



U.S. Department
of Transportation
**Federal Highway
Administration**

New Jersey Division

November 27, 2017

840 Bear Tavern Road
Suite 202
West Trenton, New Jersey 08628
609 637-4200

Linda Legge
Executive Director, Division of Civil Rights and Affirmative Action
New Jersey Department of Transportation
1035 Parkway Ave.
P.O. Box 600
Trenton, NJ 08625-0600

Dear Ms. Legge:

The Federal Highway Administration's (FHWA) New Jersey Division Office has received the Title VI Implementation Plan that your State has submitted, as required by 23 CFR § 200.9. Based upon our analysis, it appears that your Title VI Implementation Plan meets the FHWA's guidelines for the contents of an Implementation Plan.

As part of our oversight responsibilities, our office at FHWA's New Jersey Division will continue to monitor Title VI activities and ask that you submit an annual accomplishment report for the previous year and goals for the next year as required by 23 CFR § 200.9.

Should you have any questions with regard to this letter, you may contact our Civil Rights Program Manager, Lucy Marius, at lucy.marius@dot.gov or (609) 637-4236.

Sincerely,

Robert Clark
Division Administrator
FHWA -NJ Division



State of New Jersey

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

CHRIS CHRISTIE
Governor

RICHARD T. HAMMER
Commissioner

KIM GUADAGNO
Lt. Governor

November 13, 2017

Mr. Robert Clark
Division Administrator
Federal Highway Administration
840 Bear Tavern Road, Suite 202
West Trenton, NJ 08628

Attention: Lucy Marius
Civil Rights Specialist

Dear Mr. Clark:

Enclosed for your review and approval is New Jersey Department of Transportation's, 2017 Title VI Nondiscrimination Update Plan for the Federal Highway Administration.

Should you have any questions or need additional information regarding the attached document, please contact Tony Davis, Manager of Title VI and ADA Programs at 609-530-2893.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Legge".

Linda Legge, Executive Director
Division of Civil Rights/Affirmative Action

Enclosure



New Jersey Department of Transportation

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



Title VI Nondiscrimination Plan & Annual Accomplishment Report

FEDERAL FISCAL YEAR ENDING September 30, 2017



Chris Christie
Governor

Richard T. Hammer
Commissioner

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
ENVIRONMENTAL JUSTICE EXECUTIVE ORDER 12898 AND
LIMITED ENGLISH PROFICIENCY EXECUTIVE ORDER 13166
NONDISCRIMINATION POLICY STATEMENT

New Jersey Department of Transportation Title VI Nondiscrimination Compliance Executive Summary

2017

Introduction

The New Jersey Department of Transportation (NJDOT) is pleased to present our Annual Update Compliance Report on our Title VI Nondiscrimination (Title VI) Program for Federal Fiscal Year (FFY) ending September 30, 2017. This report is compiled as a result of the Department's receipt of federal funds and issued as direct result of federal funding and to comply with Title VI of the Civil Rights Act of 1964.

Through our Title VI Nondiscrimination Programs, we are living the Department's Mission Statement "**Improving Lives by Improving Transportation.**" There is no better way of improving lives of the citizens of New Jersey than through transportation which affects their lives directly. Engaging all aspects of New Jersey's diverse populations in the transportation decision-making process allows us to modify project alternatives through their direct engagement to avoid, minimize and mitigate adverse effects to their communities.

While we understand that there is always room for improvement and that our efforts are an interactive process, we are proud to highlight some of this year's accomplishments to ensure nondiscrimination in NJDOT's Programs and Activities:

- **NJDOT's DBE Certification and Procurement Program**

During this federal fiscal year NJDOT received 57 new applications for Disadvantage Business Enterprise (DBEs) certification, 51 were certified, 2 were denied and 4 withdrew their applications. This brings the current number of certified DBE firms in NJDOT's DBE Directory to 1,611. Of this number, 504 are African American, 274 are Hispanic, 115 are Asian Pacific American, 188 are Subcontinent Asian, 523 are Non-minority Women, and 7 are Non-Minority male firms who are socially and economically disadvantaged. The Department's total Capital Program for Construction and Consultant Services this year was \$537,742,327 of which \$71,146,582.00 was expended with DBE firms. Expenditures on DBE firms represented 13.23% of total expenditures. Our Annual DBE Goal of 12.44% was therefore exceeded by .79%. Additionally, in our efforts to increase DBE participation as prime contractors, and to increase use of the qualified DBE firms already certified in NJDOT's DBE Directory, NJDOT established a DBE Supportive Service Program. It is designed to increase the total number of DBE firms that are active on federally funded highway, street, and bridge construction projects and contribute to the growth and eventual self-sufficiency of individual DBE firms so that such businesses may achieve proficiency to compete on an equal basis for contracts and subcontracts. These are just some of our

efforts to ensure nondiscrimination in NJDOT's Procurement Program (*See Full DBE Update on page 189*).

- **NJDOT's Programmatic Areas Monitoring and Training**

The Department continues to monitor its programmatic areas through the assistance of the Title VI Task Force. The Task Force consists of representatives from the various programmatic areas who serve as Title VI Liaisons for their respective areas. Moreover, we have developed data reporting forms for some of the programmatic areas (Procurement, Environmental, Right of Way and Landscape Architecture/Environmental Solutions) for Title VI Liaisons to report to the Division of Civil Rights/Affirmative Action, Title VI and ADA Unit Supervisor on their Title VI programmatic efforts. We are in the process of developing additional forms for the other programmatic areas. In addition, we have conducted two Programmatic Title VI Reviews during this federal fiscal reporting period, one on Right of Way (ROW) and one on Community and Constituent Relations. Both of these reports contained observations, findings, and recommendations for corrective action (*See Appendix 1*). On July 25, 2017, we held a Title VI Task Force meeting which provided additional guidance and training to the Title VI Liaisons on their responsibility and requirements to ensure Title VI compliance within their respective areas. (*See Appendix 2*).

- **American with Disabilities Act (ADA)**

NJDOT is committed to full participation of individuals with disabilities and, during this federal fiscal year, secured \$2 million of dedicated funding for ADA upgrades into projects in the State-Wide Transportation Improvement Program (STIP) and Long-Range Transportation Plan. Additionally, the ADA Transition Plan was submitted to the Federal Highway Administration, New Jersey Division Office in April 2017. The plan includes six regional ADA retro-fit compliant contracts consisting of 57 projects approved by the Capital Program Committee. Additionally the Plan highlights public outreach and training, sub-recipient ADA Transition Plan submittals, and ADA ROW Sequencing Procedures and Technically Infeasible Projects. (*See Full ADA Update on page 193 and Appendix 3 ADA Transition Plan*)

- **Contractors' & Subcontractors' - Construction Contract Compliance**

The Division of Civil Rights/Affirmative Action, Contract Compliance Unit recommended the award of 50 federally-funded construction projects as a result of prime contractors meeting the DBE goal commitment, EEO, Training and other Civil Rights Contract Requirements at the time of award. NJDOT continues to aggressively monitor the contractors' compliance throughout the life of the contracts to ensure that contractors continue to meet each DBE contract goal. Of the 50 construction contracts awarded representing \$502,796,301 in total construction awards, \$55,317,066 or 11% was expended with DBE prime and sub construction contractors. (*See Full Contract Compliance Update on Page 190*)

- **Equal Employment Opportunity**

NJDOT is committed to equal employment opportunity within its own workforce and is pleased to highlight our overall workforce composition during this reporting period. Officials and Administrators showed slight increase for minorities 19% to 20.8% and a slight decrease for females 25% to 22.3%; Professionals showed a slight decrease for minorities 35% to 34.5% and females showed a modest increase from 49% to 49.2%; Technicians showed a slight increase for both minorities and females from 20% to 20.9% and 6% to 7.4% respectively; Para-Professionals showed a slight increase for minorities from 18% to 19.7% while there was decrease in females from 23% to 18.9%; Skilled Craft showed a slight decrease for both minorities and females from 24% to 23.2% and 3% to 2.6% respectively; and Services Maintenance showed a slight increase for minorities 16% to 16.7% and a slight decrease for females 3% to 2%. Our total workforce composition remains virtually unchanged since our last update, minorities went from 33% to 34% and females remained constant at 19%. NJDOT remains committed to a diverse workforce and has and will continue to make every available effort to seek out minorities and females in accordance with the market available for the various work categories. (*See Full EEO Update on page 187*).

- **NJDOT's Sub-recipient Monitoring and Training**

NJDOT continues to make progress on monitoring its sub-recipients' compliance with Title VI of the Civil Rights Act of 1964. To this end we kicked off a 21 county tour to educate all county sub-recipients of their responsibilities to implement a viable Title VI Program as required as a sub-recipient of federal funds. County officials were shown a PowerPoint presentation on their obligations to develop ADA Transition and Implementation Plans. They were also given a presentation on their responsibilities to have their Chief Executive Officer sign Title VI Assurances and develop a Title VI Plan to submit to the NJDOT Division of Civil Rights for review and approval and to provide annual updates to their programs. (*See Full Title VI Update on page 195 and Appendix 4 PowerPoint Presentation*).

- **Other Title VI Program Initiatives**

NJDOT in conjunction with Rowan University sponsored the **National Summer Transportation Institute** (NSTI) which is a curriculum used to develop action items in four transportation modes as well as nanomaterials used for transportation applications. A variety of supplemental program activities have enabled students to build personal confidence and team-building skills through the mastery of computer-based projects, transportation research and the development of engineering models. Rowan developed a four week summer program that gave participants exposure to highly technical lectures and hands-on projects. Rowan leveraged NSTI funding resources with in-kind services to provide participants with a more enriched program experience that allowed for more field trips with hands on exposure to real world transportation issues. The delayed timing of the approval of federal funding for this program hampered outreach efforts to disadvantaged students and there were fewer participants than desired. (*See Appendix 5*).

