



New Jersey Department of Transportation

TITLE VI NONDISCRIMINATION REQUIREMENTS

COUNTY ENGINEERS



Division Of Civil Rights & Affirmative Action
Anthony Davis, Manager, ADA & Title VI Nondiscrimination Program

April 2016

Presentation Objectives



- To Provide County Agencies a Short Background and History of Title VI/Nondiscrimination and Environmental Justice
- To Assist County Agencies in developing Affirmative Action and Disadvantage Business Enterprise Plans to ensure nondiscrimination in their programs and activities.
- Define County Agencies role in implementing Title VI Nondiscrimination within their Agencies
- Provide Guidance to County Agencies on developing their Title VI Assurances Letters
- Provide Guidance to County Agencies on developing ADA Self-Evaluations/Transition Plans
- To advise you that we are in the process of developing a more comprehensive training for LPA's at a later date.



What is Title VI?

- Essence of the Federal Law:

"No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

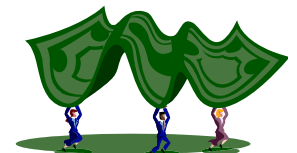
Protections afforded under Title VI apply to anyone regardless of whether the individual is lawfully present in the United States, or a citizen of a state within the United States.

Includes all programs and activities of Federal-aid recipients and contractors.

Definitions–Program, Activity & Financial Assistance



- “Program or activity” is defined as:
 - A department, agency, special purpose district, or other instrumentality of a state or local government, or;
 - The entity of such state or local government that distributes such assistance and each department or agency (and each other state or local government entity) to which the assistance is extended...
- “Financial assistance” means more than just money. It is also aid that enhances the ability to improve or expand allocation of a recipient’s own resources:
 - Use or rent of federal land or property
 - Training of employees
 - Loan of personnel
 - Tax incentives and tax exempt-status
 - Subsidies
 - Technical assistance
 - Other arrangements with the intention of providing assistance



Types of Discrimination

Intentional Discrimination/ Disparate Treatment

- Engaging in treating persons differently because of their race, color, national origin, sex, disability, or another protected basis.
- Does not require evidence of “bad faith, ill will or any evil motive.”
 - Where direct evidence is unavailable, may be shown with demonstration that similarly situated persons received benefit or more favorable treatment.

Unintentional Discrimination/ Disparate Impact

- Use of neutral procedure/practice having a disproportionate impact on individuals of a particular race, color, national origin, sex, disability, or another protected class.



Title VI Prohibits



- **Denying an individual** any service, financial aid, or other benefit because of race, color or national origin.
- **Providing a different service or benefit**, or providing these in a different manner from those provided to others under the program.
- **Segregation or separate treatment** in any manner related to receiving program services or benefits.
- **Requiring different standards or conditions** as prerequisites for serving individuals.
- **Discriminatory activity** in a facility built in whole or part with Federal funds.
- **Locating facilities in any way that would limit or impede access** to a Federally funded service or benefit.

Title VI Requires



- Notifying the respective population about applicable programs.
- Information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English speaking ability.
- Assurance of nondiscrimination in purchasing of services.

Title VI encourages

- Participation of minorities as members of planning or advisory bodies for programs receiving federal funds.



Responsibilities at the County Agency Level



- **Maintain a signed Title VI Nondiscrimination Policy Statement**
- **Submit signed Standard Title VI Assurance** that programs, activities, and facilities will be operated in a nondiscriminatory manner.
- **Develop EEO/Affirmative Action Program** – how the LPA addresses recruiting, hiring and promoting females, minorities, disabled and veterans.
- **Develop DBE/Affirmative Action Program** – how the LPA addresses recruiting Disadvantaged Business Enterprises for work as consultants, contractors, etc.
- Extend subcontracting opportunities to Disadvantaged Business Enterprises (DBEs)
- Disseminate Title VI information to your beneficiaries and stakeholders, including employees, subcontractors and the General public.
- Ensure Title VI provisions are included in all contracts and subcontracts
- Develop Title VI procedures to ensure nondiscrimination in all services, programs and activities, including involving persons of LEP, the public and other protected groups.



