or limits of project, changes in a mitigation measure, change in contract mandated material borrow or disposal site, or materials changes. These changes are documented in a best interest determination letter recommended by the District Director and approved by the Chief of Construction Program Manager.

Though significant changes are administrated by the Resident Engineer, the Design Project Engineer and Project Manager are required to evaluate the impacts of the significant change including compliance with Title VI requirements. The Project Manager generally coordinates function support units and facilitates Title VI compliance impacts for significant contract amendments. Design Project Engineer concurrence is always required because he or she is the Engineer of record for the project plans. In approving change orders, the Design Project Engineer ensures the engineering integrity of the project is not compromised and is in line with the original scope of the project congruent with the transportation need. These activities are recorded and become part of the project file.

The Resident Engineer is responsible for ensuring identified mitigation measures that are included in the contract are carried out. The Project Engineer, Project Manager, and Resident Engineer may meet at the beginning of the project to exchange information regarding permits, agreements, and mitigation measures.

The Division of Construction, Contract Employment Practices Manager is responsible to review program directives for inclusion of Title VI and related requirements. The Division of Construction Policy Bulletins and Directives are reviewed for compliance with EEO and Title VI requirements.

Most Title VI mitigation measures are associated with complex projects in urban areas. The Resident Engineer may conduct community meetings, prepare press releases, or hire public relations consultants to keep communities informed and advised on project scope and schedule. These notices are published in the languages of the communities impacted. These affirmative measures are taken to ensure nondiscrimination and preservation of EJ. The Resident Engineer ensures the integrity of the process by carrying out the project strictly according to the plan and specifications. The Senior Resident Engineers who serve as quality assurance oversee this process. These activities are documented and become part of the project file.

The Division of Construction uses staff training and clear communication regarding Title VI policy to eliminate discrimination.

Data Collection and Analysis

The Division of Construction collects contract data, including the number of active contracts, payments, percent complete, progress schedules, subcontractor complaints, and contract changes orders.

Subcontractor complaints are compiled and reported to the legislature yearly. Currently, there is no method in place to spot review prompt payment of subcontractors; however, based on the number of complaints received regarding prompt payment issues, this is not perceived to be a problem area.

Reported Title VI complaints are referred to the OBEO for investigative jurisdiction. If the Title VI complaint is against Caltrans, OBEO notifies FHWA and submits the proposed disposition to the federal agency. The Division of Construction tracks the status and progress of the investigation. Assistance of the Resident Engineer and Labor Compliance Officer is available to FHWA.

The facts and findings of the Title VI investigation, including suggested corrective actions to remedy a Title VI violation, is analyzed by Construction Program Management. This information is used as a basis for establishing policy and initiating process improvement.

The number of Title VI complaints received is compared to the average number of contracts administrated during a fiscal year. If there is a significant increase in the number of complaints, the Division of Construction will conduct field investigations and concurrent process reviews to determine appropriate corrective action.

The Division of Construction annually submits contract data, complaint statistics, complaint analysis, and reports of corrective measures to the OBEO for inclusion in the annual report to FHWA.

Post-Construction-Maintenance

Preservation, maintenance, and restoration of the California State Highway System is the responsibility of Caltrans' Division of Maintenance (Maintenance). Responsibilities of Maintenance include the operation of highway facilities and services to provide a satisfactory and safe highway transportation system. Due to limited resources, maintenance activities must be accomplished according to standard priorities in order of importance:

- Safety
- Preservation of the facility
- Traffic service
- Appearance

Established standards for setting priorities are defined as levels of service. Functional classifications: Principal Arterial, Minor Arterial, or Collector/Low Volume, of the highway being worked on dictate the Maintenance level of service for the particular section. All maintenance activities are subdivided into four distinct types: (1) emergency, (2) mandated, (3) scheduled, and (4) seasonal. Emergency and mandated maintenance is performed on an as-needed basis dependent upon the critical nature of the situation. It is in the areas of scheduled and seasonal maintenance that the Caltrans Maintenance manager has some flexibility in the distribution of maintenance resources. The distribution of

operational funds is determined by order of priority, emergency response, safety response, preservation, drivability, and community input.

Priorities for Maintenance Contracts and field maintenance activities are determined by condition and age of the assets such as pavement, bridge, and culverts. A future livability priority could be considered for minority and low-income locations as determined by the U.S. Census Bureau data.

The Central Region Environmental Division includes the District 10 Maintenance and Planning Services Branch, which has a Native American Coordinator who works closely with California Tribal Governments and other Native American communities in an effort to identify sensitive cultural resource areas along the California SHS. Cultural resource areas are identified in order to alert Maintenance personnel of environmentally sensitive areas.

Under certain circumstances, specific state maintenance responsibilities are delegated to local agencies as detailed in the Delegated Maintenance Agreements. Streets and Highways Code Section 116 permits the delegation of maintenance. Streets and Highways Code Section 130 provides authority to enter into a contract or agreement with the local agency. In these cases, compensation to the local agency is made from the State Highway Account; therefore, Delegated Maintenance Agreements are not applicable under Title VI as they are not federally funded.

Selection of roadway signage communication methods and devices for compliance with the Executive Order 13166 and Title VI of the Civil Rights Act of 1964 to convey information to the users of the highway system is the responsibility of the Division of Traffic Operations. The Division of Maintenance has input in the selection of the devices, primarily by determining the maintainability of the various proposed methods and devices.

Other Services

Other services include: the Division of Local Assistance, Division of Research, Innovation, and System Information, Division of Aeronautics, Division of Rail and Mass Transportation. The Division of Local Assistance administers pass-through funds to subrecipients. Aeronautics and Rail and Mass Transportation Divisions fall within the external transit systems.

Local Assistance

The Division of Local Assistance (DLA) is responsible for management of the state's local agency projects and programs that utilize federal-aid funds. Title VI assurances are required for all of the federal-aid projects this office oversees. Extensive efforts to implement Title VI have been undertaken. The DLA has checks and balances throughout its processes including legal review of major agreements and documents, audits of the local agencies and their contractors to ensure an accurate system, and monitor the processes by the District Local Assistance Engineer's (DLAE) staff to ensure federal requirements are met. The Local Assistance Procedures Manual (LAPM), Chapter 9, provides guidance for complying with the Title VI requirements.

Planning, Specifications, and Estimates Checklist

The Planning, Specifications, and Estimates (PS&E) checklist ensures the implementation of the federal contract requirements. Specifically, the PS&E checklist confirms the implementation of the mandatory Form FHWA-1273. The PS&E checklist is part of Caltrans' data collection as the local agency submits it to Caltrans along with the local agency's request for authorization to proceed with construction. The LAPM, Chapter 12, contains the PS&E checklist.