NJDOT also sponsored **AASHTO TRAC and RIDES** programs to expose New Jersey youth to careers in transportation and civil engineering and to help shape the transportation workforce in terms of increased representation of women and minorities. These programs are primarily aimed at schools in New Jersey's disadvantaged, urban and under-served communities with a focus on ultimately preparing the students to take on the demands and challenges required to pursue a civil engineering degree. To date, over 25 schools have agreed to partner with the NJDOT to implement this worthwhile program. NJDOT engineer/transportation professional liaisons (volunteers) and teachers in the TRAC (Transportation Research Activities Center) and RIDES (Roadways in Developing Elementary Students) Programs work together in the classroom to introduce students in grades K-12 to the work world of transportation and civil engineering. The goal for NJDOT CR/AA is to inspire minorities and females in underserved communities to consider careers in the transportation/civil engineering fields. Both programs are aligned with national standards and are currently being aligned with Core Curriculum Standards of Learning.

NJDOT is in the process of revitalizing our **Urban Youth Corps Program**, this program targets youth and young adults between the ages of 16 and 25 who are economically or socially disadvantaged and who have experienced barriers to employment (e.g., the lack of a high school diploma, homelessness, teen parenting, being physically or mentally challenged, or being an ex-offender). Program participants receive on-the-job training while working on transportation-related community projects. They will also have an opportunity to learn the basics of urban forestry, landscaping, fabrication and installation of amenities on recreational trails, horticulture, construction inspection, materials testing and restoration of historic structures. Youth participants also receive training in life, safety and technical skills. The primary objectives of the Youth Corps Program is to provide transportation related employment and training opportunities to disadvantaged youth who will be engaged in meaningful and productive activities that result in improvements to our statewide urban gateways. Thus, one of the fundamental benefits of the program is funding for youth employment. Another important benefit is the job training, educational instruction and supportive services the youth receive, which will prepare them for future success. The individual participants also gain a sense of community pride by engaging in paid, productive community service projects. Finally, the program will partner NJDOT with local government agencies, not-for-profits, community-based organizations or other entities with established youth programs.

As illustrated in the above summary, NJDOT is committed to both the intent and spirit of the Title VI Civil Rights Act of 1964 and its implementing regulations. It is evident that NJDOT's Title VI Nondiscrimination Program is intergraded into our various program areas and we have created a multi-disciplinary approach to achieve full Title VI compliance.

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Title VI Nondiscrimination Policy Statement



State of New Jersey

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

CHRIS CHRISTIE
Governor

RICHARD T. HAMMER
Acting Commissioner

KIM GUADAGNO
Lt. Governor

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
Title VI Unit
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

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Definition of Terms

ADA – Americans with Disabilities Act which defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity, including people having a record of such an impairment, or people who are regarded as having a disability, even if they do not.

Adverse Effects - An unfavorable, undesirable or harmful effect.

Affirmative Action - Specific actions in recruitment, hiring, upgrading, and other areas designed and taken for the purpose of eliminating the present effects of past discrimination, or to prevent discrimination. Affirmative action achieves, maintains or leads to equal employment opportunity.

Applicant – A person who submits an application, request or plan to be approved by the primary recipient, as a condition to eligibility for Federal financial assistance, and “application” means such an application, request or plan.

Beneficiary - Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, *i.e.*, relocatees, impacted citizens, communities, etc.

Bidding – The offer of particular prices for something, or, to perform work.

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

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

Consultants – A person, firm or company that provides expert professional advice or services in a particular area such as engineering, or any other specialized field, for a fee.

Contract – A written agreement, enforceable by law.

Contractor – A person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

Deficiency status - The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

Disadvantaged Business Enterprise (DBE) – A for-profit small business concern (1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

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

Disparate Impact – Policies, practices, rules, or other systems that appear to be neutral, but result in a disproportionate impact on protected groups. Disparate treatment is intentional.

Equal Employment Opportunity – An employment practice where employers do not engage in employment activities that are prohibited by law, such as discrimination against an applicant or employee on the basis of race, age, color, sex, religion, or national origin.

Emerging Small Business Enterprise (ESBE) – A small business primarily owned and controlled by one or more economically disadvantaged individuals, irrespective of race, gender and ethnicity, whose personal net worth does not exceed \$1.32 million.

Environmental Assessment (EA) – The process of estimating and evaluating significant short-term and long-term effects of a project or program on the quality of its location's environment, including the identification of ways to minimize, mitigate, or eliminate these effects and/or compensate for their impact.

Environmental Impact Statement (EIS) - A document required by the National Environmental Policy Act (NEPA) for certain actions significantly impacting the environmental quality of the human environment. The document is a detailed analysis of the positive and negative environmental effects of a proposed action, and usually also lists one or more alternative actions which would avoid or minimize adverse impacts or enhance the quality of the human environment.

Environmental Justice (EJ) – The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Facility - Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and *the provision of facilities* includes the construction, expansion, renovation, remodeling, alternation or acquisition of facilities.

Federal Assistance/Federal Aid - Any federal program, project, service, and activity provided by federal government agencies, that directly assist domestic governments, organizations or individuals in the areas of public safety, public welfare and public works, among others.

Federal Highway Administration (FHWA) – The Federal Highway Administration is a division of the United States Department of Transportation that specializes in highway transportation.

Federal Aid Highway Program – A program commencing in 1916 to oversee the federal-aid highway system, consisting of the Interstate highway network, federal-aid primary highway system of main highways, and federal-aid secondary highway system of principal secondary and feeder routes.

Good-Faith Effort - Affirmative action measures designed to implement the established objectives of an affirmative action plan.

Handicapped or Disabled Individual(s) - Any person who: (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (b) has a record of such an impairment; or (c) is regarded as having such an impairment.

Journeyman - A person who is capable of performing all the duties within a given job classification or craft.

Limited English Proficient (LEP) - Individuals who do not speak English as their primary language and who have a **limited** ability to read, speak, write, or understand English.

Low Income - Poverty is the state of one who lacks a certain amount of material possessions or money. Absolute poverty or destitution refers to the deprivation of basic human needs, which commonly includes food, water, sanitation, clothing, shelter, health care and education.

Low Income Population – Refers to the segment of a community having an income level near or below the yearly-defined federal poverty guidelines.

Local Public Agency (LPA) – Any political subdivision of the State such as a city, county or other public agency with legal authority to acquire right of way for highways or public roads and provide relocation benefits, and has responsibility for planning, construction, operation or maintenance of, or jurisdiction over a transportation facility.

Metropolitan Planning Organization (MPO) – Regional level planning organizations within the State of New Jersey, i.e. Delaware Valley Regional Planning Commission (DVRPC), South Jersey Transportation Planning Organization (SJTPPO), and the North Jersey Transportation Planning Authority, Inc. (NJTPA)

Minority – A person who is a citizen or lawful permanent resident of the United States and who is:

- **Black**-a person having origins in any of the black racial groups of Africa
- **Hispanic**-a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race
- **Asian or Pacific Islander**-a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands
- **American Indian or Alaskan Native**-a person having origins in any of the original peoples of North American, and who maintain cultural identification through tribal affiliation or community recognition
- **White**- having origins in any of the original peoples of Europe, North Africa, or the Middle East
Additional subcategories based on national origin or primary language spoken may be used, where appropriate on either a national or regional

Minority Population – A culturally, ethnically, or racially distinct group that coexists with but is subordinate to a more dominant group.

National Environmental Policy Act (NEPA) – A United States environmental law that established a U.S. national policy promoting the enhancement of the environment and also established the Council on Environmental Quality (CEQ).

National Origin - Pertains to one's origin based on birthplace, ancestry, culture or linguistic characteristics common to a specific ethnic group. National origin may be expressed as a country (e.g. Nigeria, China, Jamaica) or as a continent or geographical area (e.g. African, Asian, Caribbean).

National Summer Transportation Institute (NSTI) - A transportation-centered educational program promoting awareness of science, technology, engineering and math educational and career opportunities among disadvantaged and at-risk idle and high school students, funded and governed by the Federal Highway Administration.

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

Persons - Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin", "Black not of Hispanic origin", "Hispanic", "Asian or Pacific Islander", "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis.

Prequalification/Qualification – An initial evaluation and determination of an applicant / consultant / contractor's worthiness of resources and experience to complete the job as required.

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

Program area officials - The officials in FHWA who are responsible for carrying out technical program responsibilities.

Proposal – A formal written plan or suggestion, put forth for consideration or discussion by others.

RE – The person in charge of construction oversight and coordination of a NJDOT project, or NJDOT sponsored project. This person may be a NJDOT employee, or a consultant, hired by NJDOT.

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

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

Small Business Enterprise – A firm whose three-year average gross receipts do not exceed current U.S. Small Business Administration (SBE) size standards.

Small Business Administration – An autonomous United States government agency, established in 1953 to promote and strengthen the overall economy by assisting small businesses.

Socially and Economically Disadvantaged Individual – Those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as members of a group, presumably:

- Black Americans
- Hispanic Americans
- Native Americans (American Indians, Eskimos, Aleuts, and Native Hawaiians)
- Asian Pacific Americans (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands [Republic of Palau], Commonwealth of the Northern Mariana Islands, Laos, Cambodia [Kampuchea], Taiwan; Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Republic of the Marshall Islands, Federated States of Micronesia, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru; Subcontinent Asian Americans (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands or Nepal), and
- Members of other groups designated by the Small Business Administration.