**Title VI Nondiscrimination
Policy Statement
&
Standard Title VI Assurances**

Title VI Nondiscrimination Policy Statement



Title VI Nondiscrimination Policy Statement must:

- Indicate commitment to nondiscrimination in the LPA's programs and activities administered by LPA, or your contractors, whether it is federally funded or not that:

"No person shall on the grounds of race, creed, color, national origin, age, ancestry, nationality, gender, disability, religion, affectional or sexual orientation, gender identity or expression, income level or ability to read, write or speak English be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination or retaliation under any program or activity.. "

- Be printed on Local Public Agency letterhead
- Signed by the appropriate authority

Example - NJDOT's Title VI Nondiscrimination Policy Statement



Example



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD T. HAMMER
Acting Commissioner

Title VI Nondiscrimination Policy Statement

It is the policy of the New Jersey Department of Transportation to abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 23 U.S.C. Section 324, related statutes or Executive Orders, and N.J.A.C. 10:5-31 et seq. which provide in part, that:

No person in the United States shall, on the grounds of race, creed, color, national origin, age, ancestry, nationality, gender, disability, religion, affectional or sexual orientation, gender identity or expression, income level or ability to read, write or speak English, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving Federal financial assistance.

Any person who believes that, because of his or her race, creed, color, national origin, age, ancestry, nationality, gender, disability, religion, affectional or sexual orientation, gender identity or expression, income level or ability to read, write or speak English, he or she has been excluded from participation in any program or activity being administered by the New Jersey Department of Transportation, or who believes that he or she has been denied any benefits provided by such program or activity, or believes he or she has been unfairly treated in connection with such program or activity, should contact the following office within 180 days from the date of occurrence of any violation of this policy:

New Jersey Department of Transportation
Division of Civil Rights and Affirmative Action
Titik V. Duil
1035 Parkway Avenue
Trenton, New Jersey 08618

Contact: Anthony Davis, Manager of Title VI and ADA
Telephone: (609) 530-3009


Richard T. Hammer
ACTING COMMISSIONER

2/19/16
DATED

"IMPROVING LIVES BY IMPROVING TRANSPORTATION"
New Jersey Is An Equal Opportunity Employer • Printed on Recycled and Recyclable Paper

It is the policy of the New Jersey Department of Transportation to abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 23 U.S.C. Section 324, related statutes or Executive Orders, and N.J.A.C. 10:5-31 et seq., all together which provide in part, that:

No person in the United States shall, on the grounds of race, creed, color, national origin, age, ancestry, nationality, gender, disability, religion, affectional or sexual orientation, gender identity or expression, income level or ability to read, write or speak English, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in any program or activity which is administered by the Department, regardless of funding source (i.e. State, Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration or Federal Aviation Administration).



Standard Title VI Assurance

Print on Local Public Agency letterhead

Page 1 of 4

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Local Public Agency (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA) is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs of The Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);
- 23 CFR Part 200 (Title VI Program and Related Statutes – Implementation and Review Procedures)
- USDOT Order 1050.2 (Standard DOT Title VI Assurances)
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 162(a) of the Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;



Standard Title VI Assurance

Page 2 of 4

- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*)

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the **Federal Highway Administration (FHWA)**."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **Statewide Transportation Improvement Program and other federal-assisted programs**.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all of its federally-assisted programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:



Standard Title VI Assurance

Page 3 of 4

*"The **Local Public Agency** in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

1. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
2. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
3. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
4. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
5. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.