Master Contracts with local agencies include an extensive section on Title VI nondiscrimination assurances. Supplemental project agreements also include a reaffirmation of the nondiscrimination assurances.

Local agency preliminary environmental studies, technical reports, environmental assessment, and environmental impact statements provide for data collection and analysis on demographics of neighborhoods and communities. The DLAEs and Environmental Specialists review the environmental documents to ensure no disproportionate adverse impacts occur on minority and low-income neighborhoods or communities. The LAPM, Chapter 6 describes these procedures.

Caltrans' district R/W staff monitor the R/W activities on local projects to ensure compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970.

Approach to Title VI

Review Procedures - Subrecipients

As a recipient of federal financial assistance, Caltrans must ensure nondiscrimination in the delivery of its programs, services, and activities. One of the ways in which Caltrans complies with federal statutes is to conduct compliance reviews of its subrecipients in order to evaluate whether their processes are accessible to the public. Under general direction, Office of Policy Development and Quality Assurance, and the Title VI Coordinator are responsible for providing quality guidance and consultation on Civil Rights program issues to districts and local agencies who receive funds from the FHWA and Caltrans. The Title VI Coordinator develops and implements policies and programs to comply with federal regulations such as the Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990 (ADA), Equal Employment Opportunity (EEO), and LEP.

Prior to the beginning of each federal fiscal year (FFY), Division of Local Assistance (DLA) staff creates and submits an annual compliance review plan for approval. The annual plan identifies those local agencies that will be reviewed in the coming FFY. In creating its plan, the DLA staff considers the distribution of local agencies geographically balanced throughout California. Selection criteria consists of local agency size and number and dollar volume of projects and contracts. The Compliance Review may be administered either through an on-site visit or a desk audit. Ideally, DLA staff will review at least one local agency in each district. Upon approval, the DLA staff notifies the local agencies to be reviewed and informs them of the purpose for the review, offers mutually convenient dates and times for the review, requests the contact information of the appropriate personnel to include in the review, and provides the local agency with a Title VI Program questionnaire that is to be completed and returned

within two weeks. Finally, the Title VI Coordinator requests a list of all federally-funded projects/contracts for the previous three FFYs. Once the questionnaire is completed and dates are selected for review, the Title VI Coordinator schedules the review.

Each local agency within a district is distinctive and unique. It is important to understand how each entity administers its local government and oversees the federal transportation funds it receives as a subrecipient to Caltrans. It is equally important to understand the organizational structure of each entity and project delivery process for each local agency.

The on-site review consist of an entrance conference, review of files and documentation, individual interviews, and an exit conference.

Entrance Conference

The Entrance Conference is held at the beginning of the 2-3 day local agency visit. Ranking members of the local agency management team are assembled to meet with the DLA staff, at which time the purpose, process and outcome of the on-site review is discussed. Although the objective for the on-site visit is to ensure federal program compliance, this is a good time to remind the local agency that Caltrans is here to help by providing technical assistance and guidance in the process. This establishes a collegial and friendly approach to the visit.

Review of Files and Documentation

When initial contact is made by DLA staff, in addition to the questionnaire, the local agency is asked to provide a list of project and/or contract files. Of the list of projects/contracts, a sample of 5-6 projects are randomly selected and examined, along with source documentation, for Title VI Program compliance.

Individual Interviews

Questions and the respective responses to the aforementioned questionnaire are the topic for discussion when interviewing key members of the transportation, public works, construction or contracts units.

<u>Sample of Title VI Discussions</u>

1. Non-Discrimination Policy Statement
2. Organization, Staffing and Responsibilities
3. Designation of Title VI Coordinator
4. Public Participation/Outreach Activities
5. Limited English Proficiency Program
6. Environmental Justice in Minority and Low-Income Populations
7. Data Collections
8. Compliant Process
9. Training
10. Title VI Assurances

Exit Conference

Ranking members of the management team are re-assembled to discuss observations and findings made by the DLA team during its review. The DLA Team will discuss the actual review compared to the planned review and describe how it will report its findings and, if needed, discuss any corrective or remedial actions to be taken by the local agency.

Final or Close Out Report

A major source of confusion exists at the local agency understanding the difference between Title VI and Title VII. Title VII is an internal anti-discrimination program that provides regulatory guidance to local agencies in their hiring process. Many agencies fail to distinguish the difference it and the Title VI nondiscrimination policies that affect the public. Several local agencies did not designate a Title VI Coordinator and many did not provide Web site information, brochures or staff training. Addressing this issue will require a new approach and strategy by DLA, HQ, now that a new Civil Rights Coordinator has been hired by DLA.

Upon completing the review and Exit Conference, the DLA will first create an Interim final or close out report. The report includes a page for Title VI. It is divided into two sections; one section for DLA and the other section for the local agency. The section for DLA includes issues reviewed, observations and findings, recommendations and conclusions, and comments. The section for the local agency is for the local agency to respond to each observation and finding by providing an action plan, target completion date, whether the action was completed, the actual completion date and a space for comments, if any.

DLA completes the Interim Report and sends it to the local agency. The local agency then provides DLA with dates it plans to address each observation and/or finding and DLA monitors each target completion date until each item is successfully addressed. Once they are signed by the local agency and countersigned by DLA, copies of the Interim and final reports for each local agency compliance review are sent to OBEO and FHWA. In addition to serving as a compliance tool, the on-site review affords DLA an opportunity to assist and educate the local agency by providing quality guidance to build better communities. In all instances, this assistance is welcomed and appreciated.

Training

The DLA works with Environmental Analysis and R/W Divisions to include the local agency personnel in their respective training academies.

Local agencies are provided with a Title VI Quick Reference Guide during the on-site review.

Compliance and Enforcement

Effective compliance of Title VI requires Caltrans to take prompt action to achieve voluntary compliance in all instances in which noncompliance is found.

If a subrecipient is found out of compliance or is believed to be out of compliance with Title VI, Caltrans has three potential remedies:

1. Resolution of the noncompliance status or potential noncompliance status by voluntary means by entering into an agreement which becomes a condition of assistance,

2. Where voluntary compliance efforts are unsuccessful, a refusal to grant or continue the assistance is initiated or;

3. Where voluntary compliance efforts are unsuccessful, referral of the violation to the FHWA, FTA or FAA who will forward to the U.S. Department of Justice for judicial consideration.

Efforts to secure voluntary compliance are undertaken at the outset in every noncompliance situation and pursued through each enforcement action. Similarly, when an applicant fails to file an adequate assurance or apparently breaches its terms, notice is promptly given on the nature of the noncompliance problem and identify possible consequences thereof and an immediate effort made to secure voluntary compliance.

Oversight monitoring of contract/grant/permit/loan subrecipients is critical to ensuring compliance with Title VI. This responsibility lies with each division and district. In the event, noncompliance cannot be corrected by voluntary means, Caltrans Title VI Coordinator is to be contacted for assistance. OBEO will provide technical assistance and guidance and will also assist in finding methods, strategies, and processes to ensure effective Title VI implementation and enforcement.