State Highway Agency - That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term *State* would be considered equivalent to *State highway agency* if the context so implies.

Statewide Transportation Improvement Program (STIP) – A document presenting a comprehensive guide to major multimodal long-range transportation improvements planned in the State of New Jersey, including a listing of statewide line items and programs, regional transportation projects, local and state highway projects as well as public transit and authority sponsored projects.

Sub-recipient – A not-for-profit entity that expends federal awards received from a pass-through entity to carry out a Federal program.

Supportive services - Means those services provided in connection with approved on-the-job training programs for highway construction workers and highway contractors which are designed to increase the overall effectiveness of training programs through the performance of functions determined to be necessary in connection with such programs, but which are not generally considered as comprising part of actual on-the-job craft training.

Title VI Program - The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex,

or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-d4 (49 CFR part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3);
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) (49 CFR part 25; Pub. L. 91-646);
- Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601- 3619);
- 23 U.S.C. 109(h);
- 23 U.S.C. 324;
- Subsequent Federal-Aid Highway Acts and related statutes.

Trainee - A person who received on-the-job training, whether through an apprenticeship program or other programs approved or accepted by the FHWA. A trainee is one who has not previously worked in, or been paid as, a journeyman in the classification for which they are to be trained and has not previously completed such a program.

Training Classification - A craft in which a trainee receives on-the-job training, whether through an apprenticeship program or other programs approved or accepted by the FHWA.

Transportation Improvement Program (TIP) – A document (developed by the Metropolitan Planning Organizations) of the regional transportation program, containing local and state highway projects, statewide line items and programs, as well as public transit and authority sponsored projects.

Two or More Races(not Hispanic or Latino) - A person who identifies with more than one of the other races i.e., White, Black, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander, and/or Asian.

United States Department of Labor (USDOL) - A department of the Federal Government responsible for promoting the working conditions of wage earners in the United States; USDOL issues Wage Determinations, responds to Additional Wage Requests and issues regulations, mandates and interpretive memorandum pertaining to the 180 federal wage related laws it administers.

United States Department of Transportation – A federal Cabinet department of the United States government concerned with transportation, established by an act of congress on October 15, 1966, and beginning operation on April 1, 1967.

Vendor – A for-profit entity (dealer, distributor, merchant or other seller) providing goods or services that are required for the conduct of a federal program.

Workforce - The total number of people employed in a company.

Authorities

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000 provides in section 601 that: “No person in the United States shall, on the grounds of race, color, national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (implementation through 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability. The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100- 259 [S. 557] March 22, 1988).

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, provides for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.

Section 162(a) of the Federal-aid Highway Act of 1973, (Section 324, Title 23 U.S.C.) No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Section 503 of the Rehabilitation Act of 1973 prohibits discrimination and requires employers with federal contracts or subcontracts that exceed \$10,000 to take affirmative action to hire, retain, and promote qualified individuals with disabilities. All covered contractors and subcontractors must also include a specific equal opportunity clause in each of their nonexempt contracts and subcontracts.

Section 504 of the Rehabilitation Act of 1973 No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987, P.L. 100-209—clarifies the original Congressional intent of Congress in implementing the Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.)

The Americans with Disabilities Act of 1990, P.L. 101-336, provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.” The legislative intent is to provide enforceable standards to address discrimination against people with disabilities.

Equal Pay Act of 1963: A law which requires equal pay between the sexes on jobs that require equal skill, effort, and responsibility.

Equal Pay Act of 1976 (EPA): This legislation prohibits discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce.

Vietnam Era Veterans Readjustment Assistance Act of 1972, (38 USC § 4212) Prohibits discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans and qualified disabled veterans.

Executive Order 11246: This legislation bans discrimination and requires contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, national origin, disability or status as a Vietnam era or special disabled veteran.

Executive Order 12898– **Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations**, issued February 11, 1994

USDOT ORDER 5610.2(a) – **Final DOT Environmental Justice Order (Department of Transportation Actions to Address Environmental Justice in Minority populations and Low-Income Populations**, issued May 2, 2012)

FHWA Order 6640.23A – **FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**, issued June 14, 2012

Executive Order 13166– **Improving Access to Services for Persons with Limited English Proficiency (LEP)**, issued August 16, 2000

49 CFR Part 21 – **Nondiscrimination in Federally-Assisted Programs of the Department of Transportation**

49 CFR Part 23 and Part 26: Regulates participation by Disadvantaged Business Enterprises in Department of Transportation programs.

23 CFR Part 200 – **Title VI Program and Related Statutes-Implementation and Review Procedures**

USDOT ORDER 1050.2 – **Standard Title VI Assurances**

Procedures, Manuals and Directives Applicable to the Federal-Aid Highway Program

The following procedures, manuals and directives used by the Department are applicable to the Federal-aid highway program, and Title VI.

1. New Jersey Statute Title 27: Highways
2. New Jersey Statute Title 6: Aviation
3. New Jersey Administrative Code (M.J.A.C)
4. New Jersey Register
5. NJDOT Right of Way Manual, 2012
6. NJDOT Right of Way Engineering Manual 2005
7. NJDOT Policy/Procedure 207 – Equal Employment Opportunity/Affirmative Action
8. NJDOT Policy & Procedure 310 – Bid Contracts – Awarding or Rejecting, Preparing, Executing and Distributing
9. NJDOT Policy/Procedure 312 – Consultant Selection Process for Professional Services
10. NJDOT Policy/Procedure 316 – Debarment, Suspension and Disqualification of a Contractor
11. NJDOT Policy/Procedure 317 – Classification of Contractors
12. NJDOT Policy/Procedure 318– Receipt of Bids
13. NJDOT Policy/Procedure 321 – Grants
14. NJDOT Policy/Procedure 354 – Use of Term Agreements in the Procurement of Professional Services
15. NJDOT Policy/Procedure 404– Initiation of NJDOT Projects
16. NJDOT Policy/Procedure 510– Reasonable Accommodations in Employment for Individuals with Disabilities
17. NJDOT Policy/Procedure 536– Recruitment Policy for Non-Competitive Positions
18. NJDOT Policy/Procedure 703 – Complete Streets Policy
19. NJDOT Policy 405 – Change in Project Scope and Status
20. NJDOT Policy/Procedure 707– Federal Funds Management
21. NJDOT Policy/Procedure 801– Environmental Reevaluation Process
22. NJDOT Policy/Procedure 807– Initiation of Right of Way Projects for State Highways

23. NJDOT Policy/Procedure 810 – Contractor’s Claim Settlements by the Department’s Claims Committee, Mediation or Litigation; and FHWA Participation in Settlements
24. NJDOT Policy/Procedure 814 - ROW Relocation P Card for Lodging
25. STATE OF NEW JERSEY AFFIRMATIVE ACTION RULES FOR PROFESSIONAL SERVICE CONTRACTS (L. 1975, C. 127 (N.J. A.C. 17:27), as amended and supplemented, dealing with Affirmative Action Rules on public contracts, and the rules and regulations promulgated pursuant thereto.
26. NJDOT Employee Intranet Capital Project Delivery Website:
<http://www.state.nj.us/transportation/capital/pd/>
27. NJDOT Project Delivery Process Phase Summaries & Diagrams
28. Project Delivery Process Phase Summaries (Problem Screening Phase, Concept Development Phase, Preliminary Engineering Phase, final Design Phase, and Construction Phase)
29. Project Delivery Process Project Customization Guideline
30. Project Delivery Process High Level Work Breakdown Structure
31. Acquisition of real property is governed by the State of NJ Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq.
32. O.M.B. Circular A-102 - Grants and Cooperative Agreements with State & Local Governments
33. O.M.B. Circular A-110 - Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations.
34. NJDOT, Division of Local Aid and Economic Development, “[Transportation Enhancements Handbook](#)”
35. NJDOT, Division of Local Aid and Economic Development, “[Transportation Alternatives Program Handbook](#)”
36. NJDOT, Division of Local Aid and Economic Development, “[Program Description and Procedures for Bikeway Grant Program](#)”
37. NJDOT, Division of Local Aid and Economic Development, “[Program Description and Procedures for Safe Streets to Transit Grant Program](#)”
38. NJDOT, Division of Local Aid and Economic Development, “Program Description and Procedures for Local Bridges, Future Needs”
39. NJDOT, Division of Local Aid and Economic Development, “[Federal Aid Handbook](#)”
40. NJDOT, Division of Local Aid and Economic Development, “[Federal Aid Process Maps, September 2001](#)”
41. NJDOT, Procedure EMS-013 (Division of Procurement, Bureau of Equipment, Materials & Supplies) – [Procedure for Procurement of Small Construction Projects](#)

Title VI Standard Assurances

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled 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;

- 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:

"The New Jersey Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively 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."

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

By signing this ASSURANCE, the *New Jersey Department of Transportation* 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 New Jersey Department of Transportation 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.



New Jersey Department of Transportation

by

(Signature of Authorized Official)

DATED

2/19/14

Standard Title VI Assurances – 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 Assurances – 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 New Jersey Department of Transportation 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 *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 *New Jersey Department of Transportation* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the *New Jersey Department of Transportation* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *New Jersey Department of Transportation*, 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 *New Jersey Department of Transportation* 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 Assurances – 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 *New Jersey Department of Transportation* pursuant to the provisions of Assurance 7(a):

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

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

Standard Title VI Assurances – Appendix D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *New Jersey Department of Transportation* pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits 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, *New Jersey Department of Transportation* 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, *New Jersey Department of Transportation* will there upon revert to and vest in and become the absolute property of the *New Jersey Department of Transportation* and its assigns.*

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

Standard Title VI Assurances – 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.*)

Policy

DOT POLICY

It is the policy of the New Jersey Department of Transportation to effectuate Title VI of the Civil Rights Act of 1964 as amended, and Environmental Justice Executive Order 12898 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 be otherwise subjected to discrimination in any program or activity which is administered by the Department of Transportation.