Standard Title VI Assurance

Page 4 of 4

By signing this ASSURANCE, the **Local Public Agency** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *U.S. Department of Transportation* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *U.S. Department of Transportation*. You must keep records, reports, and submit the material for review upon request to the *U.S. Department of Transportation*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Local Public Agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Statewide Transportation Improvement Program and other federal-assisted programs*. This ASSURANCE is binding on *New Jersey*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Statewide Transportation Improvement Program and other federal-assisted programs*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Name of Local Public Agency

by _____
(Signature of Authorized Official)

DATED _____



Standard Title VI Assurance - Appendix A

Applies to all federal aid contracts (contracts)

- Prime contracts & subcontracts
- Vendor/supply agreements
- Consultant agreements for performance of work in connection with Federal-Aid contracts
- Research agreements with colleges, universities & other institutions
- Fee appraiser and fee attorney contracts in connection with federally-aided ROW work
- Contracts between NJDOT and a contractor for relocation of utilities, unless the utility company itself, or its contractor relocates utilities.

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 2 1.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the *Federal Highway Administration* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the *Federal Highway Administration*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration* may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the *Federal Highway Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.



Standard Title VI Assurance – Appendix B

- Applies to conveyances of land or property to the State by the Federal government.
- Conditions the conveyance to require nondiscrimination in connection with the State's use of the property

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **Local Public Agency** will accept title to the lands and maintain the project constructed thereon in accordance with N.J.S.A. 27:7-21(a), the Regulations for the Administration of the *Statewide Transportation Improvement Program and other federal assisted programs* and the policies and procedures prescribed by the *Federal Highway Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Local Public Agency** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the **Local Public Agency** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **Local Public Agency**, its successors and assigns.

The *New Jersey Department of Transportation*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **Local Public Agency** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)



Standard Title VI Assurance – Appendix C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **Local Public Agency** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Local Public Agency** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the *New Jersey Department of Transportation* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **Local Public Agency** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



Standard Title VI Assurance – Appendix D

CLAUSES FOR CONSTRUCTION/USE /ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Local Public Agency pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Local Public Agency will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the Local Public Agency will there upon revert to and vest in and become the absolute property of the Local Public Agency and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



Standard Title VI Assurance – Appendix E

**(Must be physically
included in all
contracts)**

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*)

Equal Employment Opportunity Program



EEO (AGENCY INTERNAL)

- Deals with nondiscrimination in the hiring of internal employees
- Title VII of Civil Rights Act

EEO (AGENCY EXTERNAL)

- Deals with nondiscrimination in the procurement of contracts - the recruitment and hiring of female and minority contractors, consultants, etc.

CONSULTANT/CONTRACTOR EXTERNAL EEO & CONTRACTOR DBE COMPLIANCE

- Deals with nondiscrimination in the consultant/contractor's internal workforce.
- Deals with monitoring the contractor's recruitment and hiring of females and minorities for work on construction contracts



Equal Employment Opportunity Program



Covered actions include:

- Employment (upgrading, demotion or transfer)
- Recruitment or recruitment advertising
- Layoff/termination
- Rates of pay or other compensation
- Selection for training, apprenticeship, pre-apprenticeship and/or on-the-job training

The provisions outline requirements for:

- Designation of EEO Officer & DBE Officer
- Dissemination of Policy
- Personnel actions
- Training & Promotion
- Selection of Subcontractors, Procurement of Materials & Leasing of Equipment
- Reasonable Accommodations for Applicants/Employees with Disabilities
- Trade Unions
- Assurances Required by 49 CFR 26.13(b)
- Records & Reports

EEO Program Components



1. Designation of Personnel Responsibility
2. Statement of Policy
3. Dissemination of Policy
4. Assessment of Employment Practices
5. Utilization Analysis
6. Goals and Timetables
7. Monitoring and Reporting



Statement of Policy



In writing, and must include:

- 1) A statement issued by the CEO regarding the Agency's EEO policy affecting all employment practices, including recruitment, selection, promotions, terminations, transfers, layoffs, compensation, training, benefits, and other terms and conditions of employment;
- 2) Commitment to EEO for all persons regardless of race, color, creed, national origin, sex , age and disability;
- 3) Commitment to undertake an affirmative action program, including goals and timetables to overcome effects of past discrimination on minorities and women;
- 4) Responsibility for implementation is assigned to an agency executive, and include the name and contact of such person;
- 5) All management personnel share in the responsibility and will be assigned specific tasks to ensure compliance is achieved;

Statement of Policy



In writing, and must include:

- 6) Applicants and employees have the right to file complaints alleging discrimination with the appropriate official;
- 7) Performance by managers, supervisors, etc. will be evaluated on the success of the EEO program the same way as their performance on other agency's goals;
- 8) Successful achievement of EEO goals will provide benefits to the recipient/sub-recipient/contractor through fuller utilization and development of previously underutilized human resources

Dissemination of Policy - Internally

How does the agency publicize and distribute the policy?