Research

The Division of Research, Innovation and System Information (DRISI) manages a comprehensive program to research, develop, test, and evaluate transportation innovations sought by our customers. These innovations in methods, materials, and technologies enable Caltrans to provide continual improvement to the management of public facilities and services, protect public investment in transportation infrastructure, and enhance mobility and safety.

The DRISI is responsible for supporting the research needs across Caltrans in areas including planning, project development, maintenance, and operations. In cooperation with its partners, the DRISI creates new or improved products and processes for a wide range of Caltrans functional programs. Partnerships have been created through extensive collaboration with the National Cooperative Highway and Transit Research Programs, Seismic Research Program, California Partners for Advanced Transportation Technology (PATH) Program, and University Transportation Centers.

The DRISI provides System Information regarding statistical reports related to the fiscal status, physical and geometric extent, performance, and designation of the state's roadway systems. This enables decision makers and system users to take advantage of quality transportation information to make strategic performance-based decisions about transportation services and infrastructure. The DRISI is the focal point for all GIS activities in Caltrans including strategic planning, enterprise deployment, spatial data development, training needs, and development of GIS applications which enhance the capability for efficient and effective transportation decision making through the use of GIS technology.

Approach to Title VI

The DRISI utilizes the contracting processes established by the Division of Procurement and Contracts which include review by Caltrans' Legal Division for compliance.

The following list represents efforts made by DRISI to ensure compliance with Title VI requirements:

- All DRISI contracts include Title VI requirements.
- The DRISI contract managers and employees who might manage DRISI contracts in the future receive contracts training annually. The contracts training includes a section on Civil Rights, Title VI requirements.
- The DRISI employees complete mandatory Title VI training.
- The DRISI is developing a process to gather data on contracts. Data collected will include how many and what types of contracts, Request for Proposals and agreements are processed, the number of proposals submitted by potential contractors and dollar amounts of contracts. Also, consideration to implement a method of collecting data on nonacademic contracts will be examined in the upcoming fiscal year. Data collected will be reviewed on an annual basis and summarized. Determination of compliance with Title VI will be tracked and documented.
- Every effort is made to contract with universities with significant minority student populations by using the DRISI calls for submission for research proposals to public research institutions, including Minority Institutes of Higher Education, public colleges, universities, and government agencies to encourage nondiscrimination in awarded contracts.
- The contract process is randomly reviewed and analyzed to determine whether disparities exist. Corrective measures are implemented to correct any disparities.
- Formal reports on Title VI compliance are discussed and developed with the assistance of the OBEO. Development of any reports are dependent upon the gathering and review of data.

Aeronautics

The Division of Aeronautics (Aeronautics) permits and annually inspects heliports and public-use airports. It makes recommendations regarding proposed school sites within two miles of an airport runway and authorizes helicopter landing sites at or near schools. Aeronautics administers noise regulation and land-use planning laws that foster compatible land-use planning around airports and encourages environmental mitigation measures to lessen noise, air pollution, and other impacts caused by aviation. Aeronautics provides grants and loans for safety, maintenance, and capital improvement projects at airports.

Note: Aeronautics works with the FAA regarding oversight of airports. The FAA provides direct funding to the airports.

Aeronautics assists in the development of an air transportation system that:

- Meets statewide and regional goals and objectives (Section 14000.5 (c), California Government Code).
- Is consistent with the needs and desires of the public.
- Is compatible with airport location and services.

Approach to Title VI

- Aeronautics does not own or operate airports. However, Aeronautics' Office of Airports regulates safety permit compliance per 14 CFR Part 77.
- Aeronautics' Office of Aviation Planning reviews county RTPs and OWPs. It verifies that the MPO/RTPA incorporates Title VI language and minority and low-income populations' needs into their process. Staff recommends including Title VI language and the needs of minority and low-income populations when omitted.
- The Division's PAA documents the above activities.
- Aeronautics evaluates and implements public participation techniques.
- Aeronautics ensures accessibility to all Aeronautics' Web content users.

Aeronautics certifies that the local planning agencies' official public participation program, which involves CBO participation, is incorporated in the agencies' regional aviation system plans.

Rail and Mass Transportation

The Division of Rail and Mass Transportation (DRMT) is responsible for the administration of state and federal programs. The programs provide funding and technical assistance for mass transportation operating assistance and capital improvement projects, including the development of inter-modal facilities for the movement of people. It is responsible for services involving rail, buses, and certain types of vans, including demand-responsive services for the disabled, and commuter and urban rail services and the improvement, acquisition, and other capital expenditures associated with waterborne ferry operations for the transportation of passengers and vehicles.

Rail Program

Caltrans' Intercity Rail Program coordinates and funds intercity rail passenger services in California across three rail routes (Capitol Corridor, San Joaquin Corridor, and the Pacific Surfliner). The Rail Program funds the operations, marketing and administration of Joint Powers Authorities (JPAs) who each oversee these passenger rail routes that are also supplemented by dedicated feeder bus service connecting outlying communities with intercity rail stations. Amtrak operates the rail and bus services under contract with each JPA.

Most of Caltrans' rail capital projects involve Class I railroads: the Burlington Northern and Santa Fe (BNSF) Railways and the Union Pacific Rail Road. Capital improvements are determined using quantitative models. Projects on railroad right of way are statutorily exempt from the environmental process. Caltrans works with Amtrak and commuter agencies to fund projects operating on these two rails' right of way or local owned land for station of parking improvements.

For project off the railroad right of way, the railroad or local agency must conform to applicable environmental regulations including solicitation of public input with approval of the environmental document coming from the defined lead agency.

Services on all three corridors operate on track owned by the Union Pacific, BNSF Railways, or two public agencies—the Southern California Regional Rail Authority and the North San Diego County

Transit Development Board. Amtrak has separate agreements with the Class I railroads or public agencies to allow operation of these intercity rail routes.

Funding for these three state-supported services comes from the Public Transportation Account in the State Transportation Fund and are 100 percent state supported.

In addition to the management of capital program for projects, other activities include long range planning, project planning, and management and coordination with local agencies and railroads implementing intercity rail projects. The projects, which are on pre-existing rail right of way owned either by Class I railroads or public agencies, are designed to increase train frequencies, reduce travel times, and make train travel competitive with the private automobile. The Rail Program also recommends funding and requests programming of projects for the Capitol rail. However, the rail system is limited in site options.

The Rail Program receives some federal funding. However, these funds are earmarked for specific projects in the Federal Appropriations Bill.

Approach to Title VI

All contracts contain nondiscrimination language obligating contractors to nondiscrimination.