See “[Procedures for Ensuring Title VI Compliance](#)” for additional discussion about policy and posters displayed.

DISSEMINATION OF POLICY

NJDOT conducts New Employee Orientation training for all new hires. This is held at the Headquarters location, and is mandatory for all new employees of the department. The training covers HR topics such as leaves, pension and benefits as well as having a component about the Division of Civil Rights. The Civil Rights portion of the training gives an overview of the Division of Civil Rights and Affirmative Action, as well as a presentation on the “*New Jersey State Policy Prohibiting Discrimination in the Workplace*”, outlining the prohibition of discrimination in the workplace, as well as activities, programs and such administered by NJDOT.

Training is required to be held every other year. Employees are required to sign an acknowledgement form that they have received the policy every two years, or if the policy has major updates. This acknowledgement form is returned to the Division of Human Resources for inclusion in the employee’s personnel file.

Organization, Staffing & Responsibilities

OVERALL DOT ORGANIZATION

The New Jersey Department of Transportation was established in 1966 as the first State transportation agency in the United States, responsible for maintaining and operating the State's highway and public road system, planning and developing transportation policy and assisting with freight, rail and intermodal transportation issues. In 1979, the passenger rail division was moved under the newly established New Jersey Transit.

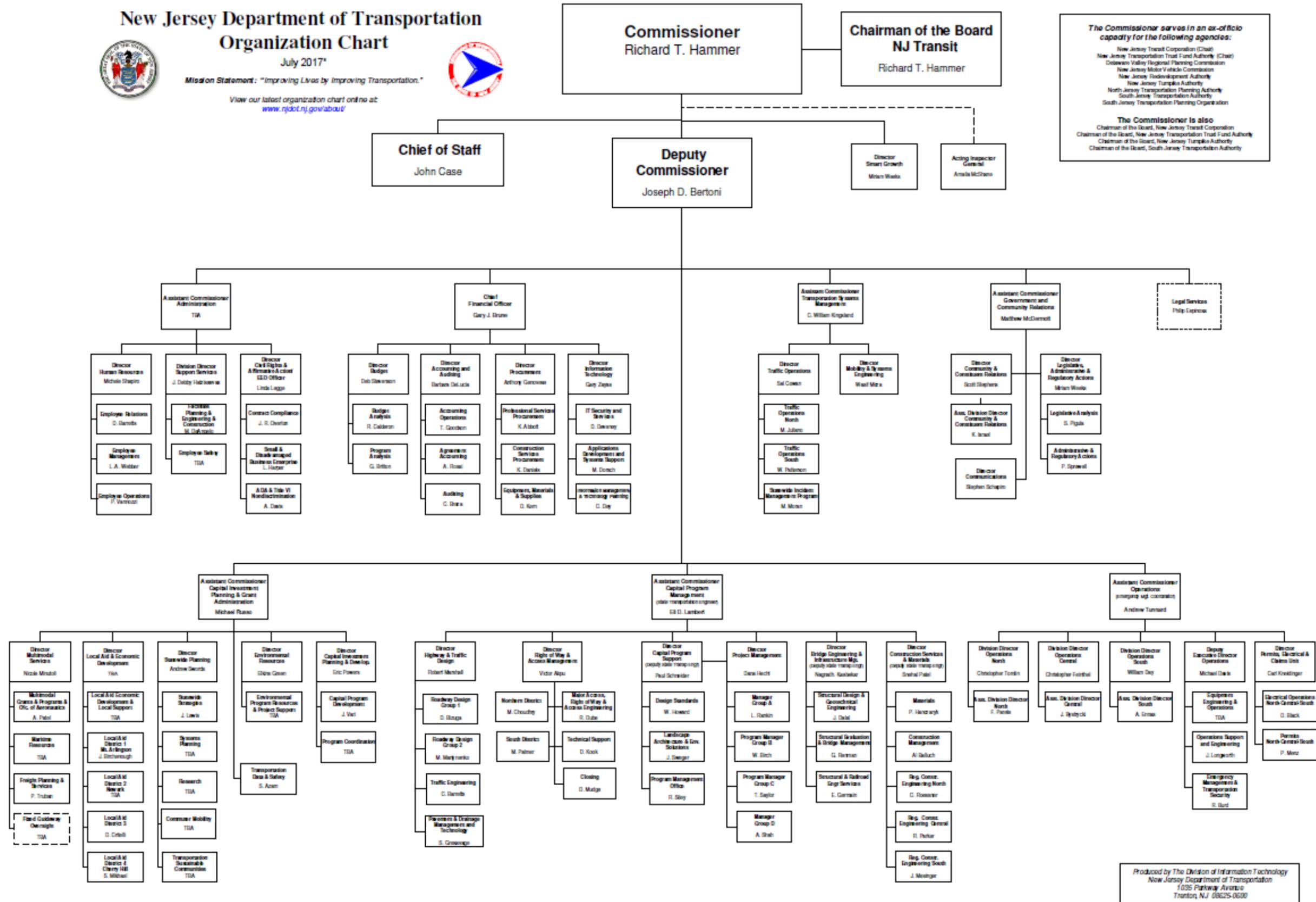
NJDOT is a hierarchical organization lead by the Commissioner of Transportation, which is an Executive level cabinet position, appointed by the Governor of New Jersey. The Governor's Office receives credentials of interested potential appointees and the Governor reviews these candidates. The Governor appoints a chosen candidate when a vacancy exists, or when desired. The biography of the Commissioner is maintained online at: <http://www.state.nj.us/transportation/about/commissioner/>

Reporting directly to the Commissioner are the Deputy Commissioner and Chief of Staff. Independent from the Commissioner, but reporting directly to him or her, is the Inspector General.

Six Assistant Commissioners and the Chief Financial Officer report directly to the Deputy Commissioner, but always have access to the Commissioner. The Assistant Commissioners oversee the following areas of the department: Capital Administration & Grant Administration, Capital Program Management, Community & Constituent Relations, Operations, Transportation Systems Management, and Administration.

Executive Staff at the department consists of the Chief of Staff, Chief Financial Officer, Inspector General, and the Assistant Commissioners of Administration, Transportation Systems Management, Government and Community Relations, Capital Investment Planning & Grant Administration, Capital Program Management and Operations (Figure 2). Biographies of Executive Staff are maintained on the NJDOT website at: <http://www.state.nj.us/transportation/about/commissioner/staff.shtm> See "[*Data Collection*](#)" for a breakdown of Senior Leadership membership by gender and race. (Page 89)

New Jersey Department of Transportation
Organization Chart
 July 2017*
 Mission Statement: "Improving Lives by Improving Transportation."
 View our latest organization chart on line at:
www.njdot.nj.gov/about/



The Commissioner serves in an ex-officio capacity for the following agencies:
 New Jersey Transit Corporation (Chair)
 New Jersey Transportation Trust Fund Authority (Chair)
 Delaware Valley Regional Planning Commission
 New Jersey Motor Vehicle Commission
 New Jersey Redevelopment Authority
 New Jersey Turnpike Authority
 North Jersey Transportation Planning Authority
 South Jersey Transportation Authority
 South Jersey Transportation Planning Organization

The Commissioner is also
 Chairman of the Board, New Jersey Transit Corporation
 Chairman of the Board, New Jersey Transportation Trust Fund Authority
 Chairman of the Board, New Jersey Turnpike Authority
 Chairman of the Board, South Jersey Transportation Authority

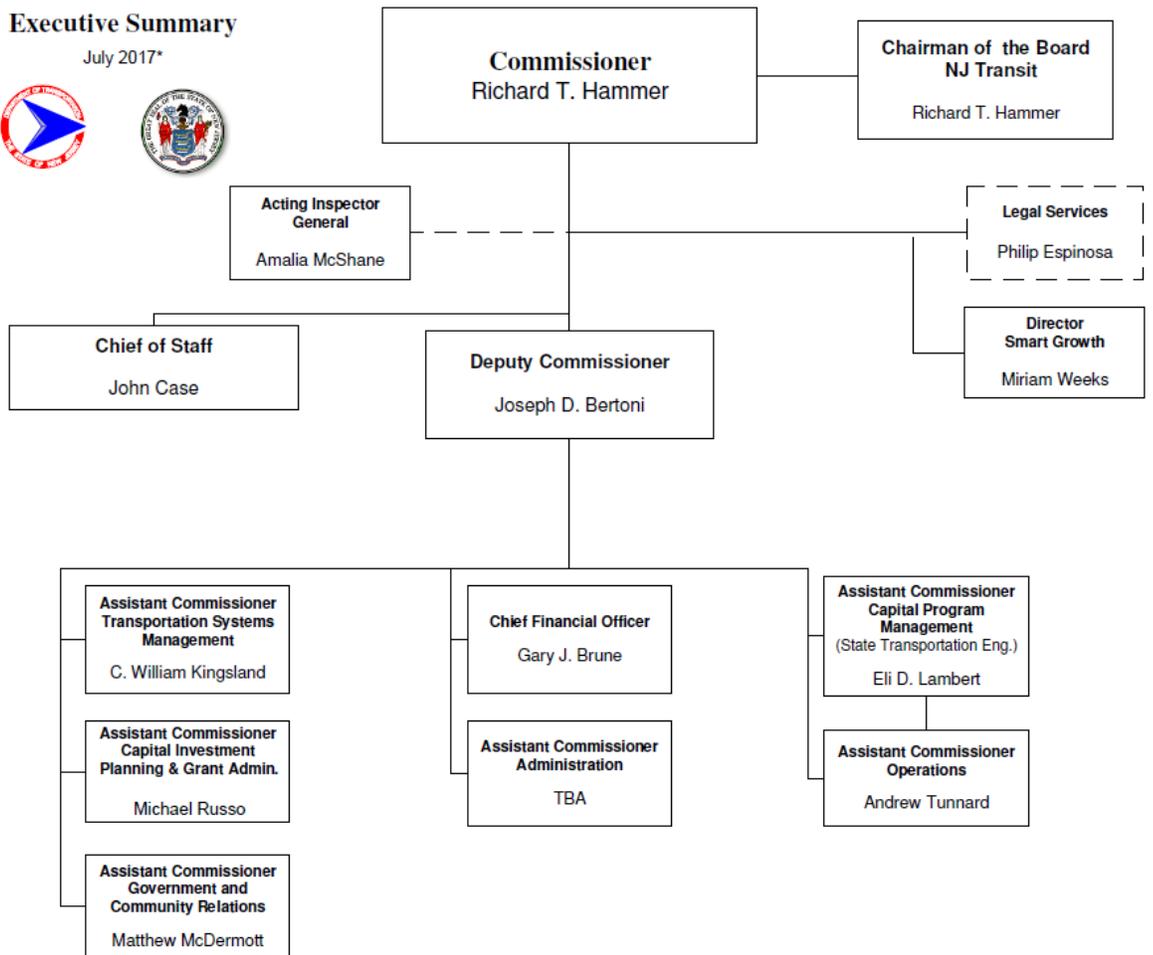
Produced by The Division of Information Technology
 New Jersey Department of Transportation
 1035 Parkway Avenue
 Trenton, NJ 08625-0600

