



U.S. Department
Of Transportation
**Federal Transit
Administration**

REGION IV
Alabama, Florida,
Georgia,
Kentucky, Mississippi,
North Carolina, Puerto
Rico, South Carolina,
Tennessee, Virgin Islands

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October 20, 2016

Jamie Cochran, FAICP
Transit Program Manager
Georgia Department of Transportation
Aviation - Rail - Transit - Waterways
600 West Peachtree Street, NW
9th Floor
Atlanta, GA 30308

Re: Title VI Program Concurrence - Georgia Department of Transportation, Recipient ID 1002

Dear Ms. Cochran:

Thank you for submitting a Title VI program for Georgia Department of Transportation as required by the Federal Transit Administration (FTA) Circular 4702.1B. Your program is for the triennial period of **June 1, 2016 to May 31, 2019**. Upon review, we have determined that your program satisfies the Title VI program requirements.

Thank you for your ongoing cooperation meeting all of the FTA civil rights program requirements. At this time, we are concurring with your program with the understanding the areas identified and addressed in the Voluntary Compliance Agreement will be incorporated in your plan on or before **November 30, 2016**, and a final, updated and complete Title VI program will be submitted to FTA by that date.

Please note that FTA concurrence with your program does not relieve you from the obligation to implement Title VI requirements per the guidance issued in the Circular. Your next triennial Title VI program update is due to FTA on **June 1, 2019**. Please submit a Title VI program to the Title VI program page of FTA's TrAMS system by that date. A copy of this letter will be attached to your Recipient Profile for your reference.

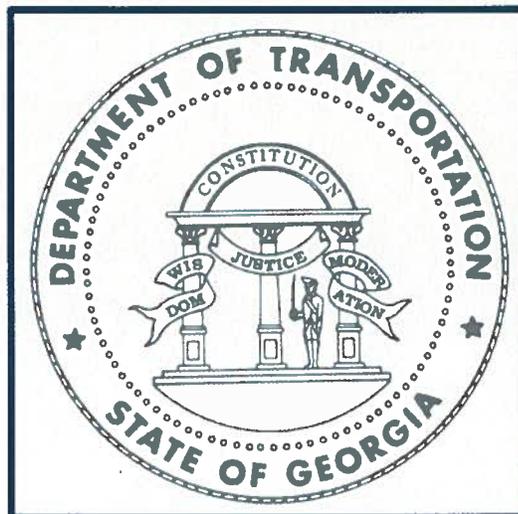
FTA is committed to providing technical assistance to help correct your program. Please check our website at http://www.fta.dot.gov/civil_rights.html for resources and training opportunities. If you have any questions or would like to discuss these areas in more detail, please do not hesitate to contact me directly at (404) 404-865-5633 or at doretha.foster@dot.gov.

Sincerely,

Dee Foster, Acting Civil Rights Officer
FTA Region IV

cc: Yvette G. Taylor, Ph.D, Regional Administrator, TRO-IV (Electronic)
Monica McCallum, FTA Civil Rights Regional Division Chief (Electronic)

GEORGIA DEPARTMENT OF TRANSPORTATION



FEDERAL TRANSIT ADMINISTRATION (FTA) TITLE VI/ENVIRONMENTAL JUSTICE PROGRAM Title VI Program

Georgia Department of Transportation Intermodal Division Transit Program
600 West Peachtree Street, NW, Atlanta, GA 30308

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FTA Circular 4702.1B Introduction & Background

Georgia Department of Transportation (herein after referred to as GDOT or the Department) is aware of its responsibilities pursuant to the Federal Transit Administration Circular 4702.1B and follows the Guidance And Instructions provided therein necessary to carry out the U.S.

Department of Transportation's ("DOT" OR THE "DEPARTMENT") Title VI Regulations (49 CFR PART 21). The regulations have been integrated into the programs and activities as expressed in the department's **Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005).** It adheres to the definitions of terms that appear in the circular.

Georgia DOT understands the objectives of this circular, its regulatory and the underlying policy basis for the guidance provided in each chapter. In addition, information in this Plan reflects all applicants, subrecipients, recipients, Georgia DOT as an administering agency, and Metropolitan Planning Organizations. Further guidance is available on the FTA website in the Title VI page of the Civil Rights Section, <http://www.fta.dot.gov/civilrights/12879.html>. Here you will find information on filing complaints, complementary paratransit, insuring equity in fares and schedule changes, links to other federal agencies and groups related to this issue, and links to the various regulations affecting this requirement.

FTA Circular 4702.1B Program Overview

Georgia Department of Transportation Statewide Environmental Justice Mission Statement: Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, sex or national origin. The Georgia DOT is committed to implementing environmental justice principles and procedures that will improve all levels of transportation decision making. The purpose of the Georgia DOT Environmental Justice program is to meet requirements of the Federal Transit Administration (FTA) Title VI Program as described in Circular 4702.1B. The goal of the Department is to ensure that environmental justice is integrated into every transportation decision from the idea for a transportation plan to post-construction, operations and maintenance.

Georgia DOT proposes to provide human and financial resources to ensure that:

- Better transportation decisions are made that will meet the needs of all people;
- Transportation facility designs will fit more harmoniously into communities;
- The public-involvement process is enhanced to strengthen community-based partnerships, and provide minority and low-income populations with more opportunities to learn about and improve the quality and usefulness of transportation in their lives;
- Data collecting, monitoring, and analysis tools that assess the needs of, and the potential impacts on minority and low-income populations are improved;

- Other public and private programs are invited to partner with Georgia DOT in order to leverage transportation-agency resources and to achieve a common vision for communities;
- Disproportionately high and adverse impacts on minority and low-income population will be avoided, and;
- Unavoidable impacts will be minimized and/or mitigated by identifying concerns early in the planning phase and by providing offsetting initiatives and enhancement measures that will benefit affected communities and neighborhoods.

The Georgia DOT and its MPO's, as a subrecipient will follow the guidance and procedures set forth in FTA Circular 4702 1B to:

- Ensure that the level and quality of public transportation service is provided in a non-discriminatory manner;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency (LEP).

Adhere to the following Title VI principles:

a. DOT Order 5610.2, the Department's Order on Environmental Justice, establishes the procedures used by the Department to comply with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994. This Order establishes procedures for the Department of Transportation to use in complying with EO 12898.

b. The Department's Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.

c. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that the recipient agrees to comply, and assures the compliance of each subrecipients, lessee, third-party contractor, or other participant at any tier of the Project, with the provisions prohibiting discrimination on the basis of race, color, creed, national

origin of the Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000d et seq., and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act." 49 CFR part 21. Except to the extent that FTA states otherwise in writing, all recipients shall comply with all applicable Federal directives, of the current FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients, and any other applicable Federal directives that may be issued.

- 7) Adhere to the following reporting requirements included in 49 CFR Section 21.9(b) which requires recipients to keep such records and retain certain information and submit information to FTA as necessary or required. Recipients of FTA funding shall fulfill this requirement by submitting a compliance report to the responsible FTA regional office every three years (or every four years in the case of metropolitan planning organizations (MPO's) that are direct recipients of FTA funds).
- 8) Adhere to the definitions as listed in Chapter I of FTA Circular 4702. 1B.

Reporting Requirements.

Georgia DOT records, retains and submits information to the FTA as required by 49 CFR Section 21.9(b). Georgia DOT shall fulfill this requirement by submitting a compliance report to the responsible FTA regional office every three years. Georgia's metropolitan planning organizations (MPO's) are direct recipients of FTA funds and report every four years. Sixteen (16) MPOs operate within Georgia:

1. Albany-Dougherty Area Regional Transportation Study (DARTS)
2. Athens-Madison Athens Clark Oconee Transportation Study(MACORTS)
3. Atlanta Regional Commission(ARC)
4. Augusta-Augusta Regional Transportation Study
5. Brunswick- Brunswick Area Transportation Study (BARTS)
6. Cartersville-Bartow County MPO
7. Chattanooga- Hamilton County/ Chattanooga Urban Area Transportation Study
8. Columbus -Phoenix City MPO
9. Dalton-Whitfield County MPO
10. Gainesville - Hall MPO
11. Hinesville Area MPO
12. Macon- Bibb MPO
13. Rome -Floyd/Rome Urban Transportation Study (FRUTS)
14. Savannah- Coastal Region MPO (CORE)
15. Valdosta-Lowndes County MPO
16. Warner Robins Area Transportation Study (WRATS)

The MPO's are charged with conducting comprehensive, coordinated planning processes to determine the transportation needs of their respective constituencies, and prioritizing and programming projects (including bicycle and pedestrian projects) for federal funding. The MPOs conduct open public meetings annually for input into the development of the Long Range Plans and Transportation Improvement Programs. MPO's consist of municipal and state officials who serve on policy, planning and/or technical committees. The committees meet on a regular basis to

establish priorities and allocate specific categories of federal transportation related funds to the area.

In addition, Georgia DOT and its sub-recipients understand the FTA's process for determining deficiencies and/or non compliance of its practices, and have reviewed and followed FTA's guidance on how to report on its Title VI programs. Georgia DOT will include an Appendix section which will contain updated program reports as required.

FTA Circular 4702.1B General Requirements and Guidelines

This Title VI Program submission describes the requirements that all FTA recipients must follow to ensure that their programs, polices and activities comply with U.S. DOT Title VI regulations.

Requirement to Provide Title Assurances

In accordance with 49 CFR Section 21.7(a) applications for financial assistance from FTA shall be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement will be fulfilled when the applicant submits its assurance as part of their annual Certification and Assurance submission to FTA. Primary recipients shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

Georgia DOT submits their annual Title VI assurances as part of their annual Certification and Assurance submission to the FTA. Current Georgia DOT Certification and Assurances shall be submitted to the FTA. Georgia DOT requires all sub-recipients to submit their Title VI assurances to them prior to passing through FTA funds. (See Appendix E)

Requirements for First Time Applicants

First-time applicants must submit a Title VI Program that is compliant with this Circular, and submit an assurance (as noted in Section 1 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years.

Georgia DOT shall submit their annual Title VI assurances as part of their annual Certification and Assurance submission to the FTA. Current Georgia DOT Certification and Assurances shall be submitted to the FTA. Georgia DOT requires all sub-recipients to submit their Title VI assurances to them prior to passing through FTA funds. Georgia DOT will not contract with any sub-recipients until they have submitted their Title VI assurance.

Should Georgia DOT establish any sub-recipients who are first time FTA applicants, they will be required to provide to Georgia DOT the previous history report as described in FTA Circular 4702 1B, Chapter III, 3.

Further descriptions of the methods by which Georgia DOT distributes funding available under FTA programs can be found in the State Management Plan, link below.

<http://gdotteams.dot.ga.gov/offices/communications/Creative/Web/Shared%20Documents/External%20Web/Intermodal/Transit/Plans/GDOT%20STATE%20MANAGEMENT%20PLAN%20-GPMM.pdf>

Requirement to Prepare and Submit a Title VI Program

In order to comply with 49 CFR Section 21.9(b) recipients are required to "keep such records and submit to the Secretary timely, complete and accurate compliance reports containing information as the Secretary may ascertain whether the recipient has complied with this rule." FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as directed by FTA.

This submittal is documentation of Georgia DOT's compliance with 49CFR Section 21.9(b). Georgia DOT submitted a 2013 copy of their Title VI Program to the FTA which was found to be in compliance. This 2016 Title VI Program Plan submittal is to ensure compliance with 49 CFR Section 21.9(b). Further, Georgia DOT will provide to the FTA's Civil Rights Officer a Title VI Program once every three years and shall include all elements as specified in FTA Circular 4702.1B Chapter III, 4.: (See Appendix A)

A copy of the Georgia DOT Title VI notice to the public that indicates compliance with Title VI, and provides information relative to the protections against discrimination. (A copy of the GDOT Title VI Notice to the Public including a list of locations is provided).

A copy of GDOT's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. (See Appendix G.)

GDOT's public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. (See Appendix XXX).

GDOT's participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. (See Appendix K)

GDOT plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance. (See Appendix I)

GDOT has an elected State Transportation Board that provides policy guidance to the Agency.

GDOT provides Title VI training, review and technical support to its all subrecipients. Subrecipients were required to submit updated Title VI Programs in FY 2016.

GDOT shall include a copy of any Title VI equity analysis conducted during the planning stage with regard to the location of a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.

GDOT will provide additional information as specified in Chapter V, of 4702.1B, Requirements for States.

Requirement to Notify Beneficiaries of Protection Under Title VI

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc.

Georgia DOT has developed a statement for the provision of information to the public regarding their Title VI obligations and to apprise members of the public of the protections against discrimination afforded to them by Title VI. The statement has been placed on the agency's website, and official bulletin boards throughout the Georgia DOT offices including the 7 districts. (See Appendix G)

Georgia DOT and its sub-recipients disseminate this information to the public through a variety of measures including through posters, comment cards, or flyers placed at stations and in transit vehicles. Each sub-recipient who has a web site shall be required to post its Title VI statement on its web site. Notices detailing Title VI obligations and complaint procedures can be translated into languages other than English, as needed and consistent with the U.S. DOT LEP Guidance.

If any individual believes that s/he or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age, or handicap, s/he may exercise their right to file a complaint with Georgia DOT. **See Appendix G** for Georgia DOT's Title VI Complaint Form and Title VI Notice to the Public. Complaints may be filed with the Public Transit Program Compliance Coordinator, or with a District Equal Employment Opportunity (EEO) Officer. Every effort will be made to resolve complaints informally at the lowest level. **(See Appendix C)**

Equal Employment Office
Georgia Department of Transportation
 One Georgia Center
 600 West Peachtree Street
 Atlanta, GA 30308

Office: 404-631 1972
Fax: 404-631 1943

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted by the Transit Program Compliance Coordinator or District EEO Officer in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant shall make him- or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

The complaint procedures apply to the beneficiaries of Georgia DOT programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants and other sub-recipients of federal and state funds. Any person who believes that s/he has been excluded from participation in, denied benefits or services of any program or activity administered by Georgia DOT or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI and Related Statutes.

Designated Georgia DOT area employees will require the sub-recipients they serve to forward any complaint of discrimination made to them about their own actions or actions of sub-grantees or contractors to their Title VI/EJ liaison.

Requirement to Develop Title VI Complaint Procedures & Complaint Form

In order to comply with 49 CFR Section 21.9(b), recipients and subrecipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. Recipients must develop a complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures developed by GDOT.

Georgia DOT has developed procedures for investigating and tracking Title VI complaints filed against it and makes the procedure for filing a complaint available to members of the public on the Department website and upon request. Georgia DOT has reviewed all subrecipient policies and ensured that Title VI Complaint Forms and Procedures are included in each policy and also published on each subrecipient's webpage. A screenshot or image of each subrecipient's Title VI Complaint Forms and procedures is kept as part of the Georgia DOT Title VI files. (See Appendix C)

Procedure for Investigations, Complaints and Lawsuits:

Georgia DOT has developed and maintains a list of active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or sub-recipients that allege discrimination on the basis of race, color, sex or national origin which includes the date of the investigation, lawsuit, or complaint filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or sub-recipient in response to the investigations.

Every effort will be made by Georgia DOT to identify and resolve deficiencies in an informal and collaborative manner. Notation of resolutions will be made part of the Title VI review reports and/or complaint investigation files. Should sanctions be required, the Transit Compliance Coordinator will document the sanctions, the noted deficiencies and the remedies required and provide those findings to the Department EEO Director.

Georgia DOT will actively pursue the prevention of Title VI/Environmental Justice deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When deficiencies are found, either through observation, Title VI reviews, or complaints, procedures will be promptly implemented by the Transit Program Compliance Coordinator and/or the Department Title VI/Environmental Justice Specialist according to the investigative plan or through technical assistance to correct the deficiencies and to put the corrective action(s) in writing.

Requirement to Record and Report Transit-Related Title VI Investigations Complaints, and Lawsuits

In order to comply with 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, sex or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date of the investigation, lawsuit, or complaint; and actions taken by the recipient in response or final findings related to, the investigations, lawsuit, or complaint.

Georgia DOT maintains a list that includes the date of the investigation, lawsuit, or complaint filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or sub-recipient in response to the investigation, lawsuit, or complaint. GDOT also maintains the list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or sub-recipients that allege discrimination on the basis of race, color, sex or national origin.

Georgia DOT has received seven (7) Title VI complaints or lawsuits including one (1) transit related complaint that was resolved from December 2009 to present.

Guidance on Promoting Inclusive Public Participation

The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities). Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. FTA has developed a Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," that includes many examples of effective strategies for engaging minority and low-income populations.

In order to integrate, into community outreach activities, considerations expressed in the DOT Order on Environmental Justice, and the DOT LEP Guidance, GDOT will seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. Our public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

To effectively integrate viewpoints of minority, low-income and LEP populations, Georgia DOT's program provides early and continuous opportunities for the public to be involved in the identification of social, economic and environmental impacts of proposed transportation decisions by incorporating the following:

1. Identify and use various outlets such as radio, television or newspapers that serve the LEP population.
2. Identify strategies for engaging minority and low-income populations in transportation decision-making relative to the public process.
3. Reduce barriers to participation from such populations.
4. Evaluate the effectiveness of the public involvement process, and amend as appropriate.
5. Evaluate public involvement in the planning process.
6. Improve performance and participation, especially with regard to low-income and minority populations.
7. Increase participation and representation of low-income and minority populations as part of this evaluation and continued consideration of their concerns.
8. Engage low-income and minority populations in the certification review public outreach efforts.
9. Document issues and concerns to determine how they reflect on the performance of the planning process in relation to Title VI requirements.
10. Ensure mechanisms are in place to allow issues and concerns raised by low-income and minority populations are appropriately considered in the decision making process.
11. Track evidence that these concerns have been appropriately considered.

To date, the Office of Planning has accomplished an over-haul to Georgia DOT's STIP Public Involvement Process by supplementing its workforce with consulting firms specializing in public involvement. This change produced a significantly enhanced public involvement process which is now consistently applied throughout the State. Title VI/Environmental Justice issues are specifically addressed in the STIP Public Involvement Process and all activities are documented in an annual STIP Public Involvement Report which is on the Office of Planning's website at: <http://www.dot.ga.gov/IS/STIP>.

Title VI/Environmental Justice issues are identified throughout this Report and the accompanying Environmental Justice Outreach Report, is also used to guide STIP development.

The Special Projects Branch of the Office of Planning typically receives calls from Environmental populations. Studies have been conducted specifically to target Environmental Justice populations. The Public Involvement Plan (PIP) effectively identifies different Environmental populations such as race, income, elderly and literacy rates. Information provided in the PIP resulted in implementing presentations which now include a PowerPoint and voice over for illiterate persons.

Public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community and if available, minority publications or media are utilized to increase public participation; and, where appropriate, written or verbal information is provided in languages other than English.

Occasionally, the Metropolitan Planning Organization (MPO) or Georgia DOT funds will require the use of different measures to sufficiently overcome linguistic, institutional, cultural, economic, historical or other barriers that may prevent minority and low-income people and populations from effectively participating in a decision-making process such as:

- Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;
- Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities;
- Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community.
- In an effort to reach out to the public to be more involved in the identification of social, economic and environmental impacts of proposed transportation decisions, Georgia DOT will work with recipients to place public notices at stations and in vehicles.

Grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) and 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service). FTA/FHWA (Federal Highway Administration) joint planning regulations (23 CFR part 450) require States and MPOs engaged in planning activities to seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems, such as minority and LEP persons, who may face challenges accessing employment and other services, as States and MPOs develop and conduct their public involvement activities.

Georgia DOT has undertaken/ implemented the following activities to provide the necessary oversight to ensure subrecipient compliance:

- ☑ The Department has added a section to its Compliance Monitoring checklist to provide oversight aimed at ensuring that Section 5307 Subrecipient's have and follow processes for obtaining public comment for fare increases and major service reductions. (A copy attached.
- ☑ The Department compiled all Section 5307 Subrecipient procedures on fare increases and major service reductions. These procedures were reviewed and found to be in compliance. These procedures are attached.
- ☑ The Department is applying existing policies pertaining to Subrecipient fare increase and major service reductions as found in the State Management Plan- 5307 Procedures Guide: pages 15 & 16. These procedures are attached.
- ☑ The Department implemented Standard Operating Procedures (SOP) to ensure that the Transit Program staff's review of public participation plans verifies that the plan satisfies the Department's public participation process for the Program of Projects.
- ☑ The Department revised the Section 5303/Planning Compliance Review Checklist to include specific language regarding the public participation process. This supporting document is referenced as Appendix A
- ☑ The Department in October 2015 notified all Metropolitan Planning Organizations (MPOs) to make applicable revisions to their public participation plans to clearly state that the plan satisfies GDOT's public participation process for the Program of Projects.
- ☑ The Department in November and December 2015 requested applicable revised public participation plans and/ a formal schedule of adoption from all MPOs.
- ☑ The Department has compiled a summary of all revised public participation plans including a schedule to receive final plan revisions. .

9. Requirement to Provide Meaningful Access to LEP Persons

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). Recipients are encouraged to review DOT's LEP guidance for additional information (70 FR 74087, Dec. 14, 2005) <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf> and the DOJ's guidelines on self-assessment, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011), as well as other materials, available at www.lep.gov. Additionally, the FTA's LEP Handbook can be accessed for further guidance.

The Georgia DOT is taking "reasonable steps" and shall observe the four factors which must be considered when assessing language needs and determining what steps should be taken to ensure access for LEP persons:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activities or service of the recipient;
- The frequency with which LEP individuals come in contact with the program;
- The nature and importance of the program, activity or service provided by the recipient to people's lives; and
- The resources available to the recipient and costs.

*Note: Georgia DOT required that each of its subrecipients submit a Title VI Plan that included the 4 factor analysis relative to assessing the needs of LEP persons.

Georgia DOT's goal is to remove barriers for LEP individuals. Our Language Implementation Plan or Limited English Proficiency Plan has been developed pursuant to the recommendations in Section VII of the DOT LEP Guidance. (See Appendix I & Appendix J for statistical data.)

Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP are not able to read instructions or correspondence written in English and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek. Therefore, Georgia DOT has taken steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for Limited English Proficiency (LEP) persons are available to personnel, transportation providers, professionals, and other sub-recipients of federal funds. The information is designed to inform each group about their diverse clientele from a linguistic, cultural and social perspective. Georgia DOT's goal is to have these individuals become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate transportation services with more knowledge and confidence.

In order to provide meaningful access to programs and facilities, the Department must identify and understand how to reach the LEP population areas in Georgia. Georgia DOT uses U.S. Census county tables to identify Georgia's LEP data. The data is used by the project managers, planners, municipalities, and consultants to aid in identifying LEP areas near projects or transit systems. Once identified, the parties organizing public involvement and information make every reasonable effort to ensure that LEP populations have timely and inclusive access to the information and processes through any of the methods that have worked in Georgia in the past or any of the methods suggested in the US DOT Federal Highway Administration Guide entitled "How to Engage Low-Literacy and Limited English Proficiency Populations in Transportation Decision-making" A link to this document can be found by accessing the FTA website at: <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/public-involvement-outreach>.

Georgia DOT's LEP outreach plan is determined on a case by case basis at the program level. Any LEP persons directly impacted or benefiting from Georgia DOT programs should

be offered translation proactively as a rule. Georgia DOT has compiled various language resources inclusive of but not limited to "I Speak Cards", utilizing Georgia DOT bi-lingual employees, brochures printed in Spanish, court reporters, translating vital documents and is considering providing the Georgia non-discriminatory policy statement in English and in Spanish and investigating using AT&T Language Line Services and/or the language line web-site. The language line web-site service is similar to the AT&T Language Line service. <http://www.language.com>

Public notices and other public information or resources are printed in languages other than English where a concentration of LEP individuals requires the need for translation. Generally, this is when more than 5% of a census area speaks primarily the same language other than English. Because of Georgia's ever growing Spanish population, Georgia DOT is expanding its resources to include more publications printed in Spanish.

All programs and services make use of the U.S. Census "I Speak" Language identification flash card to identify a language that an LEP individual can understand, and then refer the request to the Bureau of Developmental Services for a translator at public gatherings or negotiations as needed. The United States Census 2000 Language Identification Flashcards has been made available to all Title VI liaisons or may be obtained by contacting the Transit Program Compliance Coordinator. Flashcards can be found on the web via the following link: <http://www.lep.gov/ISpeakCards2004.pdf>

Other reasonable steps will depend on:

- a. The number and proportion of LEP persons potentially served by the recipient's
- b. Programs or activities and the variety of languages spoken in the recipient's service area.
- c. The frequency with which LEP individuals are affected by the program or activity.
- d. The importance of the effect of the recipient's program on LEP individuals.
- e. The resources available to the recipient and the urgency of the situation.
- f. The level of services provided to fully English proficient people.
- g. Whether LEP persons are being excluded from services or provided a lower level of services.
- h. Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.

In instances when sub-recipients serve very few LEP persons or if sub-recipients have very limited resources, Georgia DOT will provide technical assistance to help address deficiencies, to improve the program, and to bring the sub-recipient or program into compliance.

Georgia DOT uses 2010 Census data for each county to determine the LEP population served by sub-recipients.

Examples of technical assistance provided include: referring sub-recipients or programs to the LEP booklet; suggesting additional forums for public contact; sharing ideas from other successful programs; sharing the FTA Title VI PowerPoint; and explaining Title VI data resources.

Georgia DOT LEP brochure and plan along with the 2016 Title VI Program will be posted on the Georgia DOT website upon receiving concurrence from the FTA. (See Appendix)

Minority Representation on Planning and Advisory Bodies.

In order to comply with Title 49 CFR Section 21.5(b) (vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program. Recipients that have transit related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial background of the membership of those committees.

There are currently 16 MPOs in the State of Georgia: Albany, Atlanta, Athens, Augusta, Brunswick, Cartersville, Chattanooga, Columbus, Macon, Dalton, Gainesville, Hinesville, Valdosta, Rome, Savannah and Warner Robins (see Urbanized Transportation Studies at the end of this section. MPOs have similar organizational structures that consist of a Citizen Advisory Committee (CAC), Technical Coordinating Committee (TCC) and a Policy Committee (PC). Transportation plans and programs developed by the MPO must go through the CAC, TCC and PC as well as a public involvement process prior to final adoption.

The Georgia DOT does not have transit related non-elected citizen committee and advisory boards.

Providing Assistance to Subrecipients.

Title 49 CFR Section 21.9(b) states that if "a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part." See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT's Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient.

To provide assistance to its subrecipients in developing and maintaining a FTA compliant Title VI Program, the Georgia DOT created and made available to its subrecipients. A Title VI Program template which includes a sample Title VI Notice to the Public, sample complaint forms and sample procedures on how to file a complaint.

The Georgia DOT also has procedures in place for tracking and investigating Title VI complaints filed with subrecipients. All subrecipients are required to report within 30 days any Title VI complaints received and the status of any investigations.

Demographic information on race and English Proficiency of residents served by the subrecipients is provided through various methods and is available on the Georgia DOT website.

The Georgia DOT has developed a statement for the provision of information to the public through a variety of measures including through posters, comment cards, or flyers placed at stations and in transit vehicles. Each sub-recipient who has a web site is required to post its Title VI Notice to the Public on its web site. Notices detailing Title VI obligations and complaint procedures can be translated into languages other than English, as needed and consistent with the DOT LEP Guidance.

MONITORING SUBRECIPIENTS.

In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. *In order to ensure the primary and subrecipients are in compliance with Title VI requirements, the primary recipients shall undertake the following activities:*

Document to ensure that subrecipients are complying with the general reporting requirements of this circular. Collect Title VI Programs from subrecipients and review programs for compliance. Request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis.

The Georgia DOT Transit Program Compliance Coordinator is responsible for Title VI compliance of subrecipients as monitored by the Public Transportation Coordinators. The district Public Transportation Coordinators will:

1. Ensure submission of the subrecipient's annual Title VI assurances to GDOT as part of their annual Certification and Assurance Submission;
2. Monitor each subrecipient through site visits, desk audits and compliance reviews to assure that each subrecipient is in compliance with Title VI requirements. These compliance checks should be conducted annually using the Risk Assessment Forms.
3. Require subrecipients to forward a written evaluation of their program within two (2) weeks of a site visit; desk audit or compliance review to review the report is completeness and appropriateness. If it is determined that any subrecipients is in non-compliance, determine course of action to be taken such as withholding funds until corrections are made.

Additionally, Georgia DOT requires all subrecipients to submit an updated Title VI Program every 3 years.

1. Communication is sent to all subrecipients outlining the FTA Title VI requirements as provided in FTA circular 4702.1B.
2. Subrecipients are requested to provide their Title VI program plans within a certain period of time.

3. Subrecipient submissions are tracked to ensure all subrecipients submit a plan.
4. Each submission is evaluated by use of a Title VI evaluation form. The Title VI evaluation form includes all required sections as provided for within FTA Circular 4702.1B which is then signed off on by the Transit Program Compliance Coordinator and either the Rural or Urban Group Leader.
5. Verification of Title VI Notice to the Public and Complaint form and procedures published on the web is confirmed by obtaining and saving a screen shot of the subrecipient's website.
6. An Annual Self Survey is provided for all subrecipients to complete annually. (See Appendix B)
7. If a subrecipient's Title VI Program is deemed non-compliant a letter is sent outlining a corrective action plan.

Copies of complaints and final reports of desk audits or on-site audits are maintained electronically on the Georgia DOT servers.

Determination of Site or Location Facilities

Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The

recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less impact.

The GDOT follows the NEPA process to determine if any adverse impacts might result from their transportation projects. . At this time the Georgia DOT nor its subrecipients have performed a Title VI Equity Analysis for a project such as but not limited to storage facilities, maintenance facilities, operations centers, etc, as none have been constructed or developed since the submission of our 2013 title VI Program. Georgia DOT does however, anticipate the possible need for an Equity Analysis for future projects and **will coordinate with its subrecipients** to ensure that an Equity analysis is completed for any appropriate projects

Requirement to Provide Additional Information upon Request

FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

The Title VI/Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Georgia DOT's programs, activities and services as required by statute.

The purpose of the discrimination complaint procedures is to describe the process used by the Equal Employment Office, Title VI/EJ Coordinator for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

At the discretion of the FTA, information other than that required by the requirements of Title VI, complaints of discrimination may be requested in writing from a recipient to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

FTA Circular 4702.1B Requirements for States

This segment provides program-specific requirements for States to ensure that their programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations.

1. Requirement to Prepare and Submit a Title VI Program

In order to comply with 49 CFR Section 21.9(b) recipients are required to "keep such records and submit to the Secretary timely, complete and accurate compliance reports containing information as the Secretary may ascertain whether the recipient has complied with this rule." Recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial

assistance." FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as directed by FTA.

This submittal is documentation of Georgia DOT's compliance with 49CFR Section 21.9(b). Georgia DOT submitted a 2013 copy of their Title VI programs to the FTA which was found to be in compliance. This 2016 Title VI Program Plan submittal is to ensure continued compliance with 49CFR Section 21.9(b). Further, Georgia DOT will provide to the FTA's Civil Rights officer a Title VI Program once every three years and shall include the following:

- a. All general requirements set out in Chapter III of this Circular;
- b. All requirements for transit providers set out in Chapter IV of this Circular if the State is a provider of fixed route public transportation services;
- c. A demographic profile of the State that includes identification of the locations of minority populations in the aggregate;
- d. Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient;
- e. An analysis of impacts identified in paragraph d that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
- f. A description of the statewide transportation planning process that identifies the transportation needs of minority populations;
- g. A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner; and
- h. A description of the procedures the State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

The Georgia Department of Transportation has met these requirement found in Appendix A- G.

2. Planning

In order to comply with 49 U.S.C Section 5303, all States are responsible for conducting planning activities that comply with 49 U.S.C Section 5303, Statewide Transportation Planning, as well as subpart B of 23 CFR part 450. Since States "pass through" planning funds to the MPO, the State as primary recipient is responsible for collecting Title VI programs from MPOs on a schedule to be determined by the State. Collection and storage of subrecipients Title VI Programs may be electronic at the option of the State. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipients.

Self-certification of compliance with all applicable Federal requirements is required of all States, which is reviewed by FTA and the Federal Highway Administration (FHWA). The self-certification and joint FTA/FHWA "Finding" includes a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review State-developed documentation to determine whether States have:

- a. Analyzed regional demographic data to identify minority populations within the non-urbanized areas of the State.
- b. Where necessary, provided local service providers and agencies with data to assist them in identifying minority populations in their service area.
- c. Ensured that members of minority communities are provided with full opportunities to engage in the Statewide Transportation Planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
- d. Monitored the activities of subrecipients with regard to Title VI compliance, where the State passes funds through to subrecipients.

Georgia DOT has in place a variety of analytic tools that will assist in integrating into its statewide planning activities all considerations expressed in the DOT Order on Environmental Justice, for certifying their compliance with Title VI.

The Georgia DOT in cooperation with the FTA and the state's public transit agencies work together to develop service programs and facility improvements to meet the state's public transportation needs.

The Planning Office of Georgia DOT conducts transportation studies which include the development of a public involvement plan. Each study specific, public involvement plan identifies, develops and addresses methods to engage EJ/Title VI communities.

On special studies, Georgia DOT's Office of Planning works with churches and other outreach groups to distribute information and uses reasonable means to make certain that all meetings are advertised in EJ targeted populations. In addition, every effort is made to approach and speak to EJ stakeholders during each public hearing meeting.

Georgia DOT Planners are assigned to each MPO. Planners must ensure that their respective MPO effectively employs methods that optimize reaching out to Title VI/EJ communities.

Additionally, local governments, as subrecipients of FTA funding, work in concert with Georgia DOT's Planning Office and MPOs to ensure that effective Title VI/EJ methods are employed. For instance, Georgia DOT's Job Access and Reverse Commuter Program evolved from a coordinated plan developed locally among public transit, human services providers. The purpose of the program is to provide services to local governments, nonprofit organizations and designated recipients of FTA funding for the development of transportation services that will effectively:

- 1) Connect welfare recipients and low income persons to employment and support services;
- 2) Provide elderly and persons with disabilities access; and
- 3) Provide access for people in non-urbanized areas with access to healthcare, shopping, education, employment, public services and recreation.

Resources used by Georgia DOT for identifying Title VI/EJ Populations include, but are not limited to the following:

- Demographic profiles of Georgia which identifies the locations of socioeconomic groups, including low-income and minority populations covered by the Executive Order on Environmental Justice and Title VI. (See Appendix I)
- A statewide transportation planning process that identifies the needs of low-income and minority populations. (See Appendix J)
- 23 CFR 450.218 requires the State DOT (in conjunction with submitting a STIP for approval by FHWA and FTA) to certify to FHWA and FTA that the transportation planning process is conducted in accordance with several sections of federal law, including Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1) and 49 CFR part 21. This certification is reviewed, signed and included each time a new STIP is developed. (See Appendix H for a copy of the FY 15-18 STIP certification.) Prior to finalization of the STIP, the Office of Planning develops the annual "Title VI Annual Accomplishments and Upcoming Goals Report." This report documents the office's compliance with Title VI over the course of the previous fiscal year, in all aspects of transportation planning. This report includes information on how the office ensures Title VI compliance, and incorporates the concept of environmental justice into the transportation planning process. The documentation included in this report and recommendations provided by the State Transportation Planning Administrator and Assistant State Transportation Planning Administrators, forms the basis on which the Director of Planning signs the "Statewide Transportation Planning Process Certification."

Georgia DOT realizes that it is important to not only determine which populations are above the EJ thresholds but also the degree to which they are above the threshold. This is important because the implications for public outreach are different, for example, between a Hispanic population constituting 1.90%-2.29% of a census tract (slightly above the EJ threshold, but the closets) and one constituting 3.98%-15.25% of a census tract (much higher than the EJ threshold. As such, in addition to merely determining the EJ status of a population, each is placed in one of four classes, denoted Class I, Class II, Class III, or Class IV. A Class I population is calculated as being the value closest to the EJ threshold, while a Class IV population is much higher. (See Appendix J)

3. Program Administration

In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, States shall document that they pass through FTA funds under the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program, the Formula Grants for Rural Areas (Section 5311) program, and any other FTA funds, to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

States shall prepare and maintain, but not report unless requested by FTA, the following information:

- a. *A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly*
- b. *Minority populations. The record shall also indicate which applications were rejected and accepted for funding.*
- c. *A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.*
- d. *A description of the agency's criteria for selecting entities to participate in an FTA grant program.*

When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a State, the subrecipients/direct recipient reports directly to FTA and the State as designated recipient is not responsible for monitoring compliance of that subrecipients/direct recipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the State as designated recipient of this oversight responsibility.

GDOT requires all applicants for FTA funding to maintain and provide certain Title VI information. The required information is provided in Sections III, V, and VI of this submission. Updated information will be provided to Georgia DOT as conditions warrant.

Georgia DOT, as a recipient of Section 5311 and Section 5307 funding, has assigned Program Administrative functions to the Office of Intermodal Programs. This Department functions as a conduit for FTA funds and financial programming. The **Transit Section** provides transit capital and operating assistance to 7 urban and 120 rural public transportation programs in the state with populations of less than 200,000 people. Georgia DOT also provides transit planning assistance to all 15 Metropolitan Planning Organizations in Georgia.

The Office of Intermodal Programs is responsible for ensuring that FTA funds are allocated in a fair and equitable manner by proactively identifying disproportionately high and adverse human health or environmental consequences attributed to all Georgia DOT's programs, policies, and activities and their impact on minority populations and low-income populations.

Additionally, the Office of Intermodal Programs ensures -that the precepts of Title VI shall preclude funds from being allocated discriminatorily and that transit programs effectively:

- 1) Provide grant application and program guidance materials,
- 2) Disseminate program information materials to prospective applicants,
- 3) Determine which applications will be selected for funding by evaluating established criteria,

- 4) Prepare the Rural Transportation Improvement Program (RTIP) as the rural component of the Statewide Transportation Improvement Program (STIP), and the Section 5311 Program of Projects (POP)
<http://www.dot.ga.gov/localgovernment/intermodalprograms/tra/nsit/Documents/Section5311.pdf>
- 5) Negotiate and executes grant contracts between GDOT and local subrecipients,
- 6) Process reimbursement payment requests from subrecipients, and preparing requests for federal reimbursement,
- 7) Monitor and evaluates local provisions of transportation under the program, including data collection and compilation, reporting to FTA, and ensuring compliance with state and federal regulations,
- 8) Provide technical assistance to subrecipients to assist them in grants management, compliance, and the provision of safe, effective; and efficient services.

As part of the application approval process, each applicant must assure that all private for profit providers have been notified of the proposed project and that they have had an adequate opportunity to present their views and offer service proposals for consideration. GDOT requires local applicants to notify all private providers operating in the service area through a published notice or individual letters and to annually review existing services.

Georgia DOT requires grantees to conduct procurement transactions in a manner which provides for full and open competition. When alternative procurement methods recognized by FTA are used, FTA conditions their usage as follows:

- 1) Procurement by Sealed Bids/Invitation for BID (IFB) - There must be two or more responsible bidders willing and able to compete effectively and the procurement must lend itself to a firm fixed price contract allowing the selection to be made principally on price.
- 2) Procurement by Competitive Proposal/Request for Proposals (RFP) - This method is used when the goods or services being sought are difficult to fully specify or describe completely, when there are multiple evaluation factors, and when the award will be made to the firm whose proposal is most advantageous taking into consideration price and other factors. Here, FTA requires subrecipients to demonstrate the manner in which technical evaluations of the proposal is conducted.
- 3) Procurement by Noncompetitive Proposals (Sole Source) - In this case, a proposal is solicited from only one source, or if after solicitation from a number of sources, competition is found to be inadequate. However, this method is only feasible when the award of a contract is impracticable under other procurement strategies (IFB or RFP), and the item is available only from a single source, or the public requirement will not permit a delay from a competitive procurement process. A cost analysis verifying proposed cost data and an evaluation of specific cost elements and profits is required.

The Office of Intermodal directs subrecipients considering use of any of these methods to read all relevant sections of FTA Circular 42201.E and to contact Georgia DOT staff for assistance in conducting an open, fair and competitive procurement process.

Additionally, grantees must "self-certify" that their procurement system meets FTA requirements and that the grantee has the technical capacity to comply with Federal procurement requirements.

If GDOT becomes aware of circumstances that might invalidate a grantee's self certification, GDOT will investigate. (See Appendix H)

Georgia DOT monitors their subrecipients and documents the process and results to ensure that subrecipients are complying with the DOT Title VI Regulations. The following requirements are reviewed:

- 1) Title VI Certification and Assurances. Each subrecipient must submit their annual Title VI assurances to the Georgia DOT as part of their annual Certification and Assurance submission.
- 2) Title VI Complaint Procedures. Georgia DOT investigates and tracks Title VI complaints filed against subrecipients and makes sure their procedures for filing a complaint is available to members of the public upon request. Currently no subrecipient has any complaints against them.
- 3) Procedure for Investigations, Complaints and Lawsuits: Georgia DOT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipients that allege discrimination on the basis of race, color, sex or national origin that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigations.

Georgia DOT will submit a Title VI Program Plan every 3 years in compliance with FTA Circular 4702.1B. The Program Plan will include:

1. A copy of the procedures used for certifying that the statewide planning process complies with Title VI.
2. A description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner.
3. A description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner.
4. A description of how the agency monitors its subrecipients for compliance with Title VI and a summary of the results of this monitoring.

Circular 4702.1B Program-Specific Requirements for Metropolitan Planning Organizations (MPO)

Prescribed procedures that metropolitan planning organizations (MPOs) should follow in order to comply with the Department of Transportation (DOT) Title VI regulations are as follows:

Consistent with the reporting procedures identified in Section VI, the Georgia DOT does have some Metropolitan Transportation Planning Organizations (MPO) that are currently reporting directly to the FTA. The office of Intermodal will ensure compliance of those MPO's. In order to maintain compliance with the above requirements, the Office of Intermodal will conduct site visits and annual risk assessments of their subrecipients to ensure compliance with Title VI. Based upon the risk assessments a full Title VI Compliance Review may ensue (See Appendix L). All other Georgia MPO's are sub-recipients of the Georgia DOT. Therefore all MPO's will be **monitored every four years** and included as part

of Georgia DOT's Title VI program report. Georgia DOT will provide access to all the information contained in this Title VI Plan. Questions concerning demographics and challenges associated with the development of such areas are often asked. Additionally, training targeting the demands of today's ever changing demography and proper utilization of such resources as the "I Speak" cards is ongoing and freely given.

Circular 4702.1B Effecting Compliance with DOT Title VI Regulations

The following procedures are implemented when the FTA determines that a grantee is in non-compliance with Title VI The Department of Transportation (DOT) Title VI regulations at 49 CFR Section 21.13(a) states:

If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to: (1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the [Civil Rights] Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

Georgia DOT will fully comply with all requirements under Title VI as it applies to the FTA program.

Circular 4702.1B Compliance Reviews

FTA will conduct compliance reviews to determine whether a recipient is compliant or noncompliant with DOT Title VI regulations. Title 49 CFR Section 21.11(a) requires FTA to conduct compliance reviews of its recipients. These reviews are separate from and may be in addition to a Triennial Review, State Management Review, or Planning Certification Review and will be conducted either as a desk audit or an on-site visit. The review may cover all or a portion of the recipient's compliance with Title VI. Such reviews are conducted at the discretion of FTA, and the scope of a review is defined on a case-by-case basis. The following list of factors will contribute to the selection of recipients for compliance reviews:

- a. Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging the recipient is noncompliant with DOT Title VI regulations;
- b. Alleged noncompliance brought to the attention of FTA by other Federal, State, or local agencies;
- c. A recipient submitting an incomplete or insufficient Title VI Program; and
- d. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI.

After reviewing the recipient's or subrecipient's efforts to meet the general reporting and program-specific reporting sections of the Circular, FTA will issue a compliance report that includes findings of no deficiency, deficiency, or noncompliance.

Georgia DOT will fully comply and provide cooperation to the FTA for all review activities.

IX. Circular 4702.1B Complaints

This section describes how the Federal Transit Administration (FTA) will respond to complaints of discrimination under Title VI that are filed with FTA against a recipient of FTA funds. FTA will promptly investigate all complaints filed under Title VI in accordance with Department of Transportation (DOT) regulations at 49 CFR Section 21.11. FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.

Georgia DOT has developed procedures for investigating and tracking Title VI complaints filed against the DOT and made these procedures for filing a complaint available to members of the public upon request. Georgia DOT has provided copies of its tracking and investigative procedures for use by subrecipients.

Reports will be submitted to FTA in accordance with FTA Circular 4702.1B, Title VI Program Guidelines for Federal Transit Administration Recipients. The report may be submitted more often should conditions warrant.

Georgia DOT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, sex or national origin that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigations.

Every effort will be made by Georgia DOT to identify and resolve deficiencies in an informal and collaborative manner. Notation of resolutions will be made part of the Title VI review reports and/or complaint investigations files. Should sanctions be required, the Transit Program Compliance Coordinator will document in the sanctions notification the noted deficiencies and the remedies required.

Georgia DOT will proactively take measures to prevent Title VI/EJ deficiencies and violations and the necessary steps to ensure compliance with all program administrative requirements will be taken.

When deficiencies are found, either through observation, Title VI reviews, or complaints, procedures will be promptly implemented by the Title VI Liaisons and/or Transit Program Compliance Specialist according to the investigative plan as described in the following sections

or through technical assistance to correct the deficiencies and to put the corrective action(s) in writing. Formal complaints may also be filed with the appropriate District EEO Officer.

APPENDICES

Appendix A: Reporting Checklist

APPENDIX A

TITLE VI PROGRAM CHECKLIST

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Subrecipients shall submit the information below to their primary recipient (the entity from whom the subrecipient receives funds directly), on a schedule to be determined by the primary recipient.

General Requirements (Chapter III)

All recipients must submit:

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
-

1. **Title VI Notice to the Public.** In accordance with Chapter IV, part 5; 49 CFR 21.9(d). Georgia DOT has developed a statement for the provision of information to the public regarding their Title VI obligations and to apprise members of the public of the protections against discrimination afforded to them by Title VI. The Georgia DOT has a Title VI Policy statement that is signed by our commissioner. That statement is on our website and in our Title VI Program Plan. The GDOT Title VI Policy is posted on all of the official bulletin boards throughout the headquarter offices at the GDOT. The same policy is also posted throughout the 7 GDOT districts. GDOT also requires its subrecipients to post a Title VI notice to the public on their individual websites and in all public areas. and is posted by our subrecipients which is confirmed when a Title VI audit is conducted. (See Appendix G).
2. **Title VI Complaint Procedures.** Chapter IV, part 2; 49 CFR 21.9(b); Georgia DOT has developed procedures for investigating and tracking Title VI complaints filed against them and makes their procedures for filing a complaint available to members of the public upon request. Georgia DOT encourages its subrecipients to adopt their Title VI complaint investigation and tracking procedures. (See Appendix C)
3. **Title VI Complaint Form.** The Georgia DOT has a formal complaint form that anyone can use. The complaint form is listed on the GDOT website. The Department and its subrecipients will be expected to inform riders of the complaint process and to assist with providing and filling out forms. Transit providers make these available from any operator at any time as well as distribute the forms by "papering the seats" and/or mail to riders/residents in the transit area. Where needed, these shall be translated into languages other than English. (See Appendix C).
4. **Record of Investigations, Complaints and Lawsuits.** Chapter IV part 3; 48 CFR 21.9(b). Georgia DOT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipients that allege discrimination on the basis of race, color, sex or_ national origin that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigations.
5. **Public Participation Plan.** The Georgia DOT has a public participation plan manual that is utilized to ensure effective public participation. Inclusive of our Public Participation manual, the Georgia DOT has developed a public outreach and involvement activities report which is entitled "Accomplishment Report". This document identifies public outreach and involvement activities per project. Follow up responses to comments submitted during Georgia DOT's public information hearings are mailed directly to the respondent from the appropriate office of responsibility, i.e. Right of Way, Planning, Urban Design, etc. All data pertinent to public outreach is submitted to the Title VI/Environmental Specialist. A

detailed report involving all public outreach and involvement activities is submitted to the appropriate federal agency annually. (See Appendix K)

6. **Language Assistance Plan.** In accordance with Chapter IV, part 4; 49 CFR 21.5(b) and the DOT LEP Guidelines outlined the process to ensure. The Georgia DOT is taking 'reasonable steps' to remove barriers for LEP individuals and it has developed a Language Implementation Plan pursuant to the recommendations in Section VII of the DOT LEP Guidance. Georgia DOT's LEP outreach plan is determined on a case by case basis at the program level. Any LEP individual directly impacted or benefiting from Georgia DOT programs, services, or activities will be offered translation services proactively. See Appendix I which is a copy of the agency's plan for providing access to meaningful activities and programs for persons with limited English proficiency(See Appendix I).
7. **Table Depicting the Breakdown of Table of Members of Nonelected Committees selected by the recipient, broken down by race.** The GDOT does not have any transit related nonelected committees.
8. **Primary recipients shall include a description of how the agency monitors its subrecipients for compliance and a Schedule of Subrecipients Title VI Program Submission.** See section on monitoring Subrecipients and Compliance Reviews on for a description of how the GDOT monitors its subrecipients for compliance. (See Appendix L)
9. **Title VI equity Analysis.** If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility or operation center. The Georgia DOT nor its subrecipients has constructed a transit vehicle storage facility, maintenance facility or operation center under its FTA funded programs.
10. **Verification of Board approval** by submitting a copy of the board meetings minutes, resolution, showing that The Board of Directors or appropriate governing body responsible for policy decisions reviewed and approved the Title VI program. Board minutes or the commissioner's letter stating approval will be obtained after June 2016 board meeting.

Title VI Program Checklist (State Requirements)

States must submit:

- All requirements set out in Chapter III (General Requirements)
- The requirements set out in Chapter IV (Transit Provider) if the State is a provider of fixed route public transportation
- Demographic profile of the State
- Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- Analysis of the State's transportation system investments that identifies and addresses any disparate impacts
- A description of the Statewide planning process that identifies the transportation needs of minority populations
- Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance

- Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations

All requirements set out in Chapter III (General Requirements):

1. All requirements set out in Chapter III (General Requirements): The GDOT has met the General Requirement of this circular as evidenced in Appendix sections A-M of this report.
2. The requirements set out in Chapter IV (Transit Provider) if the State is a provider of fixed route public transportation: The GDOT is not a provider of a fixed route public transportation and therefore does not have to meet the requirements of Chapter IV of this circular.
3. Demographic profile of the State: Demographic profiles of the State has been provided in Appendix I & Appendix J
4. Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects: Maps are provided in Appendix M
5. Analysis of the State's transportation system investments that identifies and addresses any disparate impacts: The GDOT office of Planning has conducted an Environmental Justice identification report that addresses various strategies to deal with disparate impacts of our transportation projects. See Exhibit. The report can found at the link (See Appendix J)
6. A description of the statewide planning process that identifies the transportation needs of minority populations: Minority and low-income identification and outreach is required as part of the STIP. According to FHWA Order 6640.23, minority is defined as a person who is African American, Hispanic, Asian American, American Indian, or Alaskan Native. It further defines a person having low-income as a person whose household income is at or below the Department of Health and Human Services poverty guidelines. By focusing on minority and low-income, or traditionally underserved, populations, federal agencies can insure that federal actions are inclusive for all people.

In addition to low-income and minority populations, elderly and disabled persons should also be considered in public involvement and outreach. The Americans with Disabilities Act (ADA) encourages the involvement of people with disabilities in the development and improvement of transportation and paratransit plans and services. This report details the efforts made to identify EJ populations within the STIP area and the strategies used to target these populations through the public involvement process. Public outreach and involvement is extremely important for

states to effectively integrate environmental justice concerns into transportation decision-making.

During the STIP planning stage and prior to the project development stage, efforts must be made to identify EJ populations within each GDOT District and include these populations in a meaningful public outreach strategy. EJ populations can be identified using the following sources: U.S. Census Bureau Data, American Community Survey Data, and data collected from local government planning departments and DOT transportation staff. The Environmental Justice Identification and Proposed Outreach Report included in the Georgia STIP for the rural counties within the state serves as a guide the environmental justice outreach program. The report includes an analysis of racial, ethnic, income, and age demographics for each STIP county was conducted.