Work that is contracted out to local agencies or to the Class 1 railroads is monitored to ensure the work is being performed as specified by contract. Where weakness and deficiencies are found, mechanisms will be revised or developed and implemented to ensure Title VI compliance requirements are met and that there are no unresolved Title VI violations prior to award of a contract or grant.

Mass Transportation Program

Office of Federal Transit Assistance

The Office of Federal Transit Assistance administers seven federal grant programs, FTA Sections 5307, 5310, 5311, 5339; Job Access/Reverse Commute; New Freedom; and FTA Ferry Boat Program.

Rural Transit Assistance Program

CalACT is under contract to Caltrans to implement RTAP in California, RTAP's goal is to make the professional lives of rural transportation providers easier by being the in-state outlet for technical and training materials produced by the National RTAP, and supplementing their program with California-specific technical assistance, management workshops, peer networking and scholarship assistance.

California RTAP objectives are to:

- **To promote** the safe and effective delivery of public transportation in non-urbanized and small urban areas of California and to make more efficient use of public and private resources.
- **To foster** the development of state and local capacity for addressing the training and technical assistance needs of the rural/small urban transportation community.

- **To improve** the quality of information and technical assistance available through the development of training and technical assistance resources.
- **To facilitate** peer-to-peer self-help through the development of local networks of transit professionals.
- **To support** the coordination of public, private, specialized and human service transportation services.
- **To assist** in building a national and State of California database on the non-urbanized and small urban segment of the public transportation industry.

The California RTAP can offer transit agencies:

- **Scholarship assistance**, to reimburse the costs of attendance at conferences, workshops, training courses, seminars and symposiums;
- **Resource Catalog** – loans of nationally and locally produced training modules and videotapes, sample plans and policies developed by transit operators and consultants to meet state and federal regulatory requirements, and other technical resources and briefs;
- **Management workshops**, addressing general management issues, personnel policies, leadership, motivation and team building;
- **Special workshops**, addressing driver training, vehicle maintenance, emerging federal requirements, safety and other topics;
- **Driver Safety Rodeos**, where drivers across California can test their safety and driving skills and compete against other transit organizations.
- **Access** to other California and national transportation professionals for management, training and technical assistance, on subjects such as accessibility, coordination, vehicle specifications and procurement, service contracting, substance abuse regulations, marketing, passenger assistance techniques, alternative fuels and mobility training; and
- **RTAP Bulletins**, to keep you up-to-date on RTAP activities.

Transportation Development Act

The Transportation Development Act provides two major sources of state funding for public transportation: the Local Transportation fund (LTF) and the State Transit Assistance (STA) fund. These funds are for the development and support of public transportation to meet California's transit needs that exist in California and are allocated to areas of each county based on population, taxable sales and transit performance.

Office of State Transit Programs

The Office of State Transit Programs assists in supporting local, regional, and statewide public transportation agencies by administering transit, ferry and rail projects under state funding improvement programs in a timely and effective manner. Programs managed by this branch are: The mass transportation components of the State Transportation Improvement Program, Traffic Congestion Relief Program, Propositions 116, 1B and 1A. Core responsibilities include processing requests for California Transportation Commission action, and execution and administration of Master Agreements and Program Supplements. The branch, in collaboration with the California State Transportation Agency is also responsible for administering the Transit and Intercity Rail Capital Program, which

funds transformative capital improvements that will modernize California's intercity, commuter, and urban rail systems, and bus and ferry transit systems.

Additional Funding Sources

The Low Carbon Transit Operations Program (LCTOP) was created to provide operating and capital assistance for transit agencies to reduce greenhouse gas emission and improve mobility, with a priority on serving disadvantaged communities. The LCTOP is administered by Caltrans in coordination with Air Resources Board (ARB) and the State Controller's Office (SCO). The Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA) provides $3.6 billion dollars to transit operators over a ten-year period. PTMISEA funds may be used for transit rehabilitation, safety or modernization improvements, capital service enhancements or expansions, new capital projects, bus rapid transit improvements, or rolling stock (buses and rail cars) procurement, rehabilitation or replacement.

Approach to Title VI

The DRMT follows the FTA Circular 4702.1B guidelines to meet civil rights requirements for all grants. The DRMT is working from a 2013 FTA approved State Management Plan. The plan is updated as policies or procedures change. The plan outlines how Caltrans monitors subrecipients for compliance with all FTA Program federal requirements including Title VI. Grant applicants are required to submit a Title VI Plan as described in the Circular when preparing the local application as governed by the Urban Mass Transportation Act of 1964, as amended. Information provided in the grant award stage is used to determine grantee compliance. The FTA conducts annual independent reviews and triennial reviews to ensure grantees are in compliance with Title VI of the Civil Rights Act of 1964.

Caltrans annually self certifies that the state and local recipients are in compliance with civil rights requirements. Caltrans requires local recipients to sign U.S. DOT and FTA Grantee Assurances. The DRMT maintains the assurances. As required by FTA, the DRMT requires each applicant to complete a Title VI Plan for their agency. The DRMT reviews the completed Plan prior to approving the application. The Title VI Plan is required to be updated every 3 years in order for Caltrans to be in compliance with FTA rules.

Procurement and Consultant Services

The Division of Procurement and Contracts (DPAC) provides support to 12 Caltrans districts and 29 divisions/programs in providing the following acquisition services: 1) procurement of commodities and equipment; and 2) contracting for commercial, consulting, Architectural and Engineering (A&E) and public works services under $291,000. Caltrans has some delegation in the area of procurement and contracting and has implemented bidding processes to ensure compliance with the nondiscrimination requirements of Title VI.

DPAC's contract boilerplate language includes Title VI assurances, such as compliance with regulations, nondiscrimination, and sanctions for noncompliance; as well as pertinent nondiscrimination authorities that encompass Title VI of the Civil Rights Act of 1964 and related statutes. DPAC solicitation documents include language for standard Title VI and nondiscrimination assurances, which references Title VI of the Civil Rights Act of 1964 and its regulations, as well.

The boilerplate and solicitation language is intended to be used by Contract Managers to oversee and ensure that nondiscrimination provisions are adhered to. In order to support compliance with this effort, Caltrans requires Contract Managers to complete a mandatory only training module before managing any contract, and annually thereafter.

DPAC publishes and distributes a brochure entitled, *Doing Business With Caltrans: Selling Goods & Services* to educate and acquaint the business community in doing business with Caltrans. The brochure is available in print and electronic formats to provide information on how the Caltrans does business in the areas of: 1) procuring commodities and equipment; and 2) contracting for services, including A&E.