Figure 1– NJDOT Organizational Chart

New Jersey Department of Transportation

Executive Summary

July 2017*



*Updated by CR/AA for reporting purposes (Sept. 2017)

Figure 2 - NJDOT Executive Staff (Senior Leadership)

Several, but not all of NJDOT’s activities, are performed in a decentralized organizational structure consisting of the Headquarters’ Office located in Ewing Township, and three Regional Complex Offices - Region North out of Mt Arlington, Region Central out of Headquarters and Region South out of Cherry Hill. See Figure 3 for a breakdown of these Regional areas.

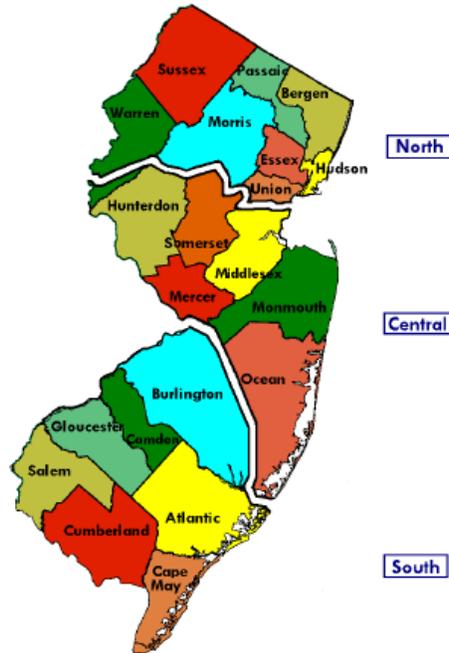


Figure 3 – NJDOT Regional Areas

NJDOT’s workforce continues to be diverse - mirroring the cultural diversity of the citizens of the very state that the department serves. Employees come from worldwide, having backgrounds originating in America, Africa, Asia, Eastern and Western Europe, as well as the Middle East, to name a few. As of September 1, 2017, there were 3,211 full-time employees of which 2,591 (81%) were male, and 620 (19%) were female.

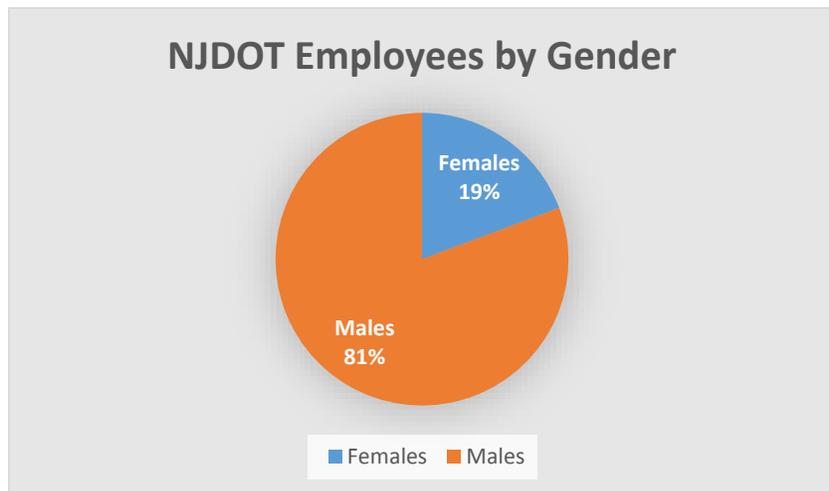


Figure 4 – NJDOT Workforce by Gender

Minorities accounted for 33% (1094) of the workforce; non-minorities 66% (2117). Updated data concerning the Department’s current workforce is shown in the various charts and tables on the next few pages.

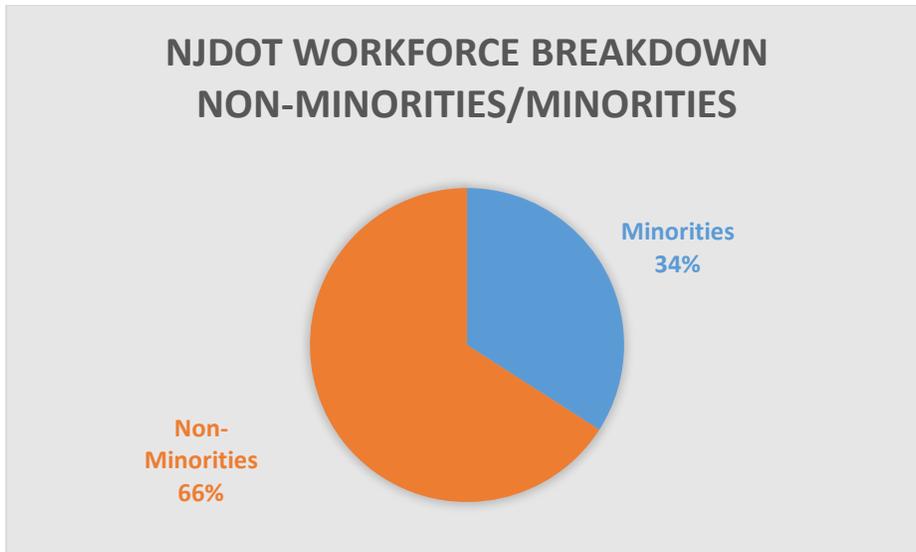


Figure 5 -NJDOT Workforce - Minorities/Non-Minorities

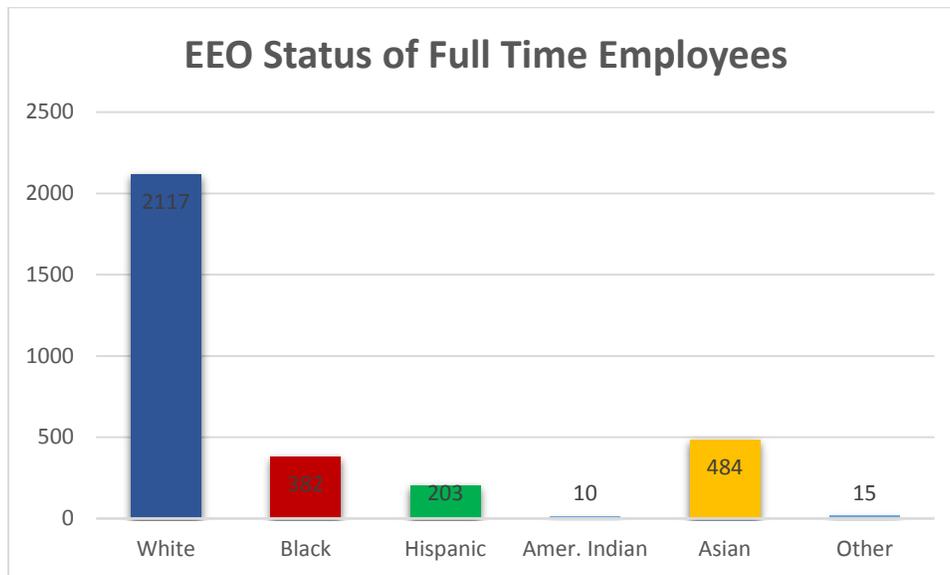


Figure 6 – EEO Status of Full Time Employees – September 1, 2017

Figure 6 illustrates the current racial and ethnic breakdown of the Department. Currently, the Department is approximately 15% Asian or Pacific Islander; 0.3% American Indian or Alaskan Native; 12% Black; 6% Hispanic; 66% White, and 0.5% Other.

Figure 7 below, shows that over half of NJDOT’s current male workforce is White (68%); 10% are Black, 6% are Hispanic and 15% are Asian. Representation of male American Indian/Native Americans is minimal, at 0.4%, and representation of male “Other” is 0.4%.