Managers and Supervisors

- Informed via:
 - Written communication from CEO
 - Inclusion of the policy in the personnel and operations manual
 - Meetings held with managers and supervisors to discuss EEO Program and its implementation



Non-supervisory staff

- Informed via:
 - Post EEO policy posters and statement on bulletin boards, near time clocks, cafeteria, employment/personnel office
 - Include policy in employee handbooks, reports, manuals, union contracts
 - Meet with minority and female employees for suggestions about the program
 - Present EEO program during employee orientation and training programs

Dissemination of Policy - Externally



- Distribute to regular recruitment sources:
 - Employment agencies; unions, hiring halls, educational institutions, minority, disabled and women's organizations, civil rights organizations, trade unions, training organizations, and others who refers applicants.
 - Public Media sources; radio, television stations, newspapers, magazines, journals.

All advertisements and vacancy announcements should include a statement that the sub-recipient is an "Equal Employment Opportunity Employer"



Employment Practices



- **Identify the practices that may operate as employment barriers**
- **Detailed narrative and statistical data and analysis reviews on:**
 - Application procedures
 - Types of Disciplinary Actions
 - Promotion procedures
 - Training opportunities
 - Testing programs
- **Include Statistical Data on:**
 - Number of individuals by race and sex who:
 - ✦ Applied for employment
 - ✦ Actually hired
 - ✦ applied for promotion or transfer
 - ✦ actually promoted or transferred
 - ✦ Number and types of disciplinary actions, resignations, suspensions, grade changes, reassignments and terminations



Employment Practices



Additional areas to discuss:

- Recruitment process
- Selection standards & procedures
- Wage & salary structure
- Layoff, termination, disciplinary actions, transfers
- Positions descriptions
- Interview procedures
- Seniority practices
- Assess if there are external factors like potential applicants not knowing where to apply for jobs.



Workforce Analysis



- Statistical breakdown of workforce by each department, job category, grade/rank of employee and job title.
- Cross reference each by race/national origin and gender
- Include principal rates of pay for each category, grade/rank of employee, and job title for each employee

Workforce Analysis Worksheet



A. SPONSOR INFORMATION

Program Number:	
Name of Sponsor:	
Address:	
City/State/Zip Code:	
Contact Person:	
Phone Number:	FAX Number:
Email Address:	

B. OCCUPATIONAL INFORMATION

Occupational Title:	
RAPIDS Code:	O*NET/SOC Code:
Type of selection method used:	
Labor Market Area description:	

C. LABOR MARKET AREA & OCCUPATIONAL PARTICIPATION DATA:

C.1 Total Labor Force in Labor Market Area	
- Number of Women:	% of labor force
- Number of Minorities:	% of labor force
C.2 Working Age Population in Labor Market Area	
- Number of Women:	% of labor force
- Number of Minorities:	% of labor force
C.3 Apprentice Participation in Craft/Occupation in National Apprenticeship System	
- Number of Women:	% of labor force
- Number of Minorities:	% of labor force
C.4 The General Availability of Minorities and Women with the Present or Potential Capacity for Apprenticeship in Program Sponsor's Labor Market Area	
- Number of Women:	
- Number of Minorities:	

Availability Analysis



- Availability of minorities and women in the relevant labor market broken down by job category.