DPAC staff participate in community outreach forums at the request of community and local agencies, as well as Caltrans internal programs. These forums are designed to educate the business community on how to do business with Caltrans. DPAC staff participate in five to ten sessions per year, including forums hosted by Caltrans' OBEO and California Department of General Services' (DGS) Office of Small Business and Disabled Veteran Business Enterprise Services. DPAC demonstrates its commitment to community outreach by participating in a simplified Small Business (SB)/Disabled Veteran Business Enterprise (DVBE) quote process, SB Outreach events, and Caltrans' Statewide SB Council Construction and Commodities Committee meetings and events.

Additionally, DPAC's A&E Office participates in outreach events for the Caltrans Calmentor Program. The program is a partnership between Caltrans and the private consulting industry to promote and increase the participation of certified SBs, Disadvantaged Business Enterprises, and DVBEs on Caltrans professional A&E contracts.

DPAC staff are required to complete Title VI training every two years in order to support compliance with the Title VI program requirements in their day-to-date activities.

Review of State Directives

Development and issuance of Title VI policy, procedures, directives, and policy interpretations, are major functions of Caltrans. Director Policies and Deputy Directives are reviewed for comments statewide through Caltrans DOTS system for Directorate Review prior to distribution. Additionally, by conducting Title VI compliance reviews, Caltrans ensure Title VI requirements are included in program directives and that procedures used have built-in safeguards to prevent discrimination.

The following table is a reference source of Caltrans Title VI compliance guidance documents and operational manuals, for carrying out Caltrans Title VI Program.

Manual/Guidance Document	Authored by Unit	Last Updated
Title VI Program Plan Update	OBEO, Title VI Program http://www.dot.ca.gov/hq/bep/title_vi/documents/Title6PgmPlan.pdf	October 2015
Title VI Program Guidelines	OBEO, Title VI Program http://www.dot.ca.gov/hq/bep/title_vi/accessible/t6_acc_guidelines_toc.htm	June 2002
Caltrans & You -Your Rights Under Title VI and Related Statutes	OBEO, Policy and Reports Branch http://www.dot.ca.gov/hq/bep/title_vi/documents/Title_VI_1213_crop2.pdf	December 2013
Local Assistance Procedures Manual	Division of Local Assistance http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm	July 2015
Title VI Program Requirements for Local Public Agencies	Division of Local Assistance http://www.dot.ca.gov/localassistance/	March 2016
Construction Manual	Construction Program http://www.dot.ca.gov/hq/construc/constmanual/	September 2014
DBE Program Plan	OBEO http://www.dot.ca.gov/hq/bep/documents/dbe/2007_DBE_Program_Plan.pdf	October 2007
Caltrans Connect: Quick Reference Information Guide for Contractors	DPAC http://www.dot.ca.gov/hq/dpac/doc/quick_ref_for_contractors.pdf	August 2014
Doing Business With Caltrans: Selling Goods & Services	DPAC http://www.dot.ca.gov/hq/dpac/doc/goodserv.pdf	April 2011
Contract Manager's Handbook, Condensed version issued	DPAC http://dpac.onramp.dot.ca.gov/downloads/dpac/files/handbook.pdf	March 2007
Environmental Handbook, Volume 1 "General-Topics Chapters Overview"	Division of Environmental Analysis http://www.dot.ca.gov/ser/vol1/vol1.htm	November 2014
Environmental Handbook, Volume 4, "Community Impacts Assessment"	Division of Environmental Analysis http://www.dot.ca.gov/ser/vol4/vol4.htm	February 2012
Project Development Procedure	Division of Design http://www.dot.ca.gov/hq /oppd/pdpm/pdpm-chg.htm	January 2015
Project Development Workflow Task	Division of Design http://www.dot.ca.gov/hq/oppd/pdwt/part5.htm	October 2004
Right of Way Manual	Division of Right of Way http://www.dot.ca.gov/ hq/row/rowman/manual/index.htm	September 2015

AUTHORITIES

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000, provides in section 601 that: "(N)o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (Proscribes discrimination in impacts, services, and benefits of, access to, participation in, and treatment under federal-aid recipients' programs or activities.)

SECTION 324 FEDERAL-AID HIGHWAY ACT 1973

23 U.S.C. 324, provides that: "(N)o person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title." (Prohibits discrimination on the basis of sex.)

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790, provides that: "(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance." (Prohibits discrimination based on physical or mental handicap.)

TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

42 U.S.C. 12131, et seq., provides: No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or local government.

AGE DISCRIMINATION ACT OF 1975

The Age Discrimination Act of 1975, 42 U.S.C. 6101, provides that: "(N)o person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (Prohibits discrimination based on age.)

CIVIL RIGHTS RESTORATION ACT OF 1987

The Civil Rights Restoration Act of 1987, P.L. 100-209, provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (The act restores the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs

and activities of federal-aid recipients, sub-recipients, and contractors, whether such programs and activities are federally-assisted or not.)

EXECUTIVE ORDER 12898

Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (as amended).

EXECUTIVE ORDER 13166

Executive Order 13166-Improving Access to Services for Persons With Limited English Proficiency, August 2000. This Executive Order (EO) is directed at implementing the protection of national origin discrimination. The EO directs federal agencies, recipients, and sub-recipients of federal financial assistance to examine services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide services so LEP persons have meaningful access to them.

DEFINITIONS

[As used in Title 23 of the Code of Federal Regulations, Highways, Part 200.5]

Beneficiary-Any person or group of persons (other than states) entitled to receive benefits, directly or indirectly, from any federally-assisted program; for example, relocatees, impacted citizens, communities, etc.

Compliance-That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

Discrimination-That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the FHWA under title 23 U.S.C.

Federal Assistance-Includes: Grants and loans of federal funds; the grant or donation of federal property and interests in property, the detail of federal personnel, the sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient and any federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Noncompliance-A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

Persons-Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin,"

"Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used where appropriate on either a national or a regional basis.

Program-Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Public Involvement/Citizen Participation-An open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Recipient-Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term *recipient* does not include any ultimate beneficiary under any such program.

Secretary-The Secretary of Transportation as set forth in 49 CFR 21.17(g)(3) or the federal highway Administrator to whom the Secretary has delegated his authority in specific cases.

Title VI Program-The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other federal related nondiscrimination statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, disability, or age in programs receiving federal financial assistance.