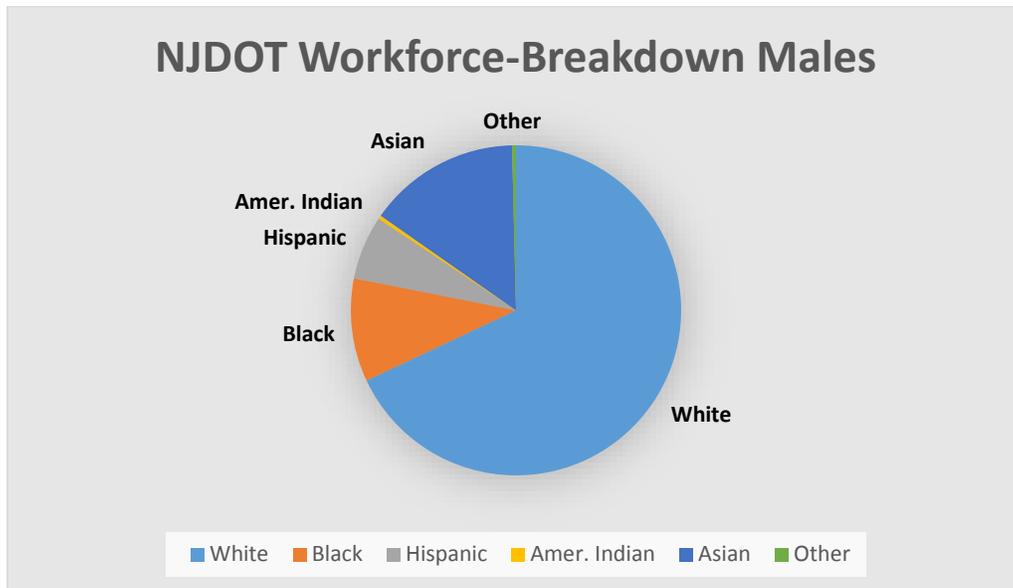


Figure 7 - NJDOT Workforce Breakdown of Males by Race

Figure 8 below illustrates the breakdown of NJDOT’s female workforce by race - 57% White, 19% Black, 6% Hispanic, 16% Asian and 1% are classified as “Other”. Representation of female American Indian/Native American employees is very small, with just one employee.

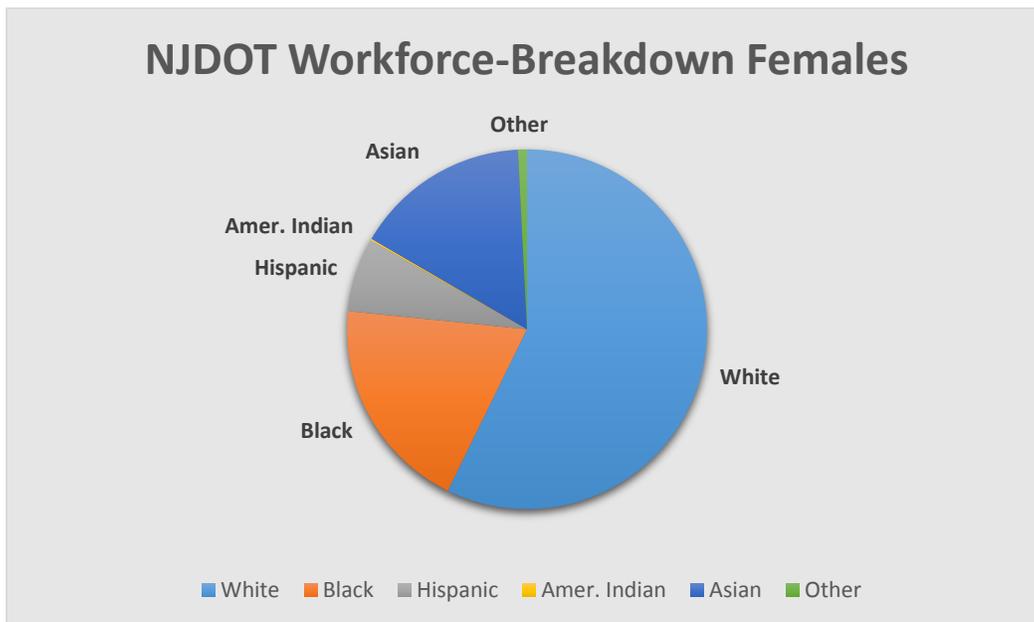


Figure 8- NJDOT Workforce Breakdown of Females by Race

As shown in Figure 9 below, females have a strong representation in the Professional job category, followed by the Office Clerical and Officials/Administrators job categories. Female representation

is evident, but minimal in the Skilled Craft, Technician, Para-Professional and Skilled Craft job categories. Female representation in the Service Maintenance job category is slight.

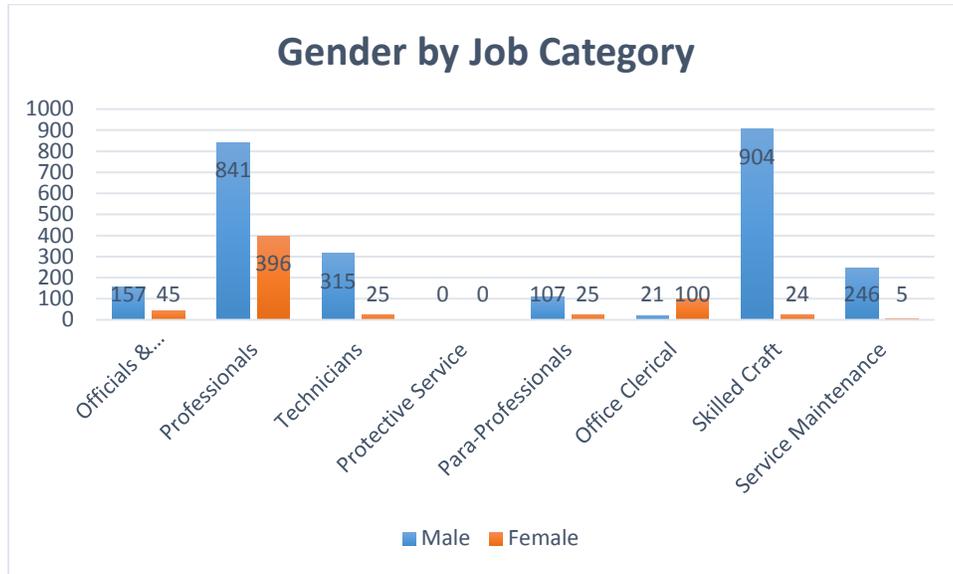


Figure 9 – Gender Distribution by Job Category

Figure 10 on the next page, shows that the job category with the highest representation of minorities is Professionals, followed by Skilled Craft and Technicians.

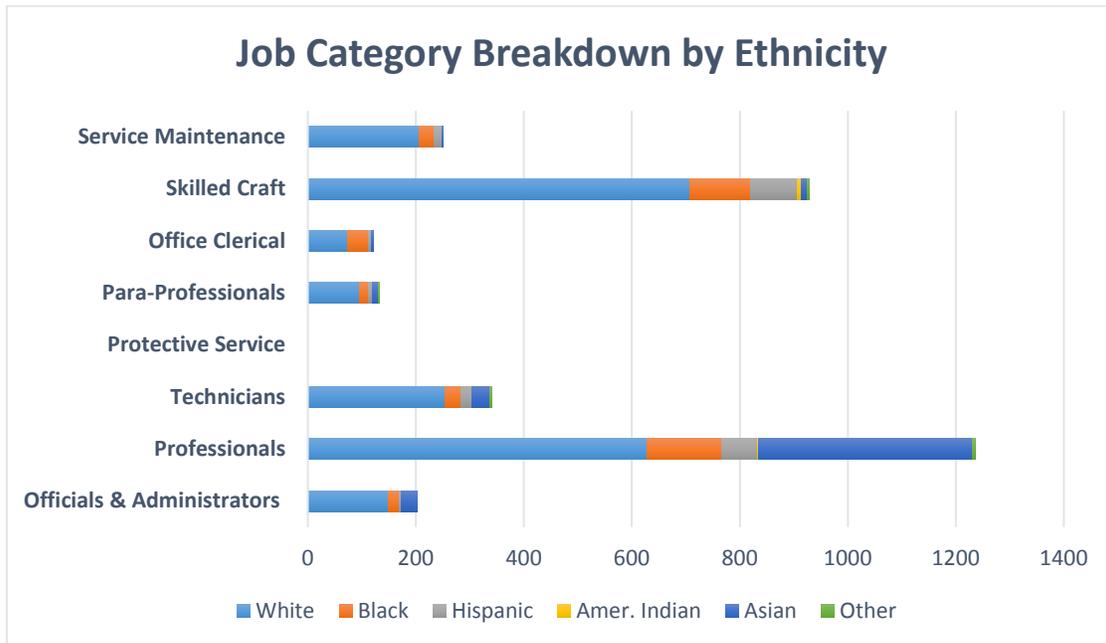


Figure 10 – Employee Breakdown by Job Category & Ethnicity

The EEO Status for full time employees at NJDOT as of August 20, 2017 was:

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
EEO STATUS AT END OF 4TH QUARTER 2016
(FULL TIME EMPLOYEES ONLY)**

JOB CATEGORY	MALE								FEMALE								TOTAL MALES	TOTAL FEMALES	MINORITY TOTAL	GRAND TOTAL
	WHITE	BLACK	HISPANIC	AMER INDIAN	ASIAN	OTHER	MALE MINORITY	WHITE	BLACK	HISPANIC	AMER INDIAN	ASIAN	OTHER	FEMALE MINORITY						
OFFICIALS & ADMINISTRATORS	115	12	3	0	27	0	42	157	35	7	1	0	2	0	10	45	52	202		
	56.9%	5.9%	1.5%	0.0%	13.4%	0.0%	20.8%	77.7%	17.3%	3.5%	0.5%	0.0%	1.0%	0.0%	5.0%	22.3%	25.7%	100.0%		
PROFESSIONALS ALL	414	73	39	2	311	2	427	841	214	66	26	1	85	4	182	396	609	1237		
	33.5%	5.9%	3.2%	0.2%	25.1%	0.2%	34.5%	68.0%	17.3%	5.3%	2.1%	0.1%	6.9%	0.3%	14.7%	32.0%	49.2%	100.0%		
TECHNICIANS ALL	244	25	16	1	26	3	71	315	11	4	3	0	7	0	14	25	85	340		
	71.8%	7.4%	4.7%	0.3%	7.6%	0.9%	20.9%	92.6%	3.2%	1.2%	0.9%	0.0%	2.1%	0.0%	4.1%	7.4%	25.0%	100.0%		
PROTECTIVE SERV NON-SUPERVISORY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%		
PARA-PROFESSIONALS	81	12	4	0	9	1	26	107	15	5	3	0	1	1	10	25	36	132		
	61.4%	9.1%	3.0%	0.0%	6.8%	0.8%	19.7%	81.1%	11.4%	3.8%	2.3%	0.0%	0.8%	0.8%	7.6%	18.9%	27.3%	100.0%		
OFFICE CLERICAL	15	5	0	0	1	0	6	21	58	35	5	0	2	0	42	100	48	121		
	12.4%	4.1%	0.0%	0.0%	0.8%	0.0%	5.0%	17.4%	47.9%	28.9%	4.1%	0.0%	1.7%	0.0%	34.7%	82.6%	39.7%	100.0%		
SKILLED CRAFT	689	109	86	6	10	4	215	904	19	2	2	0	1	0	5	24	220	928		
	74.2%	11.7%	9.3%	0.6%	1.1%	0.4%	23.2%	97.4%	2.0%	0.2%	0.2%	0.0%	0.1%	0.0%	0.5%	2.6%	23.7%	100.0%		
SERVICE MAINTENANCE	204	26	14	0	2	0	42	246	3	1	1	0	0	0	2	5	44	251		
	81.3%	10.4%	5.6%	0.0%	0.8%	0.0%	16.7%	98.0%	1.2%	0.4%	0.4%	0.0%	0.0%	0.0%	0.8%	2.0%	17.5%	100.0%		
TOTALS	1762	262	162	9	386	10	829	2591	355	120	41	1	98	5	265	620	1094	3211		
	55%	8%	5%	0%	12%	0%	26%	81%	11%	4%	1%	0%	3%	0%	8%	19%	34%	100%		

Table 1 – EEO Status for Full Time NJDOT Employees

Table 1 above shows that the job category with the greatest male representation is Skilled Craft. The job category with the next highest male representation is Professionals, followed by Technicians, Service Maintenance, Officials & Administrators, and Paraprofessionals. The category with the least male representation is Office Clerical.

The job category with the greatest minority male representation is Professionals. The job category with the next highest minority male representation is Skilled Craft, followed by Technicians, then equally by Officials & Administrators and Service Maintenance, then Para-professionals. The job category with the least minority male representation is Office Clerical.

The job category with the greatest female representation is Professionals. The job categories with the next highest representation of females are Office Clerical, then Officials & Administrators, then Para-Professionals. Representation in the categories of Technicians and Skilled Crafts is fairly equal. The job category with the least amount of female representation is Service Maintenance.

The job category with the greatest minority female representation is Professionals. The job categories with the next highest representation of female minorities are Office Clerical, Technicians, then, Officials & Administrators. The category with the least minority female representation is Service Maintenance.

Analyzing this EEO workforce information is important as it helps the Department identify where to target efforts to redress underutilization of women and minorities.

The Commissioner of the New Jersey Department of Transportation is responsible for ensuring the implementation of the Department's Title VI Nondiscrimination Program (Title VI). The Commissioner has designated the Division of Civil Rights and Affirmative Action (DCR/AA) as the coordinating division for Title VI within the Department.

CIVIL RIGHTS & AFFIRMATIVE ACTION (DCR/AA)

The DCR/AA has primary responsibility for the overall administration, implementation and enforcement of the Department's various Civil Rights programs and activities, including the Title VI Nondiscrimination Program. DCR/AA is comprised of the following Units: Internal Equal Employment Opportunity/Affirmative Action (EEO/AA), Disadvantaged and Emerging Small Business, Contractor Compliance, Wage Rate, as well as Title VI Nondiscrimination. The Title VI Nondiscrimination Unit includes the Americans with Disabilities (ADA), Environmental Justice (EJ) and Limited English Proficiency (LEP) Programs.

Leadership of the DCR/AA still consists of a Director's position, who reports directly to the Assistant Commissioner of Administration. The DCR/AA directly reports to the Assistant Commissioner's Office any problems or accomplishments in the Department's Title VI Program as well as the concerns and accomplishments of the Department's overall Civil Rights Program.

Over the course of FFY 2017, the Division of Civil Rights has acquired four new employees – 1 Affirmative Action Specialist Trainee, 1 Administrative Analyst Trainee, 1 Computer Operator Assistant and 1 Field Representative. The Affirmative Action Specialist Trainee was assigned to the Title VI/ADA Unit, the Analyst Trainee and Computer Operator Assistant were assigned to the Directors Office and the Field Representative was assigned to the Contract Compliance Unit. However, the Title VI/ADA Unit lost two employees, one on temporary reassignment and the Title VI Coordinator. This has put a strain on the Unit, which is only comprised of three employees to cover Title VI and ADA for the entire department in addition to other programs assigned to the Unit (e.g. Urban Youth Corps, NSTI, TRAC and RIDES, etc.) As of August 2017, the Division's current organization is shown on the next page.

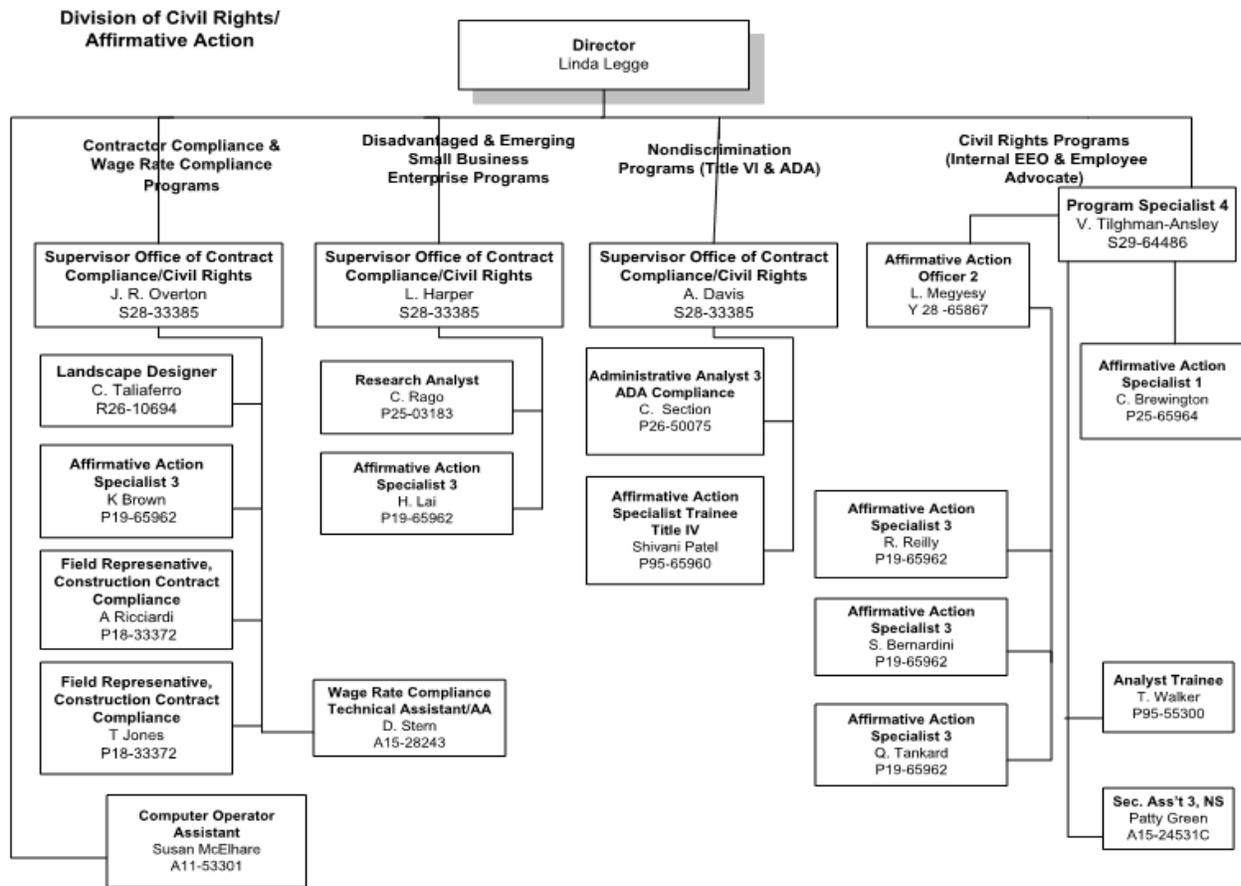


Figure 11 – NJDOT Civil Rights & Affirmative Action Organizational Chart

Although the Director of DCR/AA is not officially a member of Senior Leadership, she attends the Senior Leadership meetings to advise regarding Civil Rights issues, as well as observe. The Director of DCR/AA is part of the Senior EEO Advisory Committee, as well as the facilitator of the Employee EEO Advisory Committee. In addition, the Director serves as a permanent member of the Consultant Selection Committee and the Prequalification Committee. These appointments further enable the Director of the Division of Civil Rights and Affirmative Action to exercise positive affirmative action impacts with regard to both the Department’s overall policies and the procurement of professional services. For a breakdown of NJDOT Advisory Boards, Committees and Decision Making Bodies membership by gender and race, see “[Data Collection](#)”.