In addition, English proficiency demographics were evaluated to identify populations with limited English proficiency in order to determine the need for Spanish speaking interpreters at Open House meetings or for handout materials to be made available in Spanish. Information contained in this report is used to identify characteristics and locations of EJ populations in the Georgia STIP area. In addition, this document outlines outreach strategies specific to EJ populations in rural areas of Georgia to insure equal involvement of all peoples in the statewide planning process.

This document includes the following: (1) methodology used to determine the EJ threshold for minorities, Hispanic, low-income, elderly and limited English proficiency groups; (2) identification of EJ communities that are above the EJ threshold; (3) information on public outreach strategies and best practices; and (4) identification of local EJ organizations and resources for disseminating information to EJ populations. (See Appendix J).

7. Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance. See 23 CFR 450.218 requires the State DOT (in conjunction with submitting a STIP for approval by FHWA and FTA) to certify to FHWA and FTA that the transportation planning process is conducted in accordance with several sections of federal law, including Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1) and 49 CFR part 21. This certification is reviewed, signed and included each time a new STIP is developed. (See Appendix H for the FY 15-18 STIP certification.) Prior to finalization of the STIP, the Office of Planning develops the annual "Title VI Annual Accomplishments and Upcoming Goals Report." This report documents the office's compliance with Title VI over the course of the previous fiscal year, in all aspects of transportation planning. This report includes information on how the office ensures Title VI compliance, and incorporates the concept of environmental justice into the transportation planning process. The documentation included in this report and

recommendations provided by the State Transportation Planning Administrator and Assistant State Transportation Planning Administrators, forms the basis on which the Director of Planning signs the "Statewide Transportation Planning Process Certification."

Additionally, grantees must "self-certify" that their procurement system meets FTA requirements and that the grantee has the technical capacity to comply with Federal procurement requirements. If GDOT becomes aware of circumstances that might invalidate a grantee's self certification, GDOT will investigate. (See Appendix H)

Georgia DOT monitors their subrecipients every three years and documents the process and results to ensure that subrecipients are complying with the DOT Title VI Regulations. The following requirements are reviewed:

- Title VI Certification and Assurances. Each sub recipient must submit their annual Title VI assurances to the Georgia DOT as part of their annual Certification and Assurance submission.

- Title VI Compliant Procedures. Georgia DOT investigates and tracks Title VI complaints filed against subrecipients and makes sure their procedures for filing a complaint is available to members of the public upon request. Currently no subrecipients has any complaints against them.

- Procedure for Investigations, Complaints and Lawsuits:

Georgia DOT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipients that allege discrimination on the basis of race, color, sex or national origin that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or sub recipient in response to the investigations.

Georgia DOT will provide assistance as described to their sub-recipients upon request or at anytime that deficiencies are noted such as at a site visit.

Georgia DOT will submit a Title VI Program every 3 years in compliance with FTA Circular 4702.1B. The Program will include:

- A copy of the procedures used for certifying that the statewide planning process complies with Title VI.
- A description of the procedures the agency uses to pass-through FTA Financial assistance in a non-discriminatory manner.
- A description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner.
- A description of how the agency monitors its subrecipients for compliance with Title VI and a summary of the results of this monitoring.

The GDOT department of transportation follows these guidelines to ensure that recipients of Federal Transit Administration funds are complying with Title VI. (See Appendix A-M)

Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations

The GDOT uses a variety of methods to provide assistance to subrecipients including minority population. GDOT uses the Environmental Justice Identification and Proposed Outreach Report which provided a breakdown with specific strategies to address the minority populations. See sections on Guidance on Promoting Inclusive Public Participation & Providing Assistance to Subrecipients.

Appendix B: Title VI Compliance Self Survey

(.pdf file)

APPENDIX B, Continued



GEORGIA DEPARTMENT OF TRANSPORTATION

Title VI Self-Survey: _____
YEAR

Survey Date: _____

Name of Program/Grant: _____

Summary of Complaints:

Number of complaints for the past year: _____

Number of complaints voluntarily resolved: _____

Number of complaints currently unresolved: _____

Attach a summary of any type of complaint and provide:

- Name of complainant
- Race
- Charge
- Findings
- Corrective Action
- Identify any policy/procedure changes required as a result of the complaint
- Provide the date history (date complaint received through resolution)

Distribution of Title VI Information:

Are new employees made aware of Title VI responsibilities pertaining to their specific duties?

Yes _____ No _____

Do new employees receive this information via employee orientation?

Yes _____ No _____

Is Title VI information provided to all employees and program applicants?

Yes _____ No _____

APPENDIX B, Continued

Is Title VI information prominently displayed in the organization and on any program materials distributed?

Yes _____ No _____

Identify any improvements you plan to implement before the next self-survey to better support Title VI communication to employees and program applicants.

Identify any problems encountered with Title VI compliance.

Signature: _____

Title: _____

Date: _____

Return to: Georgia Department of Transportation
Equal Employment Opportunity Division
600 W. Peachtree St., 7th Floor
Atlanta, GA 30308
PHONE: (404) 631-1497
FAX: (404) 631-1943
ATTENTION: Adoraeu Jouett
Title VI/Environmental Justice Specialist

Appendix C: Title VI Complaint Form and Procedures

Appendix C

Complaint Form and Procedures



GEORGIA DEPARTMENT OF TRANSPORTATION

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "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."

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. Complete and return this form to: Equal Employment Opportunity Division, Title VI/ Environmental Justice Specialist, Georgia Department of Transportation, 600 West Peachtree Street, N.W., 7th Floor, GA 30308.

- 1. Complainant's Name
2. Address
3. City, State and Zip Code
4. Telephone Number (home) (business)
5. Person discriminated against (if someone other than the complainant)

Name
Address
City, State and Zip Code

- 6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:
a. Race/Color
b. National Origin
c. Other

Form Word: 2842-1a- Title VI Complaint Form
Date Last Reviewed: 10/30/2014

Page 2 of 4

7. What date did the alleged discrimination take place? _____

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

9. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

Yes No

If yes, check all that apply:

Federal agency Federal court State agency State court Local agency

10. Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature

Date

Appendix D: LEP Technical Assistance Resources

APPENDIX D

TITLE VI PROGRAM ENVIRONMENTAL JUSTICE, AND LIMITED ENGLISH PROFICIENCY TECHNICAL ASSISTANCE RESOURCES

The Georgia DOT provides a variety of resources to help its subrecipients integrate the guidance and procedures of this Title VI into their planning and operations. The resources include but are not limited to Georgia DOT's EEO website under Title VI/Environmental Justice. Recipients and subrecipients are encouraged to review information on the following technical assistance products. Interested parties can access these products through the relevant Web site or by contacting FTA's Office of Civil Rights.

- a. U.S.DOT's (FHWA)/FTA's Environmental Justice Web site which provides an overview of transportation and environmental justice and includes links to legislation and guidance, case studies, effective practices, and answers to commonly asked questions:
http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm
- b. FTA's Title VI Web site which provides an overview of FTA's Title VI activities, including links to recent compliance reviews of recipients, related Web sites, policy guidance and procedures, and instructions on how to file a Title VI complaint: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-civil-rights-act-1964>
- c. Federal Interagency Working Group on Limited English Proficiency promotes a cooperative understanding of the importance of language access Federal programs and Federally-assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and Federally assisted programs, and other stakeholders. www.lep.gov
- d. U.S. Department of Justice Civil Rights Division of the Department of Justice, established in 1957, is the program institution within the Federal government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin: <https://www.iustice.gov/>
- e. Transportation Research Board's Environmental Justice Committee Web website lists research on environmental justice and transportation as well as minutes from the committee and links to related organizations: <http://www.trb.org/ADD50/ADD50.aspx>
- f. Community Impact Assessment Web site: The Community Impact Assessment (CIA) Web site seeks to inform transportation officials and the general public about the potential impacts of proposed transportation actions on communities and their subpopulations:
<http://www.fhwa.dot.gov/livability/cia/index.cfm>
- g. United We Ride is an interagency Federal national initiative that supports States and their localities in developing coordinated human service delivery systems originating from the Office of Program Management or the Federal Transit Administration. In addition to State coordination

grants, United We Ride provides State and local agencies a transportation-coordination and planning self-assessment tool, help along the way, technical assistance, and other resources to help their communities succeed: <https://www.transit.dot.gov/ccam/>

- h. National Highway Cooperative Research Program, "Effective Methods of Environmental Justice Assessment" http://www.trb.org/news/blurb_detail.asp?id=4143. This guidebook is designed to enhance understanding and to facilitate consideration and incorporation of environmental justice into all elements of the transportation planning process, from long-range transportation systems planning through priority programming, project development, and policy decisions. It offers practitioners an analytical framework to facilitate comprehensive assessments of a proposed transportation project's impacts on affected populations and communities.
- i. "Transportation and Environmental Justice: Case Studies" These case studies feature dramatic stories and highlight commonplace techniques that have been used to promote environmental justice in transportation. The cases show that, when properly implemented, environmental justice principles can improve all levels of transportation decision making: <http://www.fhwa.dot.gov/environmentjejustice/case/index.htm>
- j. "Transportation and Environmental Justice: Effective Practices" describes effective practices taken by transportation agencies, community-based organizations and other grassroots and advocacy organizations to advance the fundamental principles of environmental justice: <http://www.fhwa.dot.gov/environmentjejustice/effect/index.htm>
- k. How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision making documents "best practices" in identifying and engaging low- literacy and limited-English-proficiency populations in transportation decision making. These "best practices" were collected during telephone interviews with individuals in 30 States: http://www.fhwa.dot.gov/planning/publications/low_limited/
- l. Disaster Response and Recovery Resource for Transit Agencies provides local transit agencies and transportation providers with useful information and best practices in emergency preparedness and disaster response and recovery, including information on how to respond to the needs of low income persons, limited English proficient persons, persons with disabilities, and older adults: <http://transit-safety.volpe.dot.gov/publications/safety/DisasterResponse/PDF/DisasterResponse.pdf>

The practices below highlight the essential importance of public involvement as well as describe various data sources, analytical methods, monitoring tools, partnerships, funding programs, and strategies that have been employed to better identify the needs and address the concerns of low-income and minority populations.

**Appendix E: Title VI Data Collection and Reporting
Certifications and Assurances
Authorizing Resolution**

(Certs and Assurances FTA .pdf document)

FTA FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES

**FEDERAL FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**
(Signature pages alternative to providing Certifications and Assurances in TrAMS)

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Categories 01 – 23. _____

OR

The Applicant agrees to comply with applicable provisions of the Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement and Procurement Systems.	_____
04.	Private Sector Protections.	_____
05.	Rolling Stock Reviews and Bus Testing.	_____
06.	Demand Responsive Service.	_____
07.	Intelligent Transportation Systems.	_____
08.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	_____
09.	Transit Asset Management Plan and Public Transportation Agency Safety Plan.	_____
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement).	_____
12.	State of Good Repair Program.	_____
13.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.	_____
14.	Urbanized Area Formula Grants Programs and Passenger Ferry Grant Program.	_____
15.	Seniors and Individuals with Disabilities Programs.	_____
16.	Rural Areas and Appalachian Development Programs.	_____
17.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	_____
18.	State Safety Oversight Grant Program.	_____
19.	Public Transportation Emergency Relief Program.	_____
20.	Expedited Project Delivery Pilot Program.	_____
21.	Infrastructure Finance Programs.	_____
22.	Paul S. Sarbanes Transit in Parks Program.	_____
23.	Hiring Preferences	_____

APPENDIX E

FTA TITLE VI DATA COLLECTION AND REPORTING

All applicants for FTA funding are required to maintain and provide GDOT and FTA with certain Title VI information. The required information is outlined in Part 1 - General Requirements and Part 2 - MPO Reporting Requirements. Updated information should be provided to the Department for Part 1 and Part 2 annually. *The information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.*

Part 1 - General Reporting Requirements

1. A list of any active lawsuits or complaints naming the applicant which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits. The list should include:
 - a. The date the lawsuit or complaint was filed;
 - b. A summary of the allegation; and
 - c. The status of the lawsuit or complaint.
2. A description of all pending applications for financial assistance, and financial assistance currently provided by other federal agencies.
3. A summary of all civil rights compliance review activities conducted in the last 3 years. The summary should include:
 - a. The purpose or reason for the review;
 - b. The name of the agency or the organization that performed the review;
 - c. A summary of the findings and recommendations of the review; and
 - d. A report on the status and/or disposition of such findings and recommendations.

APPENDIX E, Continued

**FTA TITLE VI DATA COLLECTION AND REPORTING
Part 2 - MPO Reporting Requirements**

1. Assessment of Planning Efforts

Provide a written description of continuing planning efforts which are responsive to the requirements of Title VI to ensure that transit planning and programming are nondiscriminatory. The description should also discuss how activities or projects programmed in the UPWP and TIP will be implemented on a nondiscriminatory basis. FTA expects MPO's to address any Title VI concerns raised during compliance reviews conducted by either transit providers or by FTA or as a result of a Title VI service complaint issue involving programming, planning activities, or capital improvements.

2. Monitor Title VI Activities

Monitor the Title VI activities and/or programs of local transit systems. In particular, the MPO is requested to provide documentation describing efforts to:

- a. Identify minority communities that will be affected by proposed service changes, such as route modifications, additions, deletions, or extensions under consideration by local transit providers; and
- b. Provide technical assistance or guidance to local transportation providers in updating and developing Title VI information.

3. Information Dissemination

Provide a description of the methods used to inform minority communities of planning efforts (e.g., public notices, public hearings, other formal or informal public discussions, presentations, meetings, etc.) relating to transit service and improvements.

4. Minority Participation in the Decision making Process

Provide a written statement describing how minority groups or persons are afforded an opportunity to participate in local decision making processes. In particular, the statement should describe liaison activities with minority community groups and other efforts to obtain minority views on transportation issues.

5. Minority Representation on Decision making Bodies

Provide a racial breakdown for transit related non-elected boards, advisory councils or committees, and a description of efforts made to encourage the participation of minorities on such boards or committees.

Authorizing Resolution

Resolution authorizing the filing of an application with Department of Transportation, United States of America, and the Georgia Department of Transportation for a grant under Title 49 U.S.C., Section _____

WHEREAS, the Secretary of US DOT Transportation and Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision of its local share of the project costs in the program; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under Title 49 U.S.C., Section _____, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that Minority Business Enterprise (Disadvantaged Business Enterprise and Woman Business Enterprise) be utilized to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY (Governing Body of Applicant)

1. That (Title of Designated Official) is authorized to execute and file (an) application(s) on behalf of (Legal Name of Applicant) with the Georgia Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Title 49 U.S.C, Section _____, _____ (insert name of program).
2. That (Title of Designated Official) is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation and the Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That (Title of Designated Official) is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application for the Program of Projects and Budget.
4. That (Title of Designated Official) is authorized to set forth and execute affirmative minority business policies in connection with the Program of Projects and Budget's procurement needs.
5. That (Title of Designated Official) is authorized to execute grant agreements on behalf of (Legal Name of Applicant) with the Georgia Department of Transportation for aid in the financing of the planning, capital and/or operating assistance requested in the Program of Projects and Budget.

CERTIFICATION

The undersigned duly qualified and acting (Title of Designated Official) of the (Legal Name of Applicant) certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the (Governing Body of Applicant) held on _____, 20_____.

If applicant has an official seal, impress here.

Signature of Recording Officer

Title of Recording Officer

**Appendix F: Required Contract Provisions
Required Contract Provisions Federal and Construction
Contracts and**

**Federal Transit Administration Best Practices
Procurement Manual Table Of Contents**

**Appendix A.1 - Federally Required and Other Model
Contract Clauses**

(Contract Clauses .pdf files)

APPENDIX F

FHWA-1273 – Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Government wide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design- build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

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Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

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b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion

7. Unions: If the contractor relies in whole or in part on unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below.

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union

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referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants /

Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

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

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

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This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided That the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of

the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

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will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally- assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g. , the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

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(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12

4. Apprentices and trainees

a. Apprentices (programs of the USDOL). Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

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Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and

7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

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b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

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b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

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Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or sub grantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or sub grantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

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h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or sub grantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or sub grantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers to any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible,

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or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

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b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the sub region, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site

BPPM Federally Required and Other Model Clauses

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1. Fly America Requirements

49 U.S.C. §40118
41 CFR Part 301-10

Applicability to Contracts

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. Transportation on a foreign air carrier is permissible when provided by a foreign air carrier under a code share agreement when the ticket identifies the U.S. air carrier's designator code and flight number. Transportation by a foreign air carrier is also permissible if there is a bilateral or multilateral air transportation agreement to which the U.S. Government and a foreign government are parties and which the Federal DOT has determined meets the requirements of the Fly America Act.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down Requirements

The Fly America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Model Clause/Language

The relevant statutes and regulations do not mandate any specified clause or language. FTA proposes the following language.

Fly America Requirements - The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of

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compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

2. Buy America Requirements

49 U.S.C. 5323(j)

49 CFR Part 661

Applicability to Contracts

The Buy America requirements apply to the following types of contracts: Construction Contracts and Acquisition of Goods or Rolling Stock (valued at more than \$100,000).

Flow Down

The Buy America requirements flow down from FTA recipients and subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance. The \$100,000 threshold applies only to the grantee contract, subcontracts under that amount are subject to Buy America.

Mandatory Clause/Language

The Buy America regulation, at 49 CFR 661.13, requires notification of the Buy America requirements in FTA-funded contracts, but does not specify the language to be used. The following language has been developed by FTA.

Buy America - The contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include final assembly in the United States for 15 passenger vans and 15 passenger wagons produced by Chrysler Corporation, and microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11. Rolling stock must be assembled in the United States and have a 60 percent domestic content.

A bidder or offeror must submit to the FTA recipient the appropriate Buy America certification (below) with all bids or offers on FTA-funded contracts, except those subject to a general waiver. Bids or offers that are not accompanied by a completed Buy America certification must be rejected as nonresponsive. This requirement does not apply to lower tier subcontractors.

Certification requirement for procurement of steel, iron, or manufactured products.

Certificate of Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it will meet the requirements of 49 U.S.C. 5323(j)(1) and the applicable regulations in 49 CFR Part 661.5.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(1)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(1) and 49 C.F.R. 661.5, but it may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

Certification requirement for procurement of buses, other rolling stock and associated equipment.

Certificate of Compliance with 49 U.S.C. 5323(j)(2)(C).

The bidder or offeror hereby certifies that it will comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and the regulations at 49 C.F.R. Part 661.11.

Date _____

Signature _____

Company Name _____

Title _____

Certificate of Non-Compliance with 49 U.S.C. 5323(j)(2)(C)

The bidder or offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11, but may qualify for an exception pursuant to 49 U.S.C. 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. 661.7.

Date _____

Signature _____

Company Name _____

Title _____

3. Charter Bus Requirements

49 U.S.C. 5323(d)

49 CFR Part 604

Applicability to Contracts

The Charter Bus requirements apply to the following type of contract: Operational Service Contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down Requirements

The Charter Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. The following clause has been developed by FTA.

Charter Service Operations - The contractor agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

3. School Bus Requirements

49 U.S.C. 5323(F)

49 CFR Part 605

Applicability to Contracts

The School Bus requirements apply to the following type of contract: Operational Service Contracts.

Flow Down Requirements

The School Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Model Clause/Language

The relevant statutes and regulations do not mandate any specific clause or language. The following clause has been developed by FTA.

School Bus Operations - Pursuant to 69 U.S.C. 5323(f) and 49 CFR Part 605, recipients and subrecipients of FTA assistance may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients and subrecipients may not use federally funded equipment, vehicles, or facilities.

4. Cargo Preference Requirements

46 U.S.C. 1241

46 CFR Part 381

Applicability to Contracts

The Cargo Preference requirements apply to all contracts involving equipment, materials, or commodities which may be transported by ocean vessels.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Cargo Preference requirements apply to all subcontracts when the subcontract may be involved with the transport of equipment, material, or commodities by ocean vessel.

Model Clause/Language

The MARAD regulations at 46 CFR 381.7 contain suggested contract clauses. The following language is proffered by FTA.

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Cargo Preference - Use of United States-Flag Vessels - The contractor agrees: a. to use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to the underlying contract to the extent such vessels are available at fair and reasonable rates for United States-Flag commercial vessels; b. to furnish within 20 working days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in the preceding paragraph to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and to the FTA recipient (through the contractor in the case of a subcontractor's bill-of-lading.) c. to include these requirements in all subcontracts issued pursuant to this contract when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

5. Seismic Safety Requirements

**42 U.S.C. 7701 et seq. 49
CFR Part 41**

Applicability to Contracts

The Seismic Safety requirements apply only to contracts for the construction of new buildings or additions to existing buildings.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Seismic Safety requirements flow down from FTA recipients and subrecipients to first tier contractors to assure compliance, with the applicable building standards for Seismic Safety, including the work performed by all subcontractors.

Model Clauses/Language

The regulations do not provide suggested language for third-party contract clauses. The following language has been developed by FTA.

Seismic Safety - The contractor agrees that any new building or addition to an existing building will be designed and constructed in accordance with the standards for Seismic Safety required in Department of Transportation Seismic Safety Regulations 49 CFR Part 41 and will certify to compliance to the extent required by the regulation. The contractor also agrees to ensure that all

work performed under this contract including work performed by a subcontractor is in compliance with the standards required by the Seismic Safety Regulations and the certification of compliance issued on the project.

6. Energy Conservation Requirements

42 U.S.C. 6321 et seq.
49 CFR Part 18

Applicability to Contracts

The Energy Conservation requirements are applicable to all contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Energy Conservation requirements extend to all third party contractors and their contracts at every tier and subrecipients and their subagreements at every tier.

Model Clause/Language

No specific clause is recommended in the regulations because the Energy Conservation requirements are so dependent on the state energy conservation plan. The following language has been developed by FTA.

Energy Conservation - The contractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

7. Clean Water Requirements

33 U.S.C. 1251

Applicability to Contracts

The Clean Water requirements apply to each contract and subcontract which exceeds \$100,000.

Flow Down

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The Clean Water requirements flow down to FTA recipients and subrecipients at every tier.

Model Clause/Language

While no mandatory clause is contained in the Federal Water Pollution Control Act, as amended, the following language developed by FTA contains all the mandatory requirements.

Clean Water - (1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq . The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

8. Bus Testing

49 U.S.C. 5318(e)

49 CFR Part 665

Applicability to Contracts

The Bus Testing requirements pertain only to the acquisition of Rolling Stock/Turnkey.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Bus Testing requirements should not flow down, except to the turnkey contractor as stated in [Master Agreement](#).

Model Clause/Language

Clause and language therein are merely suggested. 49 CFR Part 665 does not contain specific language to be included in third party contracts but does contain requirements applicable to subrecipients and third party contractors. Bus Testing Certification and language therein are merely suggested.

Bus Testing - The Contractor [Manufacturer] agrees to comply with 49 U.S.C. A 5323(c) and FTA's implementing regulation at 49 CFR Part 665 and shall perform the following:

1. A manufacturer of a new bus model or a bus produced with a major change in components or configuration shall provide a copy of the final test report to the recipient at a point in the procurement process specified by the recipient which will be prior to the recipient's final acceptance of the first vehicle.
2. A manufacturer who releases a report under paragraph 1 above shall provide notice to the operator of the testing facility that the report is available to the public.
3. If the manufacturer represents that the vehicle was previously tested, the vehicle being sold should have the identical configuration and major components as the vehicle in the test report, which must be provided to the recipient prior to recipient's final acceptance of the first vehicle. If the configuration or components are not identical, the manufacturer shall provide a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing.
4. If the manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), the manufacturer shall provide the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.

CERTIFICATION OF COMPLIANCE WITH FTA'S BUS TESTING REQUIREMENTS

The undersigned [Contractor/Manufacturer] certifies that the vehicle offered in this procurement complies with 49 U.S.C. A 5323(c) and FTA's implementing regulation at 49 CFR Part 665.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with Federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Date: _____

Signature: _____

Company Name: _____

Title: _____

9. Pre-award and Post Delivery Audits Requirements

49 U.S.C. 5323

49 CFR Part 663

Applicability to Contracts

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These requirements apply only to the acquisition of Rolling Stock/Turnkey.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

These requirements should not flow down, except to the turnkey contractor as stated in Master Agreement.

Model Clause/Language

- Clause and language therein are merely suggested. 49 C.F.R. Part 663 does not contain specific language to be included in third party contracts but does contain requirements applicable to subrecipients and third party contractors.
- Buy America certification is mandated under FTA regulation, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 C.F.R. 663.13.
- Specific language for the Buy America certification is mandated by FTA regulation,

"Buy America Requirements--Surface Transportation Assistance Act of 1982, as amended," 49 C.F.R. 661.12, but has been modified to include FTA's Buy America requirements codified at 49 U.S.C. A 5323(j).

Pre-Award and Post-Delivery Audit Requirements - The Contractor agrees to comply with 49 U.S.C. § 5323(l) and FTA's implementing regulation at 49 C.F.R. Part 663 and to submit the following certifications:

1. *Buy America Requirements: The Contractor shall complete and submit a declaration certifying either compliance or noncompliance with Buy America. If the Bidder/Offeror certifies compliance with Buy America, it shall submit documentation which lists 1) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and 2) the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.*
2. *Solicitation Specification Requirements: The Contractor shall submit evidence that it will be capable of meeting the bid specifications.*
3. *Federal Motor Vehicle Safety Standards (FMVSS): The Contractor shall submit 1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or 2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.*

**BUY AMERICA CERTIFICATE OF COMPLIANCE WITH FTA REQUIREMENTS
FOR BUSES, OTHER ROLLING STOCK, OR ASSOCIATED EQUIPMENT**

(To be submitted with a bid or offer exceeding the small purchase threshold for Federal assistance programs, currently set at \$100,000.)

Certificate of Compliance

The bidder hereby certifies that it will comply with the requirements of 49 U.S.C. Section 5323(j)(2)(C), Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, and the regulations of 49 C.F.R. 661.11:

Date: _____

Signature: _____

Company Name: _____

Title: _____

Certificate of Non-Compliance

The bidder hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j)(2)(C) and Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended, but may qualify for an exception to the requirements consistent with 49 U.S.C. Sections 5323(j)(2)(B) or (j)(2)(D), Sections 165(b)(2) or (b)(4) of the Surface Transportation Assistance Act, as amended, and regulations in 49 C.F.R. 661.7.

Date: _____

Signature: _____

Company Name: _____

Title: _____

10. Lobbying

31 U.S.C. 1352
49 CFR Part 19
49 CFR Part 20

Applicability to Contracts

The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Lobbying requirements mandate the maximum flow down, pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5) and 49 C.F.R. Part 19, Appendix A, Section 7.

Mandatory Clause/Language

- Clause and specific language therein are mandated by 49 CFR Part 19, Appendix A.

Modifications have been made to the Clause pursuant to Section 10 of the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*]

- Lobbying Certification and Disclosure of Lobbying Activities for third party contractors are mandated by 31 U.S.C. 1352(b)(5), as amended by Section 10 of the Lobbying Disclosure Act of 1995, and DOT implementing regulation, "New Restrictions on Lobbying," at 49 CFR § 20.110(d)
- Language in Lobbying Certification is mandated by 49 CFR Part 19, Appendix A, Section 7, which provides that contractors file the certification required by 49 CFR Part 20, Appendix A.

Modifications have been made to the Lobbying Certification pursuant to Section 10 of the Lobbying Disclosure Act of 1995.

- Use of "Disclosure of Lobbying Activities," Standard Form-LLL set forth in Appendix B of 49 CFR Part 20, as amended by "Government wide Guidance For New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96) is mandated by 49 CFR Part 20, Appendix A.

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*] - Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.*
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq .)]*
- 3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.*

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.

_____ *Signature of Contractor's Authorized Official*

_____ *Name and Title of Contractor's Authorized Official*

_____ *Date*

11. Access to Records and Reports

49 U.S.C. 5325

18 CFR 18.36 (i)

49 CFR 633.17

Applicability to Contracts

Reference Chart "Requirements for Access to Records and Reports by Type of Contracts"

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

FTA does not require the inclusion of these requirements in subcontracts.

Model Clause/Language

The specified language is not mandated by the statutes or regulations referenced, but the language provided paraphrases the statutory or regulatory language.

The specified language is not mandated by the statutes or regulations referenced, but the language provided paraphrases the statutory or regulatory language.

Access to Records - The following access to records requirements apply to this Contract:

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C. F. R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C. F. R. 633.17 to provide the FTA-Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.
2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.
4. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302 (a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.
5. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
6. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i)(11).
7. FTA does not require the inclusion of these requirements in subcontracts.

Requirements for Access to Records and Reports by Types of Contract

Contract Characteristics	Contract	Operational Service Contract	Turnkey	Construction	Architectural Engineering	Acquisition of Rolling Stock	Professional Services
I. State Grantees	a. Contracts below SAT (\$100,000)	None	Those imposed on state pass thru to Contractor	None	None	None	None
	b. Contracts above \$100,000/Capital Projects	None unless non-competitive award	Those imposed on state pass thru to Contractor	Yes, if non-competitive award or if funded thru 25307/5309/5311	None unless non-competitive award	None unless non-competitive award	None unless non-competitive award
II. Non State Grantees	a. Contracts below SAT (\$100,000)	Yes ³	Those imposed on non-state Grantee pass thru to Contractor	Yes	Yes	Yes	Yes
	b. Contracts above	Yes ³	Those imposed on non-	Yes	Yes	Yes	Yes

	\$100,000/Capital Projects		state Grantee pass thru to Contractor			
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Sources of Authority

1. 49 USC 5325 (a)
2. 49 CFR 633.17
3. 18 CFR 18.36 (i)

12. Federal Changes

49 CFR Part 18

Applicability to Contracts

The Federal Changes requirement applies to all contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Federal Changes requirement flows down appropriately to each applicable changed requirement.

Model Clause/Language

No specific language is mandated. The following language has been developed by FTA.

Federal Changes - Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

13. Bonding Requirements

Applicability to Contracts

For those construction or facility improvement contracts or subcontracts exceeding \$100,000, FTA may accept the bonding policy and requirements of the recipient, provided that they meet the minimum requirements for construction contracts as follows:

1. A bid guarantee from each bidder equivalent to five (5) percent of the bid price. The "bid guarantees" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
2. A performance bond on the part to the Contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
3. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment, as required by law, of all persons supplying labor and material in the execution of the work provided for in the contract. Payment bond amounts required from Contractors are as follows:
 1. 50% of the contract price if the contract price is not more than \$1 million;
 2. 40% of the contract price if the contract price is more than \$1 million but not more than \$5 million; or
 3. \$2.5 million if the contract price is more than \$5 million.
4. A cash deposit, certified check or other negotiable instrument may be accepted by a grantee in lieu of performance and payment bonds, provided the grantee has established a procedure to assure that the interest of FTA is adequately protected. An irrevocable letter of credit would also satisfy the requirement for a bond.

Flow Down

Bonding requirements flow down to the first tier contractors.

Model Clauses/Language

FTA does not prescribe specific wording to be included in third party contracts. FTA has prepared sample clauses as follows:

Bid Bond Requirements (Construction)

1. Bid Security

A Bid Bond must be issued by a fully qualified surety company acceptable to (Recipient) and listed as a company currently authorized under 31 CFR, Part 223 as possessing a Certificate of Authority as described thereunder.

2. Rights Reserved

In submitting this Bid, it is understood and agreed by bidder that the right is reserved by (Recipient) to reject any and all bids, or part of any bid, and it is agreed that the Bid may not be withdrawn for a period of [ninety (90)] days subsequent to the opening of bids, without the written consent of (Recipient).

It is also understood and agreed that if the undersigned bidder should withdraw any part or all of his bid within [ninety (90)] days after the bid opening without the written consent of (Recipient), shall refuse or be unable to enter into this Contract, as provided above, or refuse or be unable to furnish adequate and acceptable Performance Bonds and Labor and Material Payments Bonds, as provided above, or refuse or be unable to furnish adequate and acceptable insurance, as provided above, he shall forfeit his bid security to the extent of (Recipient's) damages occasioned by such withdrawal, or refusal, or inability to enter into an agreement, or provide adequate security therefor.

It is further understood and agreed that to the extent the defaulting bidder's Bid Bond, Certified Check, Cashier's Check, Treasurer's Check, and/or Official Bank Check (excluding any income generated thereby which has been retained by (Recipient) as provided in [Item x "Bid Security" of the Instructions to Bidders]) shall prove inadequate to fully recompense (Recipient) for the damages occasioned by default, then the undersigned bidder agrees to indemnify (Recipient) and pay over to (Recipient) the difference between the bid security and (Recipient's) total damages, so as to make (Recipient) whole.

The undersigned understands that any material alteration of any of the above or any of the material contained on this form, other than that requested, will render the bid unresponsive.

Performance and Payment Bonding Requirements (Construction)

The Contractor shall be required to obtain performance and payment bonds as follows:

1. Performance bonds

1. The penal amount of performance bonds shall be 100 percent of the original contract price, unless the (Recipient) determines that a lesser amount would be adequate for the protection of the (Recipient).
2. The (Recipient) may require additional performance bond protection when a contract price is increased. The increase in protection shall generally equal 100 percent of the increase in contract price. The (Recipient) may secure additional protection by directing the Contractor to increase the penal amount of the existing bond or to obtain an additional bond.

2. Payment bonds

1. The penal amount of the payment bonds shall equal:
 1. Fifty percent of the contract price if the contract price is not more than \$1 million.
 2. Forty percent of the contract price if the contract price is more than \$1 million but not more than \$5 million; or
 3. Two and one half million if the contract price is more than \$5 million.
2. If the original contract price is \$5 million or less, the (Recipient) may require additional protection as required by subparagraph 1 if the contract price is increased.

Performance and Payment Bonding Requirements (Non-Construction)

The Contractor may be required to obtain performance and payment bonds when necessary to protect the (Recipient's) interest.

1. The following situations may warrant a performance bond:
 1. (Recipient) property or funds are to be provided to the contractor for use in performing the contract or as partial compensation (as in retention of salvaged material).
 2. A contractor sells assets to or merges with another concern, and the (Recipient), after recognizing the latter concern as the successor in interest, desires assurance that it is financially capable.
 3. Substantial progress payments are made before delivery of end items starts.
 4. Contracts are for dismantling, demolition, or removal of improvements.
2. When it is determined that a performance bond is required, the Contractor shall be required to obtain performance bonds as follows:
 1. The penal amount of performance bonds shall be 100 percent of the original contract price, unless the (Recipient) determines that a lesser amount would be adequate for the protection of the (Recipient).
 2. The (Recipient) may require additional performance bond protection when a contract price is increased. The increase in protection shall generally equal 100 percent of the increase in contract price. The (Recipient) may secure additional protection by directing the Contractor to increase the penal amount of the existing bond or to obtain an additional bond.
3. A payment bond is required only when a performance bond is required, and if the use of payment bond is in the (Recipient's) interest.
4. When it is determined that a payment bond is required, the Contractor shall be required to obtain payment bonds as follows:
 1. The penal amount of payment bonds shall equal:
 1. Fifty percent of the contract price if the contract price is not more than \$1 million;
 2. Forty percent of the contract price if the contract price is more than \$1 million but not more than \$5 million; or
 3. Two and one half million if the contract price is increased.

Advance Payment Bonding Requirements

The Contractor may be required to obtain an advance payment bond if the contract contains an advance payment provision and a performance bond is not furnished. The (recipient) shall determine the amount of the advance payment bond necessary to protect the (Recipient).

Patent Infringement Bonding Requirements (Patent Indemnity)

The Contractor may be required to obtain a patent indemnity bond if a performance bond is not furnished and the financial responsibility of the Contractor is unknown or doubtful. The (recipient) shall determine the amount of the patent indemnity to protect the (Recipient).

Warranty of the Work and Maintenance Bonds

1. The Contractor warrants to (Recipient), the Architect and/or Engineer that all materials and equipment furnished under this Contract will be of highest quality and new unless otherwise specified by (Recipient).

free from faults and defects and in conformance with the Contract Documents. All work not so conforming to these standards shall be considered defective. If required by the [Project Manager], the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment.

2. The Work furnished must be of first quality and the workmanship must be the best obtainable in the various trades. The Work must be of safe, substantial and durable construction in all respects. The Contractor hereby guarantees the Work against defective materials or faulty workmanship for a minimum period of one (1) year after Final Payment by (Recipient) and shall replace or repair any defective materials or equipment or faulty workmanship during the period of the guarantee at no cost to (Recipient). As additional security for these guarantees, the Contractor shall, prior to the release of Final Payment [as provided in Item X below], furnish separate Maintenance (or Guarantee) Bonds in form acceptable to (Recipient) written by the same corporate surety that provides the Performance Bond and Labor and Material Payment Bond for this Contract. These bonds shall secure the Contractor's obligation to replace or repair defective materials and faulty workmanship for a minimum period of one (1) year after Final Payment and shall be written in an amount equal to ONE HUNDRED PERCENT (100%) of the CONTRACT SUM, as adjusted (if at all).

14. CLEAN AIR

42 U.S.C. 7401 et seq

40 CFR 15.61

49 CFR Part 18

Applicability to Contracts

The Clean Air requirements apply to all contracts exceeding \$100,000, including indefinite quantities where the amount is expected to exceed \$100,000 in any year.

Flow Down

The Clean Air requirements flow down to all subcontracts which exceed \$100,000.

Model Clauses/Language

No specific language is required. FTA has proposed the following language.

Clean Air - (1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 *et seq.* The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

15. Recycled Products

42 U.S.C. 6962

40 CFR Part 247

Executive Order 12873

Applicability to Contracts

The Recycled Products requirements apply to all contracts for items designated by the EPA, when the purchaser or contractor procures \$10,000 or more of one of these items during the fiscal year, or has procured \$10,000 or more of such items in the previous fiscal year, using Federal funds. New requirements for "recovered materials" will become effective May 1, 1996. These new regulations apply to all procurement actions involving items designated by the EPA, where the procuring agency purchases \$10,000 or more of one of these items in a fiscal year, or when the cost of such items purchased during the previous fiscal year was \$10,000.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

These requirements flow down to all to all contractor and subcontractor tiers.

Model Clause/Language

No specific clause is mandated, but FTA has developed the following language.

Recovered Materials - The contractor agrees to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

16. Davis-Bacon and Copeland Anti-Kickback Acts

Background and Application

The Davis-Bacon and Copeland Acts are codified at 40 USC 3141, et seq. and 18 USC 874. The Acts apply to grantee construction contracts and subcontracts that "at least partly are financed by a loan or grant from the Federal Government." 40 USC 3145(a), 29 CFR 5.2(h), 49 CFR 18.36(i)(5). The Acts apply to any construction contract over \$2,000. 40 USC 3142(a), 29 CFR 5.5(a). 'Construction,' for purposes of the Acts, includes "actual construction, alteration and/or repair, including painting and decorating." 29 CFR 5.5(a). The requirements of

both Acts are incorporated into a single clause (see 29 CFR 3.11) enumerated at 29 CFR 5.5(a) and reproduced below.

The clause language is drawn directly from 29 CFR 5.5(a) and any deviation from the model clause below should be coordinated with counsel to ensure the Acts' requirements are satisfied.

Clause Language

Davis-Bacon and Copeland Anti-Kickback Acts

(1) **Minimum wages** - (i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR Part 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph (1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

1. Except with respect to helpers as defined as 29 CFR 5.2(n)(4), the work to be performed by the classification requested is not performed by a classification in the wage determination; and
2. The classification is utilized in the area by the construction industry; and
3. The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and
4. With respect to helpers as defined in 29 CFR 5.2(n)(4), such a classification prevails in the area in which the work is performed.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(v)(A) The contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

1. The work to be performed by the classification requested is not performed by a classification in the wage determination; and
2. The classification is utilized in the area by the construction industry; and
3. The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination with 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(v) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(2) **Withholding** - The [*insert name of grantee*] shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the [*insert name of grantee*] may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) **Payrolls and basic records** - (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship

programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the [**insert name of grantee**] for transmission to the Federal Transit Administration. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under section 5.5(a)(3)(i) of Regulations, 29 CFR part 5. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal Stock Number 029-005-00014-1), U.S. Government Printing Office, Washington, DC 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

1. (1) That the payroll for the payroll period contains the information required to be maintained under section 5.5(a)(3)(i) of Regulations, 29 CFR part 5 and that such information is correct and complete;
2. (2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;
3. (3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the Federal Transit Administration or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) **Apprentices and trainees** - (i) *Apprentices* - Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his or her first 90 days of probationary employment as

an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator of the Wage and Hour Division of the U.S. Department of Labor determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Bureau of Apprenticeship and Training, or a State Apprenticeship Agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) *Trainees* - Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) *Equal employment opportunity* - The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) **Compliance with Copeland Act requirements** - The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) **Subcontracts** - The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the Federal Transit Administration may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) **Contract termination: debarment** - A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) **Compliance with Davis-Bacon and Related Act requirements** - All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) **Disputes concerning labor standards** - Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

(10) **Certification of eligibility** - (i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

17. Contract Work Hours and Safety Standards Act

Background and Application

The Contract Work Hours and Safety Standards Act is codified at 40 USC 3701, et seq. The Act applies to grantee contracts and subcontracts "financed at least in part by loans or grants from ... the [Federal] Government." 40 USC 3701(b)(1)(B)(iii) and (b)(2), 29 CFR 5.2(h), 49 CFR 18.36(i)(6). Although the original Act required its application in any construction contract over \$2,000 or non-construction contract to which the Act applied over \$2,500 (and language to that effect is still found in 49 CFR 18.36(i)(6)), the Act no longer applies to any "contract in an amount that is not greater than \$100,000." 40 USC 3701(b)(3)(A)(iii).

The Act applies to construction contracts and, in very limited circumstances, non-construction projects that employ "laborers or mechanics on a public work." These non-construction applications do not generally apply to transit procurements because transit procurements (to include rail cars and buses) are deemed "commercial items." 40 USC 3707, 41 USC 403 (12). A grantee that contemplates entering into a contract to procure a developmental or unique item should consult counsel to determine if the Act applies to that procurement and that additional language required by 29 CFR 5.5(c) must be added to the basic clause below.

The clause language is drawn directly from 29 CFR 5.5(b) and any deviation from the model clause below should be coordinated with counsel to ensure the Act's requirements are satisfied.

Clause Language

Contract Work Hours and Safety Standards

- Overtime requirements** - No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
- Violation; liability for unpaid wages; liquidated damages** - In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.
- Withholding for unpaid wages and liquidated damages** - The (write in the name of the grantee) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.
- Subcontracts** - The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

18. [RESERVED]

19. No Government Obligation to Third Parties

Applicability to Contracts

Applicable to all contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

Not required by statute or regulation for either primary contractors or subcontractors, this concept should flow down to all levels to clarify, to all parties to the contract, that the Federal Government does not have contractual liability to third parties, absent specific written consent.

Model Clause/Language

While no specific language is required, FTA has developed the following language.

No Obligation by the Federal Government.

- 1. The Purchaser and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Purchaser, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.*
- 2. The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.*

20. Program Fraud and False or Fraudulent Statements and Related Acts

31 U.S.C. 3801 et seq.

49 CFR Part 31 18 U.S.C. 1001

49 U.S.C. 5307

Applicability to Contracts

These requirements are applicable to all contracts.

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Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

These requirements flow down to contractors and subcontractors who make, present, or submit covered claims and statements.

Model Clause/Language

These requirements have no specified language, so FTA proffers the following language.

Program Fraud and False or Fraudulent Statements or Related Acts.

- 1. The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § § 3801 et seq . and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate.*
- 2. The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) on the Contractor, to the extent the Federal Government deems appropriate.*
- 3. The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.*

21. Termination

49 U.S.C.Part 18
FTA Circular 4220.1E

Applicability to Contracts

All contracts (with the exception of contracts with nonprofit organizations and institutions of higher education,) in excess of \$10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. (For contracts with nonprofit organizations and institutions of higher education the threshold is \$100,000.) In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

Flow Down

The termination requirements flow down to all contracts in excess of \$10,000, with the exception of contracts with nonprofit organizations and institutions of higher learning.

Model Clause/Language

FTA does not prescribe the form or content of such clauses. The following are suggestions of clauses to be used in different types of contracts:

- 1. Termination for Convenience (General Provision)** The (Recipient) may terminate this contract, in whole or in part, at any time by written notice to the Contractor when it is in the Government's best interest. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to (Recipient) to be paid the Contractor. If the Contractor has any property in its possession belonging to the (Recipient), the Contractor will account for the same, and dispose of it in the manner the (Recipient) directs.
- 2. Termination for Default [Breach or Cause] (General Provision)** If the Contractor does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the (Recipient) may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner of performance set forth in the contract.

If it is later determined by the (Recipient) that the Contractor had an excusable reason for not performing, such as a strike, fire, or flood, events which are not the fault of or are beyond the control of the Contractor, the (Recipient), after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

- 3. Opportunity to Cure (General Provision)** The (Recipient) in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions

If Contractor fails to remedy to (Recipient)'s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Contractor of written notice from (Recipient) setting forth the nature of said breach or default, (Recipient) shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude (Recipient) from also pursuing all available remedies against Contractor and its sureties for said breach or default.

4. **Waiver of Remedies for any Breach** In the event that (Recipient) elects to waive its remedies for any breach by Contractor of any covenant, term or condition of this Contract, such waiver by (Recipient) shall not limit (Recipient)'s remedies for any succeeding breach of that or of any other term, covenant, or condition of this Contract.
5. **Termination for Convenience (Professional or Transit Service Contracts)** The (Recipient), by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Recipient shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.
6. **Termination for Default (Supplies and Service)** If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

7. **Termination for Default (Transportation Services)** If the Contractor fails to pick up the commodities or to perform the services, including delivery services, within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of default. The Contractor will only be paid the contract price for services performed in accordance with the manner of performance set forth in this contract.

If this contract is terminated while the Contractor has possession of Recipient goods, the Contractor shall, upon direction of the (Recipient), protect and preserve the goods until surrendered to the Recipient or its agent. The Contractor and (Recipient) shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the (Recipient).

8. **Termination for Default (Construction)** If the Contractor refuses or fails to prosecute the work or any separable part, with the diligence that will insure its completion within the time specified in this contract or

any extension or fails to complete the work within this time, or if the Contractor fails to comply with any other provisions of this contract, the (Recipient) may terminate this contract for default. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. In this event, the Recipient may take over the work and complete it by contract or otherwise, and may take possession of and use any materials, appliances, and plant on the work site necessary for completing the work. The Contractor and its sureties shall be liable for any damage to the Recipient resulting from the Contractor's refusal or failure to complete the work within specified time, whether or not the Contractor's right to proceed with the work is terminated. This liability includes any increased costs incurred by the Recipient in completing the work.

The Contractor's right to proceed shall not be terminated nor the Contractor charged with damages under this clause if-

1. the delay in completing the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include: acts of God, acts of the Recipient, acts of another Contractor in the performance of a contract with the Recipient, epidemics, quarantine restrictions, strikes, freight embargoes; and
2. the contractor, within [10] days from the beginning of any delay, notifies the (Recipient) in writing of the causes of delay. If in the judgment of the (Recipient), the delay is excusable, the time for completing the work shall be extended. The judgment of the (Recipient) shall be final and conclusive on the parties, but subject to appeal under the Disputes clauses.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Recipient.

- 9. Termination for Convenience or Default (Architect and Engineering)** The (Recipient) may terminate this contract in whole or in part, for the Recipient's convenience or because of the failure of the Contractor to fulfill the contract obligations. The (Recipient) shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process.

If the termination is for the convenience of the Recipient, the Contracting Officer shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the Recipient may complete the work by contract or otherwise and the Contractor shall be liable for any additional cost incurred by the Recipient.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Recipient.

10. **Termination for Convenience of Default (Cost-Type Contracts)** The (Recipient) may terminate this contract, or any portion of it, by serving a notice of termination on the Contractor. The notice shall state whether the termination is for convenience of the (Recipient) or for the default of the Contractor. If the termination is for default, the notice shall state the manner in which the contractor has failed to perform the requirements of the contract. The Contractor shall account for any property in its possession paid for from funds received from the (Recipient), or property supplied to the Contractor by the (Recipient). If the termination is for default, the (Recipient) may fix the fee, if the contract provides for a fee, to be paid the contractor in proportion to the value, if any, of work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the (Recipient) and the parties shall negotiate the termination settlement to be paid the Contractor.

If the termination is for the convenience of the (Recipient), the Contractor shall be paid its contract close-out costs, and a fee, if the contract provided for payment of a fee, in proportion to the work performed up to the time of termination.

If, after serving a notice of termination for default, the (Recipient) determines that the Contractor has an excusable reason for not performing, such as strike, fire, flood, events which are not the fault of and are beyond the control of the contractor, the (Recipient), after setting up a new work schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

22. Government-Wide Debarment and Suspension (Nonprocurement)

49 CFR Part 29 Executive Order 12549

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, *Debarment and Suspension*, Executive Order 12689, *Debarment and Suspension*, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-355, 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for Federally required auditing services. 49 CFR 29. 220(b). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as "covered transactions."

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required. 49 CFR 29.300.

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Clause Language

The following clause language is suggested, not mandatory. It incorporates the optional method of verifying that contractors are not excluded or disqualified by certification.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

*The certification in this clause is a material representation of fact relied upon by **{insert agency name}**. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to **{insert agency name}**, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.*

23. Privacy Act

5 U.S.C. 552

Applicability to Contracts

When a grantee maintains files on drug and alcohol enforcement activities for FTA, and those files are organized so that information could be retrieved by personal identifier, the Privacy Act requirements apply to all contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Federal Privacy Act requirements flow down to each third party contractor and their contracts at every tier.

Model Clause/Language

The text of the following clause has not been mandated by statute or specific regulation, but has been developed by FTA.

Contracts Involving Federal Privacy Act Requirements - The following requirements apply to the Contractor and its employees that administer any system of records on behalf of the Federal Government under any contract:

1. The Contractor agrees to comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974,

5 U.S.C. § 552a. Among other things, the Contractor agrees to obtain the express consent of the Federal Government before the Contractor or its employees operate a system of records on behalf of the Federal Government. The Contractor understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying contract.
2. The Contractor also agrees to include these requirements in each subcontract to administer any system of records on behalf of the Federal Government financed in whole or in part with Federal assistance provided by FTA.

24. Civil Rights Requirements

**29 U.S.C. § 623, 42 U.S.C. § 2000
42 U.S.C. § 6102, 42 U.S.C. § 12112
42 U.S.C. § 12132, 49 U.S.C. § 5332
29 CFR Part 1630, 41 CFR Parts 60 et seq.**

Applicability to Contracts

The Civil Rights Requirements apply to all contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

Model Clause/Language

The following clause was predicated on language contained at 49 CFR Part 19, Appendix A, but FTA has shorten the lengthy text.

Civil Rights - The following requirements apply to the underlying contract:

1. *Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.*

2. *Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:*
 1. *Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq ., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.*

 2. *Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.*

 3. *Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29*

C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

- 3. The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.*

25. Breaches and Dispute Resolution

49 CFR Part 18 FTA Circular 4220.1E

Applicability to Contracts

All contracts in excess of \$100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

Flow Down

The Breaches and Dispute Resolutions requirements flow down to all tiers.

Model Clauses/Language

FTA does not prescribe the form or content of such provisions. What provisions are developed will depend on the circumstances and the type of contract. Recipients should consult legal counsel in developing appropriate clauses. The following clauses are examples of provisions from various FTA third party contracts.

Disputes - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of (Recipient)'s [title of employee]. This decision shall be final and conclusive unless within [ten (10)] days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the [title of employee]. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the [title of employee] shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by (Recipient), Contractor shall continue performance under this Contract while matters in dispute are being resolved.

Claims for Damages - Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others

for whose acts he is legally liable, a claim for damages therefor shall be made in writing to such other party within a reasonable time after the first observance of such injury of damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the (Recipient) and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the (Recipient) is located.