APPENDICES

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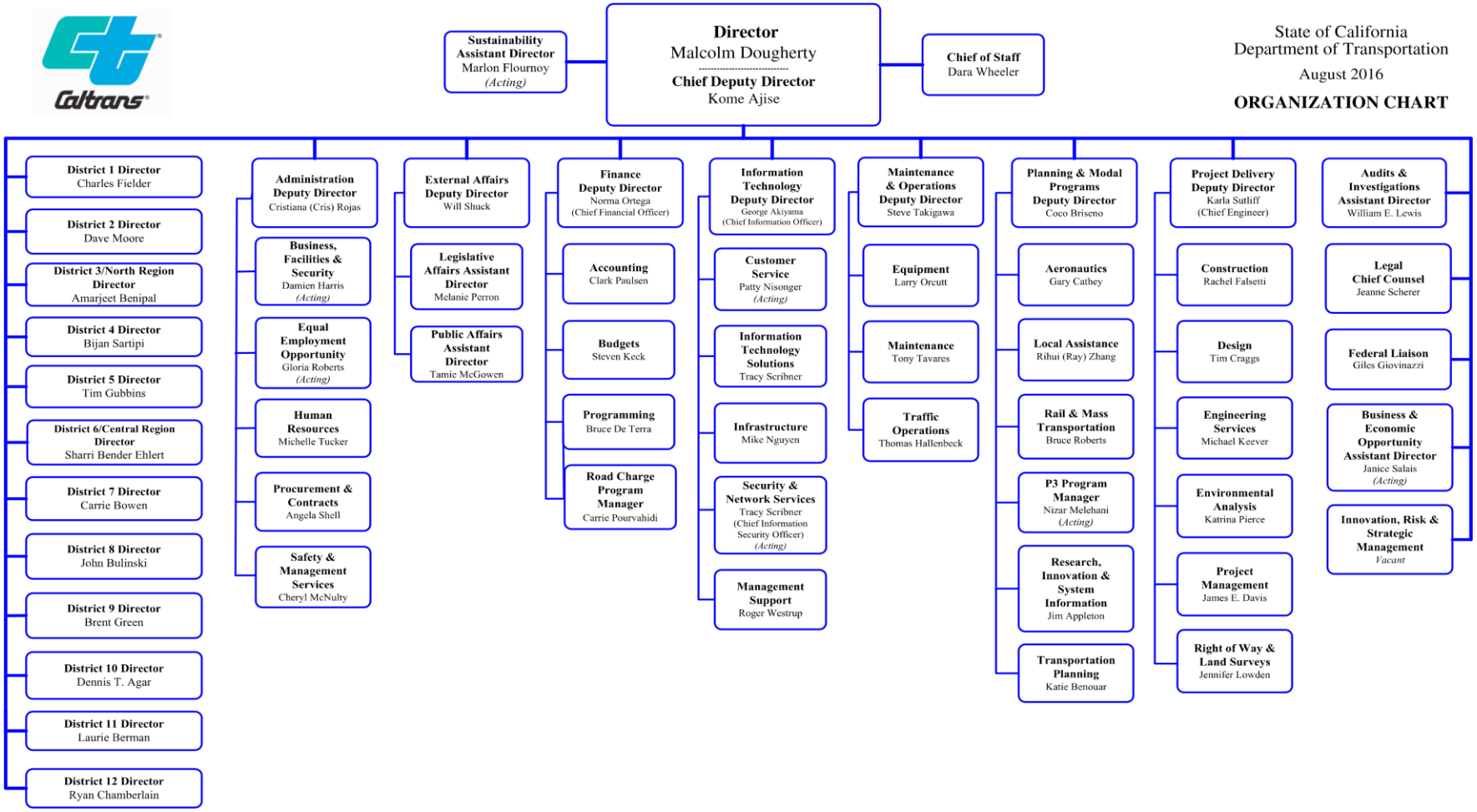
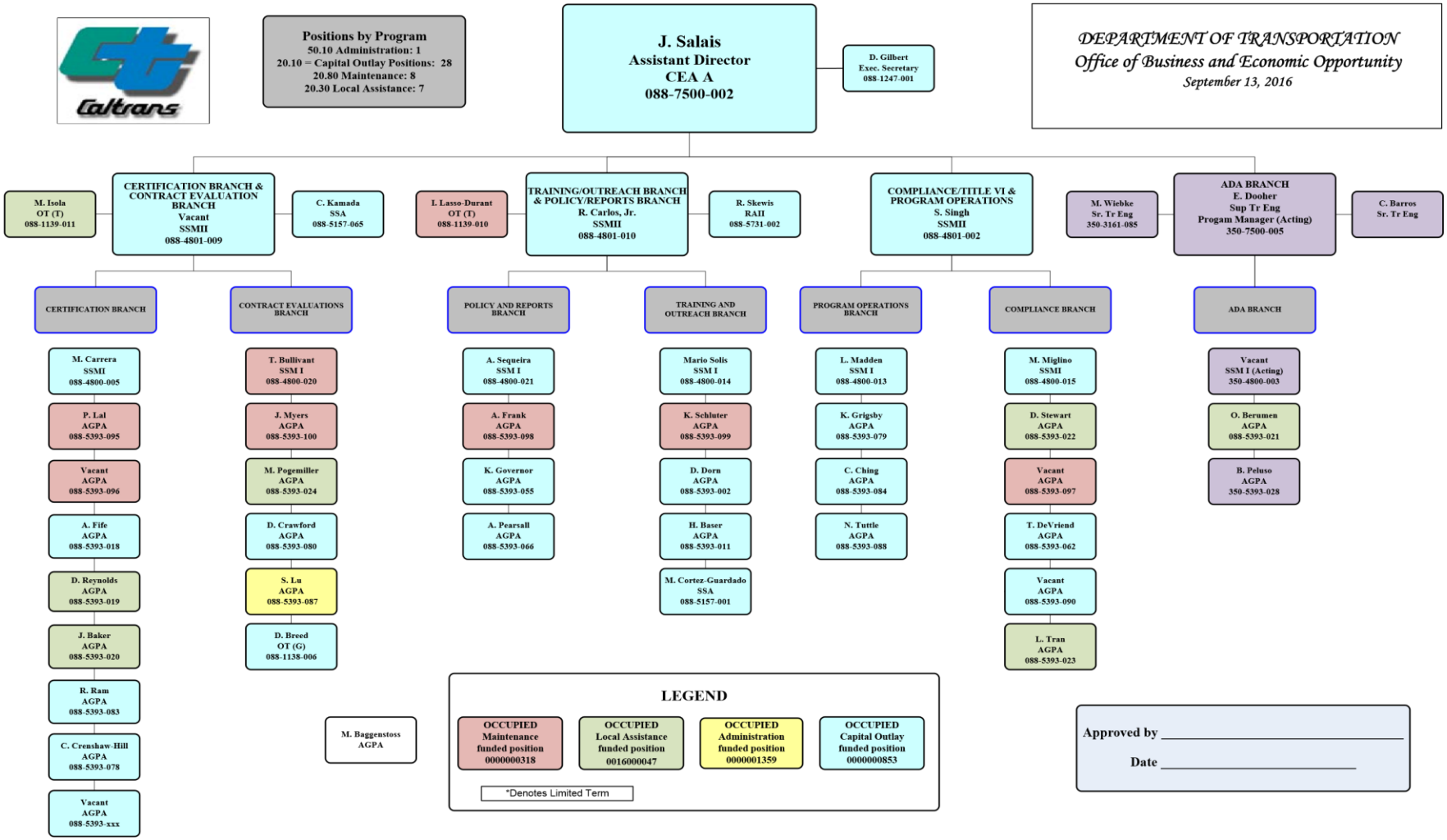
Appendix A