EEO-ALL01R-Geography-United StatesEstimate-Estimate: EEO 1r.
Detailed Census Occupation by Sex and Race/Ethnicity for Residence
Geography - Universe: Civilian labor force 16 years and over

EEO Tabulation 2006-2010 (5-year ACS data)

Occupation Code	Subject	Total, race and ethnicity	Hispanic or Latino		Not Hispanic or Latino, one race					Not Hispanic or Latino, two or more races						Balance of not Hispanic or Latino	
			White alone Hispanic or Latino	All other Hispanic or Latino	White alone	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	White and Black	White and AIAN	White and Asian	Black and AIAN	NHPI and White (Hawaii only)	NHPI and Asian (Hawaii only)		NHPI and Asian and White (Hawaii only)
Total, all occupations	Total, both sexes																
Total, all occupations	Number	154,037,475	13,249,225	9,207,885	103,278,405	17,469,155	894,065	7,426,010	234,435	330,745	633,080	416,890	116,805	(X)	(X)	(X)	780,775
Total, all occupations	Percent	100.0%	8.6%	6.0%	67.0%	11.3%	0.6%	4.8%	0.2%	0.2%	0.4%	0.3%	0.1%	(X)	(X)	(X)	0.5%
Total, all occupations	Male																
Total, all occupations	Number	81,323,085	7,569,470	5,308,805	54,794,265	8,050,065	448,660	3,877,925	123,255	157,770	328,910	209,525	51,985	(X)	(X)	(X)	402,450
Total, all occupations	Percent	52.8%	4.9%	3.4%	35.6%	5.2%	0.3%	2.5%	0.1%	0.1%	0.2%	0.1%	0.0%	(X)	(X)	(X)	0.3%
Total, all occupations	Female																
Total, all occupations	Number	72,714,390	5,679,755	3,899,080	48,484,140	9,419,090	445,405	3,548,085	111,180	172,975	304,170	207,365	64,820	(X)	(X)	(X)	378,320
Total, all occupations	Percent	47.2%	3.7%	2.5%	31.5%	6.1%	0.3%	2.3%	0.1%	0.1%	0.2%	0.1%	0.0%	(X)	(X)	(X)	0.2%
Chief executives and legislators 0010 (SOC 11-10XX)	Total, both sexes																
Chief executives and legislators 0010 (SOC 11-10XX)	Number	1,158,885	39,090	13,230	1,001,235	38,695	4,825	50,490	465	1,020	3,740	2,265	330	(X)	(X)	(X)	3,510
Chief executives and legislators 0010 (SOC 11-10XX)	Percent	100.0%	3.4%	1.1%	86.4%	3.3%	0.4%	4.4%	0.0%	0.1%	0.3%	0.2%	0.0%	(X)	(X)	(X)	0.3%
Chief executives and legislators 0010 (SOC 11-10XX)	Male																
Chief executives and legislators 0010 (SOC 11-10XX)	Number	901,735	28,800	10,060	787,200	24,900	3,135	39,390	275	785	2,745	1,570	190	(X)	(X)	(X)	2,685
Chief executives and legislators 0010 (SOC 11-10XX)	Percent	77.8%	2.5%	0.9%	67.9%	2.1%	0.3%	3.4%	0.0%	0.1%	0.2%	0.1%	0.0%	(X)	(X)	(X)	0.2%
Chief executives and legislators 0010 (SOC 11-10XX)	Female																
Chief executives and legislators 0010 (SOC 11-10XX)	Number	257,150	10,290	3,170	214,035	13,790	1,690	11,100	185	235	995	695	140	(X)	(X)	(X)	825
Chief executives and legislators 0010 (SOC 11-10XX)	Percent	22.2%	0.9%	0.3%	18.5%	1.2%	0.1%	1.0%	0.0%	0.0%	0.1%	0.1%	0.0%	(X)	(X)	(X)	0.1%



Utilization Analysis



- Comparison of the participation rate of minorities and women by job category (Workforce Analysis) with their availability in the relevant labor market (Utilization Analysis).
- For each job category, the Utilization Analysis will indicate whether minorities and women are fully utilized or underutilized.

Step 1

Enter organization information.

Enter a title for your report:
Enter the job group being analyzed:

Step 2

Enter Number of Employees.