Rights and Remedies - The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the (Recipient), (Architect) or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

26. Patent and Rights in Data

37 CFR Part 401

49 CFR Parts 18 and 19

Applicability to Contracts

Patent and rights in data requirements for federally assisted projects ONLY apply to research projects in which FTA finances the purpose of the grant is to finance the development of a product or information. These patent and data rights requirements do not apply to capital projects or operating projects, even though a small portion of the sales price may cover the cost of product development or writing the user's manual.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The Patent and Rights in Data requirements apply to all contractors and their contracts at every tier.

Model Clause/Language

The FTA patent clause is substantially similar to the text of 49 C.F.R. Part 19, Appendix A, Section 5, but the rights in data clause reflects FTA objectives. For patent rights, FTA is governed by Federal law and regulation. For data rights, the text on copyrights is insufficient to meet FTA's purposes for awarding research grants. This model clause, with larger rights as a standard, is proposed with the understanding that this standard could be modified to FTA's needs.

CONTRACTS INVOLVING EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK.

A. Rights in Data - *This following requirements apply to each contract involving experimental, developmental or research work:*

- 1. The term "subject data" used in this clause means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under the contract. The term includes graphic or pictorial delineation in media such as drawings or photographs; text in specifications or related performance or design-type documents; machine forms such as punched cards, magnetic tape, or computer memory printouts; and information retained in computer memory. Examples include, but are not limited to: computer software, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. The term "subject data" does not include financial reports, cost analyses, and similar information incidental to contract administration.*
- 2. The following restrictions apply to all subject data first produced in the performance of the contract to which this Attachment has been added:*
 - 1. Except for its own internal use, the Purchaser or Contractor may not publish or reproduce subject data in whole or in part, or in any manner or form, nor may the Purchaser or Contractor authorize others to do so, without the written consent of the Federal Government, until such time as the Federal Government may have either released or approved the release of such data to the public; this restriction on publication, however, does not apply to any contract with an academic institution.*
 - 2. In accordance with 49 C.F.R. § 18.34 and 49 C.F.R. § 19.36, the Federal Government reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for "Federal Government purposes," any subject data or copyright described in subsections (2)(b)1 and (2)(b)2 of this clause below. As used in the previous sentence, "for Federal Government purposes," means use only for the direct purposes of the Federal Government. Without the copyright owner's consent, the Federal Government may not extend its Federal license to any other party.*
 - 1. Any subject data developed under that contract, whether or not a copyright has been obtained; and*
 - 2. Any rights of copyright purchased by the Purchaser or Contractor using Federal assistance in whole or in part provided by FTA.*
- 3. When FTA awards Federal assistance for experimental, developmental, or research work, it is FTA's general intention to increase transportation knowledge available to the public, rather than to restrict the benefits resulting from the work to participants in that work. Therefore, unless FTA determines otherwise, the Purchaser and the Contractor performing experimental, developmental, or research work required by the underlying contract to which this Attachment is added agrees to permit FTA to make available to the public,*

either FTA's license in the copyright to any subject data developed in the course of that contract, or a copy of the subject data first produced under the contract for which a copyright has not been obtained. If the experimental, developmental, or research work, which is the subject of the underlying contract, is not completed for any reason whatsoever, all data developed under that contract shall become subject data as defined in subsection (a) of this clause and shall be delivered as the Federal Government may direct. This subsection (c) , however, does not apply to adaptations of automatic data processing equipment or programs for the Purchaser or Contractor's use whose costs are financed in whole or in part with Federal assistance provided by FTA for transportation capital projects.

- 4. Unless prohibited by state law, upon request by the Federal Government, the Purchaser and the Contractor agree to indemnify, save, and hold harmless the Federal Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Purchaser or Contractor of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under that contract. Neither the Purchaser nor the Contractor shall be required to indemnify the Federal Government for any such liability arising out of the wrongful act of any employee, official, or agents of the Federal Government.*
- 5. Nothing contained in this clause on rights in data shall imply a license to the Federal Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Federal Government under any patent.*
- 6. Data developed by the Purchaser or Contractor and financed entirely without using Federal assistance provided by the Federal Government that has been incorporated into work required by the underlying contract to which this Attachment has been added is exempt from the requirements of subsections (b), (c), and (d) of this clause , provided that the Purchaser or Contractor identifies that data in writing at the time of delivery of the contract work.*
- 7. Unless FTA determines otherwise, the Contractor agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.*
- 3. Unless the Federal Government later makes a contrary determination in writing, irrespective of the Contractor's status (i.e. , a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual, etc.), the Purchaser and the Contractor agree to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in*

U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

- 4. The Contractor also agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.*

B. Patent Rights - *This following requirements apply to each contract involving experimental, developmental, or research work:*

- 1. General - If any invention, improvement, or discovery is conceived or first actually reduced to practice in the course of or under the contract to which this Attachment has been added, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the Purchaser and Contractor agree to take actions necessary to provide immediate notice and a detailed report to the party at a higher tier until FTA is ultimately notified.*
- 2. Unless the Federal Government later makes a contrary determination in writing, irrespective of the Contractor's status (a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual), the Purchaser and the Contractor agree to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.*
- 3. The Contractor also agrees to include the requirements of this clause in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.*

27. Transit Employee Protective Agreements

49 U.S.C. § 5310, § 5311, and § 5333
29 CFR Part 215

Applicability to Contracts

The Transit Employee Protective Provisions apply to each contract for transit operations performed by employees of a Contractor recognized by FTA to be a transit operator. (Because transit operations involve many activities apart from directly driving or operating transit vehicles, FTA determines which activities constitute transit "operations" for purposes of this clause.)

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

These provisions are applicable to all contracts and subcontracts at every tier.

Model Clause/Language

Since no mandatory language is specified, FTA had developed the following language.

Transit Employee Protective Provisions.

1. *The Contractor agrees to the comply with applicable transit employee protective requirements as follows:*

1. *General Transit Employee Protective Requirements - To the extent that FTA determines that transit operations are involved, the Contractor agrees to carry out the transit operations work on the underlying contract in compliance with terms and conditions determined by the U.S. Secretary of Labor to be fair and equitable to protect the interests of employees employed under this contract and to meet the employee protective requirements of 49 U.S.C. A 5333(b), and U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in the letter of certification from the U.S. DOL to FTA applicable to the FTA Recipient's project from which Federal assistance is provided to support work on the underlying contract. The Contractor agrees to carry out that work in compliance with the conditions stated in that U.S. DOL letter. The requirements of this subsection (1), however, do not apply to any contract financed with Federal assistance provided by FTA either for projects for elderly individuals and individuals with disabilities authorized by 49 U.S.C. § 5310(a)(2), or for projects for nonurbanized areas authorized by 49 U.S.C. § 5311. Alternate provisions for those projects are set forth in subsections (b) and (c) of this clause.*

2. *Transit Employee Protective Requirements for Projects Authorized by 49 U.S.C.*

§ 5310(a)(2) for Elderly Individuals and Individuals with Disabilities - If the contract involves transit operations financed in whole or in part with Federal assistance authorized by 49 U.S.C. § 5310(a)(2), and if the U.S. Secretary of Transportation has determined or determines in the future that the employee protective requirements of 49 U.S.C. § 5333 (b) are necessary or appropriate for the state and the public body subrecipient for which work is performed on the underlying contract, the Contractor agrees to carry out the Project in compliance with the terms and conditions determined by the U.S. Secretary of Labor to meet the requirements of 49 U.S.C. § 5333(b), U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in the U.S. DOL's letter of certification to FTA, the date of which is set forth Grant Agreement or

Cooperative Agreement with the state. The Contractor agrees to perform transit operations in connection with the underlying contract in compliance with the conditions stated in that U.S. DOL letter.

3. Transit Employee Protective Requirements for Projects Authorized by 49 U.S.C.

§ 5311 in Nonurbanized Areas - If the contract involves transit operations financed in whole or in part with Federal assistance authorized by 49 U.S.C. § 5311, the Contractor agrees to comply with the terms and conditions of the Special Warranty for the Nonurbanized Area Program agreed to by the U.S. Secretaries of Transportation and Labor, dated May 31, 1979, and the procedures implemented by U.S. DOL or any revision thereto.

2. The Contractor also agrees to include the any applicable requirements in each subcontract involving transit operations financed in whole or in part with Federal assistance provided by FTA.

28. Disadvantaged Business Enterprise (DBE)

49 CFR Part 26

Background and Applicability

The newest version on the Department of Transportation's Disadvantaged Business Enterprise (DBE) program became effective July 16, 2003. The rule provides guidance to grantees on the use of overall and contract goals, requirement to include DBE provisions in subcontracts, evaluating DBE participation where specific contract goals have been set, reporting requirements, and replacement of DBE subcontractors. Additionally, the DBE program dictates payment terms and conditions (including limitations on retainage) applicable to all subcontractors regardless of whether they are DBE firms or not.

The DBE program applies to all DOT-assisted contracting activities. A formal clause such as that below must be included in all contracts above the micro-purchase level. The requirements of clause subsection b flow down to subcontracts.

A substantial change to the payment provisions in this newest version of Part 26 concerns retainage (see section 26.29). Grantee choices concerning retainage should be reflected in the language choices in clause subsection d.

Clause Language

The following clause language is suggested, not mandatory. It incorporates the payment terms and conditions applicable to all subcontractors based in Part 26 as well as those related only to DBE subcontractors. The suggested language allows for the options available to grantees concerning retainage, specific contract goals, and evaluation of DBE subcontracting participation when specific contract goals have been established.

Disadvantaged Business Enterprises

1. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is ___ %. A separate contract goal **[of ___ % DBE participation has] [has not]** been established for this procurement.
2. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as **{insert agency name}** deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).
3. **{If a separate contract goal has been established, use the following}** Bidders/offerors are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following **[concurrent with and accompanying sealed bid] [concurrent with and accompanying an initial proposal] [prior to award]**:
 1. The names and addresses of DBE firms that will participate in this contract;
 2. A description of the work each DBE will perform;
 3. The dollar amount of the participation of each DBE firm participating;
 4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
 5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
 6. If the contract goal is not met, evidence of good faith efforts to do so.

[Bidders][Offerors] must present the information required above **[as a matter of responsiveness] [with initial proposals] [prior to contract award]** (see 49 CFR 26.53(3)).

{If no separate contract goal has been established, use the following} The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.
4. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the **{insert agency name}**. In addition, **[the contractor may not hold retainage from its subcontractors.] [is required to return any retainage payments to those**

subcontractors within 30 days after the subcontractor's work related to this contract is satisfactorily completed.] [is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the {insert agency name} and contractor's receipt of the partial retainage payment related to the subcontractor's work.]

5. The contractor must promptly notify **{insert agency name}**, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of **{insert agency name}**.

29. [RESERVED]

30. Incorporation of Federal Transit Administration (FTA) Terms

FTA Circular 4220.1E

Applicability to Contracts

The incorporation of FTA terms applies to all contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down

The incorporation of FTA terms has unlimited flow down.

Model Clause/Language

FTA has developed the following incorporation of terms language:

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to

perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

31. Drug and Alcohol Testing

49 U.S.C. §5331

49 CFR Parts 653 and 654

Applicability to Contracts

The Drug and Alcohol testing provisions apply to Operational Service Contracts.

Applicability to Micro-Purchases

Micro-purchases are defined as those purchases under \$2,500. These requirements do not apply to micro-purchases.

Flow Down Requirements

Anyone who performs a safety-sensitive function for the recipient or subrecipient is required to comply with 49 CFR 653 and 654, with certain exceptions for contracts involving maintenance services. Maintenance contractors for non-urbanized area formula program grantees are not subject to the rules. Also, the rules do not apply to maintenance subcontractors.

Model Clause/Language

Introduction

FTA's drug and alcohol rules, 49 CFR 653 and 654, respectively, are unique among the regulations issued by FTA. First, they require recipients to ensure that any entity performing a safety-sensitive function on the recipient's behalf (usually subrecipients and/or contractors) implement a complex drug and alcohol testing program that complies with Parts 653 and 654. Second, the rules condition the receipt of certain kinds of FTA funding on the recipient's compliance with the rules; thus, the recipient is not in compliance with the rules unless every entity that performs a safety-sensitive function on the recipient's behalf is in compliance with the rules. Third, the rules do not specify how a recipient ensures that its subrecipients and/or contractors comply with them.

How a recipient does so depends on several factors, including whether the contractor is covered independently by the drug and alcohol rules of another Department of Transportation operating administration, the nature of the relationship that the recipient has with the contractor, and the financial resources available to the recipient to oversee the contractor's drug and alcohol testing program. In short, there are a variety of ways a recipient can ensure that its subrecipients and contractors comply with the rules.

Therefore, FTA has developed three model contract provisions for recipients to use "as is" or to modify to fit their particular situations.

Explanation of Model Contract Clauses

Under Option 1, the recipient ensures the contractor's compliance with the rules by requiring the contractor to participate in a drug and alcohol program administered by the recipient. The advantages of doing this are obvious: the recipient maintains total control over its compliance with 49 CFR 653 and 654. The disadvantage is that the recipient, which may not directly employ any safety-sensitive employees, has to implement a complex testing program. Therefore, this may be a practical option only for those recipients which have a testing program for their employees, and can add the contractor's safety-sensitive employees to that program.

Under Option 2, the recipient relies on the contractor to implement a drug and alcohol testing program that complies with 49 CFR 653 and 654, but retains the ability to monitor the contractor's testing program; thus, the recipient has less control over its compliance with the drug and alcohol testing rules than it does under option 1. The advantage of this approach is that it places the responsibility for complying with the rules on the entity that is actually performing the safety-sensitive function. Moreover, it reserves to the recipient the power to ensure that the contractor complies with the program. The disadvantage of Option 2 is that without adequate monitoring of the contractor's program, the recipient may find itself out of compliance with the rules.

Under option 3, the recipient specifies some or all of the specific features of a contractor's drug and alcohol compliance program. Thus, it requires the recipient to decide what it wants to do and how it wants to do it. The advantage of this option is that the recipient has more control over the contractor's drug and alcohol testing program, yet it is not actually administering the testing program. The disadvantage is that the recipient has to specify and understand clearly what it wants to do and why.

Drug and Alcohol Testing Option 1

The contractor agrees to:

(a) participate in (grantee's or recipient's) drug and alcohol program established in compliance with 49 CFR 653 and 654.

Drug and Alcohol Testing Option 2

The contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of (name of State), or the (insert name of grantee), to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654 before (insert date) and to submit the Management Information System (MIS) reports before (insert date before March 15) to (insert title and address of person responsible for receiving information). To certify compliance the contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

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**Drug and Alcohol Testing
Option 3**

The contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of (name of State), or the (insert name of grantee), to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 653 and 654 and review the testing process. The contractor agrees further to certify annually its compliance with Parts 653 and 654 before (insert date) and to submit the Management Information System (MIS) reports before (insert date before March 15) to (insert title and address of person responsible for receiving information). To certify compliance the contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register. The Contractor agrees further to [Select a, b, or c] (a) submit before (insert date or upon request) a copy of the Policy Statement developed to implement its drug and alcohol testing program; OR (b) adopt (insert title of the Policy Statement the recipient wishes the contractor to use) as its policy statement as required under 49 CFR 653 and 654; OR (c) submit for review and approval before (insert date or upon request) a copy of its Policy Statement developed to implement its drug and alcohol testing program. In addition, the contractor agrees to: (to be determined by the recipient, but may address areas such as: the selection of the certified laboratory, substance abuse professional, or Medical Review Officer, or the use of a consortium).

[Return to the top of the document](#)

Updated: Wednesday, March 16, 2016

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Appendix G: Notice to the Public and Policy Statement

Title VI Notice to the Public

Notification of Rights Under Title VI

- Georgia DOT Transit is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended.
- Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint. Any such complaint must be in writing and submitted to Georgia DOT within one hundred eighty (180) days following the date of the alleged discrimination.
- For more information on Georgia DOT Title VI obligations, or to file a complaint, contact Nadara Wade, Transit Program Title VI Coordinator, 600 West Peachtree Street, NW. Atlanta, GA 30308. Please click on the link below to access our complaint form.
- You may also file your complaint directly with the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE
Washington, DC 20590

If information is needed in another language, please contact 404-631-1231.

Si necesita más información en otro lenguaje, por favor contactenos a 404-631-1231.

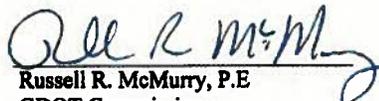
TITLE VI POLICY STATEMENT

The Georgia Department of Transportation (GDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. GDOT assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. GDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, GDOT will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

As provided under Section 162a of the Federal-Aid Highway Act of 1973 (section 324, title 23 U.S.C.), GDOT shall not discriminate on the ground of sex and GDOT shall submit a certification to the FHWA indicating that the requirements of section 162a of the Federal-Aid Highway Act of 1973 have been added to its assurances.

When GDOT distributes federal aid funds to another governmental entity, GDOT will include Title VI language in all written agreements and will monitor for compliance.

GDOT's Equal Employment Opportunity Division (EEO) is responsible for initiating and monitoring Title VI activities, preparing required reports and other GDOT responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.


Russell R. McMurry, P.E.
GDOT Commissioner

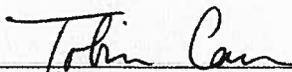

Date

Appendix H: Planning Process Certification

**STATEWIDE TRANSPORTATION PLANNING PROCESS
CERTIFICATION**

In accordance with Title 23 CFR 450.218, the Georgia Department of Transportation hereby certifies that its statewide transportation planning process is addressing major issues facing the State and its non-urbanized areas, and is being carried out in accordance with the following requirements:

- I. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and this part;
- II. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- III. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity;
- IV. Section 1101(b) of MAP-21 (Moving Ahead for Progress in the 21st Century Act) (P.L. 112-141) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- V. 23 CFR part 230, regarding implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- VI. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
- VII. In States containing nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- VIII. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- IX. Section 324 of title 23 U.S.C., regarding the prohibition of discrimination based on gender; and
- X. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.



Director of Planning

8/25/14

Date

**Appendix I: LEP Demographic Profiles of Georgia
Limited English Proficiency Plan
And Demographic Profiles**

(.pdf files)



APPENDIX I

GEORGIA DEPARTMENT OF TRANSPORTATION
EQUAL OPPORTUNITY DIVISION
TITLE VI PROGRAM

LEP

LIMITED ENGLISH PROFICIENCY PLAN

October 2013

Prepared by: Title VI Environmental Justice Specialist

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GDOT's Title VI Policy Statement

The Georgia Department of Transportation (GDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. GDOT assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any GDOT service, program, or activity. The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

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Limited English Proficiency Plan
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INTRODUCTION

As Georgia's population grows the state's immigrant population and the Limited English Proficient (LEP) community of individuals requiring access to Georgia Department of Transportation's (GDOT) programs and services increases as well. The quality of the services in GDOT offices across the state has been inconsistent and may at times falls below the level necessary to meet federal standards for providing meaningful access to the programs and services by LEP individuals. The goal of the GDOT LEP Plan is to assist GDOT offices statewide in devising methods to provide access to LEP individuals that consistently meet or exceed federal and state mandates.

To that end, the GDOT LEP Plan provides offices with a brief outline of the federal and state mandates regarding the level of services that should be made available to LEP individuals and a guide to assist offices in meeting these important requirements. This LEP plan also offers practical solutions to many of the language assistance issues faced by GDOT across our state. It is also hoped that this LEP plan will facilitate communication and exchange of ideas between GDOT offices on ways to address our common concerns, thus enabling all offices to ensure that LEP individuals across the state receive a level of program and service access equal to those for whom English is not their first language.

This plan is intended to be a user-friendly guide to assist GDOT in complying with federal mandates, and meeting the needs of the LEP population in your jurisdiction.

This plan was updated by Adoraeu, Title VI/ Environmental Justice Specialist for the Georgia Department of Transportation.

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EXECUTIVE ORDER 13166

50121

Federal Register

Vol. 65, No. 159

Wednesday, August 16, 2000

Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

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50122 Federal Register / Vol. 65, No. 159 / Wednesday, August 16, 2000 / Presidential Documents

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

William Clinton

THE WHITE HOUSE,
August 11, 2000.

[FR Doc 00-20938
Filed 8-16-00; 8:45 am]
Billing code 3195-01-P

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LEGAL BASIS AND PURPOSE

The purpose of this Limited English Proficiency Plan is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to Limited English Proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964, 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq., and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

Executive Order 13166 “Improving Access to Services for Persons With Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency.” (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies such as the Georgia Department of Transportation (GDOT), local agencies and governments, private and non-profit entities, and subrecipients.

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LIMITED ENGLISH PROFICIENCY – AUTHORITIES

According to the Office for Civil Rights (OCR), in order to avoid discrimination on the basis of national origin against persons with limited English language proficiency, recipients of federal financial assistance from the U.S. Department of Transportation must take adequate steps to ensure that persons with limited English proficiency receive the language assistance necessary to allow them meaningful access to services, free of charge.

Limited English Proficiency (LEP) is a term used to describe people who do not speak English as their primary language and who also may have limited ability to read, write, or understand English. The diversity of Georgia's population continues to grow and change. The U. S. Census Bureau, 2010 American Community Survey shows that nearly 5.8% of the population in Georgia identified themselves as someone who speaks English "not well". This population statistic is only likely to grow in the future. Therefore, it is critical that the Georgia Department of Transportation (GDOT) be innovative and proactive in engaging people from different cultures, backgrounds and businesses in the public involvement aspect of planning and project development and other program areas such as: planning, project development, right-of-way acquisition, construction, and other programs or services involving the public.

For a better understanding of terms, *translation* is the process of transferring ideas expressed in writing from one language to another language. *Interpretation* is the process used to orally transfer meaning between languages. In either case, language is not translated or interpreted word for word as there is often not a literal word for word match between languages. Instead, the exchange normally involves the idea or concept that needs to be expressed.

Authority and Guidance

Presidential Executive Order (EO) 13166 – *Improving Access to Services for Persons with Limited English Proficiency* is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Discrimination in providing services to LEP persons is covered in Title VI under national origin discrimination. The 1987 Civil Rights Restoration Act broadened the coverage of Title VI to include all of a federal fund recipient's programs and activities, whether they are federally funded or not. These requirements filter down through GDOT to all subrecipients including contractors, Metropolitan Planning Organizations, county highway districts and agents doing business on behalf of GDOT such as county highway operations.

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EO 13166 states that recipients must provide LEP persons an equal opportunity to benefit from and ensure *meaningful access* to its programs and services that are normally provided in English. The following federal publications provide implementing guidance:

- US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, Federal Register/Vol. 70, No. 239/December 2005
- US Department of Justice Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159, August 2000, www.usdoj.gov/crt/cor/
- US Department of Justice Clarifying Memo, dated October 26, 2001, www.usdoj.gov/crt/cor/lep/Oct26/

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FOUR FACTOR ANALYSIS

The U. S. Department of Transportation (DOT) issued its *Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons* [Federal Register: December 14, 2005 (Volume 70, Number 239)]. This policy states that DOT recipients are required to take reasonable steps to ensure meaningful access to programs by LEP persons. This coverage extends to the recipient's entire program. There are four factors for agencies to consider when assessing language needs and determining what steps they should take to ensure access for LEP persons:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the recipient;
- 2) The frequency with which LEP individuals come in contact with the program;
- 3) The nature and importance of the program, activity or service provided by the recipient to people's lives; and
- 4) The resources available to the recipient and costs.

A brief description of the self-assessment undertaken in each of these areas follows.

1. **The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service.**

The decision to provide language assistance services should include an assessment of the number or proportion of LEP persons from a particular language group served or encountered in the surrounding community area. The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. Generally, identifying any community where the LEP population equals 5 percent or more in a given language automatically triggers providing language assistance services as a mandatory and normal part of your program operation. In Georgia, the largest LEP population is Hispanic. (See Attachment A – 2010 U.S. Census Bureau Statistics, State & County Quick Facts for Georgia, Attachment B – American Community Survey 2010, Selected Social Characteristics in the United States, and Attachment C 2010 American Community Survey, Language Spoken at Home)

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Spanish speakers are the primary LEP persons likely to be encountered by the Georgia Department of Transportation. For Georgia, the U. S. Census Bureau, 2010 American Community Survey information shows that the total population of persons 5 and older is 9,030,273. Spanish is spoken by 702,834 people, or 7.8% of the population. Of those who speak Spanish, 354,626 people (3.9%) reported speaking English “not well”. Other languages spoken were a much smaller proportion of the total population of Georgia (0.7%), and those who identified themselves as LEP persons in these other languages comprise only 0.2% of the total population of Georgia. The 2010 US Census Bureau, State & County Quick Facts indicates that 12.7% of the Georgia population speaks another language at home other than English. From both of the above studies that were conducted over 5% of the population were either Spanish speaking or spoke another language that was not English. 3.9% of the total population in the state of Georgia are most likely to be LEP persons.

There are a variety of sources for demographic information. The Census Bureau is only one potential source. Detailed information about the racial and ethnic populations you serve or might serve, including the languages involved, can also be found in Department of Education data from school enrollment. Census Bureau, Department of Education and other helpful demographic data for Georgia can be found at www.lep.gov by selecting the Demographics button. You may also go to <http://factfinder.census.gov/> to access numerical data and mapping tools down to census block groups. Community-based organizations can also help you identify language needs in the communities that you serve.

2. The frequency with which LEP individuals come in contact with the program.

Georgia Department of Transportation assess the frequency at which staff has or could possibly have contact with LEP persons. This includes examining census data, phone inquiries, requests for translated documents, and staff feedback. As discussed above, the data above indicates that 7.8 percent (7.8%) of the general population of Georgia are Spanish-speaking LEP persons. The more frequent the contact with a particular language group, the more likely that enhanced services in that language are needed. It is also important to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require bilingual staffing. Less frequent contact with other language groups may suggest a different and less intense approach. In Georgia the Statewide Transportation Improvement Program (STIP) conducted a LEP assessment of all of the

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rural cities and counties that were only a part of the STIP. That assessment resulted in the Environmental Justice Identification & Proposed Outreach Report for FY2013-2016. This report looked at the LEP individuals greater than 5 years of age that reported speaking English as “not well”. According Environmental Justice Identification & Proposed Outreach Report Georgia has a 2.10-2.98% LEP population. For GDOT programs where public outreach or public involvement is central to the mission, staff should consider whether appropriate outreach to LEP persons could increase the frequency of contact with those groups, triggering a higher level of language assistance. Based upon these assessments and assessments within the 7 districts of the GDOT, there has been little to no contact with LEP individuals.

3. The nature and importance of the program, activity or service provided by the recipient to people’s lives.

Once you have assessed what languages to consider by looking at demography and frequency of contact, look at the nature and importance of your programs, activities and services that you provide to that population. As a general rule, the more important the activity, information, service or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services will be needed. If the denial or delay of access to services or information could have serious implications for the LEP individual, procedures should be in place to provide language assistance to LEP persons as part of standard business practices. In Georgia transportation plays a vital role in the lives of LEP persons living here. When transportation decisions are made, the LEP and minority communities are usually impacted the most. GDOT is committed to providing safe and reliable transportation services to the LEP population and others. GDOT will provide services to LEP’s such as help filling complaints, public transportation& safety, planning meetings, public involvement and information

Studies have shown that when LEP individuals fail to access important services or programs due to language barriers, the result may be that they have even more difficulty learning English than those who are provided language assistance.

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4. The resources available to the recipient and costs.

Lastly, one must identify the resources available to ensure that you will be able to provide language assistance to LEP persons participating in your programs or activities. Your own particular demographics, frequency and importance of contacts will dictate the level of language services you should commit to provide. Some language services can be provided at little or no cost, such as using community volunteers or bilingual staff as interpreters. Using a telephone language line is less expensive than hiring an interpreter. You should carefully explore the most cost-effective means of delivering competent and accurate language services before deciding to limit services due to resource concerns. In Georgia we use bilingual staff, translation of vital documents and the "I speak cards" to provide assistance to LEP's. In situations where GDOT employees cannot provide services, such as unfamiliar languages, GDOT utilizes an interpretation service for its interpreting and translation needs.

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COMPONENTS OF THE PLAN

After analyzing the four factors outlined in U. S. DOT policy guidance, GDOT developed the following plan for providing language assistance to LEP persons.

As stated above, the 2010 Census and 2010 American Community Survey data show that Spanish-speaking LEP persons are the primary group requiring language assistance. This information can also be used to identify concentrations of LEP persons within the service area. Higher percentages of LEP persons can also be identified more accurately by census tracts. Identifying concentrations of LEP persons helps to ensure that they receive the necessary language assistance measures.

There are also several measures that can be taken to identify individual persons who may need language assistance:

- When open houses or public meetings are held, set up a sign-in table, and have a staff member greet and briefly speak to each attendee, in order to informally gauge his/her ability to speak and understand English.
- Have the Census Bureau's "I Speak Cards" at various events. While staff may not be able to provide translation assistance at the time, the cards are an excellent tool to identify language needs for future events/meetings.
- Post a notice of available language assistance at open houses/public meetings to encourage LEP persons to self-identify.

Language Assistance Measures

The costs for providing language assistance may not be passed on to the customer. With the exception of translating written materials, the cost of language assistance is generally fairly minimal.

Some options for providing assistance include:

- Bilingual staffing
- Telephone interpretation
- Volunteer interpreters from community minority organizations
- Qualified paid interpreters
- Use 'I Speak' cards to identify languages
- Translate vital documents

LEP persons are not obligated to provide their own interpreter, although many do so. In some program areas it may be important for legal or safety reasons to provide a qualified outside interpreter rather than use a family member or friend of the LEP person. Although the use of an interpreter who is qualified is essential, it does not necessarily mean formal certification as an interpreter is required.

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Certification may be helpful, but at a minimum, a qualified paid interpreter needs to:

Be proficient in and have the ability to communicate accurately in both English and in the other language, as well as employ the appropriate mode of interpreting (e.g. consecutive, simultaneous, summarization, or sight translation). *Language is not translated or interpreted word for word as there is often not a literal word for word match between languages. Instead, the exchange normally involves the idea or concept that needs to be expressed.*

Have knowledge in both languages of any specialized terms or concepts peculiar to the program.

Understand and follow confidentiality and impartiality rules to the same extent as the GDOT employee for whom they are interpreting or to the extent that their position requires.

Understand and adhere to their role as interpreter without deviating into a role as counselor, legal advisor, or other inappropriate role.

Language services should be provided at a time and place that avoids the effect of denying access to the service or benefit of the program. However, in some situations it may be reasonable to ask the LEP individual to return at a specified date and time to allow time to arrange for interpreter services. Because LEP persons can file a complaint on the basis of national origin, staff should be trained on how to properly handle a Title VI complaint (see Attachment D – Title VI Complaint Procedures and Title VI Complaint Form).

Training Staff

Training staff on the procedures of providing language assistance and how to determine whether and what type of language services a customer needs, is essential to bridging the gap between policies or procedures and actual practices. Training should include how to obtain language assistance services and how to communicate needs to interpreters and translators. Providing language assistance in some program areas may also mean training staff to avoid using acronyms or industry jargon when communicating with LEP individuals.

It is important that staff members, especially those having contact with the public, know their obligation to provide meaningful access to information and services for LEP persons. Even staff members who do not interact regularly with LEP persons should be aware of and understand the LEP plan. Properly training staff is a key element in the effective implementation of the LEP plan. Beginning in 2013 LEP training will be provided for both internal staff and external customers. Training for

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those groups most likely to encounter LEP persons and thus to provide language assistance includes:

- Understanding the Title VI/ LEP responsibilities
- Specific procedures to be followed when encountering an LEP person

Department Directors, including Assistant Administrators and Office Heads, are also crucial in implementing LEP policy. Copies of the LEP plan are distributed to all Department Directors, Assistant Administrators, and Office Heads, and it is their responsibility to disseminate LEP plan information to appropriate administrative staff. Department Directors should ensure staff understands Title VI responsibilities.

Providing Notice to LEP Persons

Once it has been determined, based on the self-assessment that you must provide language services, it is important to let LEP persons know that those services are available and that they are free of charge. This information should be provided in a notice in a language LEP persons will understand. Some notification ideas include:

- Posting signs in areas where the public is likely to read them.
- Stating in outreach documents (brochures, booklets, pamphlets, flyers) that language services are available.
- Working with community-based organizations to inform LEP persons of the availability of language assistance.
- Using a telephone voice mail menu in the most common languages encountered.
- Including notices in local newspapers in languages other than English.
- Providing notices in non-English language radio and television stations about the availability of language assistance services for important events.
- Presentations and/or notices at schools and religious organizations for important events or where community involvement is critical.

Translation of Vital Documents into Languages Other than English

Some GDOT program areas require interaction with the public as a part of daily operations and include contact with one or more LEP populations. If this interaction includes letters, notices, forms, applications, and the nature of these documents would be considered of critical importance to the LEP person, consideration should be given to written translation of the documents or forms. It is important to make an assessment as to the population percentage, and the frequency and importance of the contact while considering the potential for translating these documents. The program areas most likely to encounter the need to translate vital documents are

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public involvement, planning, project development, environmental, and right-of-way acquisition.

Examples of vital documents that require consideration for translation in Spanish (Georgia's largest LEP population):

- Notices of proposed public hearings regarding proposed transportation plans, projects, or changes.
- Statements about the services available and the right to free language assistance services in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public.
- Notices advising LEP persons of free language assistance.
- Consent forms.
- Signs in reception areas and other points of initial entry.

Whether or not a document (or the information it solicits) is "vital" will depend on the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not accurate or timely. Where appropriate, program managers are encouraged to create a plan for consistently determining, over time and across their various activities, what documents are "vital" to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights and services is an important part of "meaningful access", as a lack of awareness may effectively deny LEP individuals meaningful access. Where program managers are engaged in community outreach efforts as part of their programs and activities, they should regularly assess the needs of the populations frequently encountered or affected by the program to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate, and some translations may be made more effective when done in tandem with outreach methods including using ethnic media, schools and religious and community organizations to spread a message. Sometimes a very large document may include both vital and non-vital information. This may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. In a case like this, vital information may include, for instance, providing information in appropriate languages regarding where an LEP person might obtain an interpretation or translation of the document.

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Language Assistance Resources

- ❖ 'I Speak' language identification cards to identify specific languages (see Attachment E).
I Speak' cards can be downloaded at [http://www.usdoj.gov/crt/cor/13166.htm`](http://www.usdoj.gov/crt/cor/13166.htm)
- ❖ Institutions of higher education, hospitals, law enforcement and minority community organizations are excellent sources for identifying interpreters and translators in the area.

Examples from Other States

- ✓ The **New Mexico State Highway and Transportation Department**, with Federal Highway Administration (FHWA) support, provides Spanish-language translations of its Right-of-Way Acquisition and Relocation brochures and also employs bilingual right-of-way agents to discuss project impacts in Spanish.
- ✓ The **Texas DOT** utilizes bilingual employees in its permit office to provide instruction and assistance to LEP Spanish-speaking truck drivers when providing permits to route overweight trucks through Texas.
- ✓ In preparation of its 20-year planning document, the **California DOT** held a public meeting titled "Planning the Future of Highway 1" in the largely Hispanic city of Guadalupe, through which Highway 1 runs. The meeting was broadcast on the local public access channel since many of the Spanish-speaking residents potentially affected by Highway 1 projects rely on the channel to receive public affairs information. They provided a Spanish-language interpreter during the meeting and also made its Spanish-speaking public affairs officer available to meet with participants individually.

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TECHNICAL ASSISTANCE

The GDOT Equal Employment Opportunity Division (EEO) Title VI Program is responsible for providing GDOT managers and staff with technical assistance. This includes advising about LEP requirements and implementation, and assisting in developing individual program area procedures to ensure compliance.

COMPLIANCE & REPORTING

GDOT Division Administrators, Office Heads and Section Managers are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions/programs. **This Plan must be incorporated by reference into the appropriate GDOT procedure manuals in order to ensure that employees are aware of their obligations for compliance.**

The EEO Title VI Coordinator will monitor GDOT programs to ensure LEP requirements are fulfilled and report annually on the accomplishments related to LEP activities in the Title VI Annual Accomplishment Report. The first report on LEP activities will be included with the FY2013 Title VI report to the Federal Highway Administration.

MONITORING

Evaluation of the LEP Plan

In June of each year the Title VI Coordinator will coordinate with the Title VI Liaisons to review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP persons requesting interpreters.
- Assessment of current language needs to determine if additional services or translated materials should be provided.
- Assessing whether staff members adequately understand the LEP policies and procedures and how to carry them out.
- Gathering feedback from LEP communities in the service area.

In monitoring compliance, an assessment will be made as to whether the program area's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the program activities and services. The program area's appropriate use of methods and options detailed in this LEP Plan will demonstrate their intent to comply with LEP requirements and Title VI of the Civil Rights Act of 1964. As with all other activities associated with compliance under Title VI, the FHWA is responsible for enforcement, and investigation of complaints.

ATTACHMENTS

A. 2010 Census Bureau Statistics, All Languages by State American Community Survey, Selected Social Characteristics

B. 2010 American Community Survey, Language Spoken at Home

C. Title VI Complaint Procedures and Complaint Form

D. 'I Speak' Cards

E. Georgia At a Glance- Statewide Racial/ Ethnic Breakdown

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Attachment A

2010 United States Census Bureau: State & County Quick Facts

Georgia

People Quick Facts	Georgia	USA
Population, 2011 estimate	9,815,210	311,591,917
Population, 2010 (April 1) estimates base	9,687,660	308,745,538
Population, percent change, April 1, 2010 to July 1, 2011	1.3%	0.9%
Population, 2010	9,687,653	308,745,538
Persons under 5 years, percent, 2011	7.0%	6.5%
Persons under 18 years, percent, 2011	25.4%	23.7%
Persons 65 years and over, percent, 2011	11.0%	13.3%
Female persons, percent, 2011	51.1%	50.8%

White persons, percent, 2011 (a)	63.2%	78.1%
Black persons, percent, 2011 (a)	31.0%	13.1%
American Indian and Alaska Native persons, percent, 2011 (a)	0.5%	1.2%
Asian persons, percent, 2011 (a)	3.4%	5.0%
Native Hawaiian and Other Pacific Islander persons, percent, 2011 (a)	0.1%	0.2%
Persons reporting two or more races, percent, 2011	1.8%	2.3%
Persons of Hispanic or Latino Origin, percent, 2011 (b)	9.1%	16.7%
White persons not Hispanic, percent, 2011	55.5%	63.4%

Living in same house 1 year & over, 2006-2010	82.3%	84.2%
Foreign born persons, percent, 2006-2010	9.6%	12.7%
Language other than English spoken at home, pct age 5+, 2006-2010	12.7%	20.1%
High school graduates, percent of persons age 25+, 2006-2010	83.5%	85.0%
Bachelor's degree or higher, pct of persons age 25+, 2006-2010	27.2%	27.9%
Veterans, 2006-2010	708,862	22,652,496
Mean travel time to work (minutes), workers age 16+, 2006-2010	27.0	25.2

Housing units, 2010	4,088,801	131,704,730
Homeownership rate, 2006-2010	67.2%	66.6%
Housing units in multi-unit structures, percent, 2006-2010	20.5%	25.9%
Median value of owner-occupied housing units, 2006-	\$161,400	\$188,400

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2010		
Households, 2006-2010	3,468,704	114,235,996
Persons per household, 2006-2010	2.66	2.59
Per capita money income in past 12 months (2010 dollars) 2006-2010	\$25,134	\$27,334
Median household income 2006-2010	\$49,347	\$51,914
Persons below poverty level, percent, 2006-2010	15.7%	13.8%
<hr/>		
Business Quick Facts	Georgia	USA
Private nonfarm establishments, 2009	219,348 ¹	7,433,465
Private nonfarm employment, 2009	3,410,505 ¹	114,509,626
Private nonfarm employment, percent change 2000-2009	-2.1% ¹	0.4%
Nonemployer establishments, 2009	734,830	21,090,761
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Total number of firms, 2007	901,105	27,092,908
Black-owned firms, percent, 2007	20.4%	7.1%
American Indian- and Alaska Native-owned firms, percent, 2007	0.7%	0.9%
Asian-owned firms, percent, 2007	5.1%	5.7%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	0.1%	0.1%
Hispanic-owned firms, percent, 2007	3.6%	8.3%
Women-owned firms, percent, 2007	30.9%	28.8%
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Manufacturers' shipments, 2007 (\$1000)	144,280,774	5,338,306,501
Merchant wholesaler sales, 2007 (\$1000)	141,962,359	4,174,286,516
Retail sales, 2007 (\$1000)	117,516,907	3,917,663,456
Retail sales per capita, 2007	\$12,326	\$12,990
Accommodation and food services sales, 2007 (\$1000)	16,976,235	613,795,732
Building permits, 2011	18,493	624,061
Federal spending, 2010	92,387,119 ¹	3,251,308,509 ²
<hr/>		
Geography Quick Facts	Georgia	USA
Land area in square miles, 2010	57,513.49	3,531,905.43
Persons per square mile, 2010	168.4	87.4
FIPS Code	13	

Source U.S. Census Bureau: State and County Quick Facts. Data derived from Population Estimates, American Community Survey, Census of Population and Housing, State and County Housing Unit Estimates, County Business Patterns, Nonemployee Statistics, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report
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Attachment B

2010 American Community Survey, Selected Social Characteristics in the United States

Georgia

DP02. Selected Social Characteristics
Data Set: 2010 American Community Survey
Survey: American Community Survey

Subject	Georgia			
	Estimate	Estimate Margin of Error	Percent	Percent Margin of Error
HOUSEHOLDS BY TYPE				
Total households	3,482,420	+/-15,694	3,482,420	(X)
Family households (families)	2,385,969	+/-17,984	68.5%	+/-0.4
With own children under 18 years	1,109,259	+/-15,400	31.9%	+/-0.4
Married-couple family	1,688,896	+/-17,061	48.5%	+/-0.4
With own children under 18 years	727,342	+/-13,167	20.9%	+/-0.4
Male householder, no wife present, family	161,001	+/-6,016	4.6%	+/-0.2
With own children under 18 years	74,357	+/-4,712	2.1%	+/-0.1
Female householder, no husband present, family	536,072	+/-11,910	15.4%	+/-0.3
With own children under 18 years	307,560	+/-8,987	8.8%	+/-0.3
Nonfamily households	1,096,451	+/-15,818	31.5%	+/-0.4
Householder living alone	921,005	+/-15,024	26.4%	+/-0.4
65 years and over	261,936	+/-7,857	7.5%	+/-0.2
Households with one or more people under 18 years	1,257,932	+/-15,533	36.1%	+/-0.4
Households with one or more people 65 years and over	735,820	+/-7,620	21.1%	+/-0.2
Average household size	2.72	+/-0.01	(X)	(X)
Average family size	3.30	+/-0.02	(X)	(X)
RELATIONSHIP				
Population in households	9,459,388	*****	9,459,388	(X)
Householder	3,482,420	+/-15,694	36.8%	+/-0.2

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Spouse	1,689,523	+/-16,484	17.9%	+/-0.2
Child	3,009,946	+/-18,761	31.8%	+/-0.2
Other relatives	786,568	+/-19,678	8.3%	+/-0.2
Nonrelatives	490,931	+/-17,695	5.2%	+/-0.2
Unmarried partner	165,345	+/-6,553	1.7%	+/-0.1
MARITAL STATUS				
Males 15 years and over	3,683,258	+/-5,446	3,683,258	(X)
Never married	1,303,654	+/-12,443	35.4%	+/-0.3
Now married, except separated	1,858,806	+/-17,341	50.5%	+/-0.5
Separated	76,496	+/-5,069	2.1%	+/-0.1
Widowed	80,699	+/-4,198	2.2%	+/-0.1
Divorced	363,603	+/-10,070	9.9%	+/-0.3
Females 15 years and over	3,954,542	+/-4,875	3,954,542	(X)
Never married	1,175,209	+/-12,347	29.7%	+/-0.3
Now married, except separated	1,821,159	+/-16,684	46.1%	+/-0.4
Separated	115,585	+/-6,064	2.9%	+/-0.2
Widowed	339,416	+/-7,570	8.6%	+/-0.2
Divorced	503,173	+/-11,267	12.7%	+/-0.3
FERTILITY				
Number of women 15 to 50 years old who had a birth in the past 12 months	145,715	+/-7,387	145,715	(X)
Unmarried women (widowed, divorced, and never married)	57,672	+/-4,828	39.6%	+/-2.3
Per 1,000 unmarried women	43	+/-4	(X)	(X)
Per 1,000 women 15 to 50 years old	58	+/-3	(X)	(X)
Per 1,000 women 15 to 19 years old	34	+/-6	(X)	(X)
Per 1,000 women 20 to 34 years old	106	+/-6	(X)	(X)
Per 1,000 women 35 to 50 years old	23	+/-3	(X)	(X)
GRANDPARENTS				
Number of grandparents living with own grandchildren under 18 years	252,342	+/-10,270	252,342	(X)

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Responsible for grandchildren	115,629	+/-7,711	45.8%	+/-2.2
Years responsible for grandchildren				
Less than 1 year	29,400	+/-3,707	11.7%	+/-1.3
1 or 2 years	26,993	+/-3,317	10.7%	+/-1.2
3 or 4 years	20,553	+/-2,423	8.1%	+/-0.9
5 or more years	38,683	+/-3,880	15.3%	+/-1.4
Number of grandparents responsible for own grandchildren under 18 years	115,629	+/-7,711	115,629	(X)
Who are female	74,876	+/-4,983	64.8%	+/-2.0
Who are married	78,114	+/-6,796	67.6%	+/-2.7
SCHOOL ENROLLMENT				
Population 3 years and over enrolled in school	2,734,492	+/-16,749	2,734,492	(X)
Nursery school, preschool	181,616	+/-7,584	6.6%	+/-0.3
Kindergarten	143,010	+/-6,475	5.2%	+/-0.2
Elementary school (grades 1-8)	1,119,477	+/-9,822	40.9%	+/-0.4
High school (grades 9-12)	554,519	+/-8,398	20.3%	+/-0.3
College or graduate school	735,870	+/-13,885	26.9%	+/-0.4
EDUCATIONAL ATTAINMENT				
Population 25 years and over	6,235,623	+/-7,667	6,235,623	(X)
Less than 9th grade	362,962	+/-10,593	5.8%	+/-0.2
9th to 12th grade, no diploma	616,597	+/-14,414	9.9%	+/-0.2
High school graduate (includes equivalency)	1,824,976	+/-22,166	29.3%	+/-0.4
Some college, no degree	1,306,500	+/-18,825	21.0%	+/-0.3
Associate's degree	422,830	+/-12,168	6.8%	+/-0.2
Bachelor's degree	1,093,642	+/-16,437	17.5%	+/-0.3
Graduate or professional degree	608,116	+/-12,949	9.8%	+/-0.2
Percent high school graduate or higher	(X)	(X)	84.3%	+/-0.3
Percent bachelor's degree or higher	(X)	(X)	27.3%	+/-0.3
VETERAN STATUS				
Civilian population 18 years and over	7,170,107	+/-4,179	7,170,107	(X)

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Civilian veterans	696,844	+/-12,845	9.7%	+/-0.2
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION				
Total Civilian Noninstitutionalized Population	9,519,836	+/-3,059	9,519,836	(X)
With a disability	1,112,830	+/-16,219	11.7%	+/-0.2
Under 18 years	2,492,281	+/-3,804	2,492,281	(X)
With a disability	101,337	+/-6,565	4.1%	+/-0.3
18 to 64 years	6,024,027	+/-5,972	6,024,027	(X)
With a disability	614,809	+/-13,761	10.2%	+/-0.2
65 years and over	1,003,528	+/-4,207	1,003,528	(X)
With a disability	396,684	+/-8,083	39.5%	+/-0.8
RESIDENCE 1 YEAR AGO				
Population 1 year and over	9,587,237	+/-5,924	9,587,237	(X)
Same house	8,015,409	+/-37,393	83.6%	+/-0.4
Different house in the U.S.	1,528,007	+/-37,475	15.9%	+/-0.4
Same county	832,014	+/-29,840	8.7%	+/-0.3
Different county	695,993	+/-23,877	7.3%	+/-0.2
Same state	446,534	+/-19,015	4.7%	+/-0.2
Different state	249,459	+/-15,858	2.6%	+/-0.2
Abroad	43,821	+/-5,631	0.5%	+/-0.1
PLACE OF BIRTH				
Total population	9,712,587	*****	9,712,587	(X)
Native	8,769,628	+/-14,761	90.3%	+/-0.2
Born in United States	8,650,405	+/-16,025	89.1%	+/-0.2
State of residence	5,360,866	+/-30,305	55.2%	+/-0.3
Different state	3,289,539	+/-31,370	33.9%	+/-0.3
Born in Puerto Rico, U.S. Island areas, or born abroad to American parent(s)	119,223	+/-7,934	1.2%	+/-0.1

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Foreign born	942,959	+/-14,761	9.7%	+/-0.2
U.S. CITIZENSHIP STATUS				
Foreign-born population	942,959	+/-14,761	942,959	(X)
Naturalized U.S. citizen	329,875	+/-10,069	35.0%	+/-1.1
Not a U.S. citizen	613,084	+/-15,555	65.0%	+/-1.1
YEAR OF ENTRY				
Population born outside the United States	1,062,182	+/-16,025	1,062,182	(X)
Native	119,223	+/-7,934	119,223	(X)
Entered 2000 or later	27,301	+/-4,036	22.9%	+/-2.7
Entered before 2000	91,922	+/-6,378	77.1%	+/-2.7
Foreign born	942,959	+/-14,761	942,959	(X)
Entered 2000 or later	408,745	+/-16,328	43.3%	+/-1.4
Entered before 2000	534,214	+/-12,743	56.7%	+/-1.4
WORLD REGION OF BIRTH OF FOREIGN BORN				
Foreign-born population, excluding population born at sea	942,959	+/-14,761	942,959	(X)
Europe	88,275	+/-6,716	9.4%	+/-0.7
Asia	246,469	+/-6,649	26.1%	+/-0.7
Africa	74,556	+/-7,469	7.9%	+/-0.8
Oceania	2,346	+/-1,035	0.2%	+/-0.1
Latin America	515,382	+/-11,789	54.7%	+/-1.0
Northern America	15,931	+/-2,130	1.7%	+/-0.2
LANGUAGE SPOKEN AT HOME				
Population 5 years and over	9,030,273	+/-3,859	9,030,273	(X)
English only	7,848,274	+/-17,645	86.9%	+/-0.2
Language other than English	1,181,999	+/-17,375	13.1%	+/-0.2
Speak English less than "very well"	522,100	+/-12,552	5.8%	+/-0.1
Spanish	702,834	+/-10,197	7.8%	+/-0.1

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Speak English less than "very well"	354,626	+/-9,852	3.9%	+/-0.1
Other Indo-European languages	225,916	+/-10,372	2.5%	+/-0.1
Speak English less than "very well"	58,146	+/-5,187	0.6%	+/-0.1
Asian and Pacific Islander languages	187,957	+/-8,579	2.1%	+/-0.1
Speak English less than "very well"	94,913	+/-6,205	1.1%	+/-0.1
Other languages	65,292	+/-7,268	0.7%	+/-0.1
Speak English less than "very well"	14,415	+/-3,792	0.2%	+/-0.1
ANCESTRY				
Total population	9,712,587	*****	9,712,587	(X)
American	1,042,505	+/-21,029	10.7%	+/-0.2
Arab	25,504	+/-4,044	0.3%	+/-0.1
Czech	14,836	+/-2,676	0.2%	+/-0.1
Danish	13,407	+/-2,520	0.1%	+/-0.1
Dutch	83,082	+/-7,134	0.9%	+/-0.1
English	821,124	+/-19,995	8.5%	+/-0.2
French (except Basque)	141,435	+/-7,170	1.5%	+/-0.1
French Canadian	24,392	+/-3,560	0.3%	+/-0.1
German	714,369	+/-18,789	7.4%	+/-0.2
Greek	22,068	+/-3,440	0.2%	+/-0.1
Hungarian	17,403	+/-3,057	0.2%	+/-0.1
Irish	803,004	+/-21,751	8.3%	+/-0.2
Italian	213,953	+/-10,254	2.2%	+/-0.1
Lithuanian	6,350	+/-1,374	0.1%	+/-0.1
Norwegian	35,817	+/-4,238	0.4%	+/-0.1
Polish	100,954	+/-7,632	1.0%	+/-0.1
Portuguese	11,108	+/-2,600	0.1%	+/-0.1
Russian	41,733	+/-4,736	0.4%	+/-0.1
Scotch-Irish	124,186	+/-8,232	1.3%	+/-0.1
Scottish	177,199	+/-9,734	1.8%	+/-0.1
Slovak	7,452	+/-2,015	0.1%	+/-0.1
Sub-Saharan African	179,695	+/-11,505	1.9%	+/-0.1
Swedish	40,814	+/-4,180	0.4%	+/-0.1
Swiss	10,833	+/-2,040	0.1%	+/-0.1

APPENDIX I

Ukrainian	14,310	+/-3,667	0.1%	+/-0.1
Welsh	38,145	+/-3,544	0.4%	+/-0.1
West Indian (excluding Hispanic origin groups)	109,501	+/-10,655	1.1%	+/-0.1

Source: U.S. Census Bureau, 2010 American Community Survey

Attachment C

2010 American Community Survey, Language Spoken At Home

Subject	Georgia		Percent of specified language speakers			
	Total		Speak English "very well"		Speak English less than "very well"	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	9,030,273	+/-3,859	94.2%	+/-0.1	5.8%	+/-0.1
Speak only English	86.9%	+/-0.2	(X)	(X)	(X)	(X)
Speak a language other than English	13.1%	+/-0.2	55.8%	+/-0.9	44.2%	+/-0.9
Spanish or Spanish Creole	7.8%	+/-0.1	49.5%	+/-1.2	50.5%	+/-1.2
Other Indo-European languages	2.5%	+/-0.1	74.3%	+/-1.8	25.7%	+/-1.8
Asian and Pacific Island languages	2.1%	+/-0.1	49.5%	+/-2.2	50.5%	+/-2.2
Other languages	0.7%	+/-0.1	77.9%	+/-5.0	22.1%	+/-5.0
SPEAK A LANGUAGE OTHER THAN ENGLISH						
Spanish or Spanish Creole	702,834	+/-10,197	49.5%	+/-1.2	50.5%	+/-1.2
5-17 years	178,390	+/-4,882	76.8%	+/-2.3	23.2%	+/-2.3
18-64 years	506,840	+/-8,035	40.0%	+/-1.4	60.0%	+/-1.4
65 years and over	17,604	+/-2,065	46.4%	+/-6.8	53.6%	+/-6.8
Other Indo-European languages	225,916	+/-10,372	74.3%	+/-1.8	25.7%	+/-1.8
5-17 years	35,626	+/-3,424	88.8%	+/-3.1	11.2%	+/-3.1
18-64 years	169,108	+/-8,623	73.4%	+/-2.0	26.6%	+/-2.0
65 years and over	21,182	+/-2,049	56.5%	+/-6.2	43.5%	+/-6.2

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Georgia							
Total							
Subject	Percent of specified language speakers						
				Speak English "very well"	Speak English less than "very well"		
	Estimate	Margin of Error		Estimate	Margin of Error	Estimate	Margin of Error
Asian and Pacific Island languages	187,957	+/-8,579		49.5%	+/-2.2	50.5%	+/-2.2
5-17 years	31,819	+/-2,973		71.4%	+/-4.4	28.6%	+/-4.4
18-64 years	141,037	+/-6,089		47.5%	+/-2.6	52.5%	+/-2.6
65 years and over	15,101	+/-1,852		21.9%	+/-5.8	78.1%	+/-5.8
Other languages	65,292	+/-7,268		77.9%	+/-5.0	22.1%	+/-5.0
5-17 years	10,215	+/-2,330		84.0%	+/-7.5	16.0%	+/-7.5
18-64 years	52,605	+/-5,627		78.2%	+/-5.0	21.8%	+/-5.0
65 years and over	2,472	+/-1,014		47.7%	+/-17.5	52.3%	+/-17.5
PERCENT IMPUTED							
Language status	4.2%	(X)	(X)	(X)	(X)	(X)	(X)
Language status (speak a language other than English)	3.7%	(X)	(X)	(X)	(X)	(X)	(X)
Ability to speak English	4.5%	(X)	(X)	(X)	(X)	(X)	(X)

Attachment D

How Is A Discrimination Complaint Filed?

Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any Georgia Department of Transportation (GDOT) service, program or activity, and believes the discrimination is based upon race, color, national origin, gender, age, disability, economic status or limited English proficiency. Complaints will be accepted in writing only, and may be filed with GDOT's Equal Opportunity Division.

A signed written complaint must be submitted within 180 days of the alleged discriminatory act (or latest occurrence). Individuals may also file complaints directly with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), and/or the Federal Transit Administration (FTA) within the 180 day timeframe.

The complaint should contain:

- Name, address, telephone number, and signature of complainant.

APPENDIX I

- Facts and circumstances surrounding the claimed discrimination, including date of allegations, and basis of complaint (i.e., race, color, national origin, gender, age, disability).
- Any names of persons, if known, that the investigator could contact for additional information to support or clarify the allegations.
- Corrective action being sought by the complainant.

How Will A Complaint Be Resolved?

Within ten days of receiving a written complaint, GDOT's OD will acknowledge receipt of the allegation, and inform the complainant of action taken or proposed action to process the allegation. If it is determined that GDOT has jurisdiction of the complaint, it will investigate and make recommendations for resolving it. Otherwise, the complaint will be forwarded to the FHWA for investigation.

What If A Recipient Retaliates Against The Complainant For Filing A Complaint?

Federal laws prohibit a recipient of federal funds from retaliating against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing. Any complaints of retaliation should be directed to GDOT's Equal Employment Opportunity Division immediately at:

**Georgia Department of Transportation
Equal Opportunity Division
Attention: Title VI/ Environmental Justice Specialist
600 W. Peachtree Street, N.W.,
7th Floor
Atlanta, GA 30308
Phone :(404)631-1497**

Appendix J Environmental Justice and Outreach Report

(.pdf files)



Environmental Justice Identification and Proposed Outreach Report

GDOT Statewide Transportation Improvement Program (STIP)

FY 2015-2018



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Environmental Justice Identification & Proposed Outreach Report

1.0 Introduction

Since 1970, the Federal-Aid Highway Program has required full consideration of possible adverse social, economic, and environmental effects during project planning, development, and decision-making. Federal policies and laws that play a role in federal highway decision making include the following:

- Title VI of the landmark Civil Rights Act of 1964.
- National Environmental Policy Act of 1969 (NEPA).
- Intermodal Surface Transportation and Efficiency Act of 1991 (ISTEA).
- Environmental Justice (EJ) Executive Order 12898 signed in 1994.
- Transportation Equity Act for the 21st Century (TEA-21) signed in 1998.
- Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005: A Legacy for Users (SAFETEA-LU).
- 2011 Memorandum of Understanding on Environmental Justice and Executive Order 12898.
- The Moving Ahead for Progress in the 21st Century Act of 2012 (MAP-21).

Per federal law, STIPs must involve early and continuous public involvement and outreach; all peoples must be included in disregard of race, color and natural origin. Title VI of the landmark Civil Rights Act of 1964 prohibits discrimination on these accounts. In addition, President Clinton signed Environmental Justice (EJ) Executive Order (EO) 12898 in 1994, which defines EJ as the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income or education level, in transportation decision making. The EO mandates that “each federal agency identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and/or low income populations.” To further ensure efforts in EJ outreach, a Memorandum of Understanding (MOU) on Environmental Justice and Executive Order 12898 was signed on August 4, 2011.

The STIP identifies federally funded transportation projects such as highway, maintenance, bicycle, and pedestrian projects. The Georgia STIP includes transportation projects for rural areas that were developed in the Georgia Department of Transportation’s (GDOT’s) ongoing planning process.

Minority and low-income identification and outreach is required as part of the STIP. According to FHWA Order 6640.23, minority is defined as a person who is African American, Asian American, American Indian, or Alaskan Native. It further defines a person having low-income as a person whose household income is at or below the Department of Health and Human Services poverty guidelines. By focusing on minority, Hispanic, and low-income, or traditionally underserved populations, federal agencies can ensure that federal actions are inclusive for all people. In addition to low-income and minority populations, elderly and disabled persons should also be considered in public involvement and outreach. The Americans with Disabilities Act (ADA) encourages the involvement of people with disabilities in the development and improvement of transportation and paratransit plans and services.

This report details the efforts made to identify EJ populations within the STIP area and the strategies used to target these populations through the public involvement process.



2.0 Purpose

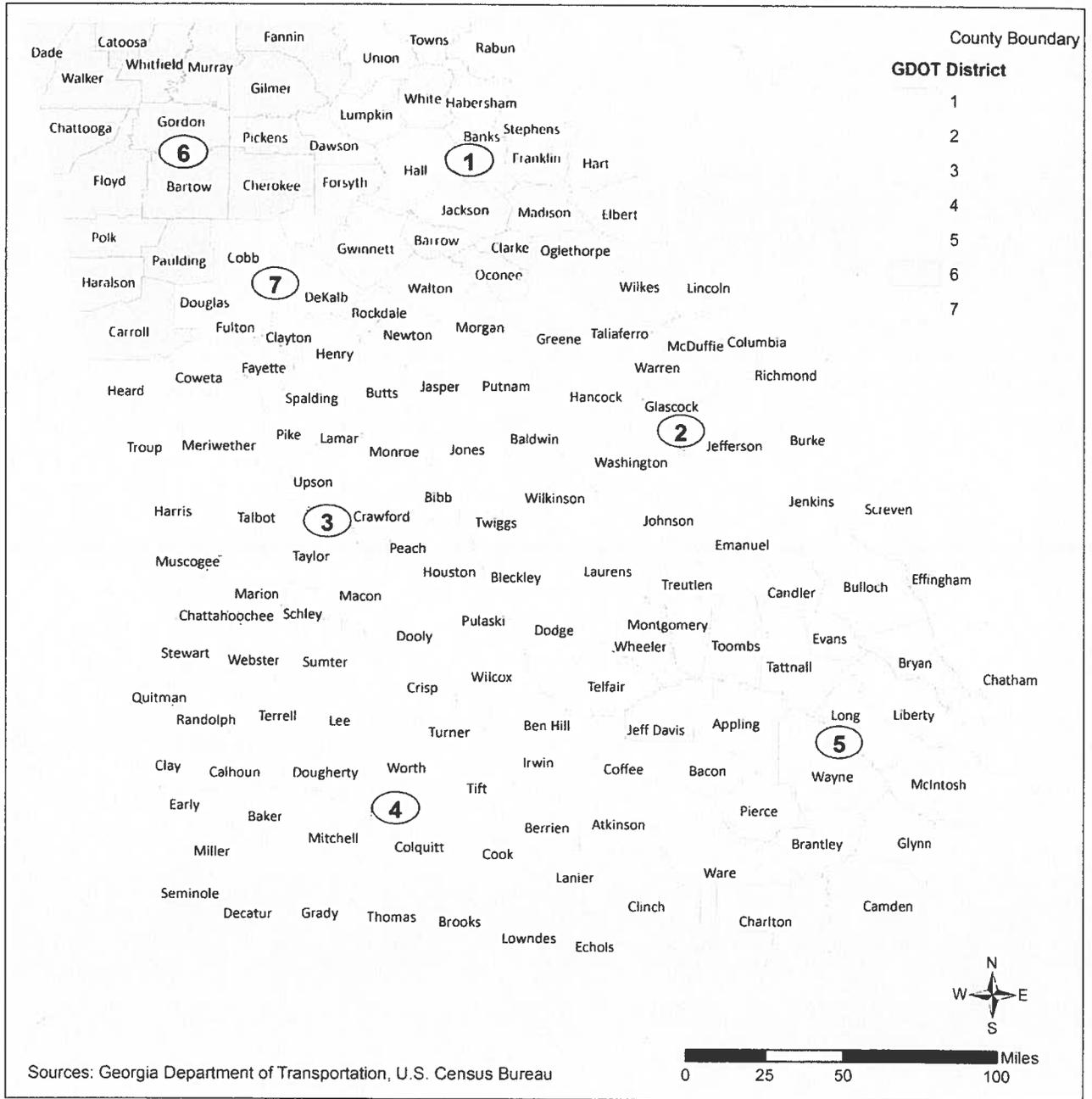
Public outreach and involvement is extremely important for states to effectively integrate environmental justice concerns into transportation decision-making. During the STIP planning stage and prior to the project development stage, efforts must be made to identify EJ populations within each GDOT District (see Figure 1: GDOT District Map) and include these populations in a meaningful public outreach strategy. EJ populations can be identified using the following sources: (1) U.S. Census Bureau Data, (2) American Community Survey Data, and (3) data collected from local government planning departments and DOT transportation staff. Section 3 discusses the methodology for identifying the EJ populations for the GDOT rural counties.

This document serves as the Environmental Justice Identification and Proposed Outreach Report included in the Georgia STIP for the rural counties within the state. To better guide the environmental justice outreach program, an analysis of racial, ethnic, income, and age demographics for each STIP county was conducted. In addition, English proficiency demographics were evaluated to identify populations with limited English proficiency in order to determine the need for Spanish speaking interpreters at Open House meetings or for handout materials to be made available in Spanish. Information contained in this report is used to identify characteristics and locations of EJ populations in the Georgia STIP area. In addition, this document outlines outreach strategies specific to EJ populations in rural areas of Georgia to ensure equal involvement of all peoples in the statewide planning process. This document includes the following: (1) methodology used to determine the EJ threshold for minorities, Hispanic, low-income, elderly and limited English proficiency groups; (2) identification of EJ communities that are above the EJ threshold; (3) information on public outreach strategies and best practices; and (4) identification of local EJ organizations and resources for disseminating information to EJ populations.



Environmental Justice Identification & Proposed Outreach Report

Figure 1: GDOT District Map





3.0 Methodology

This section describes the methodology employed in defining and identifying environmental justice populations in the GDOT STIP area. The rural STIP area consists of the 130 counties in Georgia that are the responsibility of the GDOT and not under the authority of the 29 counties included in the metropolitan planning organization (MPO) areas.

There are several changes to the Environmental Justice Identification and Proposed Outreach Report for FY 2015-2018. These changes include the following:

- Catoosa County is now included in the Chattanooga MPO area;
- Screven County moved from GDOT District 2 to GDOT District 5;
- Clinch County moved from District GDOT 4 to District GDOT 5; and,
- In 2014, Bartow County transitioned to the Cartersville-Bartow MPO. At the time of the FY 2015-2018 STIP, this new MPO did not have an approved Transportation Improvement Program (TIP) or Long Range Transportation Plan (LRTP) in place so projects in the non-Atlanta Regional Commission portion of Bartow County appeared in the STIP and public meeting maps. However, for the Environmental Justice Identification report, Bartow County is considered a MPO and EJ populations have not been mapped.

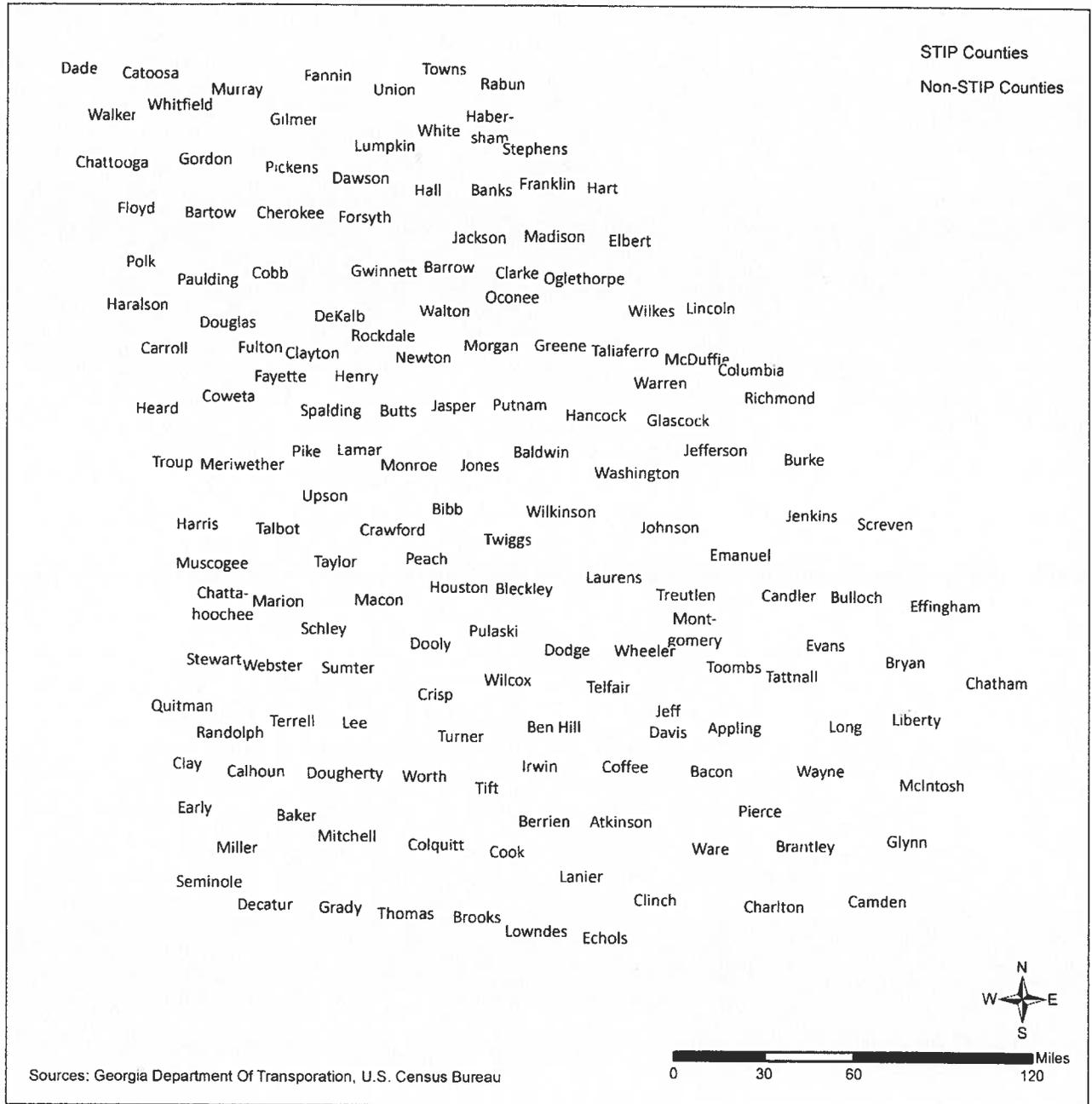
For the purpose of this report, counties not fully lying within the boundary of a MPO were considered rural. This means that if any portion of a county is not included in a MPO area, then the entire county is considered a STIP county. Additionally, in this report, non-STIP counties, with the exception of the newly designated Bartow County MPO, do not have projects listed in the STIP.

Figure 2: Georgia Counties – STIP Rural Study Area Map illustrates the counties included in the rural STIP area. Counties shaded in green are STIP counties. And counties shaded in gray are under the authority of a MPO and are not included in this report.



Environmental Justice Identification & Proposed Outreach Report

Figure 2: Georgia Counties – STIP Rural Study Area Map





Environmental Justice Identification & Proposed Outreach Report

Minority, Hispanic, low-income, elderly, and limited English proficiency (LEP) populations were analyzed in the rural STIP area; definitions of these variables are included below.

- **Minority:** All persons other than White and Hispanic.
- **Hispanic:** All persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- **Low-income:** Households with total income being at or below the poverty line. This number also reflects the number of individuals living off of the reported income amount.
- **Elderly:** Individuals 65 years of age or greater.
- **Limited English Proficiency (LEP):** Individuals greater than 5 years of age speaking Spanish or Spanish Creole in the home and speaking English “not well.” Peoples speaking Asian and Indo European languages were also taken into consideration; however, numbers of peoples speaking these languages were so low that targeting these populations based on language alone did not yield valuable information.

Using the Hispanic definition above ensures that individuals identifying themselves as White and Hispanic are not counted multiple times during analysis. This definition also allows for Hispanic populations to be analyzed separately from other minority populations (e.g. the comparison of tracts with populations exceeding the STIP-wide EJ threshold for both LEP and Hispanic communities.) In addition, LEP data was analyzed to determine locations of above STIP-wide average concentrations of individuals “not speaking English well;” these data were used to determine meeting locations where a Spanish interpreter and/or outreach materials translated into Spanish would be appropriate.

Upon selecting these variables for study, minority, Hispanic and elderly population data for each of the 690 2010 Census tracts in the 130 counties in the STIP study area were collected from the U.S. Census American Fact Finder website (<http://factfinder2.census.gov>). Furthermore, LEP and poverty population data was collected from the American Community Survey (ACS) website (<http://www.census.gov/>).

Data from the 2010 Census included the following (collected at the census tract level): total population, total Hispanic population, minority population (including African American, American Indian, Asian, Hawaiian, and Other) and total population age 65 and above. Total population greater than 5 years of age speaking Spanish/Spanish Creole and English “not well” (LEP) and low-income was taken from the ACS 2008-2012 estimate data. Each variable was calculated as a percentage of the total population of each census tract. The percentages of each variable for every census tract included within the STIP study area were then averaged to yield the average percent for each EJ variable across the entire STIP study area. This percentage was used as the threshold above which a census tract level population was considered an “EJ population.” Where a census tract’s percentage on a variable met or exceeded the expected STIP-wide percentage, the census tract was identified as an EJ community. In other words, these tracts had a larger-than-average percentage of minority, Hispanic, low-income, LEP or elderly residents. Throughout this report, the terms “EJ community” or “EJ population” refer to a group that is above the STIP-wide threshold. See Table 1 for the EJ thresholds based on STIP-wide population characteristics.



Environmental Justice Identification & Proposed Outreach Report

Table 1: Environmental Justice Thresholds

	Minority	Hispanic	Low-income	Elderly (65+)	LEP
STIP – Wide Percentages	29.07%	5.0%	20.9%	13.8%	2.12%

Source: US Census Bureau

Additionally, the STIP area census tracts with values higher than the calculated threshold were stratified into classes between I and IV (Class I being the values closest to the threshold and Class IV being the highest values). The Classes were calculated using the “equal number of features” classification algorithm (i.e. the total number of census tracts with populations exceeding the EJ threshold for any one variable was totaled; this total was divided by 4 and class breaks were placed as equal as possible within the data). Relative equidistance between classes is present due to data characteristics and was minimized as much as possible (e.g. class breaks were not placed between data containing the same values or between data that varied by only a tenth of a percent.) See Table 2 for the class breaks for each class of each variable, and the number of tracts falling in each class of each variable.

Variable	Census Tracts	Class I	Class II	Class III	Class IV
Minority*	300	29.07%-35.89% (75 tracts)	35.90%-44.84% (75 tracts)	44.85%-57.34% (75 tracts)	57.35%-96.45% (75 tracts)
Hispanic*	210	5.0%-6.0% (54 tracts)	6.1%-8.0% (52 tracts)	8.1%-12.5% (52 tracts)	12.6%-34.7% (52 tracts)
Low-income**	321	20.9%-24.4% (81 tracts)	24.5%-27.4% (82 tracts)	27.5%-32.8% (79 tracts)	32.9%-90.3% (79 tracts)
Elderly*	319	13.8%-14.9% (79 tracts)	15.0%-16.1% (77 tracts)	16.2%-18.1% (83 tracts)	18.2%-40.7% (80 tracts)
LEP**	209	2.12%-2.94% (52 tracts)	2.95%-4.14% (53 tracts)	4.15%-6.64% (52 tracts)	6.65%-34.04% (52 tracts)

*American Fact Finder 2010 US Census

** American Community Survey 2008-2012 estimates



4.0 STIP Area Results

The following STIP Area Maps present the overall results for each variable (Minority, Hispanic, Low-income, Elderly and LEP) calculated for the study area to generate both the State and District Maps. District Maps can be found in Section 5. As mentioned previously, the STIP area census tracts with values higher than the calculated STIP-wide threshold were stratified into classes between I and IV (Class I being the values closest to the threshold and Class IV being the highest values). The locations of census tracts with values higher than the calculated STIP-wide threshold are indicated and the intensity of population (Class I to IV) is illustrated.



Figure 3: STIP Area Minority EJ Population

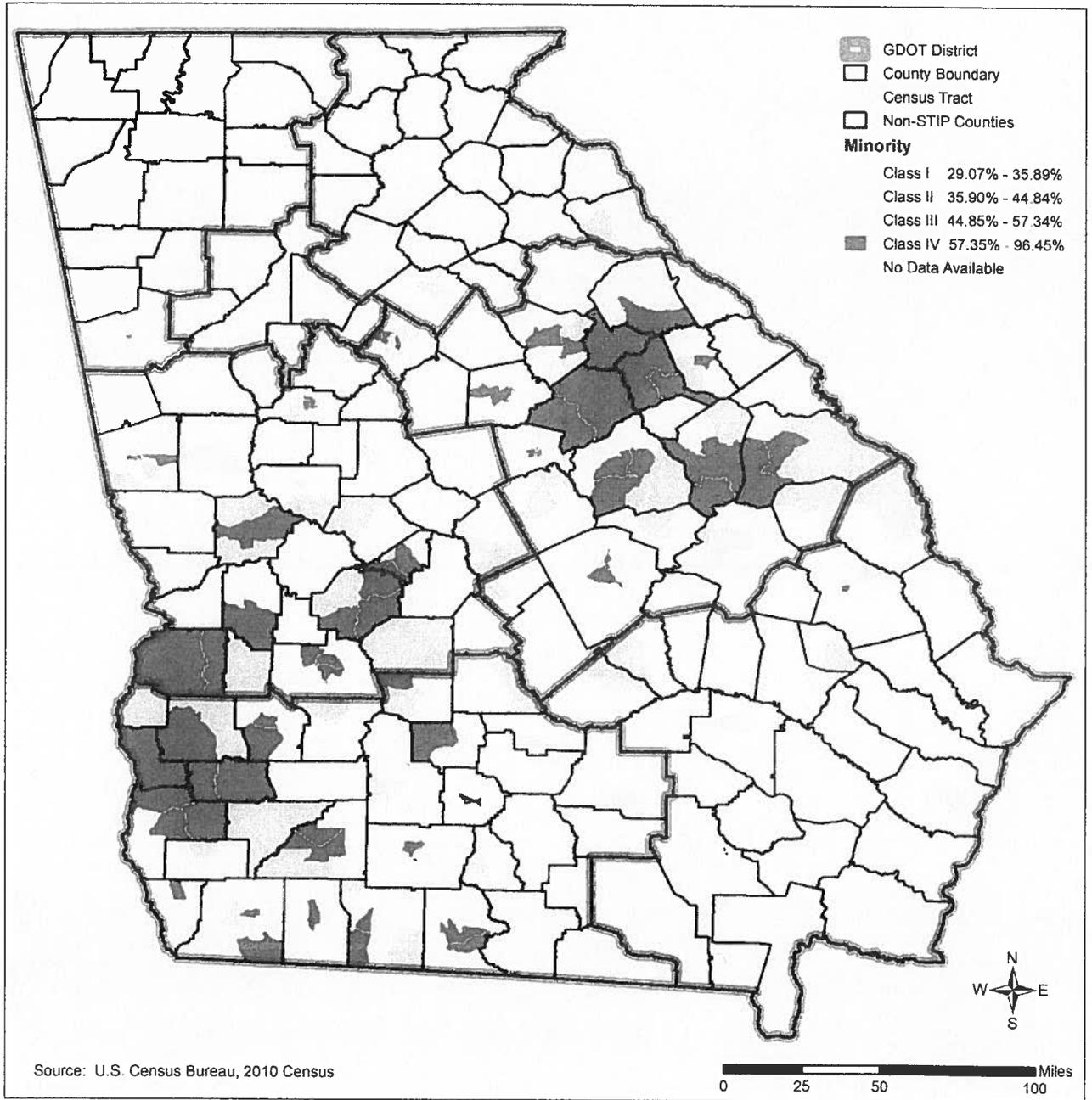




Figure 4: STIP Area Hispanic EJ Population

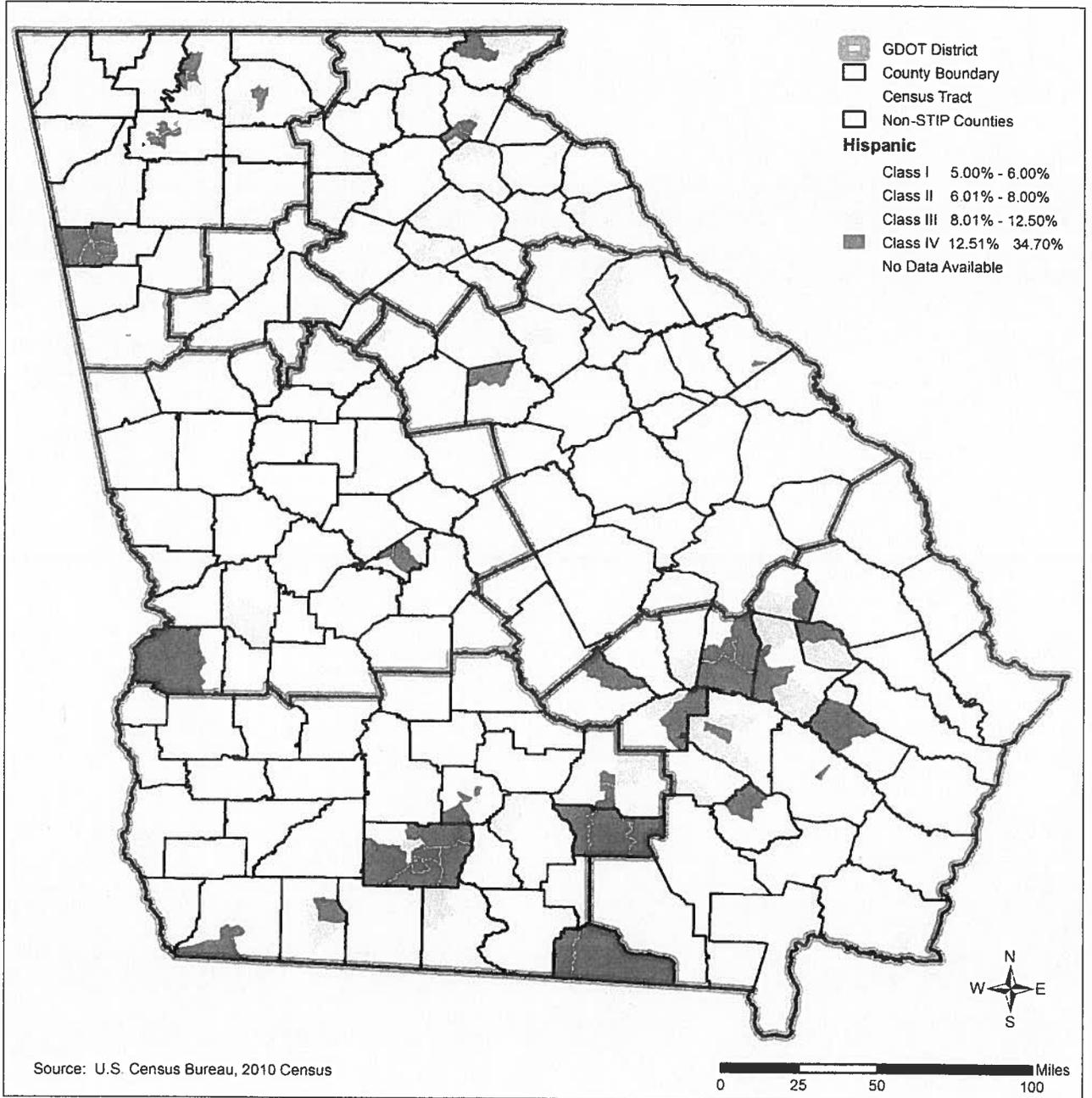




Figure 5: STIP Area Low-income EJ Population

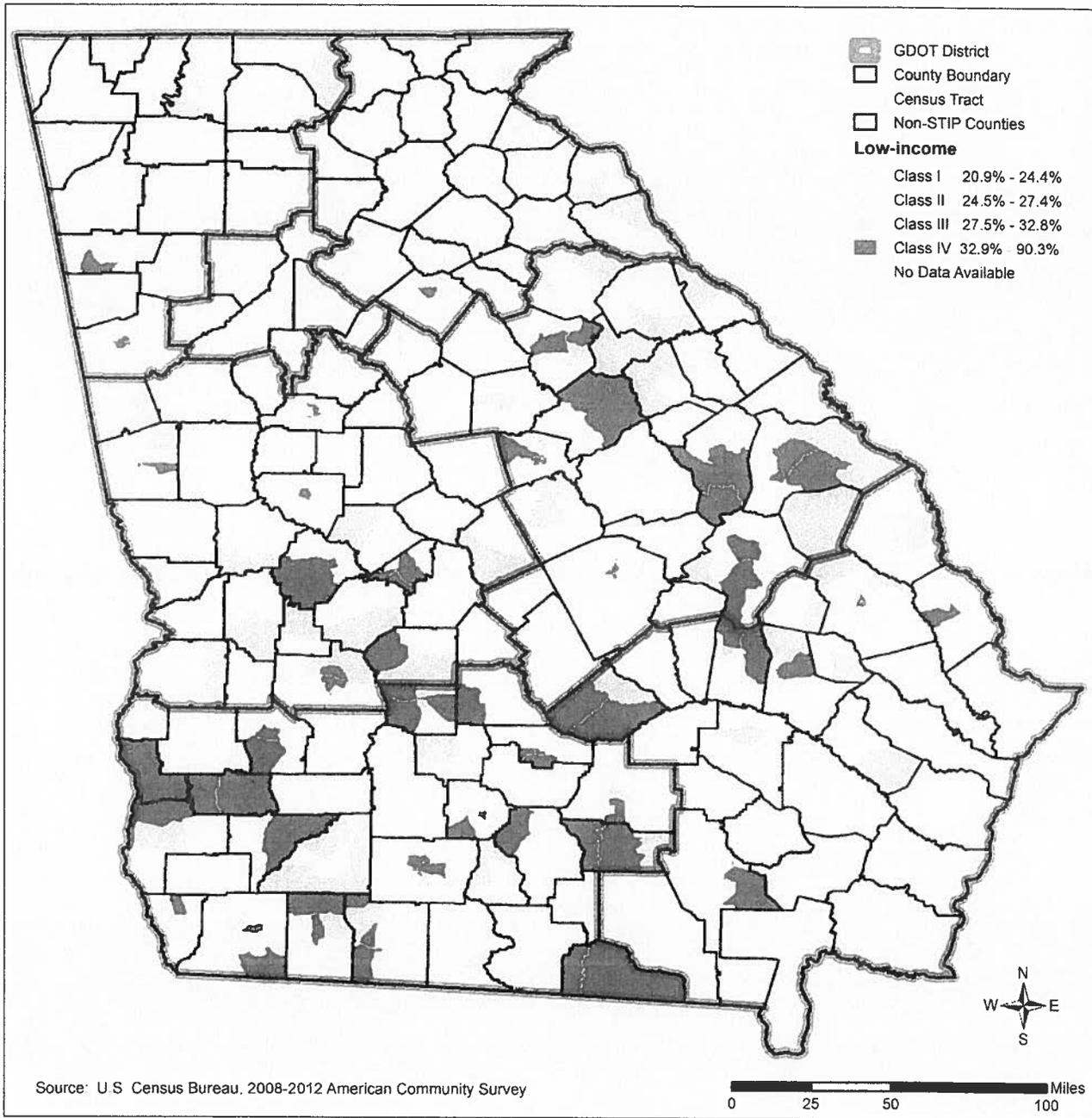




Figure 6: STIP Area Elderly EJ Population

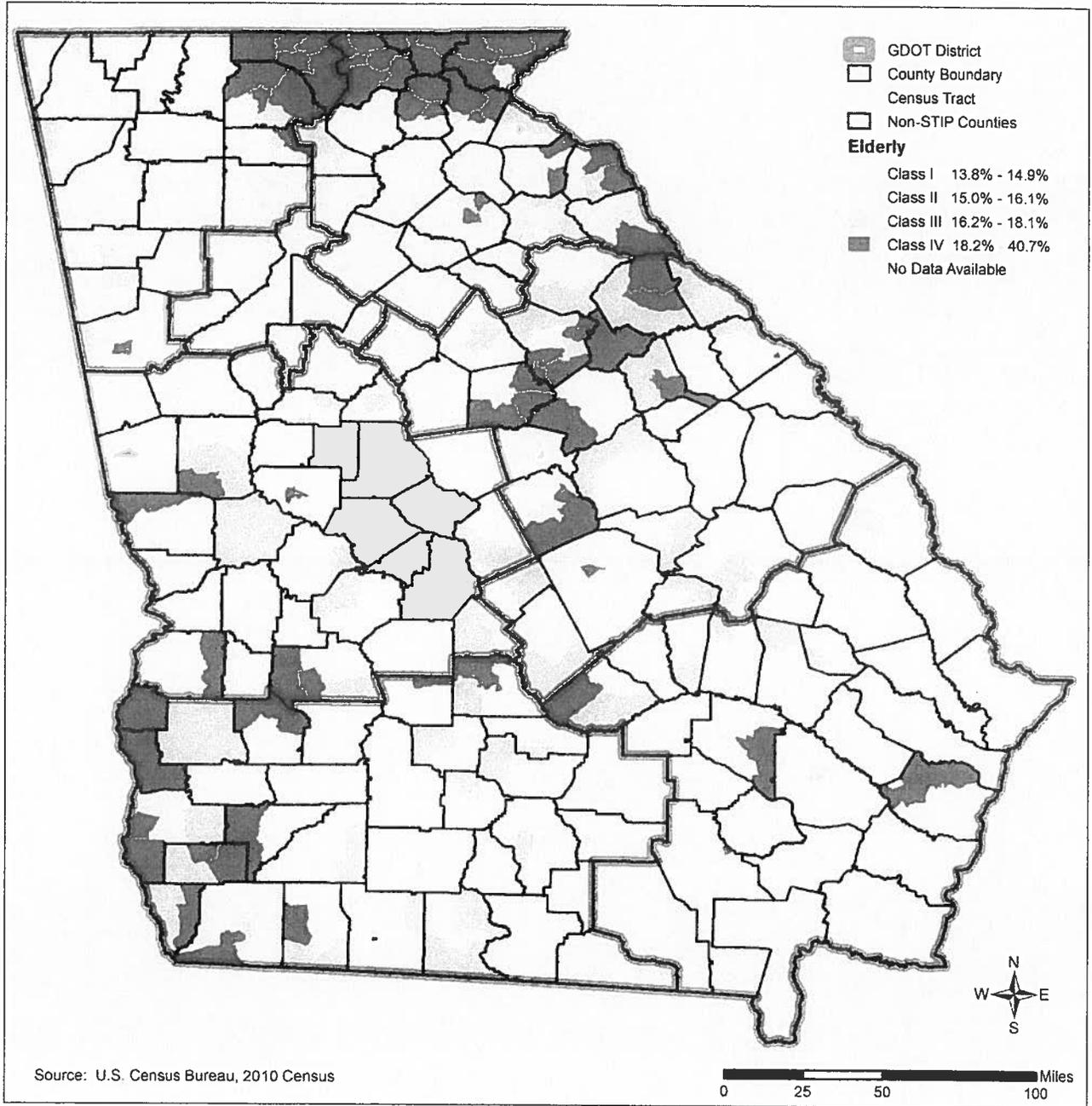
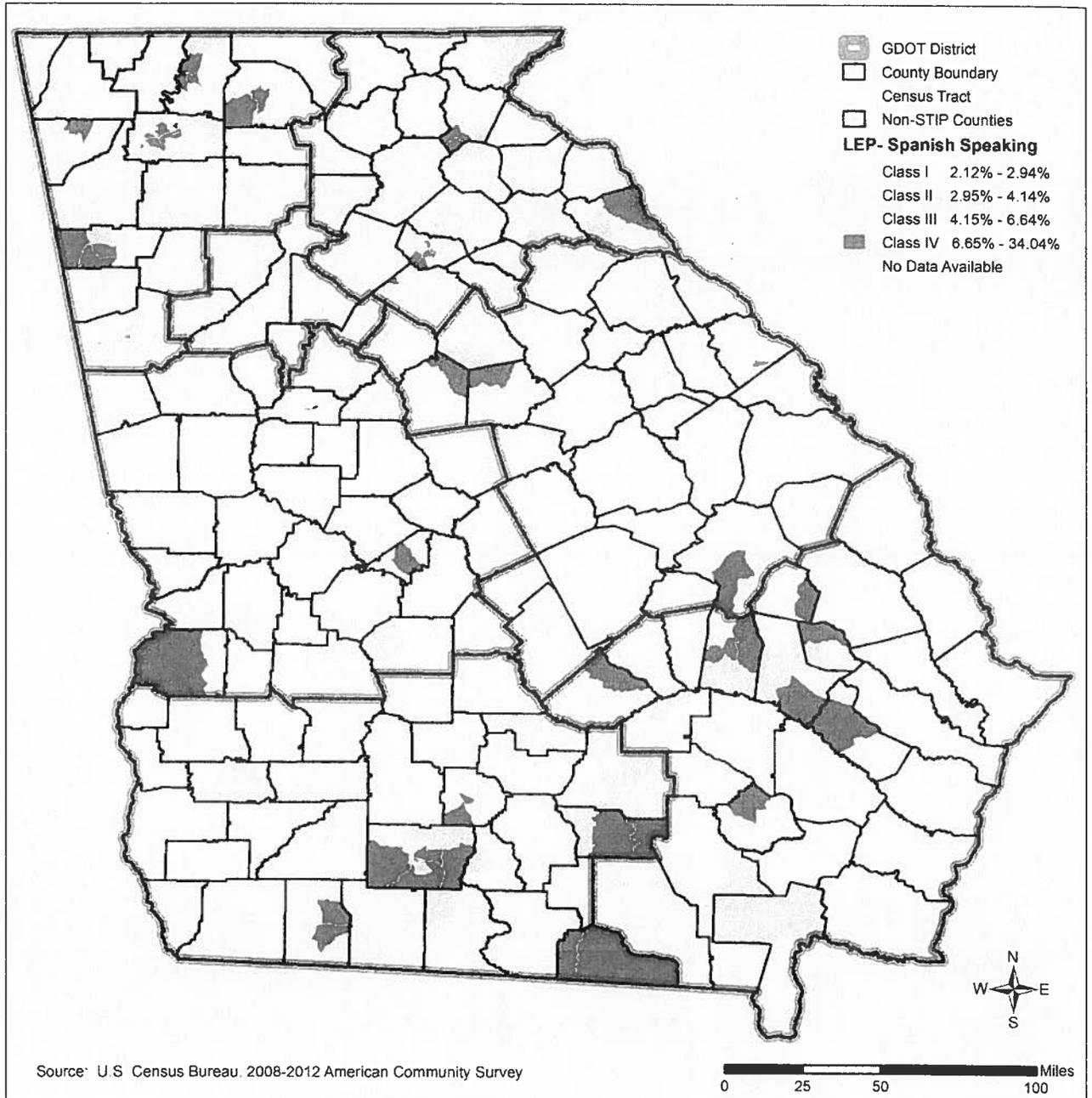




Figure 7: STIP Area LEP EJ Population





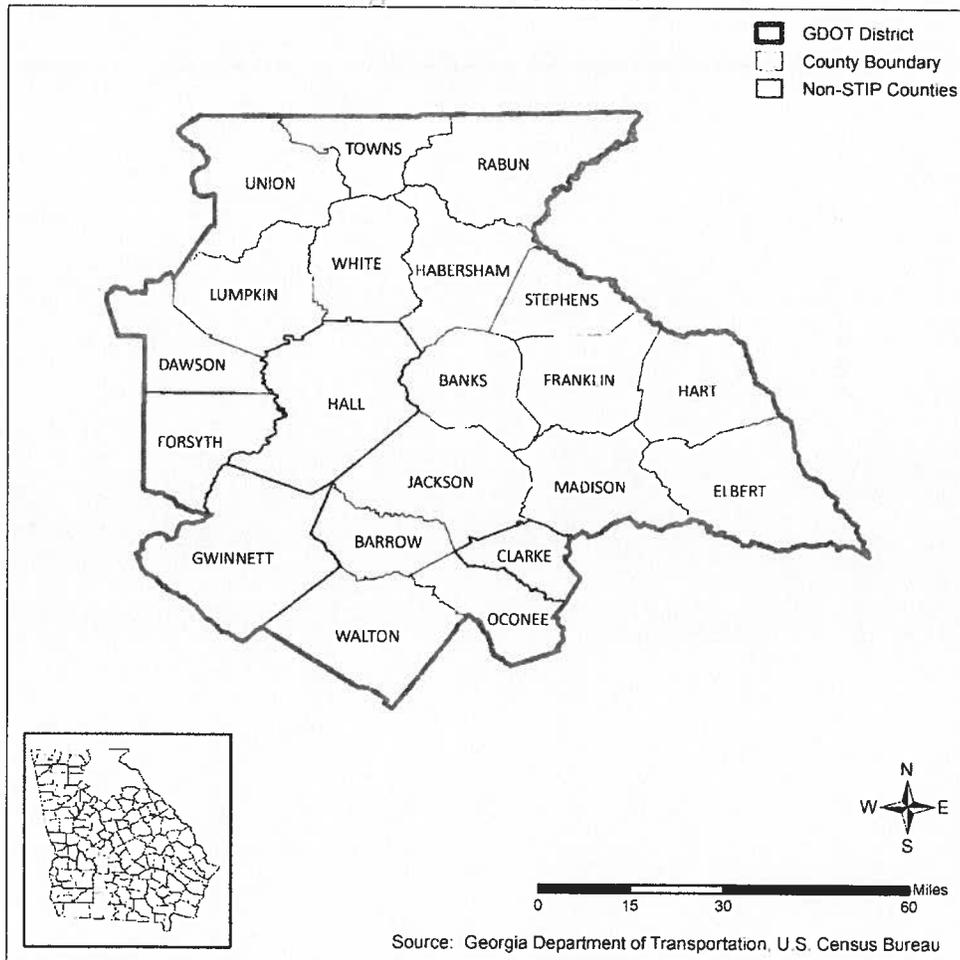
5.0 STIP District Area Maps

This section presents the results of the EJ analysis at the District level. As mentioned previously, the STIP area census tracts with values higher than the calculated STIP-wide threshold were stratified into classes between I and IV (Class I being the values closest to the threshold and Class IV being the highest values). The locations of census tracts with values higher than the calculated STIP-wide threshold are indicated and the intensity of population (Class I to IV) is illustrated.

5.1 District 1

District 1 is located in northeastern Georgia and consists of 21 counties. It begins directly northeast of the Atlanta metro area and stretches to the North Carolina and South Carolina borders. The study area consists of 17 counties, and thus does not include the 4 counties in District 1 that are under the authority of the MPOs. Using 2010 Census data, District 1 contains 114 census tracts of which 9 are over the Minority EJ threshold, 46 are over the Hispanic EJ threshold, and 58 are over the Elderly EJ threshold. Using ACS 2008-2012 estimate data, 45 are over the LEP EJ threshold and 32 are over the low-income EJ threshold. Figure 8, below, is a map of the counties located in District 1.

Figure 8: District 1

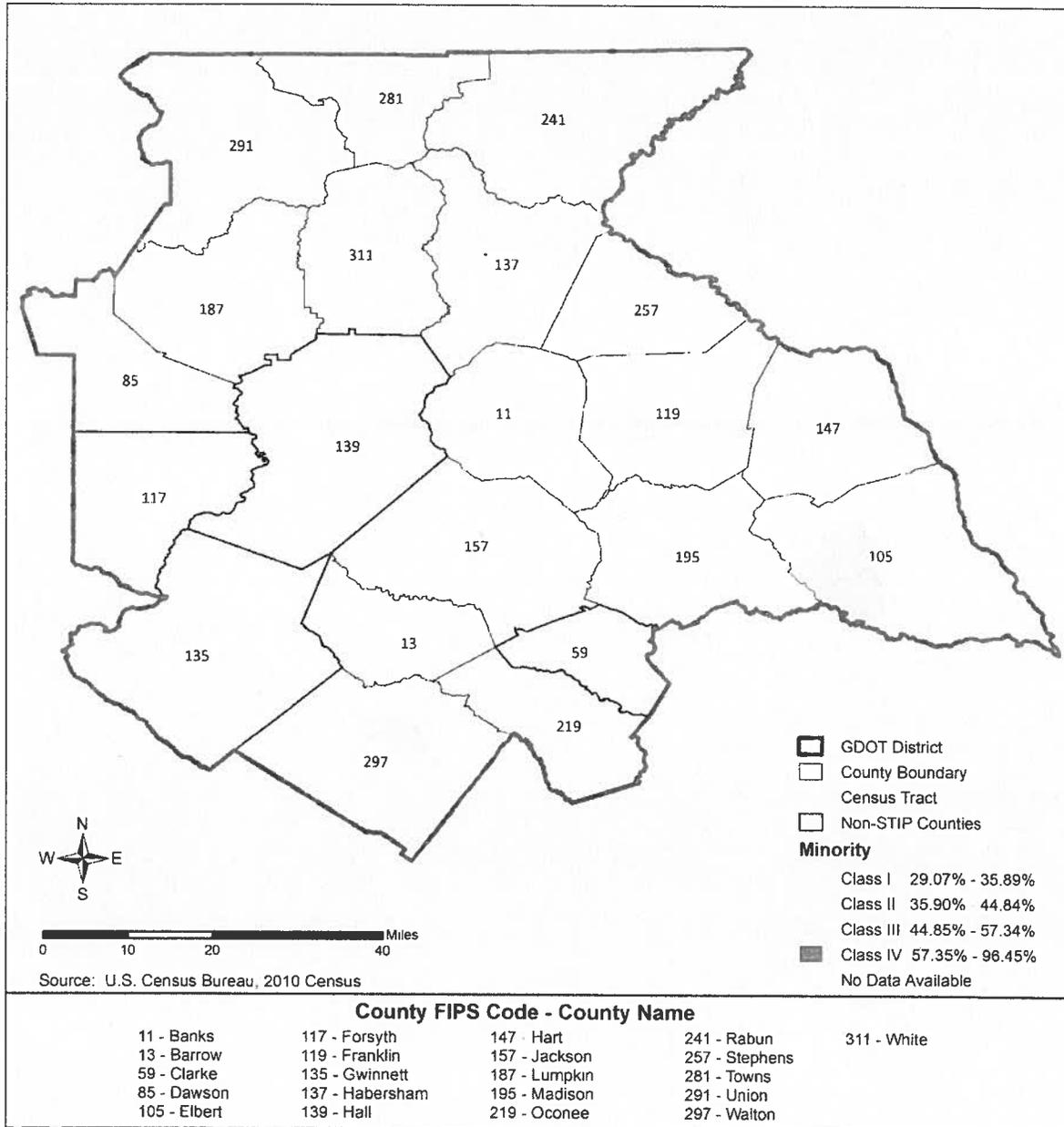




5.1.1 Minority EJ Population

Figure 9 is a map of the Minority EJ population located in District 1. Within District 1, 8 percent of the tracts have a minority population above the minority EJ threshold. The analysis shows no Class IV tracts, 3 Class III tracts, 3 Class II tracts, and 3 Class I tracts. Tract locations can be found in Figure 9.