State of California
Department of Transportation
August 2016
ORGANIZATION CHART
Director
Malcolm Dougherty
Chief Deputy Director
Kome Ajise
Sustainability Assistant Director
Marlon Flournoy
(Acting)
Chief of Staff
Dara Wheeler
District 1 Director
Charles Fielder
District 2 Director
Dave Moore
District 3/North Region Director
Amarjeet Benipal
District 4 Director
Bijan Sartipi
District 5 Director
Tim Gubbins
District 6/Central Region Director
Sharri Bender Ehlert
District 7 Director
Carrie Bowen
District 8 Director
John Bulinski
District 9 Director
Brent Green
District 10 Director
Dennis T. Agar
District 11 Director
Laurie Berman
District 12 Director
Ryan Chamberlain
Administration Deputy Director
Cristiana (Cris) Rojas
Business, Facilities & Security
Damien Harris
(Acting)
Equal Employment Opportunity
Gloria Roberts
(Acting)
Human Resources
Michelle Tucker
Procurement & Contracts
Angela Shell
Safety & Management Services
Cheryl McNulty
External Affairs Deputy Director
Will Shuck
Legislative Affairs Assistant Director
Melanie Perron
Public Affairs Assistant Director
Tamie McGowen
Finance Deputy Director
Norma Ortega
(Chief Financial Officer)
Accounting
Clark Paulsen
Budgets
Steven Keck
Programming
Bruce De Terra
Road Charge Program Manager
Carrie Pourvahidi
Information Technology Deputy Director
George Akiyama
(Chief Information Officer)
Customer Service
Patty Nisonger
(Acting)
Information Technology Solutions
Tracy Scribner
Infrastructure
Mike Nguyen
Security & Network Services
Tracy Scribner
(Chief Information Security Officer)
(Acting)
Management Support
Roger Westrup
Maintenance & Operations Deputy Director
Steve Takigawa
Equipment
Larry Orcutt
Maintenance
Tony Tavares
Traffic Operations
Thomas Hallenbeck
Planning & Modal Programs Deputy Director
Coco Briseno
Aeronautics
Gary Cathey
Local Assistance
Rihui (Ray) Zhang
Rail & Mass Transportation
Bruce Roberts
P3 Program Manager
Nizar Melehani
(Acting)
Research, Innovation & System Information
Jim Appleton
Transportation Planning
Katie Benouar
Project Delivery Deputy Director
Karla Sutliff
(Chief Engineer)
Construction
Rachel Falsetti
Design
Tim Craggs
Engineering Services
Michael Keever
Environmental Analysis
Katrina Pierce
Project Management
James E. Davis
Right of Way & Land Surveys
Jennifer Lowden
Audits & Investigations Assistant Director
William E. Lewis
Legal Chief Counsel
Jeanne Scherer
Federal Liaison
Giles Giovinazzi
Business & Economic Opportunity Assistant Director
Janice Salais
(Acting)
Innovation, Risk & Strategic Management
Vacant

Appendix A-1


Caltrans
Positions by Program
50.10 Administration: 1
20.10 = Capital Outlay Positions: 28
20.80 Maintenance: 8
20.30 Local Assistance: 7
J. Salais
Assistant Director
CEA A
088-7500-002
D. Gilbert
Exec. Secretary
088-1247-001
DEPARTMENT OF TRANSPORTATION
Office of Business and Economic Opportunity
September 13, 2016
M. Isola
OT (T)
088-1139-011
CERTIFICATION BRANCH & CONTRACT EVALUATION BRANCH
Vacant
SSMII
088-4801-009
C. Kamada
SSA
088-5157-065
I. Lasso-Durant
OT (T)
088-1139-010
TRAINING/OUTREACH BRANCH & POLICY/REPORTS BRANCH
R. Carlos, Jr.
SSMII
088-4801-010
R. Skewis
RAII
088-5731-002
COMPLIANCE/TITLE VI & PROGRAM OPERATIONS
S. Singh
SSMII
088-4801-002
M. Wiebke
Sr. Tr Eng
350-3161-085
ADA BRANCH
E. Dooher
Sup Tr Eng
Progam Manager (Acting)
350-7500-005
C. Barros
Sr. Tr Eng
CERTIFICATION BRANCH
M. Carrera
SSMI
088-4800-005
P. Lal
AGPA
088-5393-095
Vacant
AGPA
088-5393-096
A. Fife
AGPA
088-5393-018
D. Reynolds
AGPA
088-5393-019
J. Baker
AGPA
088-5393-020
R. Ram
AGPA
088-5393-083
C. Crenshaw-Hill
AGPA
088-5393-078
Vacant
AGPA
088-5393-xxx
CONTRACT EVALUATIONS BRANCH
T. Bullivant
SSM I
088-4800-020
J. Myers
AGPA
088-5393-100
M. Pogemiller
AGPA
088-5393-024
D. Crawford
AGPA
088-5393-080
S. Lu
AGPA
088-5393-087
D. Breed
OT (G)
088-1138-006
M. Baggenstoss
AGPA
POLICY AND REPORTS BRANCH
A. Sequeira
SSM I
088-4800-021
A. Frank
AGPA
088-5393-098
K. Governor
AGPA
088-5393-055
A. Pearsall
AGPA
088-5393-066
TRAINING AND OUTREACH BRANCH
Mario Solis
SSM I
088-4800-014
K. Schluter
AGPA
088-5393-099
D. Dorn
AGPA
088-5393-002
H. Baser
AGPA
088-5393-011
M. Cortez-Guardado
SSA
088-5157-001
PROGRAM OPERATIONS BRANCH
L. Madden
SSM I
088-4800-013
K. Grigsby
AGPA
088-5393-079
C. Ching
AGPA
088-5393-084
N. Tuttle
AGPA
088-5393-088
COMPLIANCE BRANCH
M. Miglino
SSMI
088-4800-015
D. Stewart
AGPA
088-5393-022
Vacant
AGPA
088-5393-097
T. DeVriend
AGPA
088-5393-062
Vacant
AGPA
088-5393-090
L. Tran
AGPA
088-5393-023
ADA BRANCH
Vacant
SSM I (Acting)
350-4800-003
O. Berumen
AGPA
088-5393-021
B. Peluso
AGPA
350-5393-028
LEGEND
OCCUPIED
Maintenance
funded position
0000000318
OCCUPIED
Local Assistance
funded position
0016000047
OCCUPIED
Administration
funded position
0000001359
OCCUPIED
Capital Outlay
funded position
0000000853
*Denotes Limited Term
Approved by
Date

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The California Department of Transportation (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), 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 *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. § 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.