Total number of employees in this job group:

Total number of Female employees in this job group:

Total number of Minority employees in this job group:

Total number of Older employees in this job group:

Total number of Disabled employees in this job group:

Step 3

Enter Number of People in the Civilian Labor Force and/or their Availability.

	Number	Availability
Total		
Female		%
Minority		%
Older		%
Disabled		%

Step 4

Select reporting options and press 'Compute' button.

Display: Description of Statistic Interpretation of Results

Goals and Timetables



- Goals and Timetables must be established for any job category for which the Utilization Analysis indicated that minorities or women are underutilized.
- The Plan must set specific, measurable, attainable hiring and promotion goals with target dates for each job category in which women or minorities were found to be underutilized. Each goal should be realistic and attainable.
- Develop and execute action-oriented programs designed to attain goals and to eliminate any systemic barriers to maintaining a diverse and inclusive workforce.
- Design and implement a means for monitoring progress toward attaining goals, such as an internal audit and reporting systems to measure the effectiveness of the total program.
- If you are updating a prior affirmative action plan, and previously established goals and timetables were not met, you are to provide a justification (for instance, anticipated job openings may not have materialized or the applicant pool may not have yielded qualified female or minority candidates for positions that were open



Monitoring and Reporting



Purpose

- Provide feedback on program progress
 - Identify problems that call for corrective action on your part
 - How are you monitoring your program
-
- Keep cumulative records on hiring, training, transfer and promotions in areas of under participation and prepare quarterly summaries.
 - Formal periodic reports are collected from supervisory personnel.
 - Discuss your mechanisms for tracking EEO complaints.
 - How are you monitoring your subs' compliance?
 - Who is reporting to you; how often; what are they reporting.
 - Who are you reporting to; what are you reporting; how often.



DBE Affirmative Action Program



Deals with nondiscrimination in the procurement of contracts - the recruitment and hiring of female and minority contractors, consultants, etc.

DBE Affirmative Action Plan should include:

1. Designation of Personnel Responsibility
2. Statement of Policy on how LPA will seek out and utilize DBEs as consultants, prime contractors, suppliers, etc. in the procurement of contracts
3. Dissemination of Policy
4. Implementation of the DBE Program
5. Monitoring & Reporting
 - DBE Consultants, Prime Contractors, Subcontractors, Suppliers, etc.

EEO & DBE Affirmative Action Submission Requirements



For all Local Public Agencies:

Local Public agencies (LPAs), grantees, etc. are required to **annually** submit the following for review and approval to the Division of Civil Rights – Title VI Unit:

- Equal Employment Opportunity (EEO) /Affirmative Action Plan
- EEO Policy Statement
- Sexual Harassment Policy
- Document designating LPAs EEO Officer, including name, address & telephone number of the Officer)
- D/E/SBE Affirmative Action Plan (explanation of affirmative action methods used in seeking out DBE's/ESBEs/SBEs during procurement process, ie: as consultants, etc.)

LPA's Agency EEO/AA plan packages should be submitted directly to:

New Jersey Department of Transportation
Division of Civil Rights & Affirmative Action – Title VI Unit
P.O. Box 600
Trenton, New Jersey 08625-0600

The Division of Civil Rights & Affirmative Action has sole authority to review and approve all EEO/AA Plans. Once a plan is approved, the DCR will issue an approval letter.

EEO & DBE Affirmative Action Submission Requirements



For all **CONSTRUCTION CONTRACTS**:

Sub-recipients (Contractors, subcontractors and professional service firms) working on NJDOT construction contracts are required to **annually** submit the following for review and approval to the Division of Civil Rights – **Contract Compliance Unit**:

- Equal Employment Opportunity (EEO) /Affirmative Action Plan
- EEO Policy Statement
- Sexual Harassment Policy
- Document designating company's Corporate EEO Officer, including name, address & telephone number of the Officer)
- D/E/SBE Affirmative Action Plan (explanation of affirmative action methods used in seeking out DBEs/ESBEs/SBEs as subcontractors, material suppliers or equipment-lessors for construction contracts.)