Figure 9: District 1 Minority EJ Population

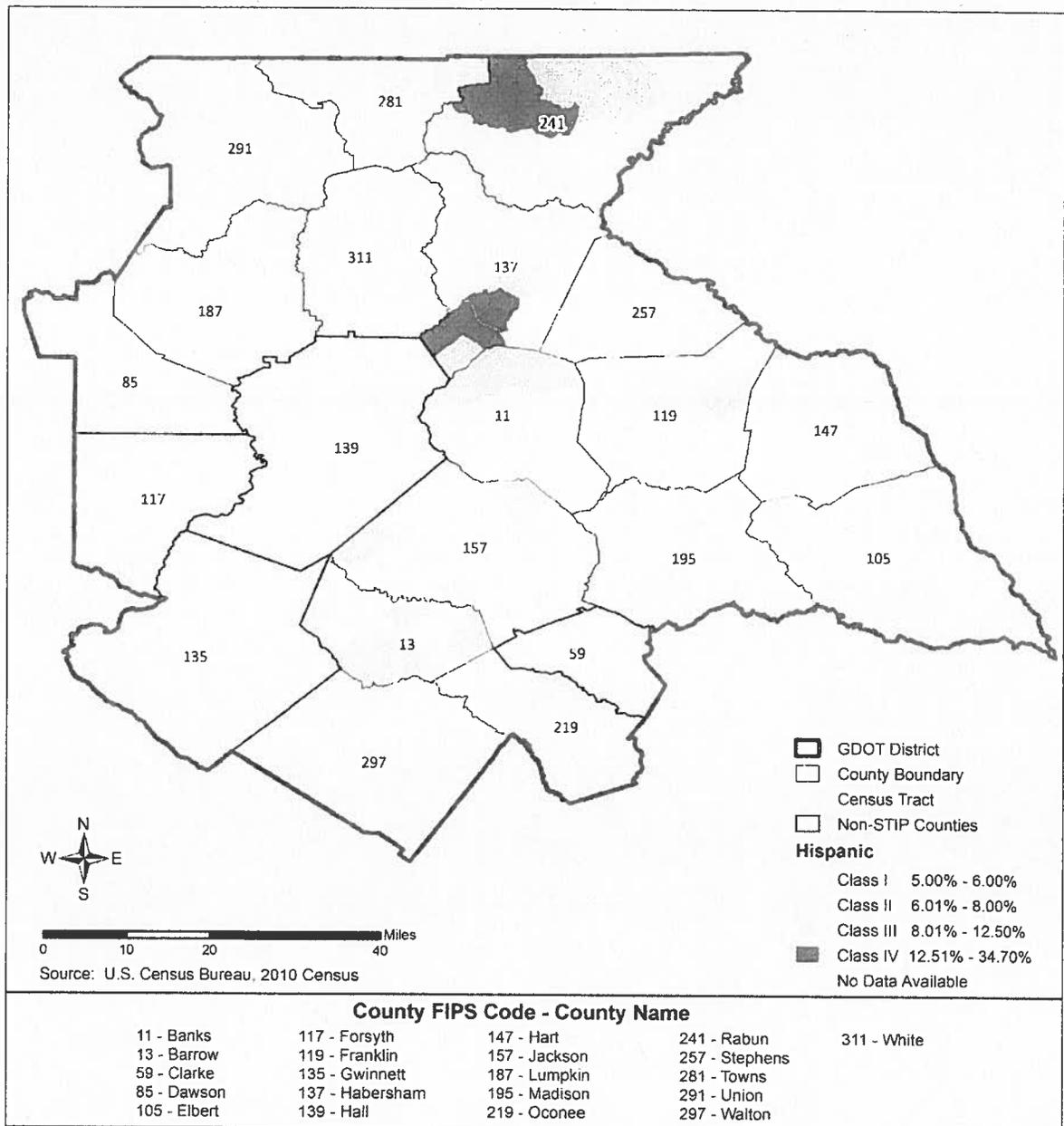




5.1.2 Hispanic EJ Population

Figure 10 is a map of the Hispanic EJ population located in District 1. Within District 1, 41 percent of the tracts have a Hispanic population above the Hispanic EJ threshold. The analysis shows 3 Class IV tracts located in the following counties: Habersham and Rabun. The analysis also shows 19 Class III tracts, 13 Class II tracts and 11 Class I tracts. Tract locations can be found in Figure 10.

Figure 10: District 1 Hispanic EJ Population

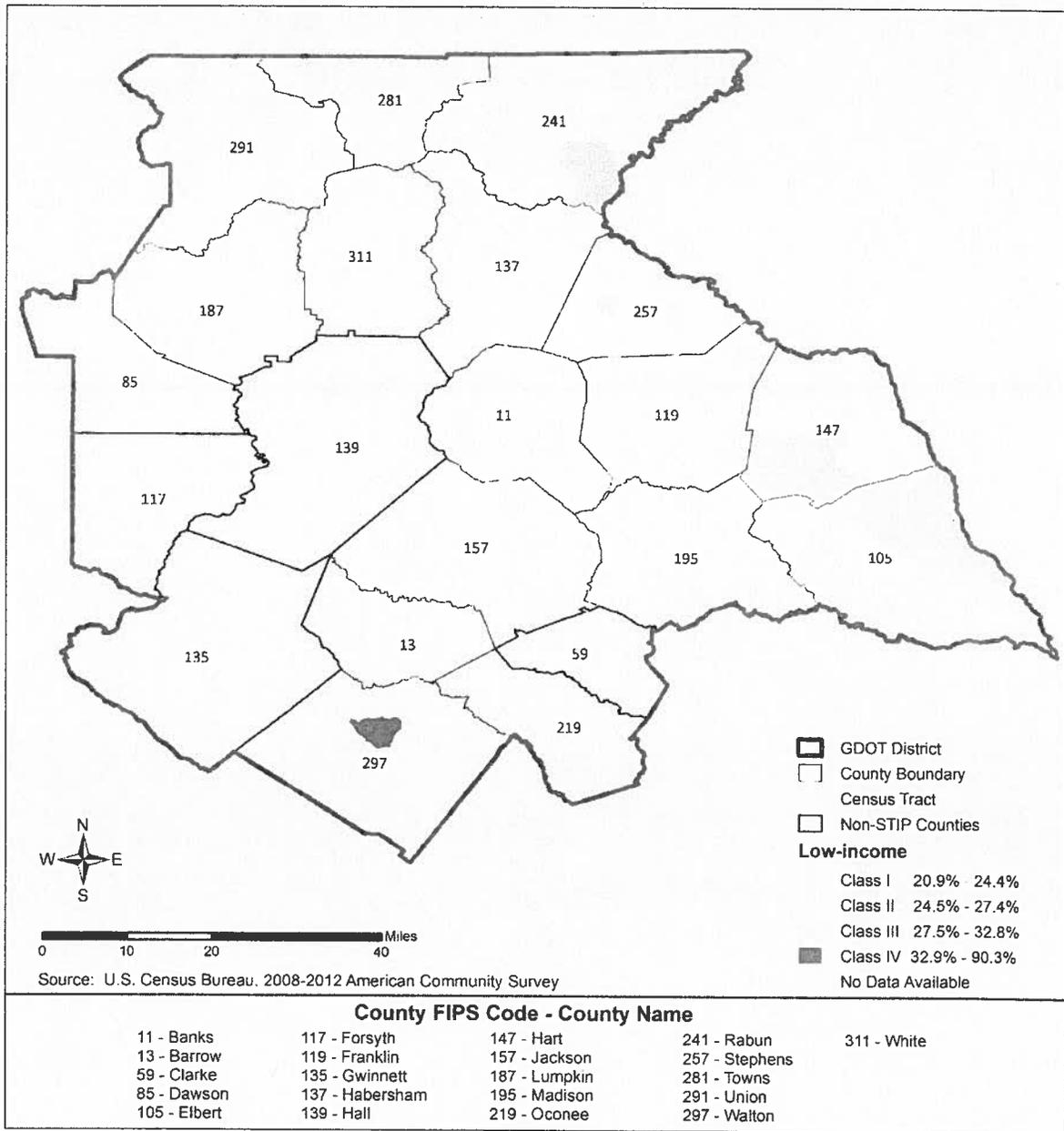




5.1.3 Low-income EJ Population

Figure 11 is a map of the Low-income EJ population located in District 1. Within District 1, 29 percent of the tracts have a low-income population above the low-income EJ threshold. The analysis shows 1 Class IV tracts located in Walton County. The analysis also shows 5 Class III tracts, 17 Class II tracts, and 9 Class I tracts. Tract locations can be found in Figure 11.

Figure 11: District 1 Low-income EJ Population

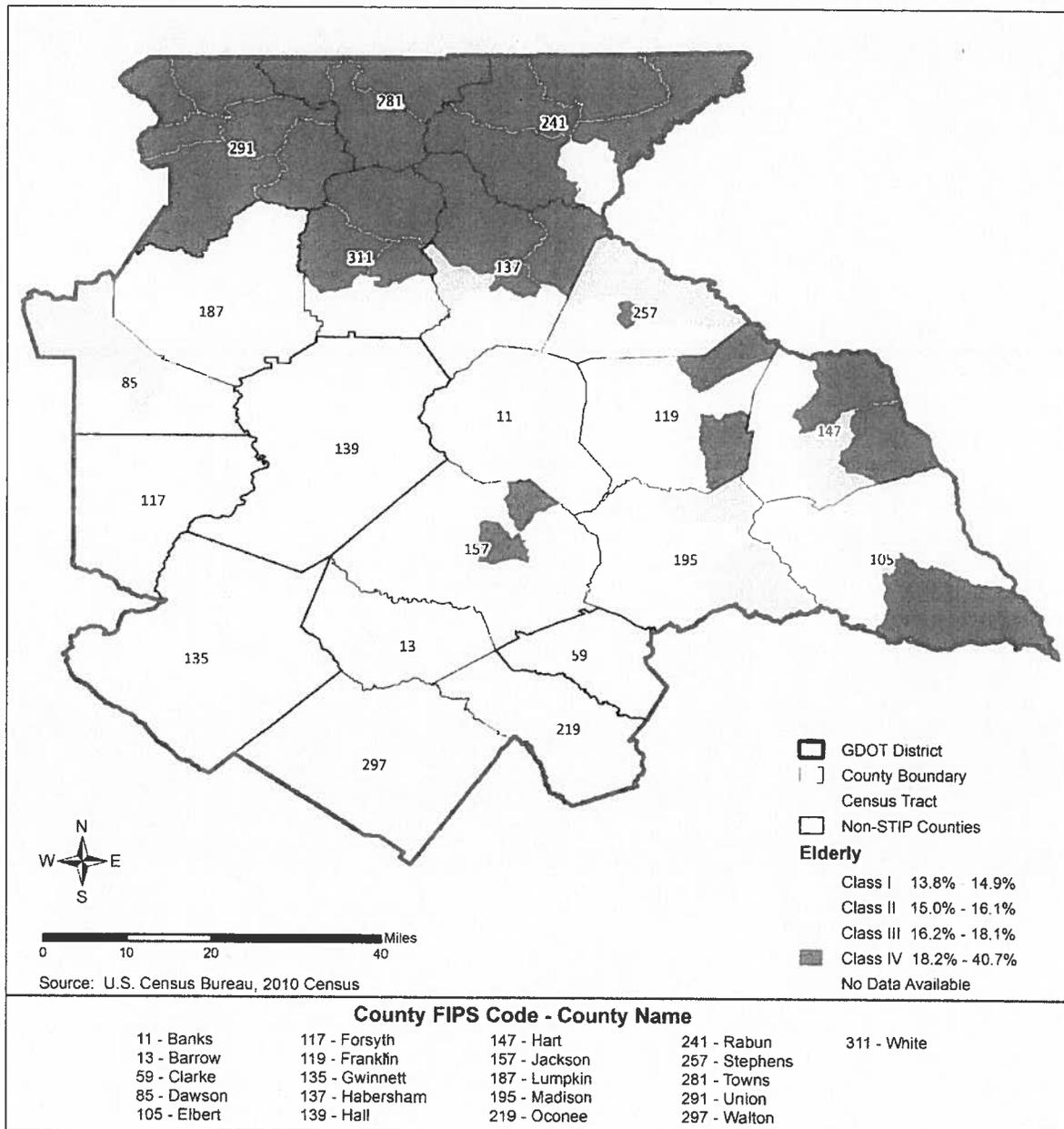


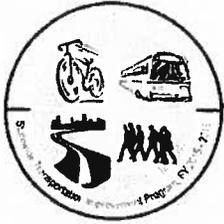


5.1.4 Elderly EJ Population

Figure 12 is a map of the Elderly EJ population located in District 1. Within District 1, 51 percent of the tracts have an elderly population above the elderly EJ threshold. The analysis shows 27 Class IV tracts located in the following counties: Elbert, Franklin, Habersham, Hart, Jackson, Rabun, Stephens, Towns, Union and White. The analysis also shows 8 Class III tracts, 10 Class II tracts, and 13 Class I tracts. Tract locations can be found in Figure 12.

Figure 12: District 1 Elderly EJ Population

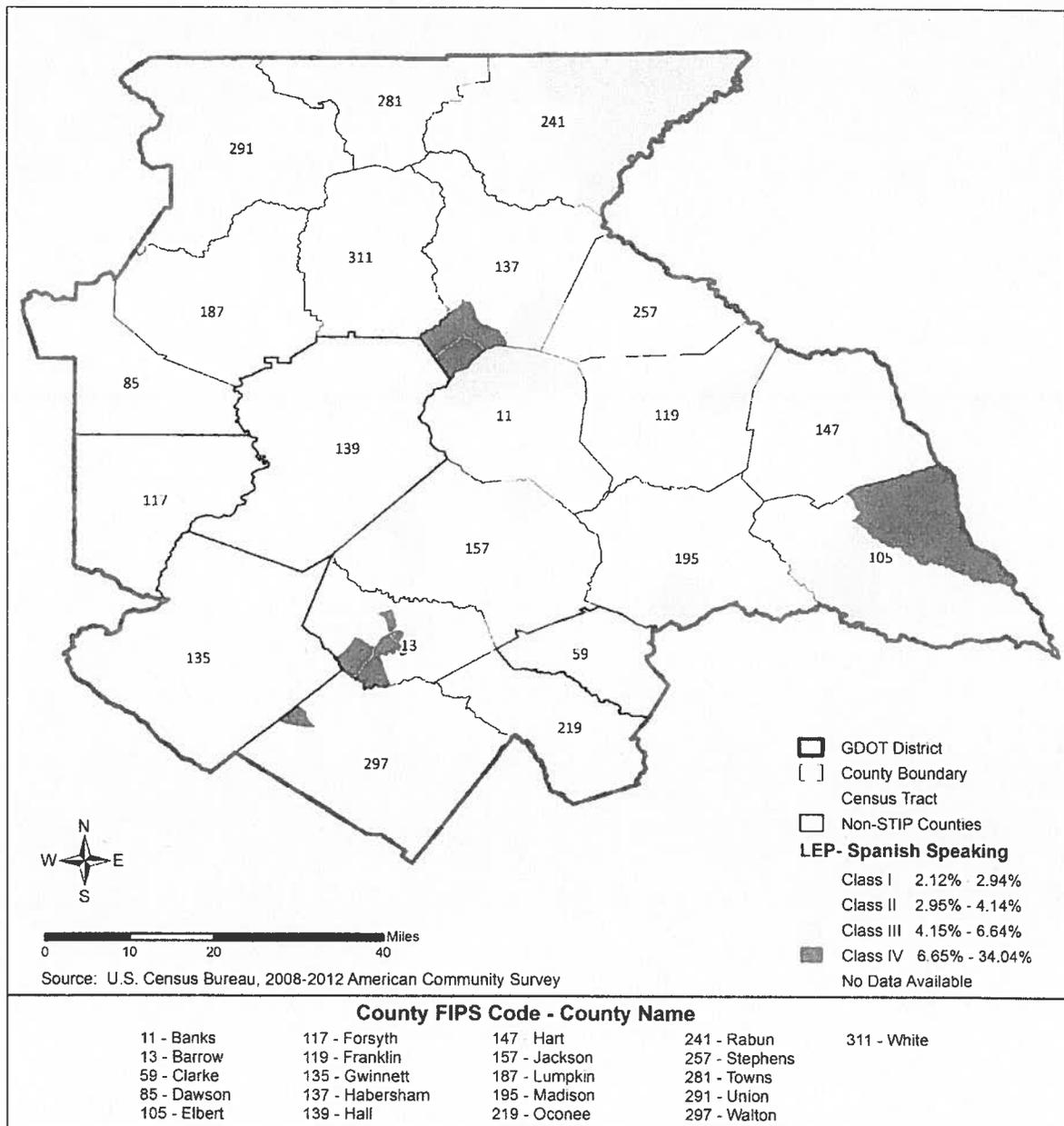




5.1.5 LEP EJ Population

Figure 13 is a map of the LEP EJ population located in District 1. Within District 1, 40 percent of the tracts have an LEP population above the LEP EJ threshold. The analysis shows 9 Class IV tracts located in the following counties: Barrow, Elbert, Habersham, and Walton. The analysis also shows 11 Class III tracts, 14 Class II tracts, and 11 Class I tracts. Tract locations can be found in Figure 13.

Figure 13: District 1 LEP EJ Population



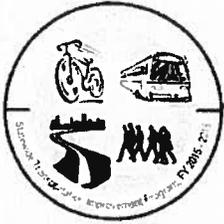


5.2 District 2

District 2 consists of 27 counties to the southeast of the Atlanta metro area, stretching to the South Carolina border. One county in District 2 is under the purview of a metropolitan planning organization and therefore not included in the rural STIP study area, leaving 26 counties in this assessment. Using 2010 Census data, District 2 contains 136 census tracts of which 83 are over the minority EJ threshold, 25 are over the Hispanic EJ threshold, and 69 are over the Elderly EJ threshold. Using ACS 2008-2012 estimate data, 60 tracts are above the low-income EJ threshold and 26 tracts are above the LEP EJ threshold. Figure 14, below, is a map of the counties located in District 2.

Figure 14: District 2

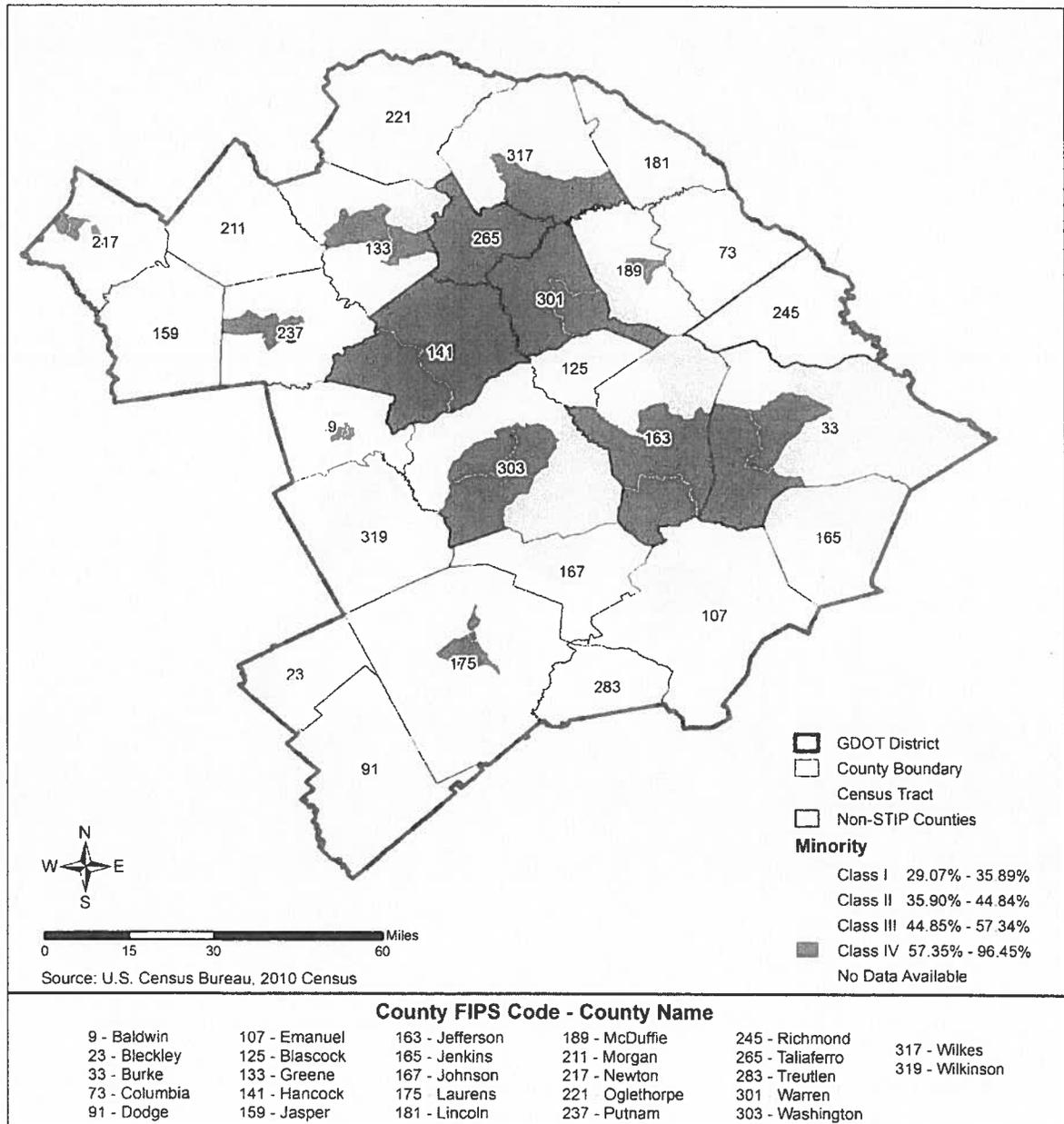




5.2.1 Minority EJ Population

Figure 15 is a map of the minority EJ population located in District 2. Within District 2, 61 percent of the tracts have a minority population above the minority EJ threshold. The analysis shows 26 Class IV tracts located in the following counties: Baldwin, Burke, Greene, Hancock, Jefferson, Laurens, McDuffie, Newton, Putnam, Taliaferro, Warren, Washington and Wilkes. The analysis also shows 20 Class III tracts, 17 Class II tracts, and 21 Class I tracts. Tract locations can be found in Figure 15.

Figure 15: District 2 Minority EJ Population

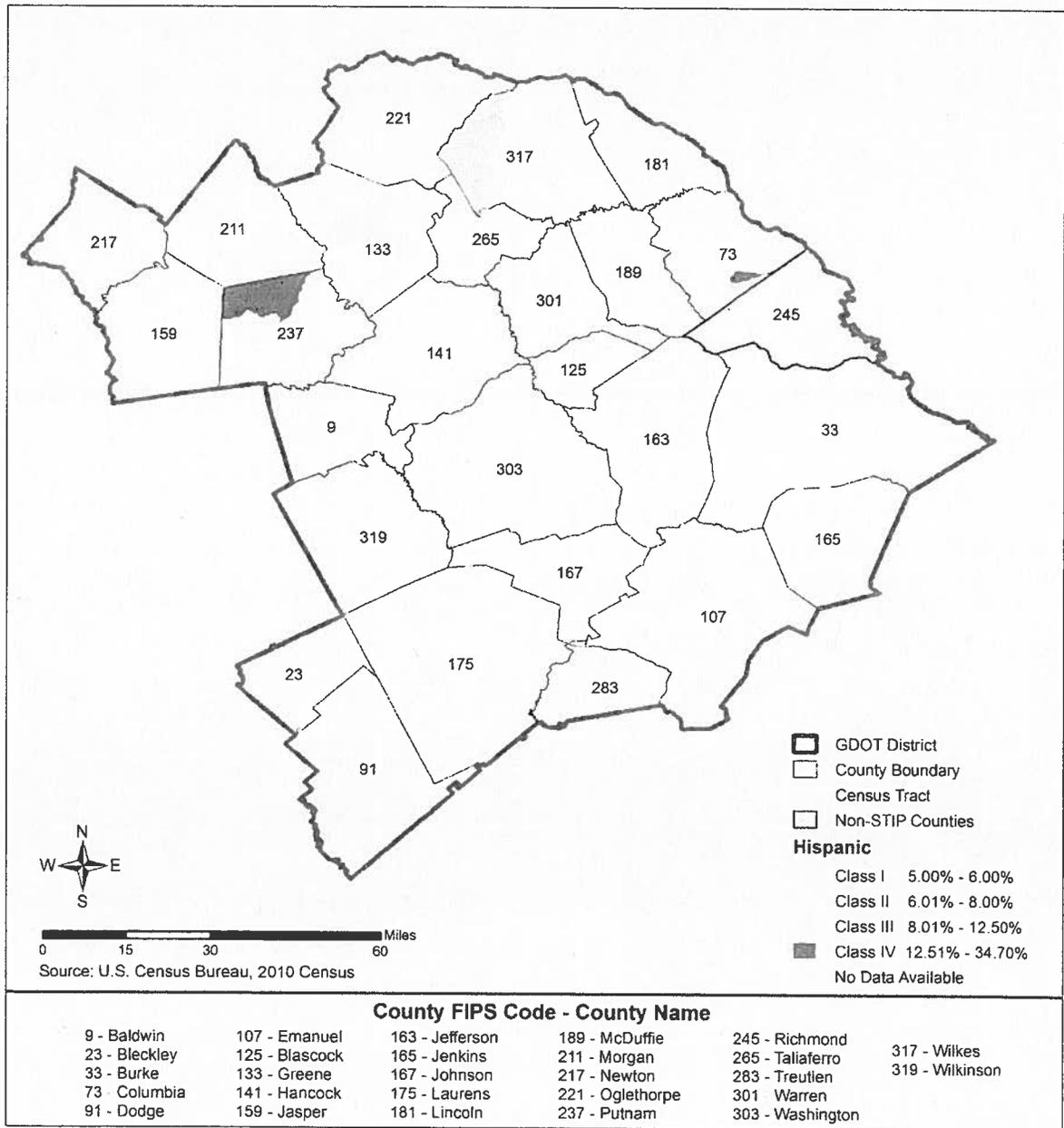




5.2.2 Hispanic EJ Population

Figure 16 is a map of the Hispanic EJ population located in District 2. Within District 2, 19 percent of the tracts have a Hispanic population above the Hispanic EJ threshold. The analysis shows 2 Class IV tracts located in the following counties: Columbia and Putnam. The analysis also shows 4 Class III tracts, 6 Class II tracts, and 13 Class I tracts. Tract locations can be found in Figure 16.

Figure 16: District 2 Hispanic EJ Population

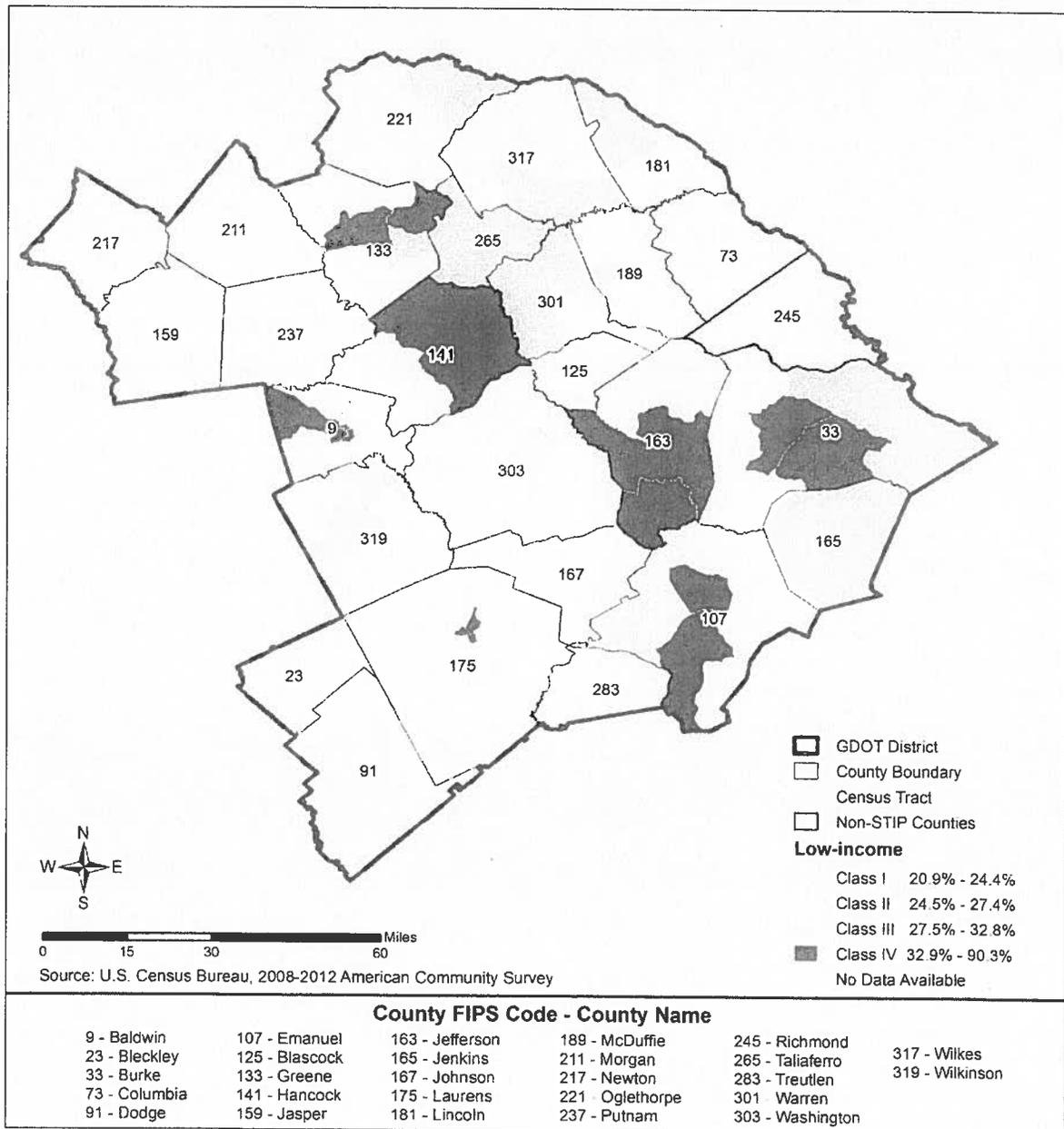




5.2.3 Low-income EJ Population

Figure 17 is a map of the low-income EJ population located in District 2. Within District 2, 45 percent of the tracts have a low-income population above the minority EJ threshold. The analysis shows 16 Class IV tracts located in the following counties: Baldwin, Burke, Emmanuel, Greene, Hancock, Jefferson, and Laurens. The analysis also shows 19 Class III tracts, 14 Class II tracts, and 11 Class I tracts. Tract locations can be found in Figure 17.

Figure 17: District 2 Low-income EJ Population

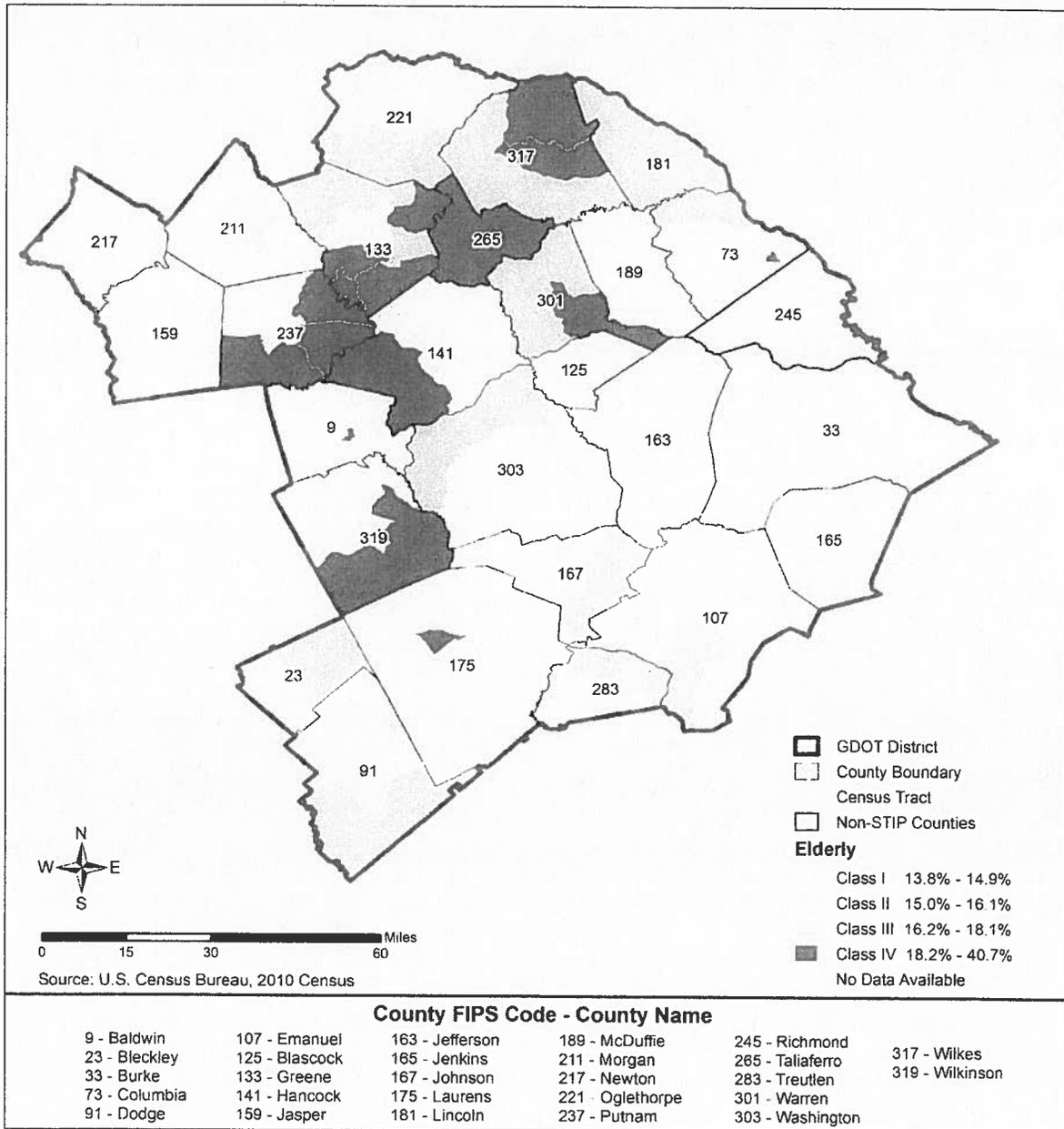




5.2.4 Elderly EJ Population

Figure 18 is a map of the minority EJ population located in District 2. Within District 2, 51 percent of the tracts have an elderly population above the elderly EJ threshold. The analysis shows 16 Class IV tracts located in the following counties: Baldwin, Columbia, Greene, Hancock, Laurens, Putnam, Taliaferro, Warren, Wilkes, and Wilkinson. The analysis also shows 19 Class III tracts, 17 Class II tracts, and 17 Class I tracts. Tract locations can be found in Figure 18.

Figure 18: District 2 Elderly EJ Population

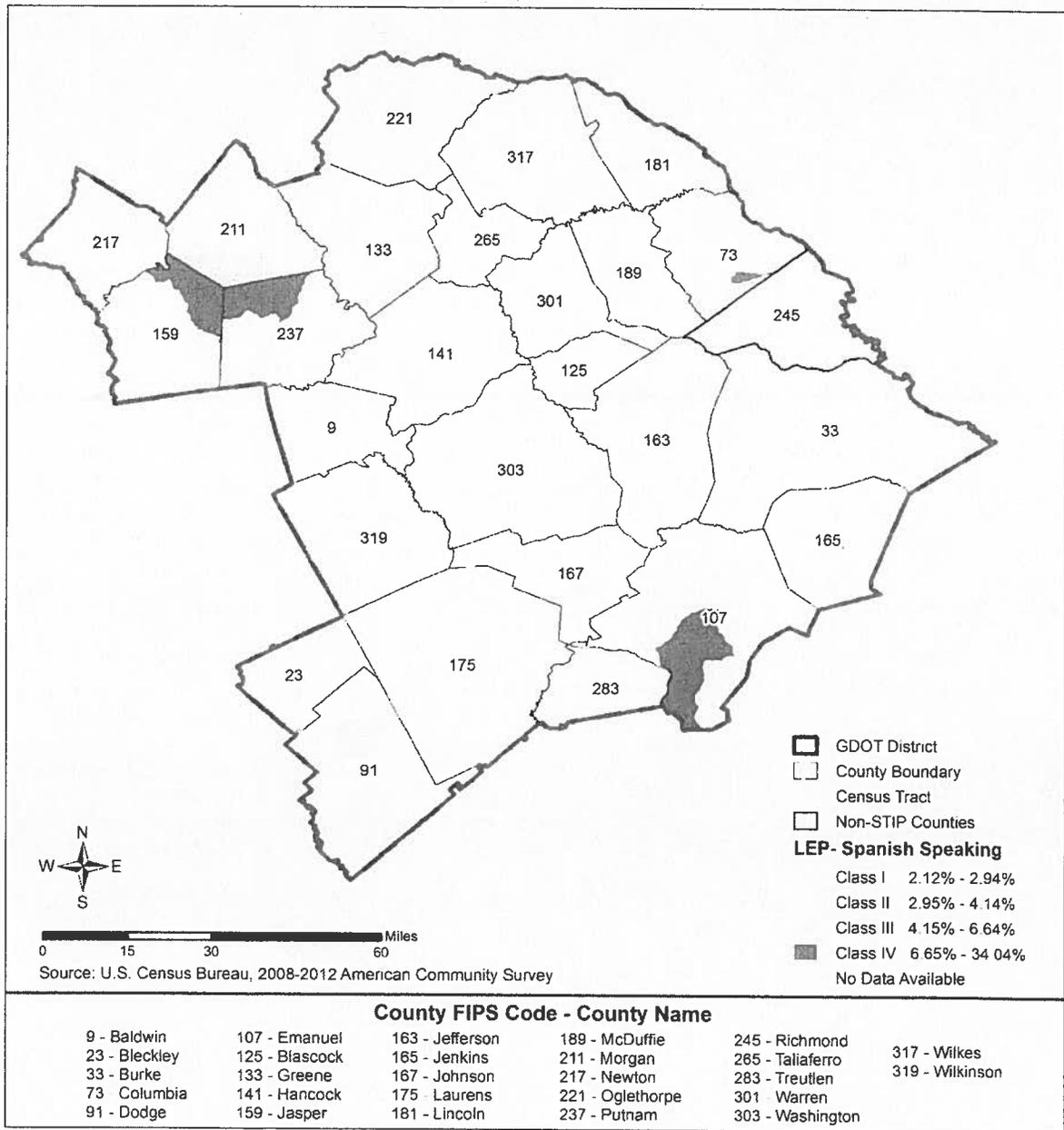




5.2.5 LEP EJ Population

Figure 19 is a map of the LEP EJ population located in District 2. Within District 2, 20 percent of the tracts have a LEP population above the LEP EJ threshold. The analysis shows 4 Class IV tracts located in the following counties: Columbia, Emmanuel, Jasper, and Putnam. The analysis also shows 4 Class III tracts, 10 Class II tracts, and 8 Class I tracts. Tract locations can be found in Figure 19.

Figure 19: District 2 LEP EJ Population

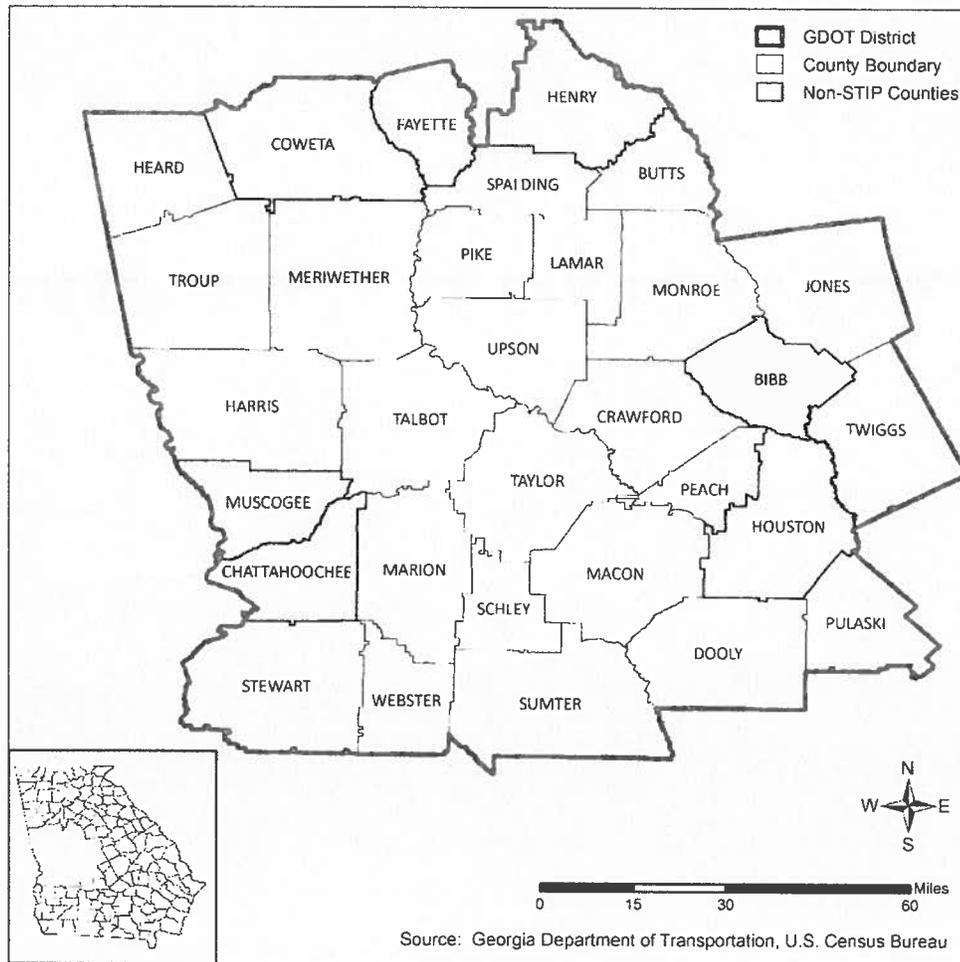




5.3 District 3

District 3 consists of 31 counties and is located to the southwest of the Atlanta metro area. Seven counties in District 3 are under the purview of a metropolitan planning organization and therefore not included in the rural STIP study area, leaving 24 in this assessment. Using 2010 Census data, District 3 contains 109 census tracts of which 68 are over the Minority EJ threshold, 19 are over the Hispanic EJ threshold, and 48 are over the Elderly EJ threshold. Using ACS 2008-2012 estimate data, 53 tracts are above the low-income EJ threshold and 23 tracts are above the LEP EJ threshold. Figure 20, below, is a map of the counties located in District 3.

Figure 20: District 3

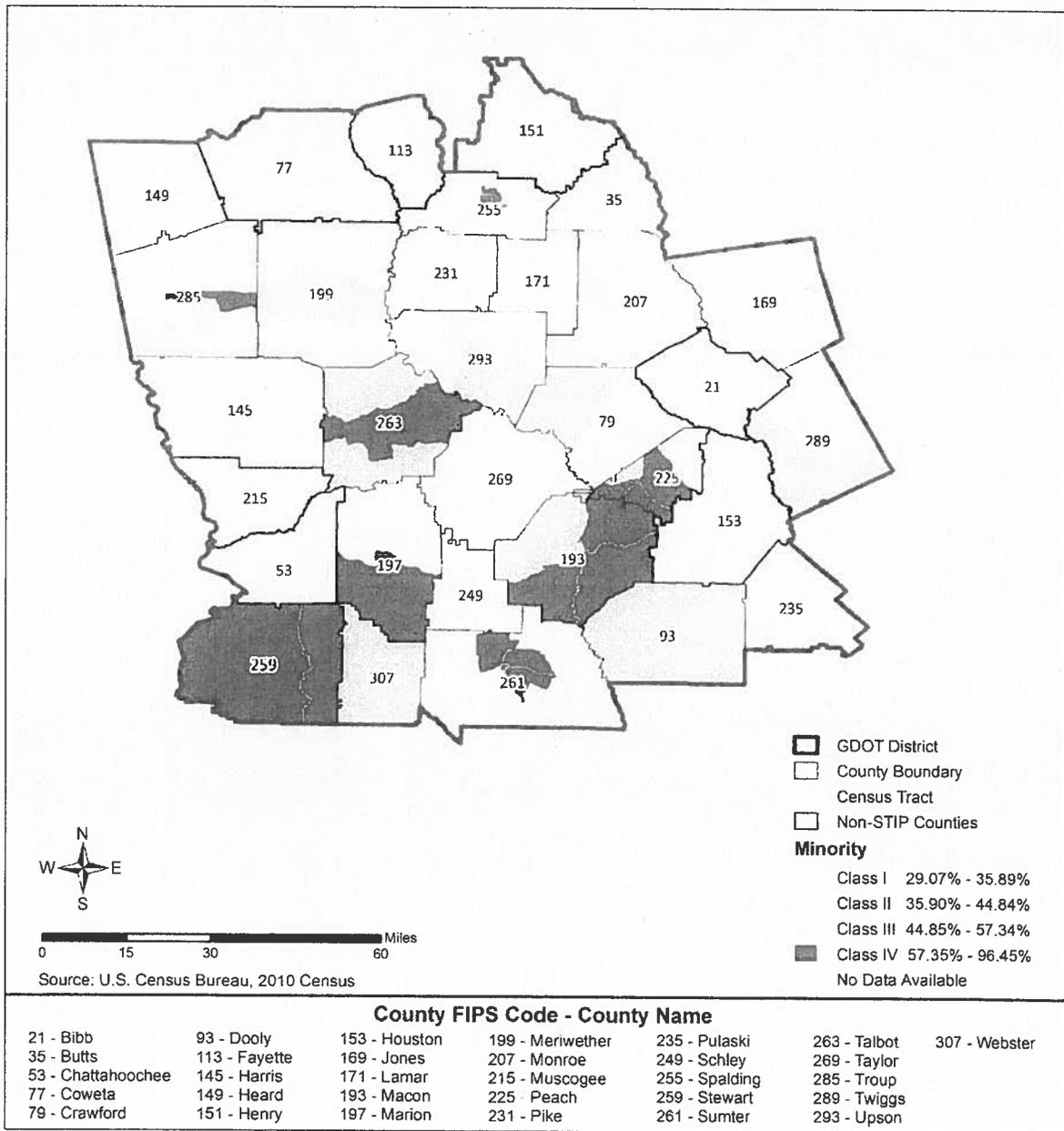




5.3.1 Minority EJ Population

Figure 21 is a map of the minority EJ population located in District 3. Within District 3, 63 percent of the tracts have a minority population above the minority EJ threshold. The analysis shows 20 Class IV tracts located in the following counties: Macon, Marion, Peach, Spalding, Stewart, Sumter, Talbot, and Troup. The analysis also shows 20 Class III tracts, 17 Class II tracts, and 11 Class I tracts. Tract locations can be found in Figure 21.

Figure 21: District 3 Minority EJ Population

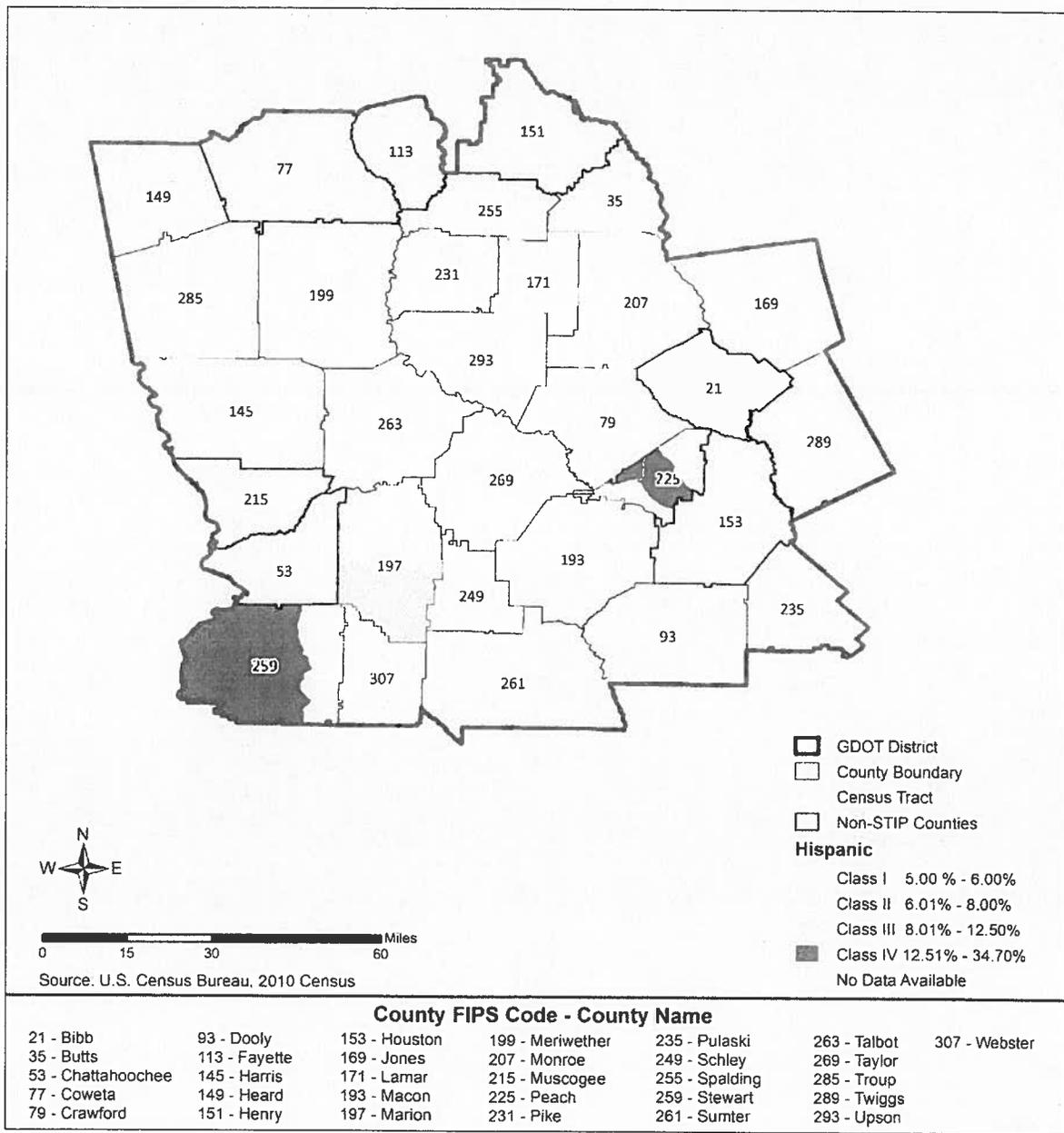




5.3.2 Hispanic EJ Population

Figure 22 is a map of the Hispanic EJ population located in District 3. Within District 3, 18 percent of the tracts have a Hispanic population above the Hispanic EJ threshold. The analysis shows 3 Class IV tracts located in the following counties: Peach and Stewart. The analysis also shows 3 Class III tracts, 6 Class II tracts, and 7 Class I tracts. Tract locations can be found in Figure 22.