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 all programs or activities for which the Recipient receives Federal financial assistance:

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 programs or activities for which the Recipient receives Federal financial assistance, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

   "*The California 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 insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full 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 Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing DOT'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 DOT. You must keep records, reports, and submit the material for review upon request to DOT, 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 Recipient 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 all programs or activities receiving Federal financial assistance. This ASSURANCE is binding on California, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in all programs or activities receiving Federal financial assistance. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

California Department of Transportation
(Name of Recipient)

by _____
(Signature of Authorized Official)

DATED Oct. 1, 2014

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, 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:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, age, sex, or disability 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 Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR 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, national origin, age, sex, or disability.

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 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, 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 may determine to be appropriate, including, but not limited to:

    1. withholding payments to the contractor under the contract until the contractor complies; and/or
    2. 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 may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or 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 California Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23 U.S.C, the regulations for the administration of the preceding statute, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by 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 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 to 2000d-4), does hereby remise, release, quitclaim and convey unto the California 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 the California 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 California Department of Transportation, its successors and assigns.

The California Department of Transportation, in consideration of the conveyance of said lands and interest 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 California Department of Transportation will use the lands and interests in lands and interest 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 California 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, the California 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 California 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 California 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 the California 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 or, 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 of the above Non-discrimination covenants, the California Department of Transportation will have the right to terminate the (license, permits, 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, the California Department of Transportation will there upon revert to and vest in and become the absolute property of the California 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 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 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 prohibit discrimination of 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 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 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*).

Notice to Public

NOTICE TO PUBLIC

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. Following is a sample public notice used by the California Department of Transportation (Caltrans).

This hereby gives public notice that it is the policy of Caltrans to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related nondiscrimination statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities.

Any person who believes he or she has been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. Any such complaint must be filed in writing or in person with California Department of Transportation, Office of Business and Economic Opportunity, 1823 14th Street, MS 79, Sacramento, CA 95811, within one hundred-eighty (180) days following the date of the alleged discriminatory action.

Caltrans Title VI
Discrimination Complaint Process

Title VI of the Civil Rights Act of 1964 and related statutes (Title VI) are federal laws that prohibits the California Department of Transportation (Caltrans) from discriminating against any person who seeks service or is denied benefits or participation in all of Caltrans' programs or activities on the basis of race, color, national origin, sex, age, or disability. These laws also applies to subrecipients such as contractors, subcontractors, consultants, universities, cities, counties, receiving federal funds through Caltrans.

Caltrans is also required to implement measures to ensure that persons with limited English proficiency (LEP) and persons with disabilities have meaningful access to the services, benefits, and information of all its programs and activities under Executive Order 13166 and the Americans with Disabilities Act of 1990 respectively.

Why file a Title VI complaint?
Filing a Title VI complaint ensures Caltrans and its subrecipients complies with the nondiscrimination laws and most importantly, members of the public are protected under such laws.

Who can file a Title VI complaint?
A complaint may be filed by any individual, group of individuals, or entity that believes they have been subjected to discrimination or retaliation based on their race, color, national origin, age, sex or disability. The complaint must be filed no later than 180 calendar days from the most recent date of the alleged act of discrimination unless the time for filing is extended.

Assistance will be provided to LEP individuals as well as to individuals with disabilities free of charge. Complaints may be filed using alternative formats such as computer disk, audiotape or in Braille. For TTY customers, dial 711 to reach the California Relay Service. Complainants will be asked to give the telephone number they are calling.

How to file a Title VI complaint?
Complainants may file a complaint with the District Equal Employment Opportunity (EEO) Office or the Title VI Coordinator, Office of Business and Economic Opportunity (OBEO) listed below. Title VI complaints are forwarded to the Title VI Coordinator, located in Sacramento for investigation.

Complainants have the option to file their complaint in any form (letter, complaint form, etc.). Complaints must include the complainant's name, address, and phone number and be detailed to specify all issues and circumstances of the alleged discrimination. All complaints, however, must be submitted in writing and signed by the complainant or their representative. Complainants also have the right to file complaints with federal agencies that provide federal financial assistance to Caltrans or to seek private counsel. For more information or to download the complaint form, visit OBEO's Web site http://www.dot.ca.gov/obeo/.

Caltrans will ensure that all complaints of discrimination are promptly investigated by trained compliance investigators. The Title VI Coordinator, OBEO, reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction. The complainant is provided written acknowledgement within five days of receiving the complaint by registered mail. If the complaint is determined to be jurisdictional, then OBEO will contact the complainant to conduct an immediate clarification interview. Every effort will be made to obtain early resolution of complaints at the lowest level possible.

Caltrans and its subrecipients, consultants, and contractors, irrespective of tier, are prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI, the Restoration Act of 1987 and other nondiscrimination authorities.

Reporting Requirements

A copy of the complaint, together with a copy of the report of investigation, is forwarded to the Federal Highway Administration, or other appropriate federal agency within 60 calendar days of receipt of the complaint in a letter signed by the Title VI Coordinator. If the complaint is against Caltrans, FHWA or other appropriate federal agency (e.g., FTA/FAA) is notified of the complaint disposition.

District 1 **EEO Office** 1656 Union Street Eureka, CA 95501 (707) 445-5318	**District 2** **EEO Office** 1657 Riverside Drive Redding, CA 96001 (530) 225-3055	**District 3** **EEO Office** 703 B Street Marysville, CA 95901 (530) 741-7130
District 4 **EEO Office** P.O. Box 23660, MS 6A Oakland, CA 94623 (510) 286-5871	**District 5** **EEO Office** 50 Higuera Street San Luis Obispo, CA 93401 (805) 549-3037	**District 6** **EEO Office** 1352 West Olive Avenue Fresno, CA 93728 (559) 444-2522
District 7 **EEO Office** 100 S. Main Street Los Angeles, CA 90012 (213) 897-8244	**District 8** **EEO Office** 464 West 4th Street, MS 1249 San Bernardino, CA 92401 (909) 383-4229	**District 9** **EEO Office** 500 S. Main Street Bishop, CA 93514 (760) 872-0752
District 10 **EEO Office** 1976 East Dr. Martin Luther King Jr. Blvd. Stockton, CA 95205 (209) 948-3911	**District 11** **EEO Office** 4050 Taylor Street, MS 251 San Diego, CA 92110 (619) 688-4249	**District 12** **EEO Office** 3347 Michelson Drive, Suite 100 Irvine, CA 92612 (949) 724-2332
Caltrans Office of Business and Economic Opportunity 1823 14th Street, MS 79 Sacramento, CA 95811 (916) 324-8379 TTY: 711 Email: Title.VI@dot.ca.gov		