EEO/AA plan packages ONLY related to construction contracts should be submitted to:

New Jersey Department of Transportation
Division of Civil Rights & Affirmative Action - **Contract Compliance Unit**
P.O. Box 600
Trenton, New Jersey 08625-0600

EEO & DBE Affirmative Action Submission Requirements



Once approved, each firm will receive an approval letter from NJDOT indicating the timeframe for which the plan(s) has/have been approved.

1. Professional service firms submitting technical proposals are required to submit a copy of the approval letter prior to execution of an Agreement. for the work of the technical proposal.
 2. Contractors/subcontractors/professional service firms and others working on construction contracts must provide these letters to each NJDOT or LPA RE for each specific construction project on which the prime contractor and subcontractor perform work.
- Businesses/companies **EXEMPT** from NJDOT's annual EEO/Affirmative Action Plan submission for construction contracts are:

• Manufacturers	• Suppliers	• Regular Dealers/Installers
• Equipment Lessors	• Truckers/Haulers, not individual owner/operators	

County Agencies

Required to have, or do the following



- Title VI Coordinator
- Signed Title VI Nondiscrimination Policy Statement
- Signed Title VI Assurances, including Appendices A, B, C, D & E – include as a contract provision
- Develop Title VI procedures to ensure nondiscrimination in all services, programs and activities, including involving persons of Limited English Proficiency (LEP), the public and other protected groups.
- Submit EEO/Affirmative Plans to NJDOT for review & approval
- Submit DBE/AA Program to NJDOT for review & approval
- Require NJDOT approval letters for EEO/Affirmative Action Plan Packages from consultants & contractors
- Require NJDOT approval letter for DBE/AA Program approval letter from Prime Contractor working on construction contracts

County Agencies

Required to have, or do the following



- Disseminate Title VI information to beneficiaries and stakeholders, including employees, subcontractors and General Public
- Title VI Training to employees
- Develop procedures for addressing Title VI Complaints
- Display nondiscrimination and EEO posters
- Provide opportunities for public involvement and full access to minorities, low-income, Limited English Proficient, disabled and other underserved/protected populations during each stage of the planning and development of transportation projects
- Nondiscrimination language in contracts and subcontracts
- Extend subcontracting opportunities to females and minorities - Disadvantaged Business Enterprises (DBEs)
- Inform potential subcontractors or suppliers of your obligations under the Professional Service Term Agreement, and the regulations relative to nondiscrimination on the basis of race, color, age, sex or national origin.

County Agencies

Required to have, or do the following



- Incorporate the provisions concerning compliance with regulations, nondiscrimination, solicitations for subcontracts, including procurement of materials, and equipment, information and reports, sanctions as well as incorporations of the provisions in every subcontract, including procurement of materials and leases of equipment, unless exempt in the regulations.
- Conduct Title VI Compliance Reviews
- Ensure contractors comply with Civil Rights contract provisions on construction contracts & consultants comply with them on professional service contracts
- Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of your programs and activities
- Produce a Title VI Nondiscrimination Annual Report detailing results of process reviews and analysis of statistical data collected to determine if there are any deficiencies
- Provide data about the participants and beneficiaries of your programs and activities to the New Jersey Department of Transportation or Federal Highway Administration, upon request



- Our Title VI Coordinator, Cheryl Taliaferro, will be working in conjunction with NJDOT's Division of Local Aid & Economic Development representatives, and Ted Green from Rutgers – CAIT to develop a more comprehensive training program for Local Public Agencies.
- Additional training on Title VI requirements will be provided at a later date

How to Develop an ADA Self-Evaluation & Transition Plan



CHRYSTAL SECTION
NJDOT
ADA COORDINATOR

Title II- State and Local Governments



Basic Requirements:

- Must ensure that individuals with disabilities are not excluded from programs, services and activities (pedestrian facilities are an example of a program)

Title II- State and Local Governments



Basic Requirements:

- Designate an ADA Coordinator
- Development & postings of an ADA Policy Statement
- Development & postings of Grievance/Complaint Procedures
- Complete a Self-Evaluation
- Development of a Transition Plan

Court Cases



- ADA has impacted case law that significantly shapes budgets, alterations and how improvement contracts are structured.