Figure 22: District 3 Hispanic EJ Population

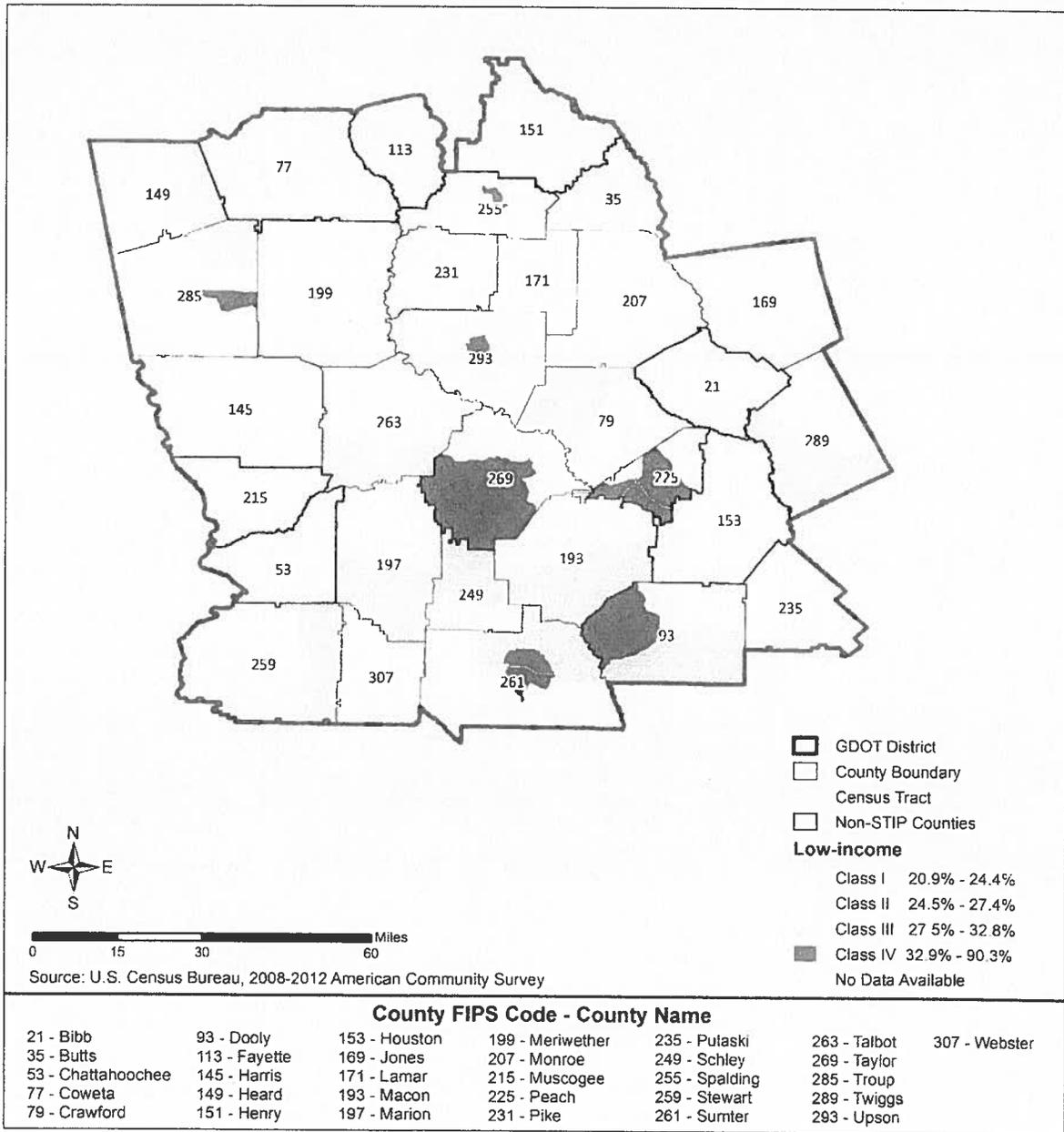




5.3.3 Low-income EJ Population

Figure 23 is a map of the low-income EJ population located in District 3. Within District 3, 49 percent of the tracts have a low-income population above the low-income EJ threshold. The analysis shows 12 Class IV tracts located in the following counties: Dooly, Peach, Spalding, Sumter, Taylor, Troup, and Upson. The analysis also shows 16 Class III tracts, 11 Class II tracts, and 14 Class I tracts. Tract locations can be found in Figure 23.

Figure 23: District 3 Low-income EJ Population

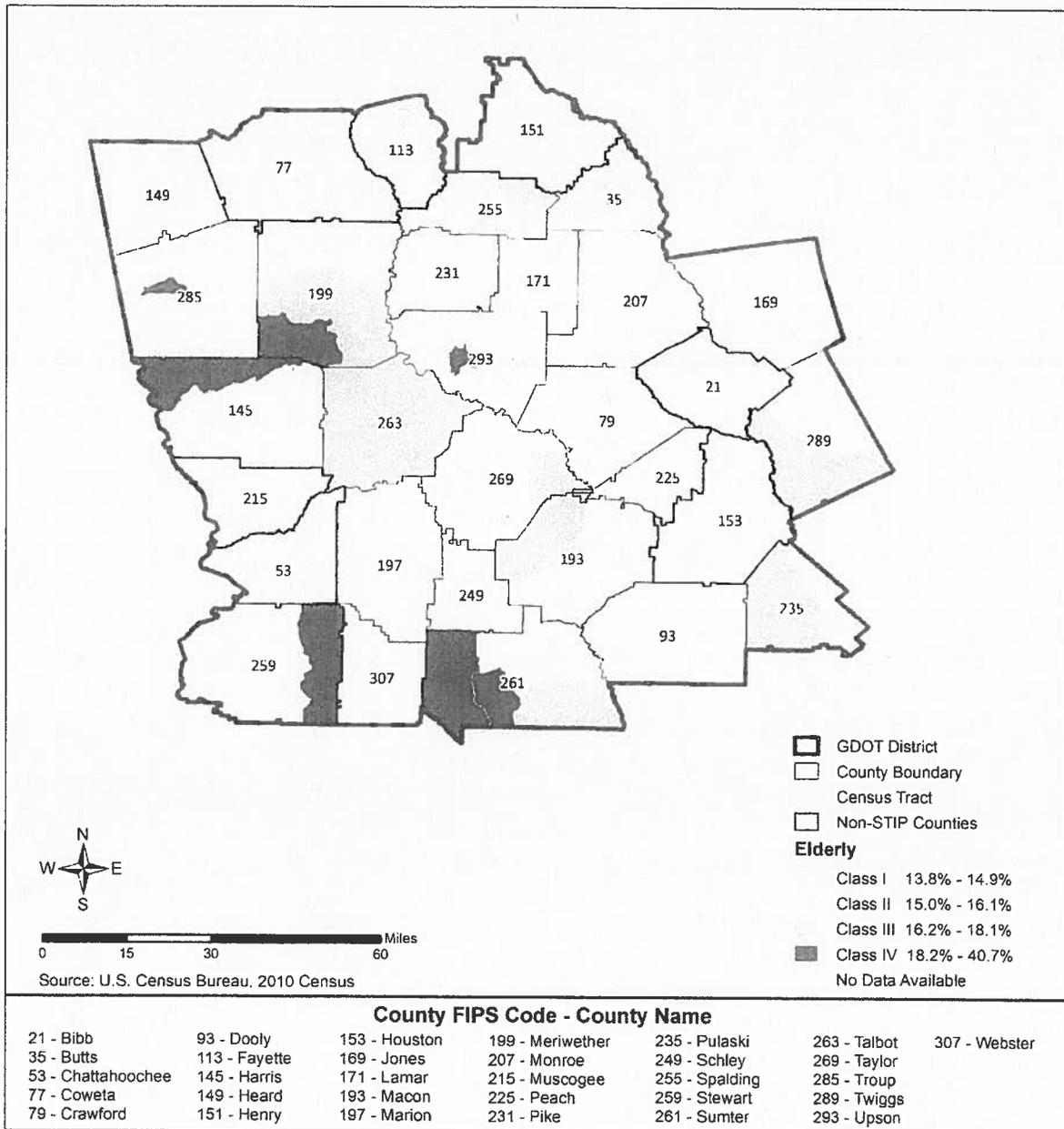




5.3.4 Elderly EJ Population

Figure 24 is a map of the elderly EJ population located in District 3. Within District 3, 44 percent of the tracts have an elderly population above the elderly EJ threshold. The analysis shows 7 Class IV tracts located in the following counties: Harris, Meriwether, Stewart, Sumter, Troup, and Upson. The analysis also shows 15 Class III tracts, 13 Class II tracts, and 13 Class I tracts. Tract locations can be found in Figure 24.

Figure 24: District 3 Elderly EJ Population

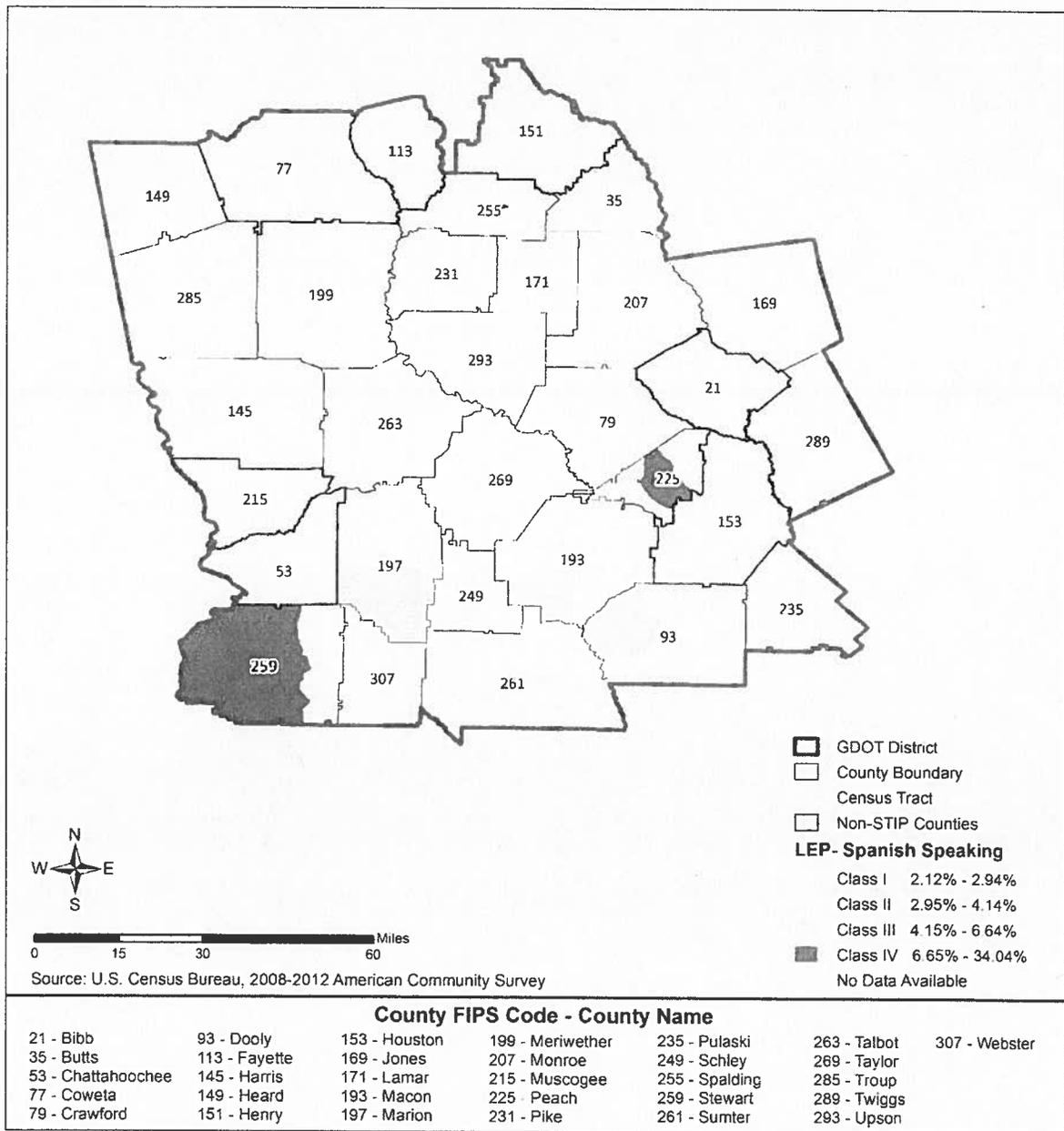




5.3.5 LEP EJ Population

Figure 25 is a map of the LEP EJ population located in District 3. Within District 3, 22 percent of the tracts have a LEP population above the LEP EJ threshold. The analysis shows three Class IV tracts located in the following counties: Peach, Spalding, and Stewart. The analysis also shows 9 Class III tracts, 6 Class II tracts, and 5 Class I tracts. Tract locations can be found in Figure 25.

Figure 25: District 3 LEP EJ Population

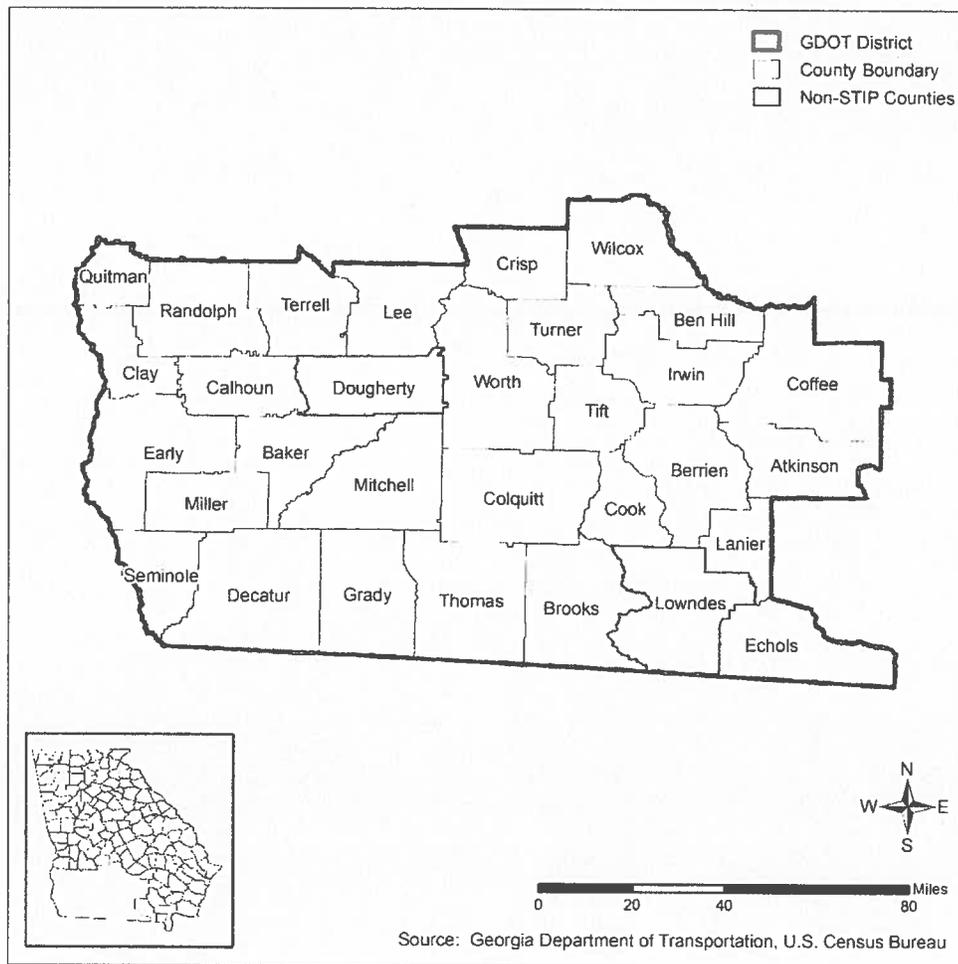




5.4 District 4

District 4 consists of 31 counties and is located in the southwestern corner of Georgia. Two counties in District 4 are under the purview of a metropolitan planning organization and therefore not included in the rural STIP study area, leaving 28 counties in this assessment. Using 2010 Census data, District 4 contains 131 census tracts of which 81 are over the Minority EJ threshold, 47 are over the Hispanic EJ threshold and 71 are over the Elderly EJ threshold. Using ACS 2008-2012 estimates, 92 tracts are above the low-income EJ threshold and 47 tracts are above the LEP EJ threshold. Figure 26, below, is a map of the counties located in District 4.

Figure 26: District 4

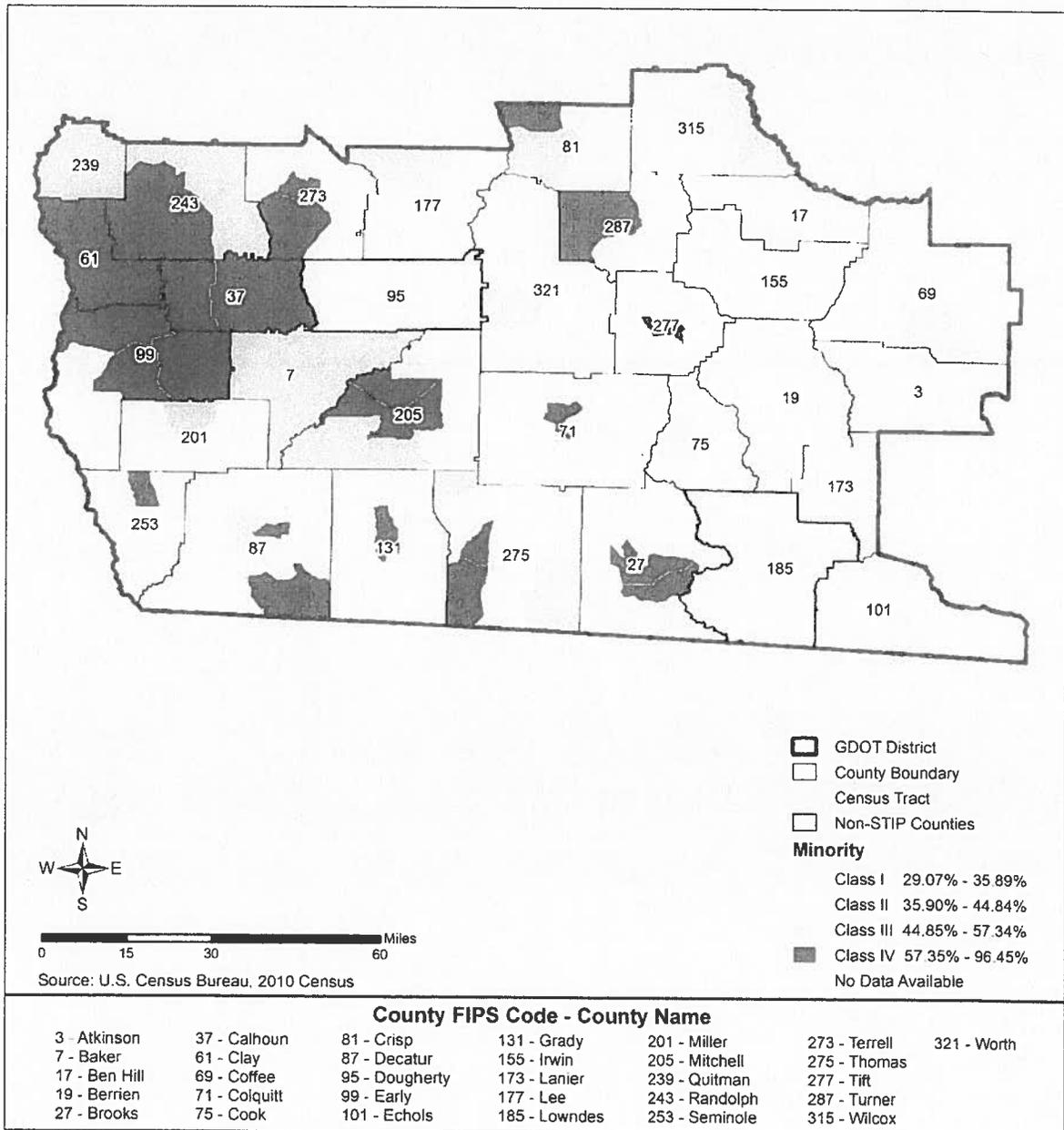




5.4.1 Minority EJ Population

Figure 27 is a map of the minority EJ population located in District 4. Within District 4, 62 percent of the tracts have a minority population above the minority EJ threshold. The analysis shows 25 Class IV tracts located in the following counties: Brooks, Calhoun, Clay, Colquitt, Crisp, Decatur, Early, Grady, Mitchell, Randolph, Seminole, Terrell, Thomas, Tift, and Turner. The analysis also shows 23 Class III tracts, 13 Class II tracts, and 20 Class I tracts. Tract locations can be found in Figure 27.

Figure 27: District 4 Minority EJ Population

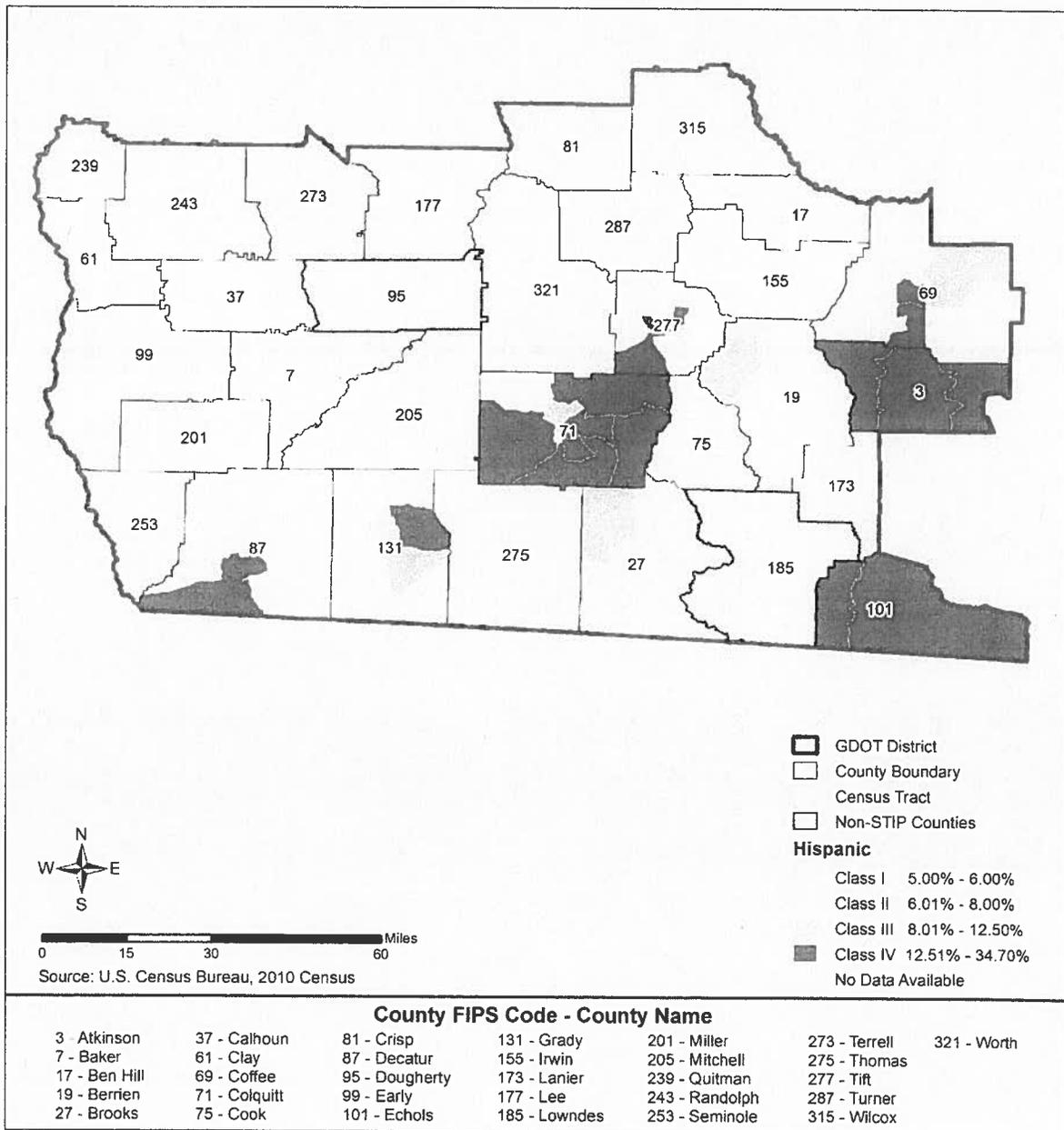




5.4.2 Hispanic EJ Population

Figure 28 is a map of the Hispanic EJ population located in District 4. Within District 4, 36 percent of the tracts have a Hispanic population above the Hispanic EJ threshold. The analysis shows 19 Class IV tracts located in the following counties: Atkinson, Coffee, Colquitt, Decatur, Echols, Grady, and Tift. The analysis also shows 9 Class III tracts, 12 Class II tracts, and 7 Class I tracts. Tract locations can be found in Figure 28.

Figure 28: District 4 Hispanic EJ Population

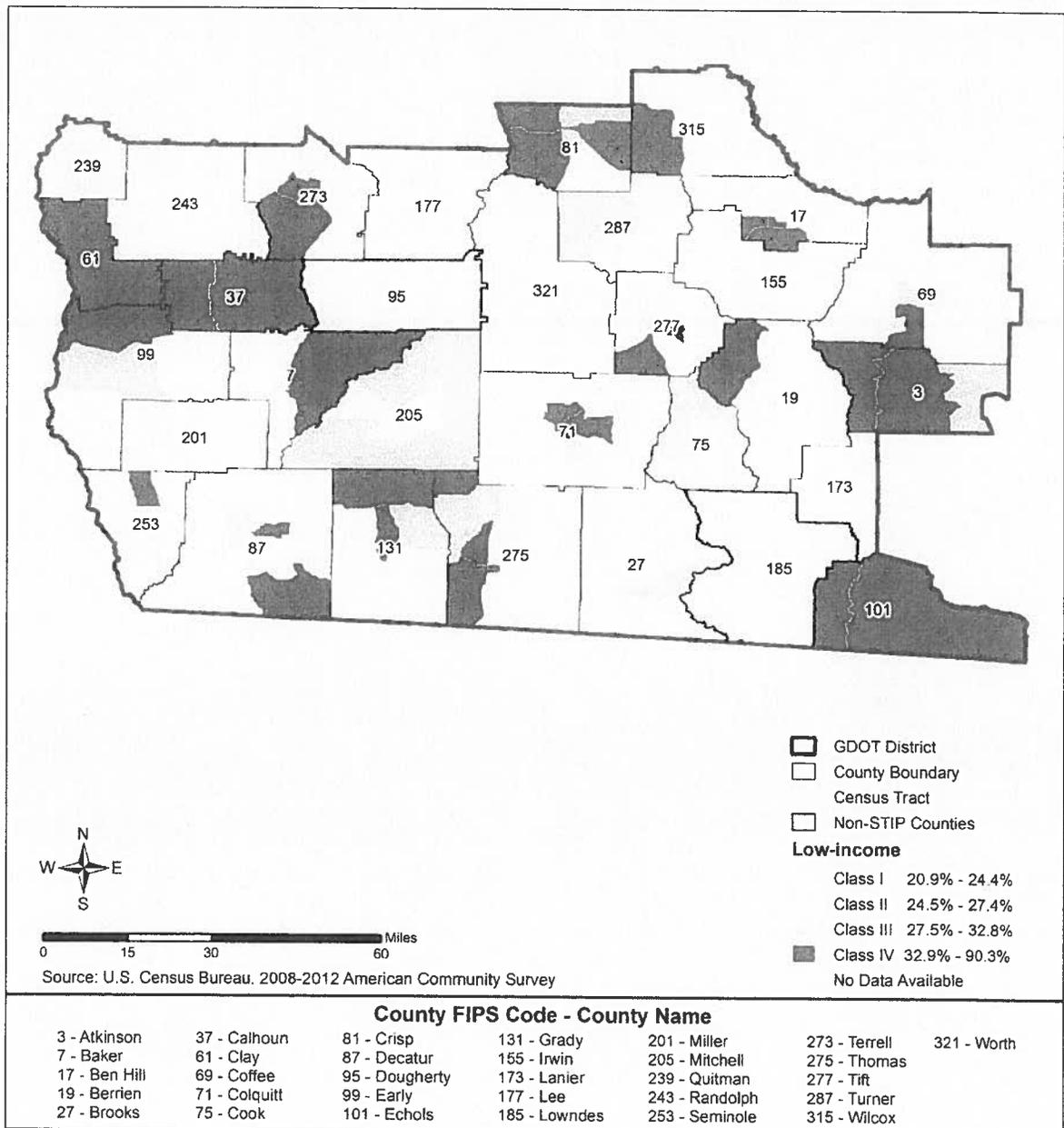




5.4.3 Low-income EJ Population

Figure 29 is a map of the low-income EJ population located in District 4. Within District 4, 71 percent of the tracts have a low-income population above the low-income EJ threshold. The analysis shows 34 Class IV tracts located in the following counties: Atkinson, Baker, Ben Hill, Berrien, Calhoun, Clay, Coffee, Colquitt, Crisp, Decatur, Early, Echols, Grady, Seminole, Terrell, Thomas, Tift, and Wilcox. The analysis also shows 20 Class III tracts, 17 Class II tracts, and 21 Class I tracts. Tract locations can be found in Figure 29.

Figure 29: District 4 Low-income EJ Population

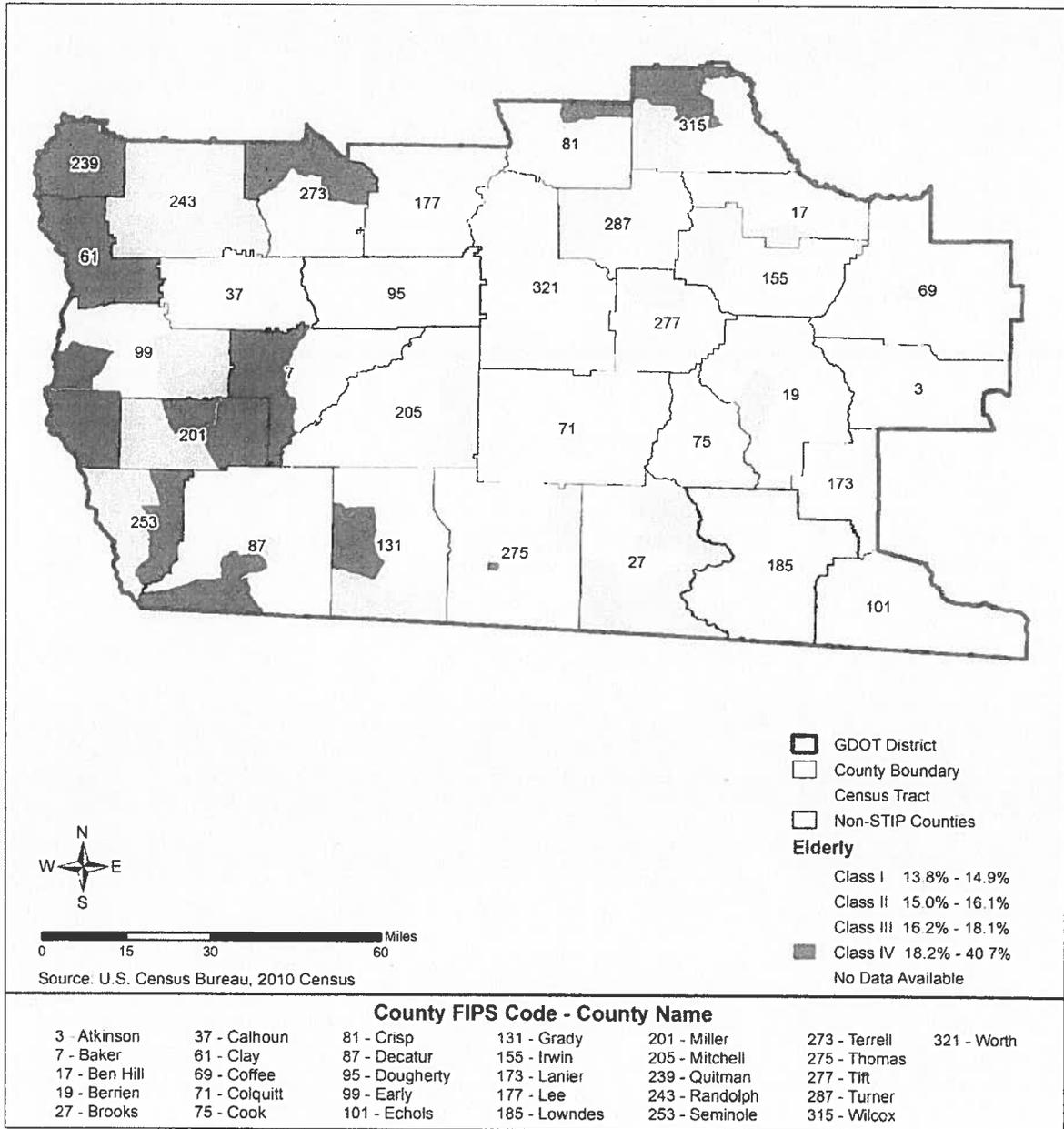




5.4.4 Elderly EJ Population

Figure 30 is a map of the elderly EJ population located in District 4. Within District 4, 55 percent of the tracts have an elderly population above the elderly EJ threshold. The analysis shows 14 Class IV tracts located in the following counties: Baker, Clay, Crisp, Decatur, Early, Grady, Miller, Quitman, Randolph, Seminole, Terrell, Thomas, and Wilcox. The analysis also shows 23 Class III tracts, 17 Class II tracts, and 17 Class I tracts. Tract locations can be found in Figure 30.

Figure 30: District 4 Elderly EJ Population

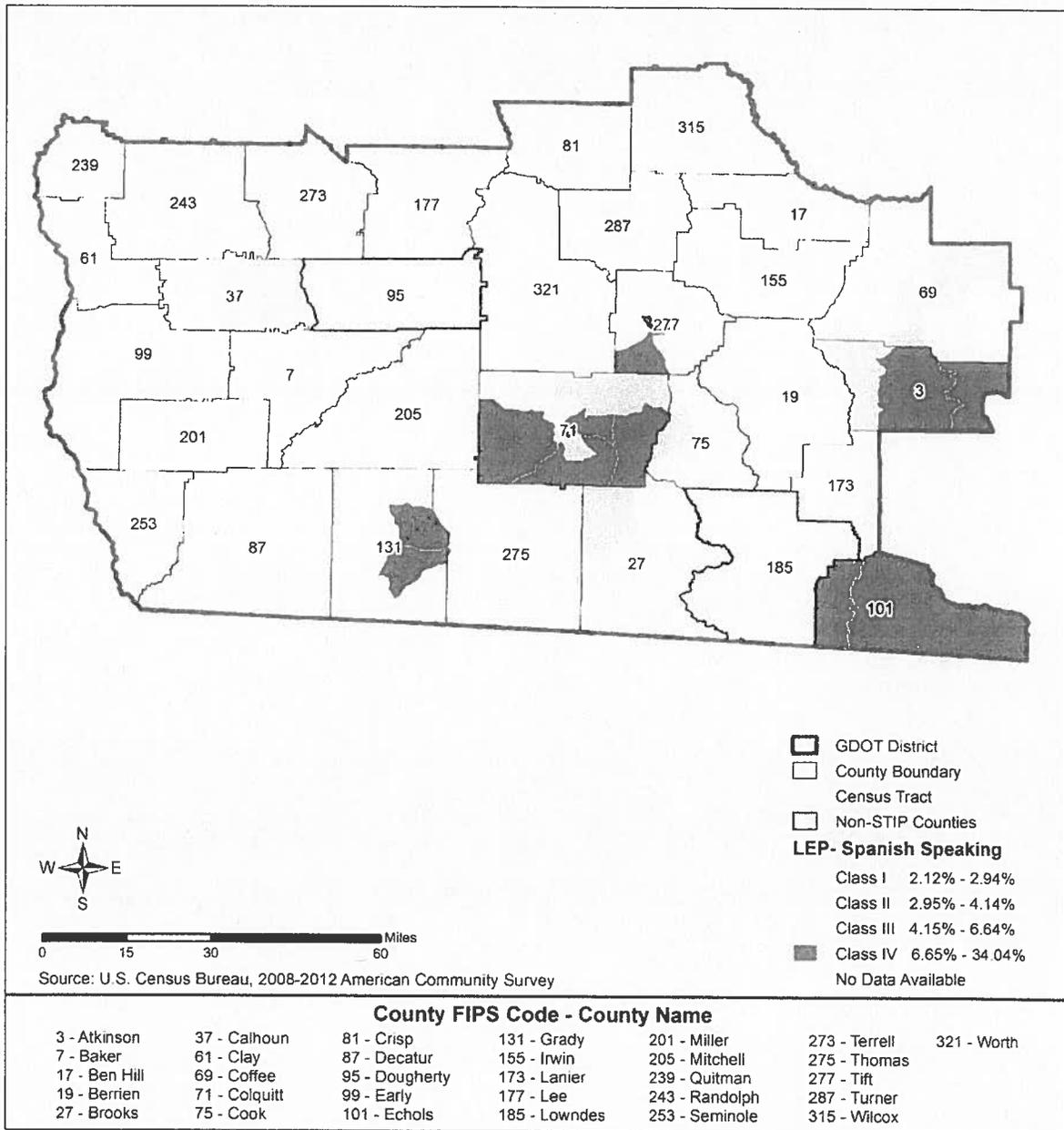




5.4.5 LEP EJ Population

Figure 31 is a map of the LEP EJ population located in District 4. Within District 4, 36 percent of the tracts have a LEP population above the LEP EJ threshold. The analysis shows 13 Class IV tracts located in the following counties: Atkinson, Colquitt, Echols, Grady, and Tift. The analysis also shows 12 Class III tracts, 11 Class II tracts, and 11 Class I tracts. Tract locations can be found in Figure 31.

Figure 31: District 4 LEP EJ Population

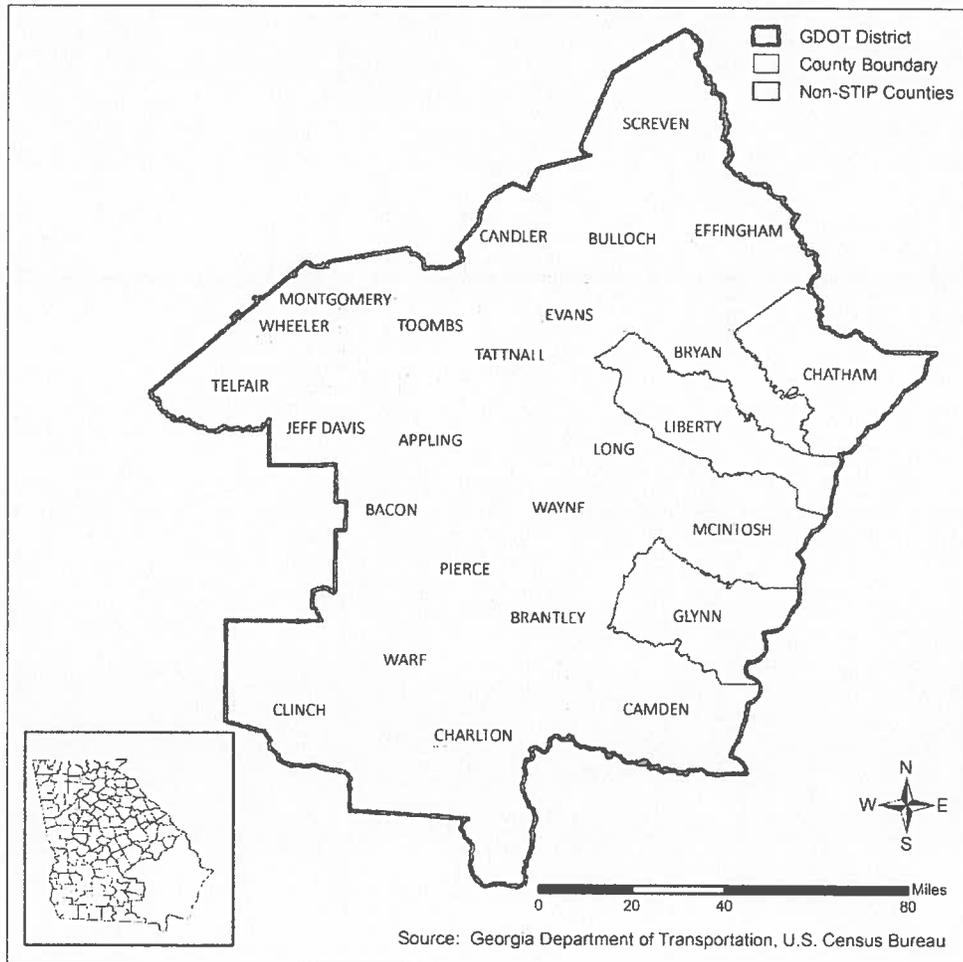




5.5 District 5

District 5 consists of 26 counties and is located in the southeastern portion of Georgia. Three counties in District 5 are under the purview of a metropolitan planning organization and therefore not included in the rural STIP study area, leaving 23 in this assessment. Using 2010 Census data, District 5 contains 115 census tracts of which 49 are over the Minority EJ threshold, 42 are over the Hispanic EJ threshold and 35 are over the Elderly EJ threshold. Using ACS 2008-2012 estimate data, 57 tracts are above the low-income EJ threshold and 39 tracts are above the LEP EJ threshold. Figure 32, below, is a map of the counties located in District 5.

Figure 32: District 5

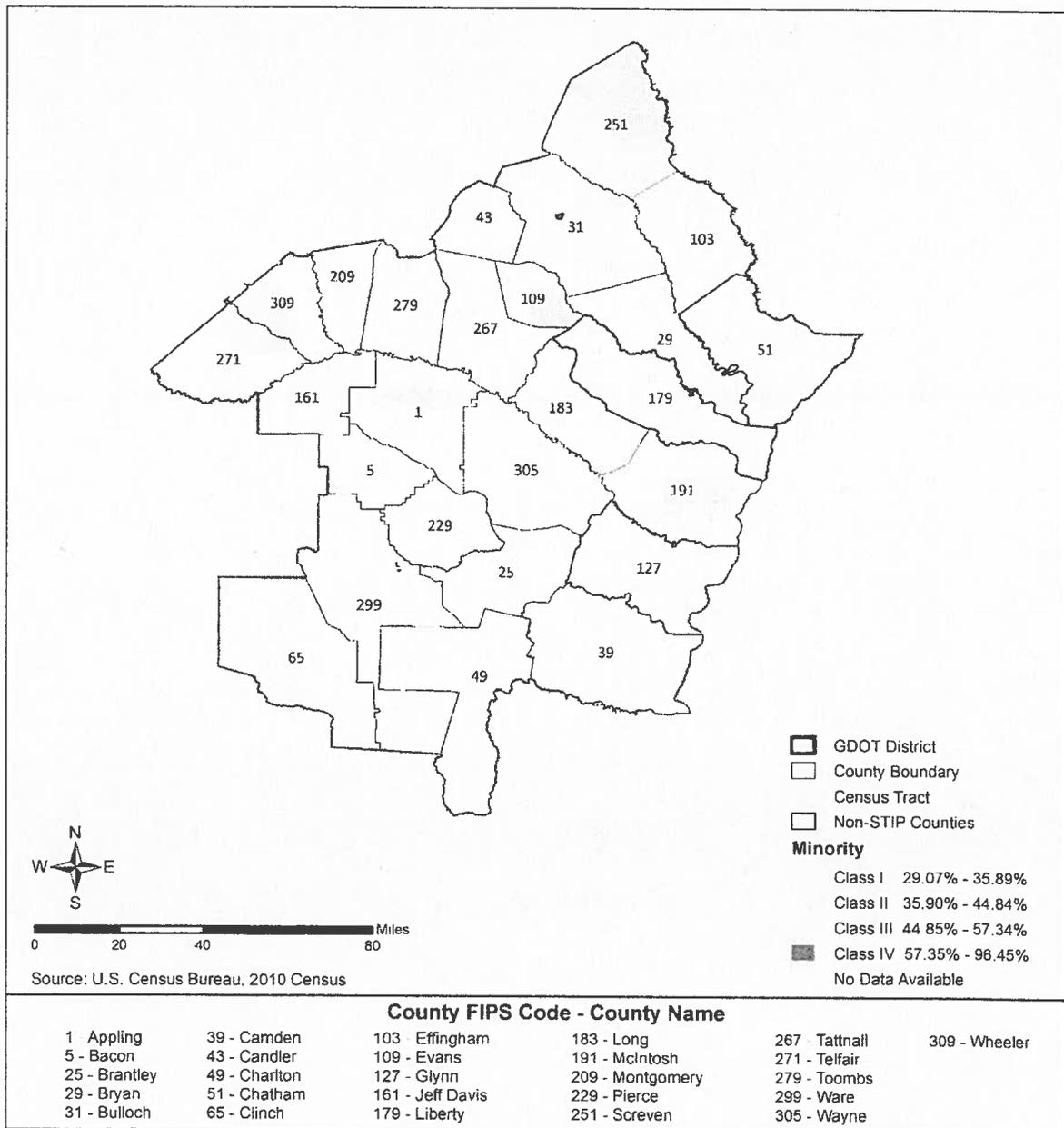




5.5.1 Minority EJ Population

Figure 33 is a map of the minority EJ population located in District 5. Within District 5, 43 percent of the tracts have a minority population above the minority EJ threshold. The analysis shows 3 Class IV tracts located in the following counties: Bulloch and Ware. The analysis also shows 9 Class III tracts, 23 Class II tracts, and 14 Class I tracts. Tract locations can be found in Figure 33.

Figure 33: District 5 Minority EJ Population

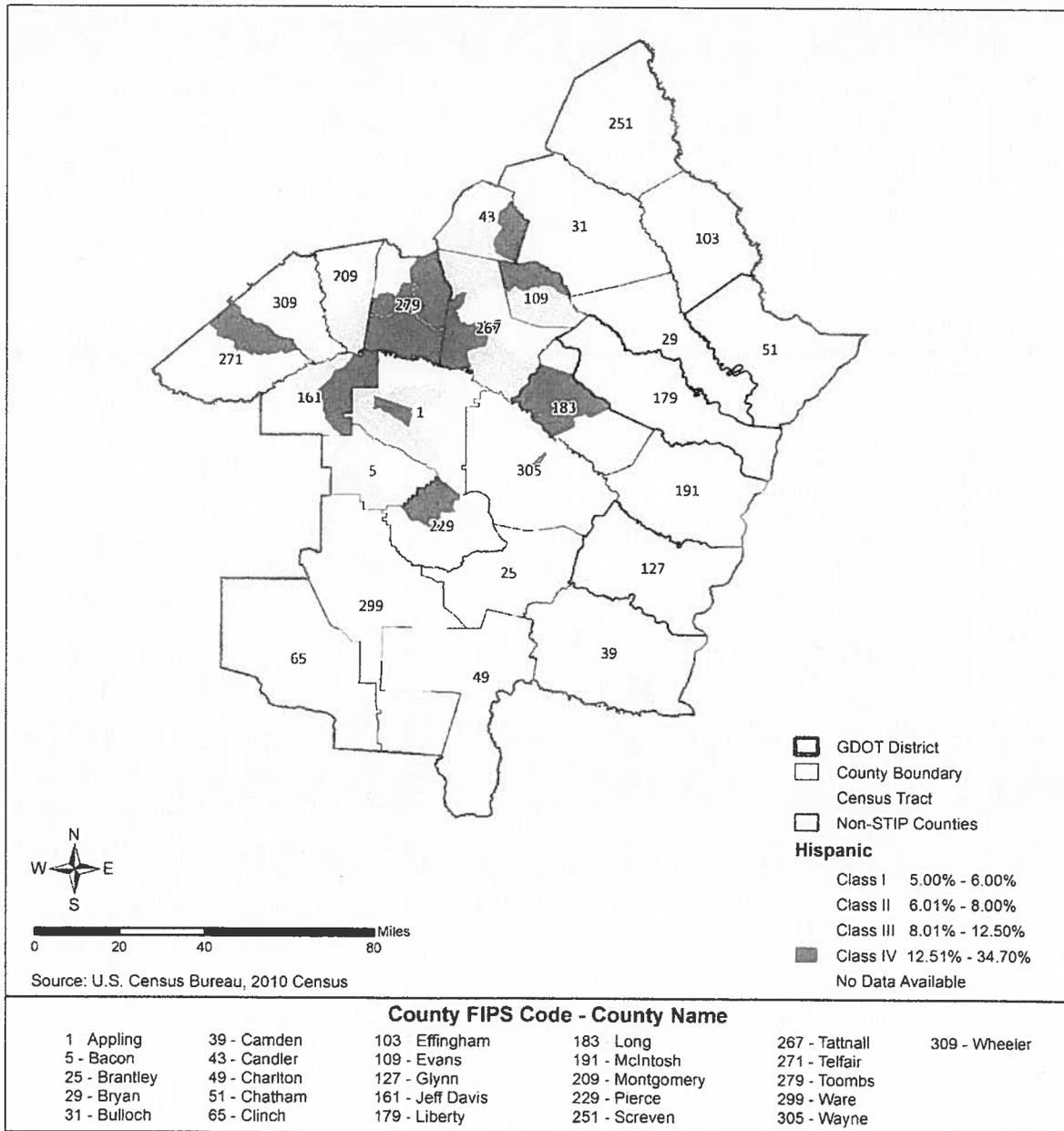




5.5.2 Hispanic EJ Population

Figure 34 is a map of the Hispanic EJ population located in District 5. Within District 5, 37 percent of the tracts have a Hispanic population above the Hispanic EJ threshold. The analysis shows 12 Class IV tracts located in the following counties: Appling, Candler, Evans, Jeff Davis, Long, Pierce, Tattnall, Telfair, Toombs, and Wayne. The analysis also shows 12 Class III tracts, 8 Class II tracts, and 10 Class I tracts. Tract locations can be found in Figure 34.

Figure 34: District 5 Hispanic EJ Population

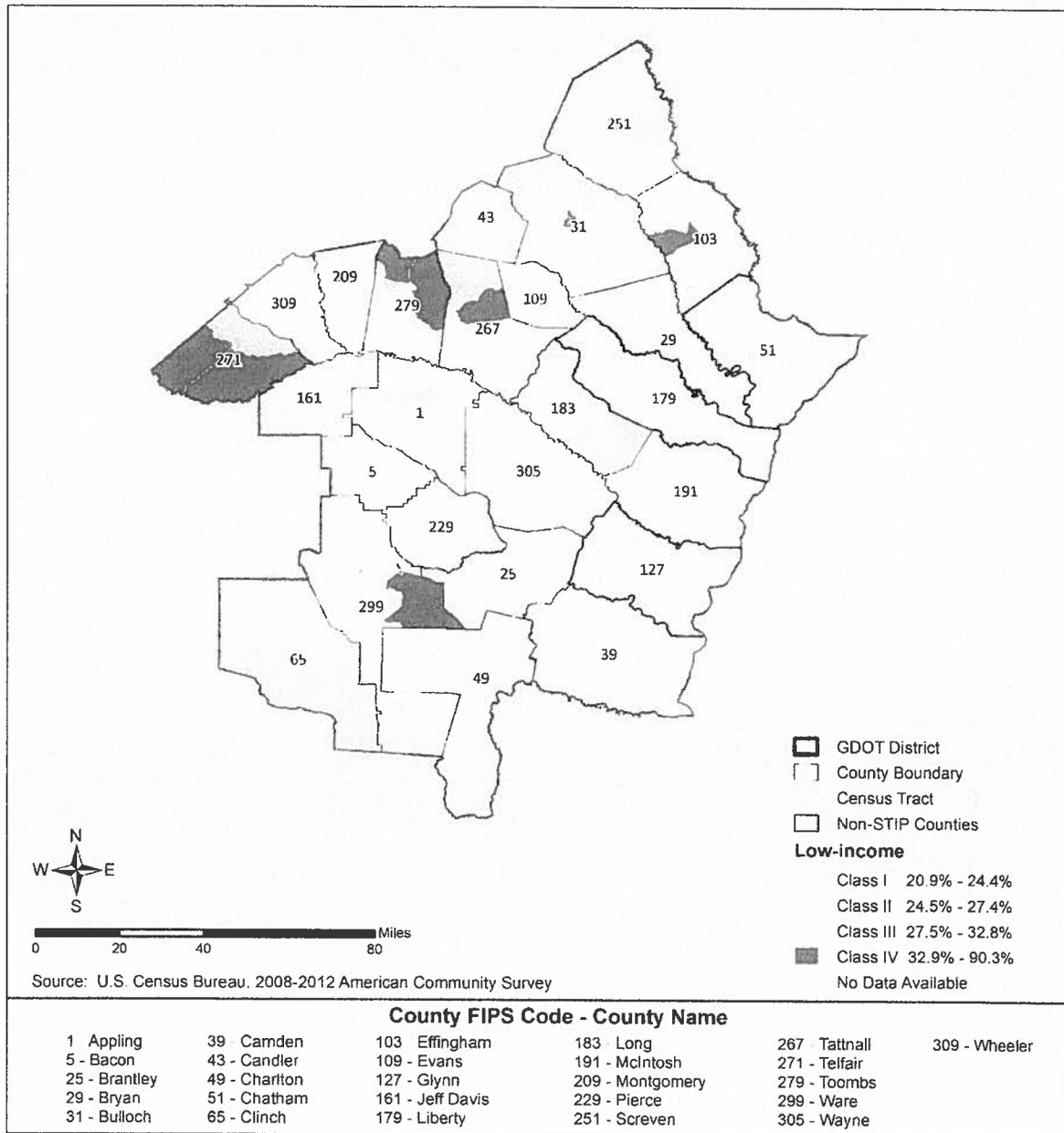




5.5.3 Low-income EJ Population

Figure 35 is a map of the low-income EJ population located in District 5. Within District 5, 50 percent of the tracts have a low-income population above the low-income EJ threshold. The analysis shows 12 Class IV tracts located in the following counties: Bulloch, Effingham, Tattnall, Telfair, Toombs, and Ware. The analysis also shows 12 Class III tracts, 17 Class II tracts, and 16 Class I tracts. Tract locations can be found in Figure 35.

Figure 35: District 5 Low-income EJ Population

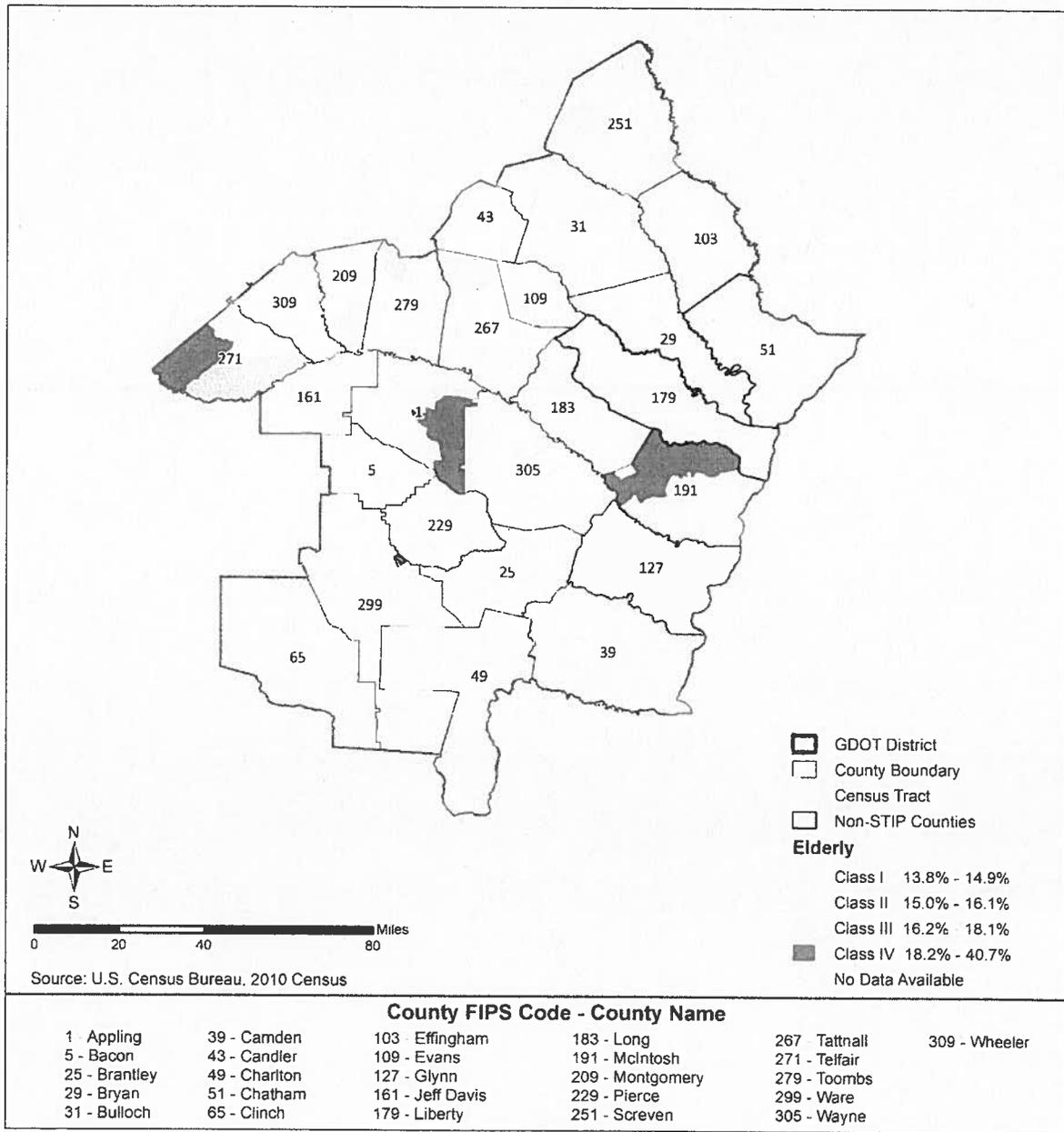




5.5.4 Elderly EJ Population

Figure 36 is a map of the elderly EJ population located in District 5. Within District 5, 31 percent of the tracts have an elderly population above the elderly EJ threshold. The analysis shows 5 Class IV tracts located in the following counties: Appling, McIntosh, Telfair, and Ware. The analysis also shows 9 Class III tracts, 12 Class II tracts, and 9 Class I tracts. Tract locations can be found in Figure 36.

Figure 36: District 5 Elderly EJ Population

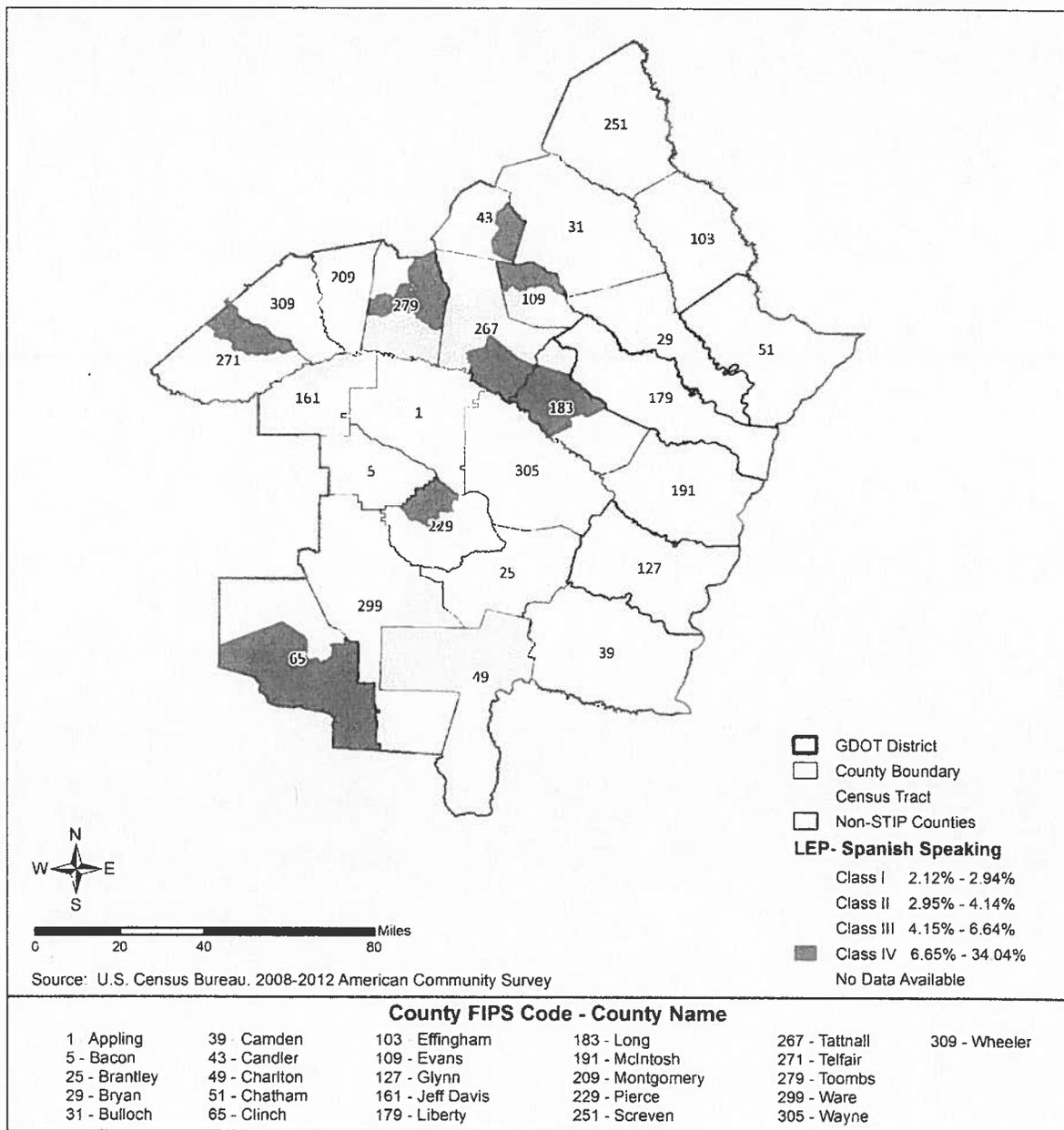




5.5.5 LEP EJ Population

Figure 37 is a map of the LEP EJ population located in District 5. Within District 5, 34 percent of the tracts have a LEP population above the LEP EJ threshold. The analysis shows 9 Class IV tracts located in the following counties: Candler, Clinch, Evans, Long, Pierce, Tattnall, Telfair, and Toombs. The analysis also shows 10 Class III tracts, 8 Class II tracts, and 12 Class I tracts. Tract locations can be found in Figure 37.

Figure 37: District 5 LEP EJ Population

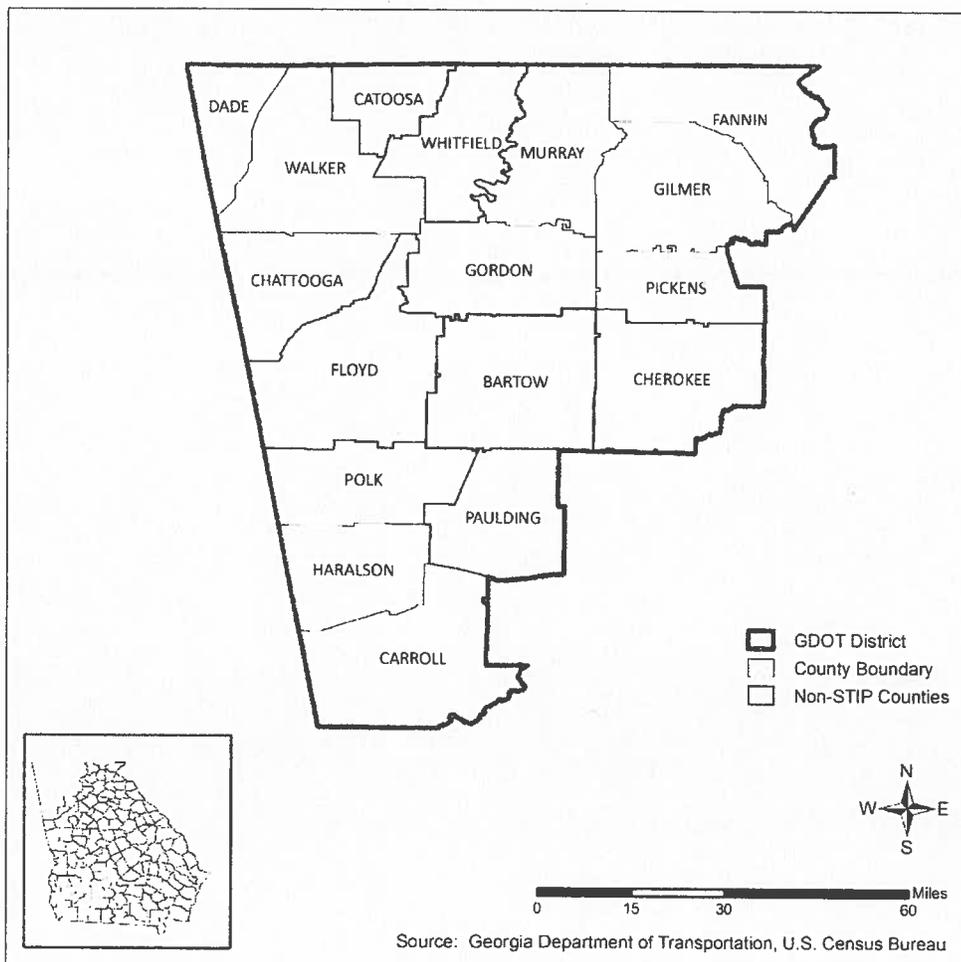




5.6 District 6

District 6 is composed of 17 counties located in the northwest corner of Georgia. Six counties in District 6 are under the purview of a metropolitan planning organization and therefore not included in the rural STIP study area, leaving 11 in this assessment. Using 2010 Census data, District 6 contains 85 census tracts of which 9 are over the Minority EJ threshold, 31 are over the Hispanic EJ threshold, and 38 are over the Elderly EJ threshold. Using ACS 2008-2012 estimate data, 27 tracts are above the low-income EJ threshold and 29 tracts are above the LEP EJ threshold. Figure 38, below, is a map of the counties located in District 6.

Figure 38: District 6

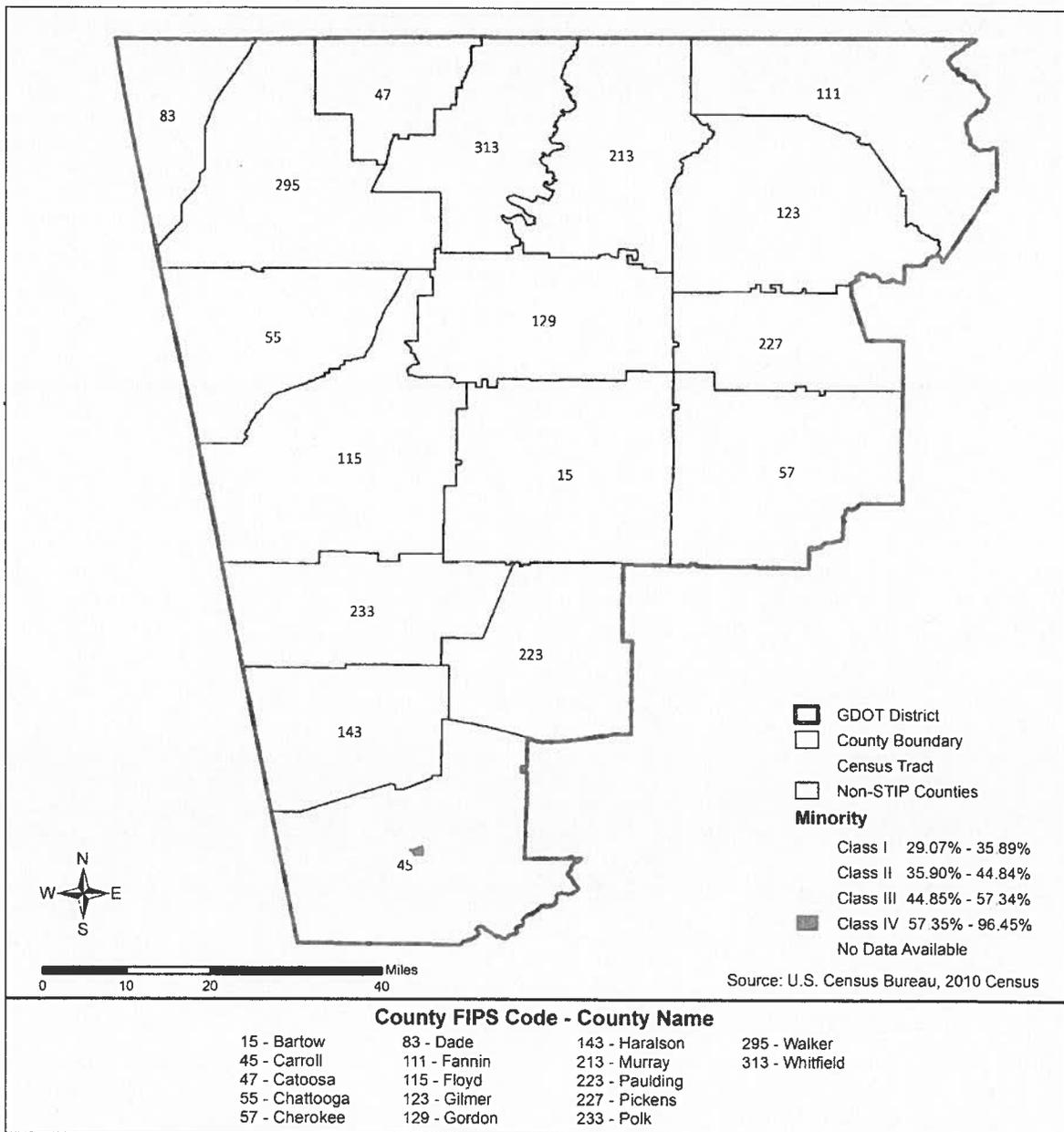




5.6.1 Minority EJ Population

Figure 39 is a map of the minority EJ population located in District 6. Within District 6, 11 percent of the tracts have a minority population above the minority EJ threshold. The analysis shows only 1 Class IV tract located Carroll County. The analysis also shows there are no Class III tracts, 2 Class II tracts, and 6 Class I tracts. Tract locations can be found in Figure 39.

Figure 39: District 6 Minority EJ Population

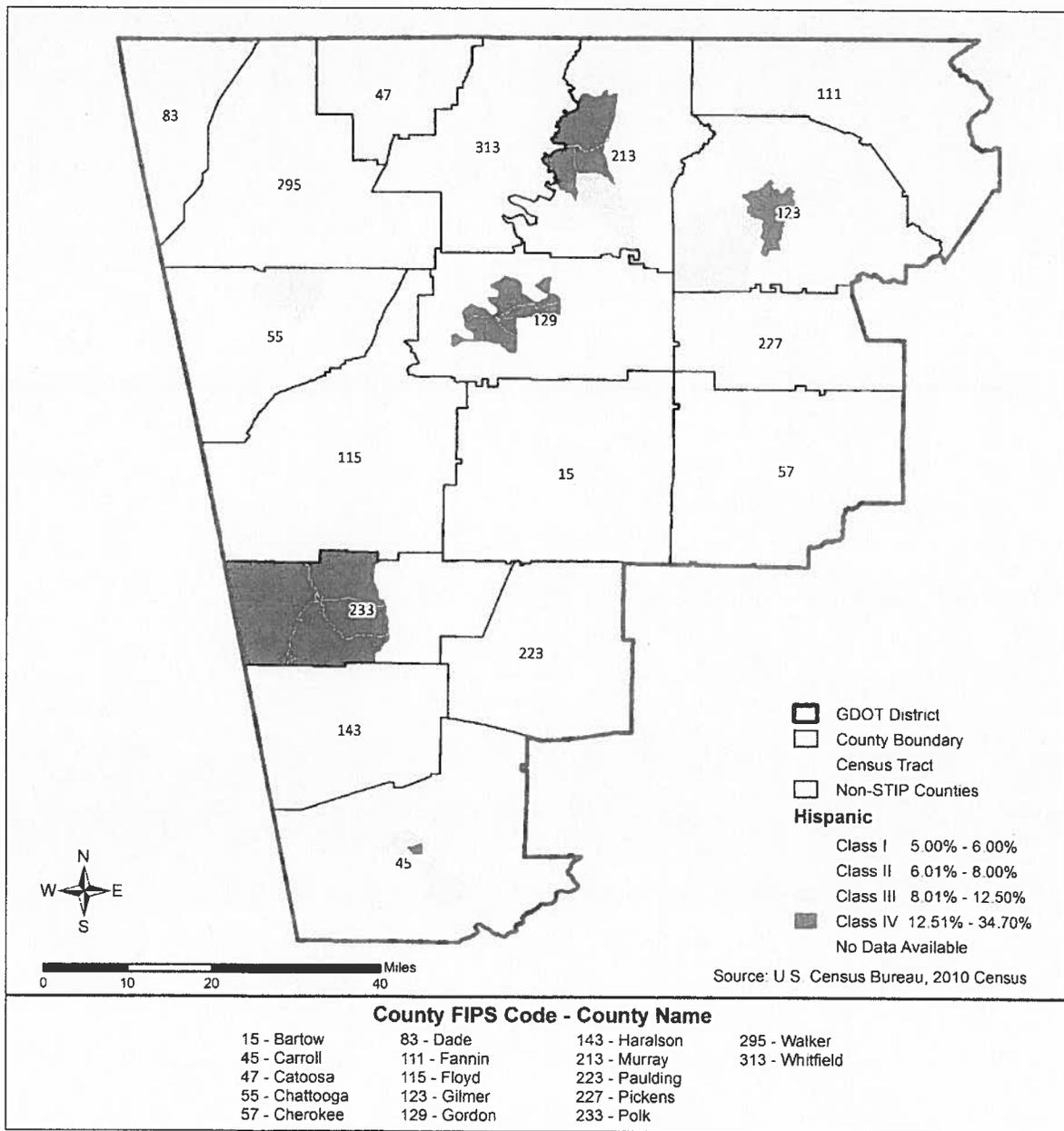




5.6.2 Hispanic EJ Population

Figure 40 is a map of the Hispanic EJ population located in District 6. Within District 6, 37 percent of the tracts have a Hispanic population above the Hispanic EJ threshold. The analysis shows 13 Class IV tracts located in the following counties: Carroll, Gilmer, Gordon, Murray, and Polk. The analysis also shows 5 Class III tracts, 7 Class II tracts, and 6 Class I tracts. Tract locations can be found in Figure 40.

Figure 40: District 6 Hispanic EJ Population

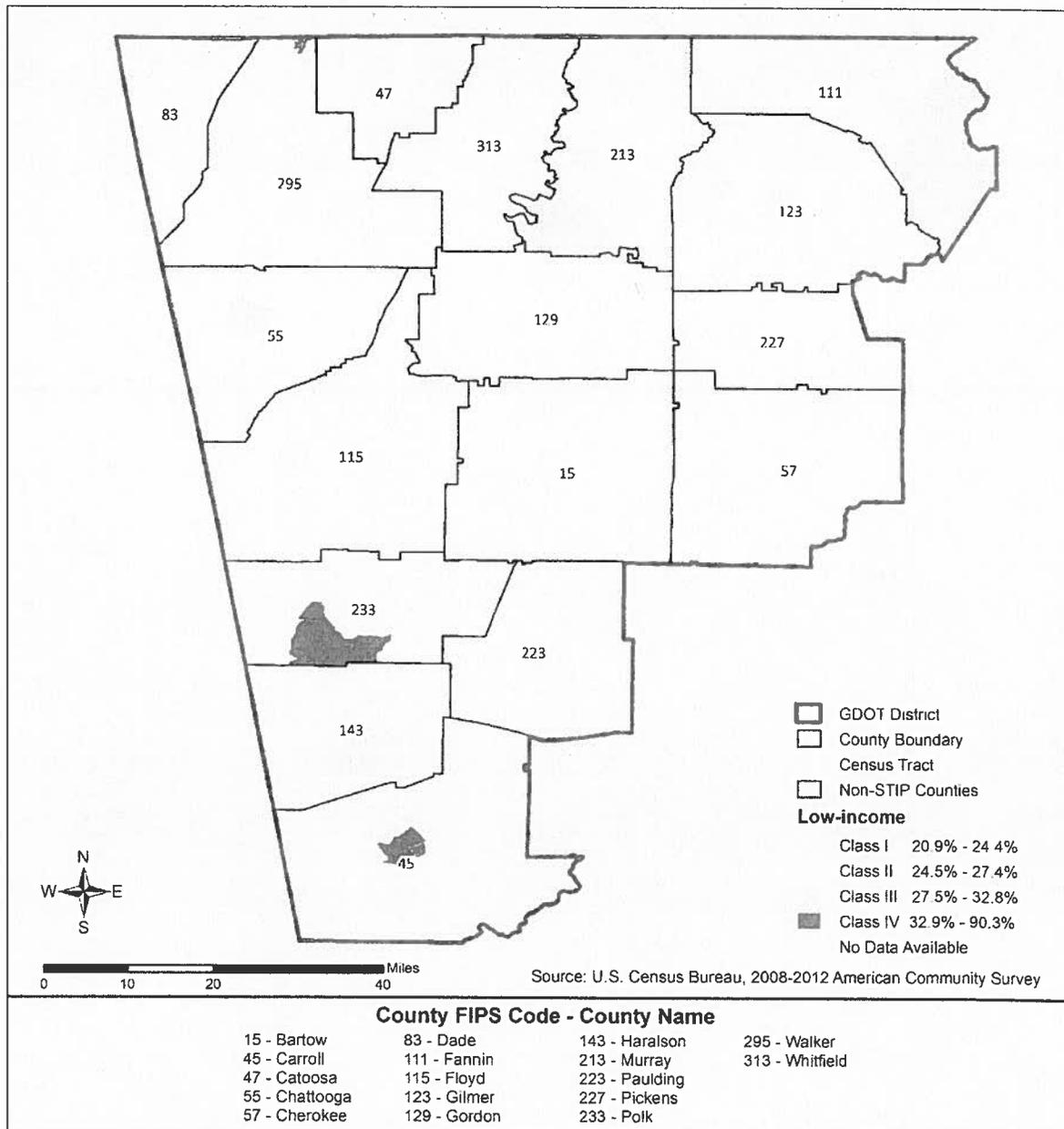




5.6.3 Low-income EJ Population

Figure 41 is a map of the low-income EJ population located in District 6. Within District 6, 32 percent of the tracts have a low-income population above the low-income EJ threshold. The analysis shows 4 Class IV tracts located in the following counties: Carroll, Polk and Walker. The analysis also shows 7 Class III tracts, 6 Class II tracts, and 10 Class I tracts. Tract locations can be found in Figure 41.

Figure 41: District 6 Low-income EJ Population

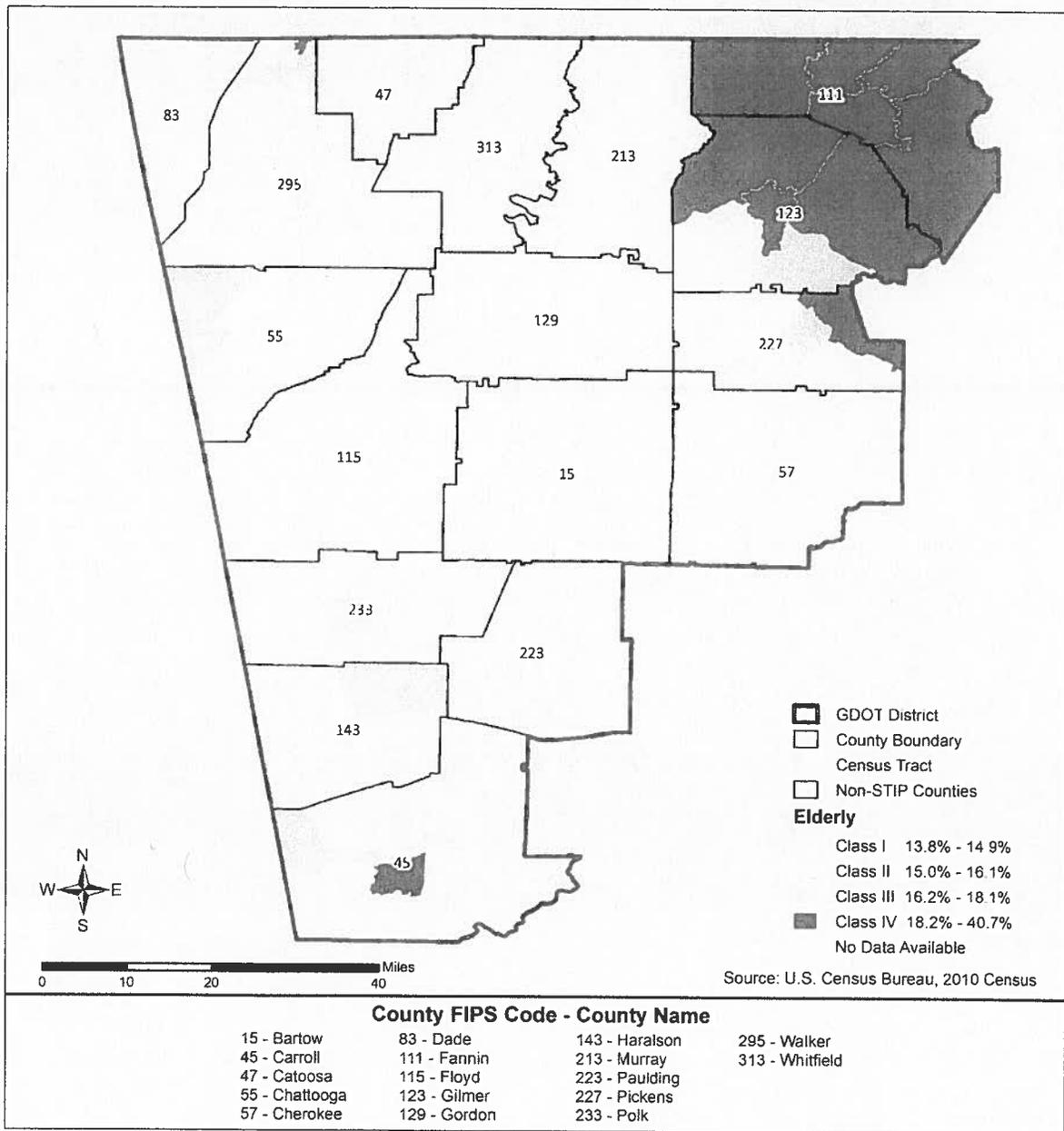




5.6.4 Elderly EJ Population

Figure 42 is a map of the elderly EJ population located in District 6. Within District 6, 45 percent of the tracts have an elderly population above the elderly EJ threshold. The analysis shows 11 Class IV tracts located in the following counties: Carroll, Fannin, Gilmer, Pickens, and Walker. The analysis also shows 9 Class III tracts, 8 Class II tracts, and 10 Class I tracts. Tract locations can be found in Figure 42.

Figure 42: District 6 Elderly EJ Population

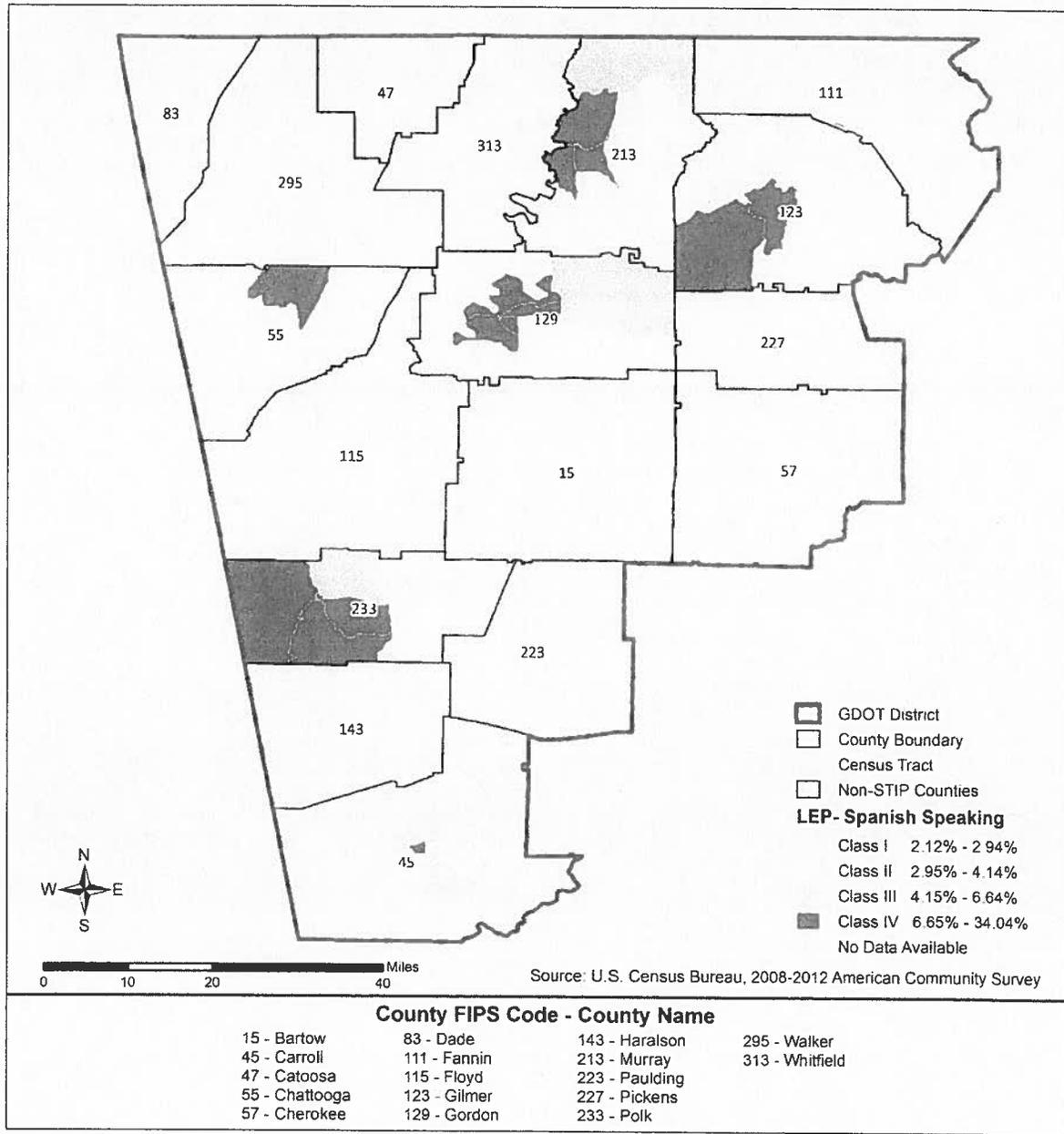




5.6.5 LEP EJ Population

Figure 43 is a map of the LEP EJ population located in District 6. Within District 6, 35 percent of the tracts have a LEP population above the LEP EJ threshold. The analysis shows 14 Class IV tracts located in the following counties: Carroll, Chattooga, Gilmer, Gordon, Murray and Polk. The analysis also shows 6 Class III tracts, 4 Class II tracts, and 5 Class I tracts. Tract locations can be found in Figure 43.

Figure 43: District 6 LEP EJ Population

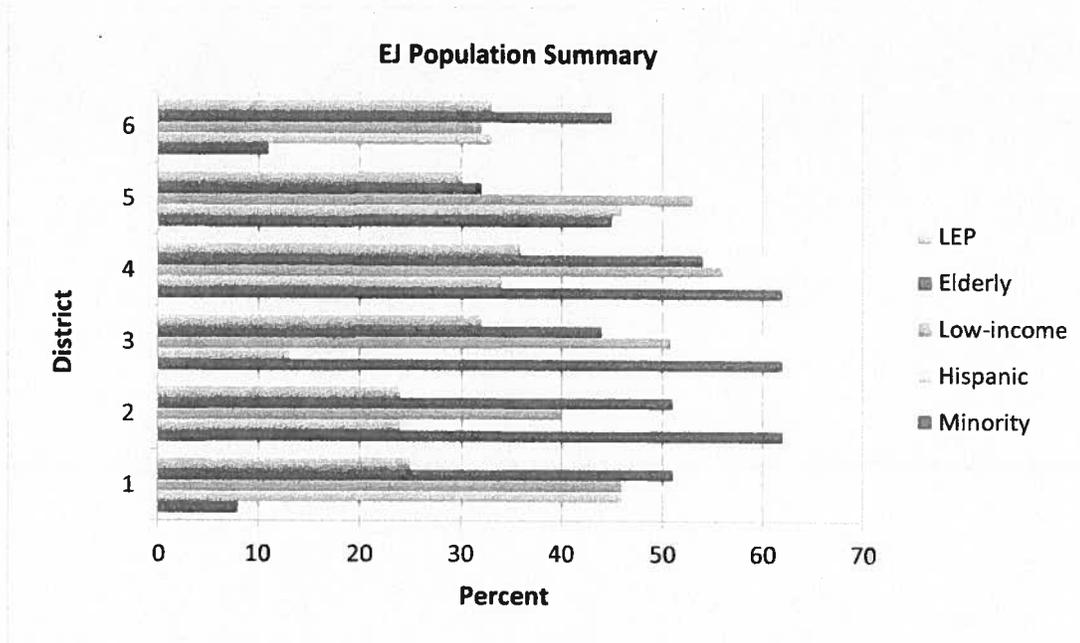




6.0 Focus and Findings

Figure 44 provides a summary of the percent of census tracts within each District with EJ populations above the STIP threshold for each category (minority, Hispanic, low-income, elderly, and LEP). This gives a visual comparison of the EJ populations in each District.

Figure 44: EJ Summary Chart



6.1 Minority Findings

Minority populations are greatest in Districts 2, 3, and 4, where greater than 60 percent of the census tracts are above the minority EJ threshold. Districts 1 and 6 have the lowest percentage of census tracts above the minority EJ threshold.

6.2 Hispanic Findings

Hispanic populations are greatest in District 1 where more than 40 percent of the census tracts in the region are above the Hispanic EJ threshold. Districts 2 and 3 have the lowest percentage of census tracts above the Hispanic EJ threshold.

6.3 Low-income Findings

The percentage of low-income populations is greatest in District 4 where greater than 70 percent of the census tracts in the region are above the low-income EJ threshold. Districts 1 and 6 have the lowest percentage of tracts above the low-income EJ threshold.



6.4 Elderly Findings

The percentage of elderly populations is greatest in Districts 1, 2 and 4 where greater than 50 percent of the census tracts are above the elderly EJ threshold. District 5 has the lowest percentage of census tracts above the elderly EJ threshold.

6.5 LEP Findings

LEP populations are greatest in District 1 where 40 percent of the census tracts are above the LEP EJ threshold. Districts 1, 4, 5, and 6 are greater than 30 percent, but less than 40 percent. These higher concentrations of non-English speaking residents demonstrate the need for Spanish language public involvement and outreach strategies within these regions. Districts 2 and 3 have the lowest percentage of census tracts exceeding the LEP EJ threshold. Spanish language public involvement and outreach is not as critical in this part of the STIP study area; however, it may still be necessary.

7.0 Public Outreach Strategy

The STIP public involvement strategy includes a range of techniques that meet the needs of each District and allow for flexibility if the needs of the target audiences, or proposed project changes. Below is an outline of project deliverables for the subject area.

- (a). Stakeholder Database - An essential component of the public involvement strategy is the development of a comprehensive stakeholder database of individuals, communities, businesses, faith-based organizations, environmental groups, and other interested parties as identified through the stakeholder involvement process or as interest is shown in the studies. The database will be used to disseminate information about the study area. The list, used to facilitate invitation of stakeholders to meetings, was built upon the existing GDOT Family of Partners database, lists from previous studies completed in the STIP study area, and other sources. The database will be updated throughout this STIP cycle as new stakeholders are identified.
- (b). Media Coordination - Draft press releases will be developed for finalization and will be approved by the GDOT Project Manager. A proactive approach to these efforts will provide accurate, up-to-date information to the public and help to minimize misconceptions or misinformation. Information will be disseminated using press releases, paid radio advertisements, social media, and GDOT web site announcements.
- (c). Study Website Materials - Study website materials from each public information open house meeting, including meeting announcements, will be made available to GDOT for posting to the Department's website. The website address will be displayed on all study public informational materials.
- (d). Public Meetings - All facility logistics will be coordinated through the GDOT District Planning & Programming Engineers. The number of meetings will be determined based on consultation and coordination with each District. Districts are encouraged to dovetail meetings where one meeting location is able to serve the stakeholders in two adjacent Districts. To ensure EJ populations are equitably served by the meetings, every attempt should be made to ensure that meeting venues are



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ADA compliant, easily accessible by public transportation, and located near the areas identified as EJ communities. In addition, every attempt should be made to secure meeting venues that are non-threatening, welcoming, and familiar locations. Schools, public places such as malls and welcome centers, religious institutions, and recreation centers are all viable options for meeting locations.

(e). Meeting Handouts & Materials - Meeting notifications will be distributed to the study's stakeholder database before each public meeting. The types of meeting materials that will be developed include flyers, handouts, graphics, and maps that illustrate the location of proposed STIP projects. These collateral materials and maps are essential to provide straightforward information to the public. Considering the existence of concentrations of Spanish-speaking citizens in certain districts, relevant materials will be translated into Spanish on an as-needed basis to ensure successful outreach efforts to those populations. Additionally, flyers will be prepared and mailed to different locations, to be posted throughout the STIP area, to advertise each public meeting. Potential locations include libraries, social and civic buildings, and other major activity centers.

(f). Public Comment & Collection - Meeting attendees will have the opportunity to provide input on displays and information made available to them at each public meeting location. Comment forms will be made available for completion on site or to be returned to GDOT via the STIP website. Comment forms will also serve as meeting evaluation surveys, as attendees will be encouraged to provide feedback on the quality of each public involvement activity and the community outreach strategies employed.

(g). Annual Public Involvement Report - At the conclusion of the STIP cycle, a comprehensive report based on all public outreach will be prepared. The report will synthesize all process documentation completed throughout the preparation and implementation of the meetings.

The public outreach techniques will be further refined so that the EJ populations and their geographic concentrations dictate how the outreach techniques will be targeted for each district. Customized outreach strategies for each GDOT district are outlined below in Tables 3 through 8. In addition to recognizing counties within the STIP study area with census tracts having a greater percentage of minority, Hispanic, low-income, elderly and LEP populations than the identified EJ thresholds, cities and towns located within Class IV target areas have been identified. The cities and towns contain concentrated amounts of EJ populations and should be considered when determining public meeting locations and as priority target areas for distribution of outreach materials.



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Table 3: District 1

EJ Category	Geographic Area (County: City/Town)	Outreach Targets
Minority	<ul style="list-style-type: none"> ▪ Barrow ▪ Elbert ▪ Hart ▪ Stephens ▪ Walton * <i>No Class IV target areas.</i> 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Neighborhood Assoc. ▪ Churches
Hispanic	<ul style="list-style-type: none"> ▪ Banks ▪ Barrow ▪ Dawson ▪ Elbert ▪ Franklin ▪ Habersham: Baldwin, Cornelia, Demorest, Mount Airy ▪ Hart ▪ Jackson ▪ Lumpkin ▪ Madison ▪ Oconee ▪ Rabun: Clayton ▪ Walton 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Latin American Associations
Low-Income	<ul style="list-style-type: none"> ▪ Barrow ▪ Elbert ▪ Franklin ▪ Habersham ▪ Hart ▪ Jackson ▪ Lumpkin ▪ Madison ▪ Rabun ▪ Stephens ▪ Walton: Monroe ▪ White 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Neighborhood Associations ▪ Churches
Elderly	<ul style="list-style-type: none"> ▪ Barrow ▪ Dawson ▪ Elbert: Elberton ▪ Franklin: Canon, Franklin Springs & Royston ▪ Habersham: Clarkesville & Tallulah Falls ▪ Hart: Hartwell ▪ Jackson: Commerce ▪ Lumpkin ▪ Madison ▪ Rabun: Clayton, Dillard, Mountain City, Sky Valley, Tallulah Falls & Tiger ▪ Stephens: Toccoa ▪ Towns: Hiawassee, Tate City & Young Harris ▪ Union: Blairsville ▪ Walton ▪ White: Cleveland, Helen, Sautee Nacoochee & Yonah 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Senior Centers ▪ Civic Clubs
Limited English Proficiency	<ul style="list-style-type: none"> ▪ Banks ▪ Barrow: Bethlehem, Russell & Winder ▪ Dawson ▪ Elbert ▪ Franklin ▪ Habersham: Alto, Baldwin, Corneila & Raoul ▪ Hart ▪ Jackson ▪ Lumpkin ▪ Madison ▪ Oconee ▪ Rabun ▪ Towns ▪ Union ▪ Walton: Loganville 	<ul style="list-style-type: none"> ▪ Churches ▪ Social Services ▪ Schools ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)



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Table 4: District 2

EJ Category	Geographic Areas		Outreach Targets
Minority	<ul style="list-style-type: none"> ▪ Baldwin: Hardwick & Milledgeville ▪ Bleckley ▪ Burke: Midville, Vidette, & Waynesboro ▪ Columbia ▪ Dodge ▪ Emanuel ▪ Greene: Greensboro & Siloam ▪ Hancock: Sparta ▪ Jasper ▪ Jefferson: Bartow, Louisville, & Wadley ▪ Jenkins ▪ Johnson ▪ Laurens: Dublin 	<ul style="list-style-type: none"> ▪ Lincoln ▪ McDuffie: Thomson ▪ Morgan ▪ Newton: Covington & Porterdale ▪ Putnam: Eatonton ▪ Taliaferro: Crawfordville & Sharon ▪ Treutlen ▪ Warren: Camak, Norwood, & Warrenton ▪ Washington: Oconee, Sandersville, & Tennille ▪ Wilkes: Washington ▪ Wilkinson 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Neighborhood Associations ▪ Churches ▪ Major Activity Centers (Malls)
Hispanic	<ul style="list-style-type: none"> ▪ Burke ▪ Columbia: Grovetown ▪ Dodge ▪ Emmanuel ▪ Greene ▪ Jasper 	<ul style="list-style-type: none"> ▪ Jefferson ▪ Morgan ▪ Newton ▪ Oglethorpe ▪ Putnam: Eatonton ▪ Wilkes 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Latin American Associations ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)
Low-Income	<ul style="list-style-type: none"> ▪ Baldwin: Hardwick & Milledgeville ▪ Bleckley ▪ Burke: Waynesboro ▪ Dodge ▪ Emmanuel: Nunez, Oak Park & Swainsboro ▪ Glascock ▪ Greene: Greensboro & Union Point ▪ Hancock: Sparta ▪ Jasper ▪ Jefferson: Bartow, Louisville & Wadley 	<ul style="list-style-type: none"> ▪ Jenkins ▪ Johnson ▪ Laurens: Dublin ▪ Lincoln ▪ McDuffie ▪ Newton ▪ Oglethorpe ▪ Putnam ▪ Taliaferro ▪ Treutlen ▪ Warren ▪ Washington ▪ Wilkes ▪ Wilkinson 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Neighborhood Associations ▪ Churches ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)



Environmental Justice Identification & Proposed Outreach Report

EJ Category	Geographic Areas		Outreach Targets
Elderly	<ul style="list-style-type: none"> ▪ Baldwin: Milledgeville ▪ Bleckley ▪ Burke ▪ Columbia: Evans & Martinez ▪ Dodge ▪ Emanuel ▪ Glascock ▪ Greene: Greensboro, Union Point & White Plains ▪ Hancock ▪ Jefferson ▪ Jenkins ▪ Johnson ▪ Laurens: Dublin 	<ul style="list-style-type: none"> ▪ Lincoln ▪ McDuffie ▪ Morgan ▪ Newton ▪ Oglethorpe ▪ Putnam: Crooked Creek ▪ Taliaferro: Crawfordville & Sharon ▪ Treutlen ▪ Warren: Warrenton ▪ Washington ▪ Wilkes: Tignall & Washington ▪ Wilkinson: Allentown & Toombsboro 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Senior Centers ▪ Civic Clubs ▪ Social Services
Limited English Proficiency	<ul style="list-style-type: none"> ▪ Burke ▪ Columbia: Grovetown ▪ Dodge ▪ Emmanuel: Nunez, Oak Park & Swainsboro ▪ Greene ▪ Jasper: Shady Dale ▪ Jenkins 	<ul style="list-style-type: none"> ▪ Laurens ▪ Morgan ▪ Newton ▪ Oglethorpe ▪ Putnam ▪ Wilkes 	<ul style="list-style-type: none"> ▪ Churches ▪ Social Services ▪ Schools ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)



Environmental Justice Identification & Proposed Outreach Report

Table 5. District 3

EJ Category	Geographic Areas		Outreach Targets
Minority	<ul style="list-style-type: none"> ▪ Butts ▪ Crawford ▪ Dooly ▪ Harris ▪ Jones ▪ Lamar ▪ Macon: Marshallville, Montezuma, & Oglethorpe ▪ Marion: Buena Vista ▪ Meriwether ▪ Monroe ▪ Peach: Fort Valley 	<ul style="list-style-type: none"> ▪ Pulaski ▪ Schley ▪ Spalding: Experiment & Griffin ▪ Stewart: Lumpkin & Richland ▪ Sumter: Americus ▪ Talbot: Talbotton ▪ Taylor ▪ Troup: LaGrange ▪ Twiggs ▪ Upson ▪ Webster 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Neighborhood Associations ▪ Churches ▪ Major Activity Centers (Malls) ▪ University (Ft. Valley State)
Hispanic	<ul style="list-style-type: none"> ▪ Dooly ▪ Macon ▪ Marion ▪ Peach: Fort Valley ▪ Spalding ▪ Stewart: Lumpkin ▪ Sumter ▪ Troup 		<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Latin American Associations ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)
Low-Income	<ul style="list-style-type: none"> ▪ Crawford ▪ Dooly: Byromville, Dooling & Lilly ▪ Heard ▪ Jones ▪ Lamar ▪ Macon ▪ Marion ▪ Monroe ▪ Peach: Fort Valley ▪ Pike ▪ Pulaski 	<ul style="list-style-type: none"> ▪ Schley ▪ Spalding: Griffin ▪ Stewart ▪ Sumter: Americus ▪ Talbot ▪ Taylor: Butler & Howard ▪ Troup: LaGrange ▪ Twiggs ▪ Upson: Thomaston ▪ Webster 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Neighborhood Associations ▪ Churches ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)

Appendix H
Statewide Transportation Planning
Process Certification



Environmental Justice Identification & Proposed Outreach Report

EJ Category	Geographic Areas		Outreach Targets
Elderly	<ul style="list-style-type: none"> ▪ Butts ▪ Crawford ▪ Dooly ▪ Harris: Pine Mountain ▪ Jones ▪ Lamar ▪ Macon ▪ Marion ▪ Meriwether: Manchester, Warm Springs ▪ Monroe ▪ Peach 	<ul style="list-style-type: none"> ▪ Pulaski ▪ Schley ▪ Spalding ▪ Stewart: Richland ▪ Sumter: Plains ▪ Talbot ▪ Taylor ▪ Troup: LaGrange ▪ Twiggs ▪ Upson: Lincoln Park & Thomaston ▪ Webster 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Senior Centers ▪ Social Services ▪ Churches ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)
Limited English Proficiency	<ul style="list-style-type: none"> ▪ Dooly ▪ Macon ▪ Marion ▪ Peach: Fort Valley ▪ Pulaski ▪ Spalding: Griffin ▪ Stewart: Lumpkin ▪ Sumter 	<ul style="list-style-type: none"> ▪ Troup ▪ Upson 	<ul style="list-style-type: none"> ▪ Churches ▪ Social Services ▪ Schools ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)



Environmental Justice Identification & Proposed Outreach Report

Table 6: District 4

EJ Category	Geographic Areas		Outreach Targets
Minority	<ul style="list-style-type: none"> ▪ Atkinson ▪ Baker ▪ Ben Hill ▪ Brooks: Quitman ▪ Calhoun: Arlington, Edison, Leary, & Morgan ▪ Clay: Bluffton & Fort Gaines ▪ Coffee ▪ Colquitt: Moultrie ▪ Cook ▪ Crisp ▪ Decatur: Attapulcus ▪ Early: Blakely & Damascus ▪ Grady 	<ul style="list-style-type: none"> ▪ Irwin ▪ Lanier ▪ Lee ▪ Miller ▪ Mitchell: Camilla ▪ Quitman ▪ Randolph: Coleman & Cuthbert ▪ Seminole: Donalsonville ▪ Terrell: Dawson ▪ Thomas: Thomasville ▪ Tift: Phillipsburg, Tifton & Unionville ▪ Turner: Ashburn ▪ Wilcox ▪ Worth 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Neighborhood Associations ▪ Churches ▪ Universities (Albany State, Valdosta State)
Hispanic	<ul style="list-style-type: none"> ▪ Atkinson: Pearson & Willacoochee ▪ Ben Hill ▪ Berrien ▪ Brooks ▪ Coffee: Douglas ▪ Colquitt: Berlin, Ellenton, Funston, Moultrie & Norman Park 	<ul style="list-style-type: none"> ▪ Cook ▪ Decatur ▪ Echols: Statenville ▪ Grady ▪ Lanier ▪ Mitchell ▪ Thomas ▪ Tift: Omega, Phillipsburg & Tifton 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Latin American Associations ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)