NEW JERSEY



Court Cases



- Major cases to be aware of
 - Kinney v. Yerusalim (1993)
 - Barden v. Sacramento (2004)
 - CDR v. Chicago (2007)
 - CDR v. Caltrans (2008)
 - CDR v. Caltrans (2009 settlement agreement)

Bottom Line: This could cost your county real money if you get hit with one of these lawsuits!

Self-Evaluation



- Required of all entities
 - Rehabilitation Act of 1973
 - ✦ USDOT Implementing Regulations (49 CFR 27)
 - Americans w/Disabilities Act of 1990
 - ✦ DOJ Implementing Regulations (28 CFR 35)



Self-Evaluation



- Purpose & Scope
 - Identify barriers in programs & activities that prevents persons with disabilities from access (includes evaluation of policies/practices)
 - Key – provide equivalent access to the maximum extent feasible

Self-Evaluation Barriers



- Curbs/Slopes



Self-Evaluation Barriers



- **Communication Devices**



Self-Evaluation Barriers



- Construction Work Zones



Self-Evaluation



- Identifying Barriers within public right-of-way
 - Curbs
 - Sidewalks
 - Pedestrian Crossings
 - Pedestrian Signals
 - Shared Use Trails
 - Parking Lots
 - Bus Stops

Self-Evaluation



- Developing the Evaluation
 - Agency commitment
 - ✦ Funding
 - ✦ Staff resources (i.e., survey/maintenance staff, interns) or contract with knowledgeable consultants

Self-Evaluation

- **Methods**
 - Field inspections/surveys (form/checklist)
 - GIS (recording locations/measurements)



Self-Evaluation



- Critical Areas to Evaluate
 - Public right-of-way accessing government offices, medical facilities, downtown core areas, school zones, residential areas, et al
 - Rest Areas, parks, shared use trails
 - Access to public buildings (permit/licensing offices, public meeting rooms, etc.)

Self-Evaluation



- End Result
 - Inventory (and details) of facilities where structural modifications are needed to make facilities accessible to persons with disabilities
 - Foundation for Transition Plan
 - Maintain in file/available for public inspection for 3 yrs from date of completion

Transition Plan



- Required by Rehabilitation Act and the ADA
 - 50 plus employees (entire agency)
 - Public input

Transition Plan



- Purpose & Scope
 - Set forth steps necessary to complete modifications identified through self-evaluation (those areas not covered in a previously developed plan)
 - Provide a schedule for completing modifications

Transition Plan



- Content (at a minimum)
 - Identify physical obstacles and location
 - Describe the methods to make facilities accessible
 - Specify the schedule for achieving completion (if longer than 1 year, identify steps to be taken each year but as expeditiously as possible)

Transition Plan



- Content (cont.)
 - Identify official responsible for implementation of plan
 - Estimated Cost of each modification
 - Status column to record completion date

Transition Plan



- Important things to remember
 - Prioritize modifications (using same criteria as self-evaluation)
 - Coordinate/integrate schedule of modifications with planned alterations (paving, building, utility work)
 - Inform/educate persons with authority over budget/prioritizing projects

Transition Plan



- Important things to remember
 - Transition Plan is a living document – evolving planning & monitoring tool
 - As boundaries grow, so does the need to incorporate acquired facilities into Self-Evaluation/Transition Plan process
 - Special Requests/Complaints & Transition Plan schedule

ADA Links



NJDOT Americans with Disabilities/Section 504 Overview – Self Evaluation and Transition Plans <http://www.state.nj.us/transportation/business/ada/>

FHWA Questions and Answers about ADA/Section 504
<http://www.fhwa.dot.gov/civilrights/programs/ada.cfm>

US Access Board-

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/guidance-and-research>

USDOJ/USDOT ADA Standards -

<http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards>

Questions?



Title VI Contact Information



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