Environmental Justice Identification & Proposed Outreach Report

EJ Category	Geographic Areas		Outreach Targets
Low-Income	<ul style="list-style-type: none"> ▪ Atkinson: Pearson & Willacoochee ▪ Baker: Newton ▪ Ben Hill: Fitzgerald ▪ Berrien: Enigma ▪ Brooks ▪ Calhoun: Arlington, Edison, Leary & Morgan ▪ Clay: Bluffton & Fort Gaines ▪ Coffee ▪ Colquitt: Moultrie ▪ Cook ▪ Crisp: Cordele ▪ Decatur: Attapulcus ▪ Early: Blakely ▪ Echols: Statenville ▪ Grady 	<ul style="list-style-type: none"> ▪ Irwin ▪ Lanier ▪ Lee ▪ Miller ▪ Mitchell ▪ Quitman ▪ Randolph ▪ Seminole: Donalsonville ▪ Terrell: Dawson ▪ Thomas: Meigs & Thomasville ▪ Tift: Omega & Unionville ▪ Turner ▪ Wilcox: Pitts & Seville ▪ Worth 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)
Elderly	<ul style="list-style-type: none"> ▪ Baker ▪ Ben Hill ▪ Berrien ▪ Brooks ▪ Calhoun ▪ Clay: Bluffton ▪ Coffee ▪ Colquitt ▪ Cook ▪ Crisp ▪ Decatur ▪ Early: Cedar Springs & Jakin ▪ Grady: Whigham 	<ul style="list-style-type: none"> ▪ Irwin ▪ Miller: Boykin & Colquitt ▪ Mitchell ▪ Quitman: Georgetown ▪ Randolph ▪ Seminole: Iron City ▪ Terrell: Bronwood & Parrot ▪ Thomas ▪ Tift ▪ Turner ▪ Wilcox: Pineview ▪ Worth 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Senior Centers ▪ Social Services ▪ Churches ▪ Major Activity Centers (Malls)
Limited English Proficiency	<ul style="list-style-type: none"> ▪ Atkinson: Pearson ▪ Ben Hill ▪ Berrien ▪ Brooks ▪ Calhoun ▪ Coffee ▪ Colquitt: Berlin, Ellenton, Funston & Moultrie ▪ Cook 	<ul style="list-style-type: none"> ▪ Crisp ▪ Decatur ▪ Echols: Statenville ▪ Grady: Cairo ▪ Mitchell ▪ Thomas ▪ Tift: Omega & Phillipsburg ▪ Turner ▪ Wilcox 	<ul style="list-style-type: none"> ▪ Churches ▪ Social Services, Schools ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)



Environmental Justice Identification & Proposed Outreach Report

Table 7: District 5

EJ Category	Geographic Areas		Outreach Targets
Minority	<ul style="list-style-type: none"> ▪ Appling ▪ Bryan ▪ Bulloch ▪ Camden ▪ Candler ▪ Charlton ▪ Clinch ▪ Effingham ▪ Evans ▪ Jeff Davis 	<ul style="list-style-type: none"> ▪ Long ▪ McIntosh ▪ Montgomery ▪ Screven ▪ Tattnall ▪ Telfair ▪ Toombs ▪ Ware ▪ Wayne ▪ Wheeler 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Neighborhood Associations ▪ Churches ▪ Major Activity Centers (Malls)
Hispanic	<ul style="list-style-type: none"> ▪ Appling: Baxley ▪ Bacon ▪ Bryan ▪ Bulloch ▪ Camden ▪ Candler: Pulaski ▪ Evans ▪ Jeff Davis: Hazlehurst & Saltilla ▪ Long 	<ul style="list-style-type: none"> ▪ Montgomery ▪ Pierce ▪ Tattnall ▪ Telfair: Helena, McRae, & Scotland ▪ Toombs: Lyons & Santa Claus ▪ Ware ▪ Wayne: Jesup 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Latin American Associations ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League)
Low-Income	<ul style="list-style-type: none"> ▪ Appling ▪ Bacon ▪ Brantley ▪ Bryan ▪ Bulloch: Statesboro ▪ Camden ▪ Candler ▪ Clinch ▪ Effingham: Guyton ▪ Evans ▪ Jeff Davis ▪ Long 	<ul style="list-style-type: none"> ▪ Montgomery ▪ Pierce ▪ Screven ▪ Tattnall: Manassas ▪ Telfair: Manassas & Reidsville ▪ Toombs: Lyons ▪ Ware: Waycross ▪ Wayne ▪ Wheeler 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League)
Elderly	<ul style="list-style-type: none"> ▪ Appling: Surrency ▪ Bacon ▪ Camden ▪ Candler ▪ Charlton ▪ Evans ▪ Jeff Davis ▪ McIntosh ▪ Montgomery 	<ul style="list-style-type: none"> ▪ Pierce ▪ Screven ▪ Tattnall ▪ Telfair: Milan ▪ Toombs ▪ Ware: Deenwood & Sunnyside ▪ Wayne ▪ Wheeler 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Senior Centers ▪ Social Services ▪ Churches ▪ Social Services



Environmental Justice Identification & Proposed Outreach Report

EJ Category	Geographic Areas		Outreach Targets
<p>Limited English Proficiency</p>	<ul style="list-style-type: none"> ▪ Appling ▪ Bacon ▪ Bulloch ▪ Camden ▪ Candler: Pulaski ▪ Charlton ▪ Clinch: Du Pont & Fargo ▪ Evans ▪ Jeff Davis ▪ Long ▪ Montgomery 	<ul style="list-style-type: none"> ▪ Pierce ▪ Tattnall: Glennville ▪ Telfair: Helena, McRae & Scotland ▪ Toombs: Lyons & Santa Claus ▪ Ware ▪ Wayne 	<ul style="list-style-type: none"> ▪ Churches ▪ Social Services ▪ Schools ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)



Environmental Justice Identification & Proposed Outreach Report

Table 8: District 6

EJ Category	Geographic Areas	Outreach Targets
Minority	<ul style="list-style-type: none"> ▪ Carroll ▪ Chattooga ▪ Polk 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Neighborhood Associations ▪ Churches ▪ Major Activity Centers (Malls)
Hispanic	<ul style="list-style-type: none"> ▪ Carroll: Carrollton ▪ Chattooga ▪ Gilmer: East Ellijay & Ellijay ▪ Gordon: Calhoun ▪ Murray: Chatsworth & Eton ▪ Pickens ▪ Polk: Cedartown 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Latin American Associations ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League)
Low-Income	<ul style="list-style-type: none"> ▪ Carroll ▪ Chattooga ▪ Dade ▪ Fannin ▪ Gilmer ▪ Gordon ▪ Haralson ▪ Murray ▪ Polk ▪ Walker: Rossville 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Churches ▪ Social Services ▪ Interest Groups (NAACP, United Way, Urban League)
Elderly	<ul style="list-style-type: none"> ▪ Carroll ▪ Chattooga ▪ Dade ▪ Fannin: Blue Ridge, Epworth, McCaysville, Mineral Bluff, & Morganton ▪ Gilmer: Cherry Log, Ellijay & East Ellijay ▪ Haralson ▪ Murray ▪ Pickens ▪ Polk ▪ Walker: Rossville 	<ul style="list-style-type: none"> ▪ Recreation Centers ▪ Senior Centers ▪ Social Services ▪ Churches
Limited English Proficiency	<ul style="list-style-type: none"> ▪ Carroll: Carrollton ▪ Chattooga: Trion ▪ Fannin ▪ Gilmer: Ellijay & East Ellijay ▪ Gordon: Calhoun ▪ Murray: Chatsworth ▪ Pickens ▪ Polk: Cedartown 	<ul style="list-style-type: none"> ▪ Churches ▪ Social Services ▪ Schools ▪ Interest Groups (NAACP, United Way, Urban League) ▪ Major Activity Centers (Malls)



8.0 Sources of Information

8.1 Reports and Studies

- "Community Impact Assessment: A Quick Reference for Transportation" (FHWA, 9/96)
- "Community Impact Mitigation Case Studies" (FHWA, 5/98)
- "Environmental Policy Statement" (FHWA, 1994)
- "EPA Environmental Justice Strategy: Executive Order 12898" (EPA, 1995)
- "EPA Environmental Justice: Guidance Under the National Environmental Policy Act (Council of Environmental Quality, 12/97)

8.2 Internet Sites

- American Community Survey, <http://www.census.gov/>
- 2010 U.S. Census Bureau (American Fact Finder), <http://factfinder2.census.gov>
- Clark Atlanta University – Environmental Justice Resource Center, www.ejrc.cau.edu
- Federal Highway Administration, www.fhwa.dot.gov
- Federal Transit Administration, www.fta.dot.gov
- Environmental Protection Agency, www.epa.gov
- Georgia Department of Transportation, www.dot.state.ga.us
- Surface Transportation Policy Project, www.transact.org
- United States Department of Transportation, www.dot.gov

**Appendix K
Public Involvement Plans**

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An Environmental Impact Statement (EIS) is the appropriate level of environmental document for projects that have the potential to result in significant environmental impacts. These include projects that are very controversial. At a minimum, a PHOH will be held after the Draft EIS (DEIS) is approved. Other public involvement strategies may be appropriate. Most EIS's will have a stand-alone Public Involvement Plan.

Public involvement needs also must be reconsidered during the reevaluation phase if substantial time has elapsed since the last outreach effort or if project changes warrant additional outreach.

For those projects involving the closing of a roadway and/or bridge during construction and result in an off-site detour, see Section 2.4.

1.2 Legislation and Executive Orders

The following are just some of the major laws governing public involvement.

The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of National Environmental Policy Act (NEPA) (40 Code of Federal Regulations [CFR]) require that agencies make a diligent effort to involve the public in preparing and implementing their NEPA procedures. They also require that agencies provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies that may be interested or affected.

The environmental regulations of the US Department of Transportation (USDOT), the FHWA, and the Federal Transit Administration (FTA) can be found in 23 CFR Part 771. In accordance with CEQ requirements, these regulations were adopted to implement NEPA requirements for surface transportation projects. Under 23 CFR Part 771, agencies involved with federally funded transportation activities must make decisions in the overall public interest and inform the public and other governmental entities and involve them in making decisions.

Direct Federal Nationwide Action Plan. Section 136(b) of the 1070 Federal-aid Highway Act (23 USC 109(h)) directed the Secretary of Transportation to promulgate guidelines designed to assure that possible adverse Social, Economic, and Environmental (SEE) effects of federal-aid highway projects are fully considered and that final decisions are made in the best overall public interest.

Americans with Disabilities Act (ADA) encourages the involvement of people with disabilities in the development and improvement of transportation and paratransit plans and services.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA); its 1998 successor, Transportation Equity Act for the 21st Century (TEA-21); and the current transportation bill, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), enacted in 2005, emphasize public participation in the transportation planning process.

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Executive Order (EO) 12898 – Environmental Justice (EJ) – emphasizes the need for the full and fair participation of minority and low-income communities in public involvement and the decision-making process.

2.0 Advertised Public Meetings

The Project Manager (PM) must request that Public Information Open Houses (PIOH) and Public Hearing Open Houses (PHOH) be scheduled. The Public Involvement Worksheet should be used to request the meeting.

Open Houses will be advertised twice in the local newspaper having general circulation in the county or counties in which the project is located. Either legal or retail ads may be used. Advertisements for PIOHs will be published three weeks and one week prior to the meeting date. Advertisements for PHOHs will be published 30 to 40 days and 5 to 9 days prior to the meeting date. In doing this, it is important to consider individual newspaper submission deadlines.

The NEPA analyst will prepare the advertisement and furnish it to the District Planning and Programming Engineer (DPPE) who will arrange for publication. The appropriate ad should be used:

Public Information Open House (PIOH), see Section 2.1 below

Public Hearing Open House (PHOH) for an approved Environmental Assessment (EA) or Environmental Effects Report (EER), see Section 2.2 below.

An Opportunity for a PHOH for an Environmental Assessment (EA), see Section 2.3 below .An Opportunity for a PHOH for an Environmental Effects Report (EER) Detour Meeting, see Section 2.4 below. Information Detour Meeting (30 days prior to the road closure), see Section 2.4 below.

The NEPA analyst will prepare an open house handout. The handout will be provided to each attendee and will include:

Welcome letter signed by the GDOT PM office head
Project description
Project location map
Comment form

If the open house is a PHOH, the handout also will include:

Purpose and Need
Summary of Environmental Impacts (including any PM 2.5 requirements or de minimis findings)Right-of-way (ROW) statement

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A dry run will be held at least 10 days prior to the scheduled open house. The dry run will be coordinated by the NEPA analyst and project displays, the open house handout, and the project fact sheet will be available at the dry run. The Public Involvement Worksheet should be utilized at the meeting.

Comment forms are provided in the meeting handouts for attendees choosing to submit written comments; court reporters are made available at open houses to record verbal comments. The comment period remains open for 10 days.

All open house materials are posted on GDOT's public involvement website. The public also may submit project comments via the website. The Office of Environmental Service's Public Involvement staff is responsible for posting open house materials on the website. The NEPA analyst will submit the meeting handout and the PM will submit the project layouts for posting at least one week prior to the open house.

2.1 Public Information Open House (PIOH)

The PIOH is an informal meeting with an open house format and generally lasts two to three hours. The purpose is to inform the public of a project that is proposed in their area, gather information from the public and to receive comments from the public about the proposed project. Generally, formal presentations are not made at these meetings. Should the project team determine that a formal presentation should be made, the PM will discuss with the GDOT Director of Engineering. This decision must be made prior to the PIOH advertisement so that the presentation time can be announced. Georgia DOT representatives (including consultants working on the project) must attend these meetings and must be prepared to discuss the project and answer questions. These meetings should be held early in the project development stage.

2.2 Public Hearing Open House (PHOH)

State and federal laws require that public hearings be held after the Draft EA or after the DEIS is signed by FHWA, or after the GDOT Commissioner approves the Environmental Effects Report (EER) (if 100 citizens request), whichever is appropriate. A PHOH is held to exchange information between GDOT and the public prior to making a commitment to the location and design of the project. The approved draft NEPA document or the approved EER must be made available at this meeting. The PHOH is conducted in the same manner as the PIOH and generally last three hours. Generally, formal presentations are not made at these meetings. Should the project team determine that a formal presentation should be made, the PM will discuss with the GDOT Director of Engineering. This decision must be made prior to the PHOH advertisement so that the presentation time can be announced. Representatives of GDOT (including consultants working on the project) must attend these meetings and be prepared to discuss the project and answer questions.

The approved NEPA document must be made available to the public for 15 days prior to the PHOH; however, state law [OCGA 32-3(f)(5)(A)] requires that PHOHs be advertised no less than 30 days in advance.

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2.3 Opportunity for a Public Hearing Open House

The requirements for holding a PHOH may be satisfied by publishing two notices of an opportunity for a PHOH in a newspaper with general circulation in the vicinity of the proposed project.

For NEPA documents, this may be appropriate if a PIOH has been held in the months prior to the approval of the EA. However, FHWA must concur with the decision to advertise for the opportunity as opposed to holding a PHOH. If there are requests for a PHOH, then GDOT will decide on the appropriate action.

For EERs, the PHOH must be held if 100 citizens request one.

2.4 Detour Meetings

For projects involving the closure of a roadway and/or bridge during construction and resulting in an off-site detour, public outreach must occur unless the closure and detour were presented at a previous open house. Detours include even minor changes in access to a property or properties during construction. This public outreach effort must be made prior to the NEPA document approval so that specific public concerns can be identified and addressed. If the detour is proposed following approval of the NEPA document, this effort must occur prior to approval of a NEPA reevaluation.

While a PIOH can be an effective means of obtaining public input on detours, there may be another public outreach tool that is a more effective means of reaching the target audience.

In addition to obtaining public input during the NEPA process, the public must be notified of the detour 30 days prior to the road closure.

2.5 Responding to Open House Comments

Every effort will be made to respond to public comments in a timely manner. All comments received will be responded to within 30 days of the meeting date.

By the close of business of the day following the open house, the NEPA analyst will prepare and circulate a Synopsis. This Synopsis will provide a broad overview of the meeting attendance, the number in favor & opposed to the project, major concerns/comments, and the officials in attendance. It will be circulated to the appropriate Board Member, the Chief Engineer, Director of Engineering, the Office Head of the Project Manager, the State Environmental Administrator, the Office of Environmental Services Public Involvement Coordinator, the State Planning Administrator, the District Engineer, the District Preconstruction Engineer, the DPPE, the Director of Communications, and FHWA.

Following the close of the 10-day comment period and the receipt of the court reporter's transcript, the NEPA analyst will prepare a Summary of Comments that lists each comment received and assigns it to the appropriate office with the expertise to prepare (or approve) a response to the comment.

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For responses prepared by GDOT, the Summary of Comments will request that the assigned office prepare a response to the appropriate comments. The NEPA analyst will circulate the Summary of Comments within 14 days of the meeting date. Responses must be received within seven days of the request.

For consultant prepared responses, the Summary of Comments will include the proposed responses to each of the comments for review and approval by the appropriate GDOT office. The GDOT NEPA analyst will circulate the Summary of Comments within 15 days of the meeting date and request approval within seven days of the request.

The Summary of Comments will be circulated to the Director of Engineering, the Office Head of the Project Manager, the State Environmental Administrator, the State Planning Administrator, the District Engineer, the District Preconstruction Engineer and FHWA.

The NEPA analyst will utilize the responses prepared and approved by the subject matter expert to develop one response letter for all meeting attendees. This letter will be reviewed by the State Environmental Administrator, approved and mailed within 30 days of the meeting date.

Georgia DOT ROW staff will prepare separate response letters which should be coordinated with the project team and mailed in a timely manner.

2.6 Summary of Open House Responsibilities Scheduling & Advertising

Action	Responsible team member	Days* prior to open house
Request	PM	60
Schedule open house	Office of Environmental Services Public Involvement staff	45
Ad strategy Targeted audiences Flyers Radio announcements Multi-lingual Etc.	NEPA analyst	75-90
Identify & arrange for open house location	DPPE	45-60
Advertisement preparation	NEPA analyst	30-45
Ad publication	DPPE	30-40
Invitation to officials	DPPE	30-40
Sign fabrication (announcing open house)	DPPE	30-40
Determine sign locations	DPPE in consultation with	45

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	PM	
Sign installation	DPPE	15-20
Hire Court Reporter (transcript due within 7 calendar days)	DPPE	14
Schedule dry run	Office of Environmental Services Public Involvement staff	17
Hold dry run	NEPA Analyst	10

Open House

Action	Responsible team member	Days* prior to open house
Handout Welcome letter (signed by PM office head) Project description (provided by PM) Project location map (provided by PM) Comment form	NEPA analyst	10
Handout Purpose & Need Summary of environmental impacts RW statement	NEPA analyst	10
Handout for posting on website	NEPA analyst	7
Project displays	PM	10
Project displays for posting on website	PM	7
Project fact sheet	PM	10
press release announcing open house	GDOT Communications staff	3-4

Post open house

Action	Responsible team member	Days* prior to open house
Synopsis (GDOT & Consultant)	NEPA analyst	1
Summary of Comments (GDOT)	NEPA analyst	14
Summary of Comments with proposed responses (Consultant)	NEPA analyst	15
Response to Summary of Comments (GDOT)	Team subject matter experts	21
GDOT Response to Consultant Summary of Comments	Team subject matter experts	22
Response letters (GDOT & Consultant) to State Environmental Administrator	NEPA with input from team	26
Response letters mailed	NEPA analyst	30

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3.0 Additional Tools for Public Involvement A variety of methods to involve and inform the public could include direct participatory techniques such as brainstorming sessions and task forces or indirect participatory techniques such as mailing lists and use of the mass media. The involvement techniques used should fit the scope of the project and its impacts by providing adequate notification and involvement opportunity.

3.1 Direct Participatory Techniques

The public is normally less likely to be suspicious about an agency and its projects if given the chance to become informed and involved. Many times the public simply wants to feel that they have been heard and to lend their voice to decisions affecting their neighborhood or community. Involving people in face-to-face meetings provides an opportunity for the public to learn and express opinions/concerns about a project.

Bringing together a core participation group is a technique used to help agencies establish a working relationship with a community and participate in decision-making. The following are two examples of core participation groups.

A Citizens' Advisory Committee (CAC) is a representative group of stakeholders that meets regularly to discuss issues of common concern. A CAC has five basic features:

1. Interest groups from throughout the project area or region are represented,
2. Meetings are regularly held,
3. Participant comments are recorded,
4. Consensus on issues is sought but not required, and
5. A CAC is part of the planning process and project development process.

A CAC acts primarily in an advisory role, studying issues and presenting a mosaic of opinions.

Collaborative Task Force is a group assigned a specific task, with a time limit for reaching a conclusion and resolving a difficult issue, subject to ratification by official decision-makers. Its membership usually involves local people or representatives from interest groups, appointed by elected officials or agency executives. A collaborative task force usually helps solve a specific problem, working strenuously toward consensus and presenting a strong and unified voice.

To encompass the full range of community interests, efforts should be made to include traditionally underserved people in public involvement. Effective public involvement requires a full range of community interests; however, those people with limited transportation knowledge often do not participate. There are several possible ways to involve traditionally underserved people in the decision-making process, including involving community organizations and their

leaders to build communication. Also, community groups and religious organizations can provide access to individuals and can serve as forums for participation.

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Effective public involvement may also require understanding an ethnic group's customs and language. Translations and bilingual speakers can be essential for relaying and gathering information. Understanding how different cultures communicate is important. For instance, some cultures feel that it is improper to disagree with authority, while other cultures discuss the issues with the entire community before leaders or elders relay decisions.

In addition to PIOHs and PHOHs discussed above, other face-to-face meetings could include the following:

Brainstorming can be a highly effective method of moving participants out of conflict and toward consensus. Brainstorming has four basic components:

1. Generate as many solutions to a problem as possible,
2. List every idea presented without comment or evaluation,
3. Group and evaluate ideas to reach consensus, and
4. Prioritize ideas.

Brainstorming is useful for bringing up new ideas, defining ideas, and reducing conflict.

Charrette is a meeting used to resolve a problem or issue within a specified time limit.

A charrette is often used early in the planning process to provide useful ideas and perspectives from concerned interest groups. In mid-process, a charrette helps resolve sticky issues. Late in the process, it is useful to resolve an impasse between groups. A charrette can help reduce feelings of alienation by offering the public the opportunity to interact with public agencies. Because a charrette focuses on a specific problem to be resolved or an issue to be addressed, it is usually a one-time event.

A workshop format consists of reorganizing a larger group into small discussion groups (less than 10 people) that address planning or project-related issues, prioritize those issues, and later report the results to the larger group of participants. It maximizes participation by all attendees, while also discouraging dominance by a few individuals. The workshop is particularly useful in the early stages of project development.

3.2 Indirect Participatory Techniques and Methods of Communication

In order to have effective public involvement, communication needs to be a two-way street. This can be accomplished by providing substantive information in a variety of communication techniques. The following are just a few of the techniques available.

Mailing lists are used to reach an audience about upcoming events, meeting invitations, newsletters, summary reports, and other information. Mailing lists can be an easy and effective way to reach the public, especially if address lists are kept up to date in a database format. A drawback to mailing lists is the time and effort required to set up a list, especially when tax maps are the sole source of identifying property owners. Often

information from tax maps may not be up to date or may possibly be inaccurate. Additional drawbacks to mailing lists are printing and postage costs for large lists. Public information materials provide information about a project that is underway or in

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the planning stage. These materials should be concise and clear when providing information and may consist of advertisements, billboards, web sites, press releases or radio announcements. A drawback to public information materials is that these materials are not normally interactive and can have potentially high production costs.

Videotapes or continuous PowerPoint loops are recorded visual and oral messages to present information to the public. These can be used in several settings, including meetings and open houses. For instance, it can be set to replay endlessly so that the same message is shown to the public, such as project description, the project development process, and perhaps the project's schedule. Drawbacks to this method of relating information may include production costs, equipment needs, and the simple fact that it is not interactive. Major projects often also have a project website and project hotline established.

4.0 Consultant deliverables

After receiving comments from GDOT or FHWA on any document, a disposition letter (including the comment and how it was responded to) should be attached to the hard copy of the submittal letter and emailed to the GDOT reviewer for their use in facilitating the review of the document.

For any approved document, consultants will provide a CD (with the requested hard copies of the document) that includes a pdf (or series of pdfs) and a Word copy of the complete approved document.

1. Public Involvement Plan (if appropriate)
2. PIOH/PHOH
 - a. Advertisement
 - b. Handouts
 - c. Synopsis
 - d. Summary
 - e. Response letters
3. Other meetings

CHAPTER V - ENVIRONMENTAL STUDIES

2.0 Social Environment

2.1 Land use

The purpose of this section is to describe the existing and proposed land uses for a project corridor and to determine whether or not the proposed action would alter the land use patterns planned and if so, identify the areas where change would occur and whether the changes are consistent with future land use plans. This discussion should detail how the proposed project will assist the county and/or state in meeting its growth management objectives as set out in the State Comprehensive Plan, local land use, and transportation plans.

The Metropolitan Planning Organization (MPO), Regional Commissions (RC) or local level officials can provide land use plans. The long-term land use plan is called the Regional Development Plan, a document that details the MPO's regional priorities and vision. Local governments may have comprehensive plans. The transportation plans include the Statewide Transportation Plan, the Regional Transportation Plan (RTP), the State Transportation Improvement Program (STIP), and the Transportation Improvement Program (TIP). These plans are produced with the input of the MPO, local government officials, including the Georgia Department of Transportation (GDOT), the private sector, and the public. Transportation plans generally discuss regional goals on travel demand management, including upgrades to their public transit system, roadway classifications (highway, urban collector, etc.), as well as future bike lanes and sidewalks. Other sources of land use information may include environmental documents for other types of projects in the area, master plans, the area chamber of commerce, and newspaper articles. The following website provides a link to local and county comprehensive plans:

<http://www.dca.state.ga.us/development/PlanningQualityGrowth/programs/currentplans.asp>

2.1.1 Analysis

Contacting the MPO, RC or local planning officials is essential in assessing compatibility of the proposed project with land use. Analysis should consist of the breakdown of land use types, discussion of the development trends, including the name of developments, the status of each development (i.e., existing, under construction, proposed), and the size of each development.

The analysis should include an explanation of the proposed project's consistency with the existing and future land use planning. If land use controls such as growth management or economic incentives are part of the local planning, then they should be discussed here. The discussion should ultimately demonstrate how the local plan and growth strategies relate to the planning at the state level and why the project is compatible with these plans. The discussion should provide references to the plans. If there are inconsistencies between land use at the local and state levels, then these should be discussed.

The land use section should discuss the effect of the proposed project on local land use and community development, especially in the context of indirect (also referred to as secondary)

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impacts. One example would be planned or unplanned growth. The type of growth and the facilities and services should also be included (more detailed information provided in the Indirect and Cumulative Impacts discussion in Chapter V.7). Existing and future land use maps should be included and referenced. The discussion should indicate whether land use changes shown are effects of the project.

2.1.2 Consultant deliverables

Land use analysis does not require a separate report; analysis and findings will be submitted as part of the National Environmental Policy Act (NEPA) document.

2.1.3 Reference/guidance

<http://www.dca.state.ga.us/index.asp> - Georgia's Coordinated Planning Program

Potential Data Sources

Churches

Existing land use plan

Proposed future land use

Transportation plans

Local and regional development plans

MPOs

RDCs

County and local officials

2.2 Community Impact Assessment (CIA)

2.2.1 Overview

Community Impact Assessment (CIA) is the process that evaluates the potential impacts of proposed transportation projects on a local community and its sub-populations throughout the transportation decision-making process. The goal of CIA is to focus on the quality of life of the community. Topics that fall under the CIA heading include: access, mobility, social isolation/splitting of neighborhoods, history of the community, new development impacts, changes in the quality of life, changes in neighborhood identification, changes in property values, separation of the neighborhood from community facilities, displacements, impacts on community centers of activity whether formal or informal, noise, visual, urban renewal, removal of urban blight, joint land use, and disruption of the natural and human environment.

2.2.2 Analysis

Conducting a CIA includes public involvement, defining the project area and the area of impact, determining the community composition, analyzing impacts, and identifying solutions. This can be accomplished in a number of ways. Census data can be used at the block group level to determine the composition of the neighborhoods in the proposed project area. By holding public involvement sessions, the transportation officials can discuss the proposed project with the community and obtain valuable information, such as level of support for the project, areas of

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controversy, and key stakeholders. A Citizens Advisory Committee (CAC) may be involved in a CIA (see Chapter IV and GDOT's Context Sensitive Design Manual). In addition to general public involvement sessions, interviews with social services agencies and employers in the area can assist in characterizing the needs and wishes of the community. The communities and neighborhoods should be defined. An on-site investigation combined with census data can assist in defining the community, determining the number of owner-occupied residential units, owner-occupied business units, tenant-occupied residential units, tenant-occupied mobile homes, and tenant-occupied businesses that would be displaced. A CIA should also include the number of residences that would exceed the noise abatement criteria with the proposed project (see Chapter V.6). A discussion of the project's visual effects on the community should be discussed (see Section 2.5 of this chapter). The CIA should identify any parklands or public areas, which have either a formal or informal significance for the community. The CIA should weigh the benefits and burdens of the proposed transportation facility against impacts on the local community and users of the facility. This discussion should cover both Environmental Justice (EJ) (see Section 2.2.4 of this chapter) and non-EJ communities. A CIA should also identify residents who not only live in the community, but who may commute from outside to work in the community. The CIA should determine the impact of the proposed project on emergency vehicles, community facilities, and other public services.

2.2.3 Social Impacts Assessment (SIA)

A Social Impacts Assessment (SIA) is an element of the CIA. The SIA should focus on impacts of the proposed project on specific groups of individuals within a community.

The following groups should be given special consideration when analyzing the impact of a transportation project:

- Elderly persons;
- Handicapped persons;
- Non-drivers and transit dependent persons;
- Minorities (see also Section 2.2.4 of this chapter); and
- Welfare-to-work, Temporary Assistance for Needy Families (TANF) Program recipients, and low-income persons (see also Section 2.2.4 of this chapter).

A SIA should include the size of the population, the neighborhood boundaries, and community cohesion. A description of the relevant ethnic/income data for the census tracts affected, the character of the adjacent communities, and the value and availability of housing should be included. Unemployment rates of the community should be noted. The SIA should discuss the location, types, and access to community facilities, including principal hours of use. In the SIA, the relevant housing characteristics should be identified, such as, type of occupancy (e.g., renters or owners), density of housing, condition of housing, and occupancy rate. The age and ethnic distribution of the community should also be part of the SIA. An SIA should consider public facilities (e.g., police/health), the school districts, recreation areas, churches, medical facilities, and community centers. The discussion should identify these services, define the service areas, discuss the relationship with the community, and determine if these might be adversely affected by right-of-way requirements, noise, construction activities, traffic diversion,

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changes in land use, and changes in tax and revenue base. The potential displacements should be determined. The SIA should consist of mitigation options to eliminate, reduce, or minimize adverse socio-economic effects.

2.2.4 Environmental Justice (EJ)

Overview

Analysis of EJ in relation to transportation projects funded by the federal government has been mandated by Title VI of the Civil Rights Act of 1964, NEPA, Federal-aid Highway Act of 1970 (23 United States Code 109(h)), Executive Order (EO) 12898, United States Department of Transportation (USDOT) Order to "Address Environmental Justice in Minority Populations and Low-Income Populations," (DOT Order 5610.2) and FHWA's Order to "Address Environmental Justice in Minority Populations and Low-Income Populations," (FHWA Order 6640.23, December 2, 1998). Under Title VI, "each federal agency is required to ensure that no person, on the ground of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance." The EO 12898 mandates that "each federal agency identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." The concept of EJ resembles such issues as transportation equity, community impacts, and accessibility.

According to FHWA Order 6640.23, minority means a person who is Black, Hispanic, Asian American, American Indian, or Alaskan Native. It further defines a person having low-income as a person whose household income is at or below the Department of Health and Human Services poverty guidelines (66 FR 17083, Mar. 29, 2001).

The EJ analysis expands on the community impacts and social/economic demographic analyses by focusing on minority and low-income populations, or traditionally underserved populations. The identification and addressing of EJ is a requirement through all stages of federal processes and decision-making, including planning of alternatives and mitigation. Public involvement, a key component in the USDOT order, ensures that procedures are inclusive for all people.

The legal EJ precedents consist of Supreme Court, Court of Appeals, and District Court cases regarding land use impacts such as landfills and highway construction. The transportation sector has the responsibility of addressing EJ at various levels: the transportation facility, the corridor, and the region. An EJ study evaluates disproportionately high and adverse impacts to minority and low-income populations, considers alternatives, conducts public involvement, and develops mitigation efforts. A disproportionately high and adverse effect pertains to significant individual or cumulative effects.

Analysis

Qualitative and quantitative methods of EJ analyses are used to evaluate transportation projects with respect to social, economic, environmental, and public health matters at both local and corridor levels. A quantitative data source is the Census. Quantitative approaches also include geographical information systems (GIS), statistics, and modeling. One qualitative approach is public involvement (see Chapter IV for a discussion on Public Involvement). The EO specifically

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states that minority and low-income persons not be disproportionately impacted by a proposed federal action. The analysis also may consider other factors such as whether the project may result in displacements, community isolation, and destruction of community cohesion, disruption of community economic vitality, air/water pollution, or destruction of natural resources. In addition, the analysis may take into account how the project may affect handicapped, elderly, non- drivers, transit dependent.

In accordance with the USDOT Order 5610.2 and EO 12898, an EJ evaluation should address the issue of possible disproportionate impacts to racial and socio-economic minority groups. An important element in conducting an EJ study is determining a reference population. The population in the area of impact should be compared with the city, county, state, and/or country in order to evaluate the status of disproportionate effect.

There are numerous ways to conduct an EJ analysis. The most important item to remember is that, although the federal government has provided no "official" or prescriptive guidance to analyze EJ, documentation is necessary. The census data, which is easily accessible, can be used to perform a preliminary quantitative analysis to determine if a project may have a disparate impact for minorities and persons of low-income that would be affected by the proposed project. The most detailed data available to the public is provided at the level of the block group (BG). However, the BG will likely be larger than just the corridor of the proposed project.

Several methods can be used to determine if a project area includes an EJ community:

- Early coordination letters (see Chapter II, Section 3.0),
- Field surveys.

No Disproportionate Impacts

If it is determined that there are no disproportionately high and adverse impacts, then the EJ analysis can be augmented with any information acquired at the Public Information Open House (PIOH) or Public Hearing Open House (PHOH). In addition, if there are data, analysis, documentation, and/or knowledge from the regional or statewide planning level, or through GDOT planning that has reviewed EJ for a proposed project area, then this information should also be included in the NEPA document EJ section. Once the documentation provides evidence that there would be no disproportionate impacts to low-income or minority groups, the EJ study would be complete.

Disproportionate Impacts

If the data demonstrate that there may be a disproportionately high and adverse impact to a minority or low-income community, then additional public involvement must be conducted. Public involvement can define the community, as well as the community's the needs and wishes, determines the community's views towards a project and project alternatives, and identify programs that may serve as mitigation for project impacts. In these public involvement activities, local minority leaders, local religious leaders, and local community leaders are good points of contact. With respect to the finding of a disproportionately high and adverse impact to a minority or low-income group, USDOT Order Part 8.d. states the following:

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"Operating Administrators and other responsible DOT officials will also ensure that any of their respective programs, policies or activities that will have a disproportionately high and adverse effect on populations protected by Title VI („protected populations") will only be carried out if:

1. A substantial need for the program, policy or activity exists, based on the overall public interest; and
2. Alternatives that would have less adverse effects on protected populations (and that still satisfy the need identified in subparagraph (1) above), either (i) would have other adverse social, economic, environmental or human health impacts that are more severe, or (ii) would involve increased costs of extraordinary magnitude."

The USDOT Order, therefore, does permit a transportation project to proceed even if it would have a disproportionate and adverse impact to a low-income or minority group. However, the agency must demonstrate that (1) and (2) above holds true. Documentation to this effect would be required.

Once the EJ study is completed, it is advisable to look back at the Conceptual Stage Study (CSS) (Section 2.3, below) and ensure that the two analyses corroborate each other and do not have conflicting information.

2.2.5 Economic Impacts Assessment (EIA)

Analysis

An Economic Impacts Assessment (EIA) also should be considered part of the CIA. The EIA focuses on the following:

General employment data (i.e., local businesses, unemployment rate type of employment, employment distribution, dominant businesses, stability of businesses, ownership of businesses);

- Per capita income levels;
- Economic generators, activities, markets;
- Property values;
- Tax base and revenues;
- Orientation of local and regional businesses;
- Number of employees;
- Growth trends; and
- Income distribution.

Data sources to obtain information about the economic status of a community can include community contact or secondary sources. The local business newspaper, the MPOs, the RDCs, local government, and businesses are suitable sources to obtain the information for an EIA. An EIA should identify the potential problems that a project would bring, such as potentially decreasing the tax base of the community through the acquisition of right-of-way.

2.2.6 Consultant deliverables Community impact analysis does not require a separate report; analysis and findings will be submitted as part of the NEPA document.

2.2.7 Reference guidance

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Community Impact Assessment Program

http://www.dot.state.fl.us/emo/pubs/Phys_Soc/Phys_Soc_Sci.htm

FHWA Citizen's Guide to Transportation Decision-making.

<http://www.fhwa.dot.gov/planning/decisionmaking/>

Community Impact Assessment, A Handbook for Transportation Professionals, Florida DOT and the Center for Urban Transportation Research (November, 2000)

Community Impact Assessment Strategic Plan, Florida DOT in cooperation with FHWA (September, 1999)

National Community Impact Assessment Research Design Team Recommendations for Development of the Strategic Plan, Prepared for FHWA by the Center for Urban Transportation Research, University of South Florida (April, 1999)

Community Impact Mitigation Handbook Case Studies, Publication No. FHWA-PD-98-024 (May, 1998)

Flexibility in Highway Design, Publication No. FHWA-PD-97-062

Community Impact Assessment, A Quick Reference for Transportation, Publication No. FHWA-PD-96-036 (September, 1996)

US Bureau of Census

<http://factfinder.census.gov/servlet/BasicFactsServlet>

<http://www.fhwa.dot.gov/planning/census/data.htm>

Georgia Department of Community Affairs

<http://www.dca.state.ga.us/snapshots/default.asp>

Rural Community Empowerment Zones/Enterprise Communities

<http://www.ezec.gov/>

FHWA- DOT Order, Executive Order, other documentation

<http://www.environment.fhwa.dot.gov/guidebook/chapters/V2ch16.htm>

<http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm>

FHWA- Background, history, guidebook on EJ

<http://www.fhwa.dot.gov/environment/ej2000.htm>

U.S. Department of Health & Human Services Poverty Guidelines

<http://aspe.hhs.gov/poverty/index.shtml>

2.2.8 Legislation

Highway Beautification Act of 1965

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National Environmental Policy Act of 1969 (P.L. 91-190)
Federal-aid Highway Act of 1970
Environmental Quality Improvement Act of 1970 (P.L. 91-224)
Farmland Protection Policy Act, Title XV of the Agriculture and Food Act of 1981 (P.L. 98-98)

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
Surface Transportation and Uniform Relocation Assistance Act of 1987, (STURRA, P.L. 100-17)

National Highway System Designation Act of 1995 (P.L. 104-59)
Transportation Equity Act for the 21st Century-Section 1221
U.S.C. 4201-09
23 U.S.C. 109, 109(h), 109(i), 109(n)
23 U.S.C. 128, 131, 133, 134, 135
23 U.S.C. 138, 143, 217, 315
42 U.S.C. 4321-4347
42 U.S.C. 4371-4374
42 U.S.C. 4601 et seq.
49 U.S.C. 303

Federal Regulations:

CFR 658
23 CFR 450, 710, 750, 771, 771.111, 777
40 CFR 1500-1508
49 CFR 24

Executive Order 12898

2.3 Conceptual Stage Study (CSS)
2.3.1 Overview

The Conceptual Stage Study (CSS) documents displacements and probable displacements associated with a project and the anticipated method of relocation under the Uniform Relocation Assistance and Real Properties Acquisition Act of 1970. Although the complexity of the CSS will tend to mirror the complexity of the proposed project, the following information is standard in all CSS documents.

2.3.2 Analysis

For both residential and business displacements, the CSS will detail the number, type (owner or tenant occupied), and rental or fair market value of the residence or business structures to be displaced. The type of neighborhood in which the structure is located (residential, commercial, or mixed) also will be noted for all anticipated relocations. For business relocations, the CSS also will provide an estimate of the numbers of employees who will be affected and the estimated financial standing of the business.

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When applicable, the CSS will provide the same information for probable displacements. Probable displacements are structures that are likely to be relocated due to consequential project impacts such as loss of access.

The CSS will take particular care to focus on the anticipated relocation of any public or non-profit organizations that provide services within the geographic area of the project and which therefore may require special relocation assistance (e.g., a fire station, post office, etc.).

When applicable, the CSS will include an estimate of the number of handicapped and elderly occupants or employees to be displaced (including elderly people who are not capable of self care) and discuss any special relocation services that may be necessary for these displacees.

A discussion will be included regarding the availability of decent, safe, and sanitary housing in the areas with residential displacements. This discussion will include price ranges, size, multi vs. single family, condition, availability and vacancy rate, occupancy rate, location with respect to the displaced structures, and the owner/tenant status. Local newspapers and Multiple Listing Service data may be consulted to determine the availability of housing. The CSS will discuss actions that would be taken to remedy insufficient relocation housing.

The CSS will include a discussion of Last Resort Housing. Last Resort Housing is used when there is no replacement housing available for sale or rent within the GDOT's current limitations. When Last Resort Housing becomes necessary, supplemental payments or other housing options, as determined by GDOT, can be implemented through procedure provided for in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

In the event there are no replacement sites available at the time of acquisition, or if relocation is not within their financial means, some businesses may qualify for "in lieu of" payments. An "in lieu of" payment is defined as a payment to be made to a business that: (1) cannot be relocated without a substantial loss of its "existing patronage"; and (2) is not part of a commercial enterprise having more than three similar establishments not being acquired by GDOT. Existing patronage is the average net annual earnings or clientele of the business during the previous two taxable years immediately preceding the taxable year in which the business is being displaced. Any such payment determined will not be less than \$1,000 or more than \$20,000.

The CSS will address each alternative under consideration by GDOT. Sources of information must be documented. If special considerations are to be made, then the GDOT Office of Right-of-Way (ROW) will be contacted for further discussion.

2.3.3 Consultant deliverables

For GDOT acquired projects, the Office of ROW will prepare the requested study and directly coordinate activities and information with the GDOT Office of Environmental Services representative, and when necessary FHWA. The request for CSS should be sent to the Right of Way Administrator, Attn: Relocation Manager. For GDOT acquired projects, being handled through the Office of Program Delivery (OPD) (e.g., turn-key projects), the contracting consultant is responsible for submitting the CSS from a qualified preparer or subcontractor. This preparer must be qualified.

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The consultant will deliver two copies of the CSS to the GDOT NEPA analyst who will forward with request (for review) to GDOT's Office of ROW.

For Local Government projects, the local government will prepare the CSS as directed and coordinated by the GDOT NEPA analyst. The preparer/consultant must be qualified (i.e., on the Pre- Plans Right of Way List). The CSS will be submitted to the Office of ROW for review and approval prior to its inclusion within the NEPA document. The completed study is to be sent to the Right-of-Way Administrator, Attn: Relocation Manager.

After receiving comments from GDOT, a disposition letter (including the comment and how it was responded to) should be attached to the hard copy of the submittal and emailed to the GDOT reviewer for their use in facilitating the review of the document.

For any approved document, consultants will provide a CD (with the requested hard copies of the document) that includes a pdf (or series of pdfs) and a Word copy of the complete approved document.

2.3.4 References

Uniform Relocation Assistance and Land Acquisition Policies Act of 1970

<http://uscode.house.gov/download/pls/42C61.txt>

<http://www.fhwa.dot.gov/realestate/>

2.4 Churches, cemeteries, and institutions

Public institutions typically found within a project study area include any public services provided by local government agencies and institutions such as fire and rescue, public safety, educational, and parks and recreational areas. Other examples of public institutions include religious institutions and cemeteries. Many of these land uses are closely associated with the quality of life within a community. Therefore, effort will be made to inventory their locations within a study area, involve institutional representatives in the transportation decision process, and consider the potential impacts any proposed project might have on their location and operation.

2.4.1 Institution identification

It is important that any churches and public service institutions located within the project's study area be identified early in the project's planning process. Identification of churches/institutional buildings can aid in the development of project alternatives that avoid or minimize effects to these facilities. While some buildings associated with institutional operation can be located through the use of United States Geological Survey (USGS) 1:24,000 topographic maps, a more detailed windshield survey of the study area is required. A key goal of any survey effort will be to ascertain proper names for the establishments (cemetery names, school names, church names, etc.). This will ensure appropriate environmental documentation.

2.4.2 Stakeholder identification

Because individuals and groups associated with many of these public institutions will be considered stakeholders in the public involvement process, the survey will also identify key decision-makers for the institution (principals, pastors, etc.). Efforts will be made to involve

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these people in the coordination process to ensure that they understand the need for the proposed project and any potential effects the project might have on their operation. In addition, they should be informed of public opportunities to review and comment on the project (public involvement meetings, public hearings, and small group meetings).

2.4.3 Impact documentation

Because public institutions are often so varied in function and services provided, documentation of impacts will focus on the specific needs of the various facilities. The following is a recommendation of issues/questions to address for various public institutions. This list should not be considered exhaustive and should be modified to reflect unique project issues. It is important to consult with the facilities officials when determining whether the functions and services provided by it are impacted or impaired.

General Questions:

Where is the facility located? (a map showing location relative to the project would be helpful with this question)

What services does the facility provide?

How long has the facility been in the area?

What are the hours of operation for the facility?

What is the approximate service area for the facility?

Would the project require the relocation of that facility? If so,

- o Has this relocation been documented in the CSS?
- o What efforts have been taken to avoid this relocation?
- o Is a similar facility located in close proximity to provide service?
 - o Has the public been made aware of this relocation through public involvement measures and what was their response? (controversy potential)
- o If not, would the project impact the facility in other

ways? Is access affected?

Is internal site circulation (e.g., bus routes)

affected? Is there a noise impact?

2.4.4 Cemeteries

Cemeteries are a unique public institution with specific regulations that regulate their protection and care. Issues that should be addressed when documenting cemeteries should include the following:

Where is the cemetery located? (a map showing location relative to the project would be helpful with this question)

How long has the cemetery been in the area?

What are the boundaries of the cemetery and where are the approximate locations of gravesites?

Would the project require the relocation of the graves within the cemetery? If so,

- o What efforts have been taken to avoid this relocation?

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- What social/environmental factors exist that require the relocation impact?
- Has the entity that oversees the cemetery's upkeep been made aware of this relocation?
- Is there potential for controversy?

The Official Code of Georgia Annotated (OCGA), Section 36-72, addresses the conversion of land from cemeteries and, in instances where a cemetery (or isolated grave site) is located

within the project study area a boundary needs to be established. The tax record and land deed will be obtained to determine if the cemetery boundary is legally defined. If the land records do not denote the cemetery boundary, an archaeologist will be consulted to determine the number and location of graves and establish a boundary. Refer to Chapter V.3 for application requirements.

2.4.5 Consultant deliverables

Institutional analysis does not require a separate report; analysis and findings will be submitted as part of the NEPA document. However, if the project requires the use of land from a cemetery or burial ground and the local government has adopted the provisions of the Abandoned Cemetery & burial Ground Act (OCGA 36-72), the consultant will submit two copies of a completed cemetery permit package in accordance with Section 3.1.6.E.2.

After receiving comments from GDOT, a disposition letter (including the comment and how it was responded to) should be attached to the hard copy of the submittal and emailed to the GDOT reviewer for their use in facilitating the review of the document.

For any approved document, consultants will provide a CD (with the requested hard copies of the document) that includes a pdf (or series of pdfs) and a Word copy of the complete approved document.

2.5 Visual impacts

Visual Impacts is a special study requirement for an Environmental Impact Statement (EIS) document. Visual Impacts should also be addressed in reports such as Section 4(f) Evaluations and in cultural resource discussions.

A description of the visual environment will assist in determining and understanding the level of visual changes that may arise from project implementation. When considering visual impacts, focus should be placed on the existing landscape, visually sensitive resources, and an individual's view in the study area.

2.5.1 Existing landscape

The existing landscape should identify the setting of the project area. The limits of the visual environment are generally established by an area of potential effect (APE) or determined view shed such as the surface area visible from the highway and areas from which the highway can be seen.

Topography such as mountains, rolling hills, valleys, beaches, etc. should be considered in the visual assessment of a project.

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Water resources such as streams, creeks, lakes, marshes, wetlands, etc. should be discussed.

Vegetative elements should be described to fully appreciate the existing environment. Some different vegetative types are as follows: coniferous or deciduous woods, scrubland, grassland, street trees, orchards, parks, pastures, etc. Manmade development should be discussed to determine the character of the existing environment.

2.5.2 Visually sensitive receptors

Resources such as topography, manmade development, vegetative elements, historic, or recreational facilities may be important to a local community. Although the resources may not appear to be visually exceptional, discussion should be provided that describes their local importance to a community.

2.5.3 Visual consequences

An EIS should include a discussion of the beneficial or adverse visual effects of project implementation. This should be accomplished with consideration being given to the changes the project will cause to landscape components that have been noted as visually sensitive.

Construction of a roadway whether on an existing or new alignment will always cause some degree of visual change. These changes may not be adverse and often are beneficial. Elements of a road project that may have impacts include, but are not limited to, the following:

- Cut Slopes Fill**
- Slopes**
- Pavement**
- Surface**
- Retaining Walls**
- Curbing**
- Vegetative**
- clearing Noise**
- barriers**
- Structures**
- Lighting**
- Fencing**
- Median**
- Breaks**
- Guardrails**

2.5.4 Mitigation

The project features referenced above in addition to the overall project effects should be identified as positive or negative effects. If the effect is negative, mitigation measures may

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be required. Mitigation includes the enhancement of positive effects as well as the minimization or elimination of negative effects. The mitigation measure discussion should address specific visual impacts associated with project alternatives, including the likelihood of the mitigation measure being implemented. The measures must be realistic to ensure their full realization.

2.5.5 Consultant deliverables

The consultant will submit two copies of the Visual Impact Assessment to GDOT's environmental office for review and approval.

After receiving comments from GDOT, a disposition letter (including the comment and how it was responded to) should be attached to the hard copy of the submittal and emailed to the GDOT reviewer for their use in facilitating the review of the document.

For any approved document, consultants will provide a CD (with the requested hard copies of the document) that includes a pdf (or series of pdfs) and a Word copy of the complete approved document.

2.5.6 References

Visual Impact Assessment for Highway Projects, FHWA, Contract DOT-FH-11-9694

APPENDIX L

GENERAL REPORTING REQUIREMENTS AND GUIDELINES	MPO Questionnaire	5307 Questionnaire	5311 Questionnaire
1. <u>REQUIREMENT TO PROVIDE TITLE VI ASSURANCES</u> FTA C 4702.1B, III.2			
2. <u>REQUIREMENTS FOR FIRST-TIME APPLICANTS</u> FTA C 4702.1B, III.3			
3. <u>REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM</u> FTA C 4702.1B, III.4			
4. <u>REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI</u> FTA C 4702.1B, III.5			
5. <u>REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM</u> FTA C 4702.1B, III.6			
6. <u>REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS</u> FTA C 4702.1B, III.7			
7. <u>PROMOTING INCLUSIVE PUBLIC PARTICIPATION</u> FTA C 4702.1B, III.8			
8. <u>REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS</u> FTA C 4702.1B, III.9			
9. <u>MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES</u> FTA C 4702.1B, III.10			
10. <u>PROVIDING ASSISTANCE TO SUBRECIPIENTS</u> FTA C 4702.1B, III.11			