Other programs or activities impacted by Title VI under the auspices of the DCR/AA include the NJDOT’s On-the-Job Training Supportive Services Program which serves to increase the participation of females, minorities and disadvantaged individuals in skilled and semi-skilled crafts by providing minorities and females with training opportunities to assist them in preparing for entry into the union apprenticeship programs; the National Summer Transportation Institute which introduces middle and high school students to STEM focused academic enhancement activities in all modes of transportation–related careers in order to encourage them to pursue transportation related courses of study at the college level; and the TRAC and RIDES Program, an AASHTO

educational outreach program that provides hands-on activities to introduce students in grades K-12 to the work world of transportation and civil engineering.

Internal Equal Employment Opportunity/Affirmative Action Program

The Internal EEO Unit is responsible for preventing employment discrimination through the advocacy and promotion of diversity and inclusivity in the department's programs and activities, such as, but not limited to workforce planning, recruitment, employment practices and training.

The unit is now fully staffed with three Affirmative Action Specialists, and one Affirmative Action Officer 2 who serves as the Department's EEO Officer. The unit staff supports the Department's leadership and supervisory staff in their efforts to promote EEO/AA, increase employee understanding of EEO/AA and diversity, and identify tools and strategies to obtain, retain and fully utilize a diverse workforce. Staff disseminate the "*New Jersey State Policy Prohibiting Discrimination in the Workplace*", as well as conducts training on the policy to ensure that employees have a complete understanding that the Department prohibits discrimination on the grounds of race, creed, color, national origin, age, ancestry, nationality, marital status, sex, gender identity or expression, disability, military service, affectional or sexual orientation, atypical cellular or blood trait and genetic information.

Disadvantaged and Emerging Small Business Program

The Disadvantaged and Emerging Small Business Enterprise (DBE) Unit continues to administer and implement Federal and State regulations to ensure that small and disadvantaged businesses as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts.

The unit staff of three full time employees establishes the three-year Federal Disadvantaged Business Enterprise (DBE) goal; certifies that firms are genuinely disadvantaged as well as certifies Emerging Small Business Enterprises (ESBE) in order to meet the maximum feasible portion of its DBE goal through race-neutral means in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Parts 26.51 and 26.39. In addition, the unit maintains directories of disadvantaged and small firms, used by prime contractors to meet professional consulting and construction project subcontracting goals. It also continues efforts to solicit consulting firms to conduct DBE supportive service activities, including outreach and recruitment of new DBEs. NJDOT's DBE database operates out of a Joint Unified Certification Program (NJ UCP) with New Jersey Transit (NJT) and the Port Authority of NY/NJ, which has a total of 1,611 DBE firms.

In recognizing the importance of DBE participation in its contracting, NJDOT continues to actively and aggressively establish DBE goals in order to achieve our overall goals. To ensure that the maximum feasible portion of the overall DBE goal is met by using race-neutral means, NJDOT will establish ESBE participation goals on its federally funded contracts once the overall annual DBE goal has been met in a given year. Prime contractors may use DBE and/or ESBE firms in order to satisfy these ESBE goals. In the case of professional services agreements, NJDOT sets ESBE goals at the same level as the overall goal provided that there are sub-consulting opportunities on those agreements.

NJDOT counts DBE participation when reporting progress toward meeting DBE goals. ESBE participation is not counted toward DBE goals. DBE participation is counted toward the DBE goal when a DBE is performing as an ESBE. ESBE certification exists solely for the benefit of the DBE program. NJDOT monitors the effect of ESBE certification on DBE utilization. If it is determined that ESBE certification has a negative impact on DBE utilization, NJDOT reserves the right to limit, discontinue, or eliminate ESBE certification.

There are currently 39 certified ESBE firms, down from 40 the prior year. In Federal Fiscal Year 2017, NJDOT received zero new applications for ESBE certification.

Contractor Compliance Program

The Contractor Compliance Unit continues its administration and implementation of Federal and State regulations to ensure nondiscrimination in employment and contracting on all NJDOT construction contracts, setting Federal DBE and State SBE contract goals, as well as ensuring that construction contractors comply with Federal and State EEO and AA contract provisions, including regulations governing DBEs, work hour/workforce and On-the-Job Training obligations. The unit also continues to monitor DBE and Training Program requirements on Local Aid projects.

The Unit is comprised of five full-time staff members, one supervisor, one full-time Senior Compliance Officer, two full-time Field Representatives, and an Affirmative Action Specialist. Staff are responsible for setting DBE or ESBE goals on federally funded capital, maintenance and local aid projects, as well as set SBE goals on state funded projects; reviewing and approving the prime contractor's DBE/ESBE or SBE Utilization Plans, establishing project on-the-job training requirements; as well as monitoring each project's compliance with EEO, work-hour, O-J-T and DBE/ESBE/SBE subcontractor utilization.

Wage Rate Program

The Wage Rate Unit continues to ensure that NJDOT contractors comply with all Federal and State wage rate laws, rules and regulations on all construction contracts, and that REs monitor contractors' compliance with wage- rate contract provisions. The unit staff of one reviews prime contractor and subcontractor payrolls to ensure workers are paid prevailing wages.

Title VI Nondiscrimination Program

The Title VI Nondiscrimination Unit continues to administer the comprehensive Title VI Nondiscrimination Program at NJDOT, including Americans with Disabilities (ADA), Environmental Justice (EJ), and Limited English Proficiency (LEP). The Unit continues to update and maintain a complete Title VI Nondiscrimination Compliance Plan, which details the Department's plans and efforts to comply with Title VI of the Civil Rights Act of 1964 and EJ Executive Order 12898.

The Title VI Nondiscrimination Unit continues to be responsible for coordinating and implementing the National Summer Transportation Institute (NSTI), a program aimed to promote awareness of career opportunities in the transportation industry among minority and other disadvantaged middle and secondary school students, and, AASHTO's Transportation and Civil Engineering (TRAC & RIDES) Program, that promotes awareness of civil engineering and transportation careers to high school, middle school, and elementary school students in New Jersey's disadvantaged and urban communities.

Americans with Disabilities Act

The ADA Program continues to ensure that NJDOT does not discriminate based on disability in any program, activity, service or benefit provided to the general public. The unit also ensures that people with disabilities have equitable opportunities to use the State's public-right-of-way system in an accessible and safe manner.

The ADA Program staff of one, is still responsible for ensuring ADA/504 compliance in NJDOT's project pipeline delivery process, monitoring current policies and practices for implementing ADA/504; educating staff and local public agency sub-recipients about ADA/504; managing databases related to curb ramp inventory and replacement implementation and conducting outreach and education.

Limited English Proficiency (LEP)

NJDOT is working to actively institute Limited English Proficiency (LEP) as an integral part of the Division of Civil Rights and Affirmative Action's Title VI Nondiscrimination Program. Partnerships continue to be created with other transportation agencies to uncover resources to assist in effectively integrating the promotion and deployment of LEP within our work systems. The goal of LEP is to ensure that reasonable steps are taken within the Department to provide "meaningful" access to information and services to persons who do not fluently speak English.

NJDOT has a Linguistics Pool comprised of NJDOT employees who have agreed to provide translation or communication services for fellow employees. There currently are approximately (274) employees in the pool, with languages such as Armenian, French, Hindi, Urdu, Arabic, Spanish, German, Dutch, Filipino, Russian, Ukrainian, Tagalog, Chinese, Polish, Malayalam, Farsi, Creole, Portuguese, Japanese, Italian, Albanian, Tamil spoken or read. In addition, several Pool members have the ability to communicate via Sign Language.

The Department continues to attempt to provide meaningful access to information to persons who do not fluently speak English. One example is the publication of the 3-year DBE goal for Federal Fiscal Years 2014-2016 in Spanish in "*AL-DIA*". The Department Secretary plays an important role in the Department's LEP efforts since that individual is responsible for processing requests for Advertising of legal notices. The Title VI Unit will work with that office to ensure that LEP efforts are maximized during the Advertising of legal notices process.

NJDOT has implemented the use of Google Translate for the NJDOT external website. This was a major accomplishment as the capability allows the public to view documents posted on the NJDOT external website in their own native language.

Title VI

The day-to-day administration of the Title VI program continues to lie with the Title VI Supervisor who serves as the Title VI Coordinator, following the loss of one staff member. The Title VI Supervisor reports directly to the Director of Civil Rights and Affirmative Action. The Coordinator of the Title VI Program is ultimately responsible for the day-to day administration, and monitoring of Title VI and EJ activities and preparing all required reports. Other units within DCR/AA provide ancillary support for Title VI such as contractor compliance, discrimination complaint investigation and DBE certification.

The Title VI Coordinator's duties include, but are not limited to the following:

- Providing technical assistance and advice on Title VI and EJ matters to Department program officials;
- Supervising Title VI reviews on special emphasis program areas and activities when necessary to cover aspects not covered through the day to day approach;
- Investigating Title VI complaints and preparing reports of findings, conclusions and recommendations;
- Interacting with NJDOT program managers in developing Title VI information for dissemination to the public;
- Interacting with other Civil Rights program personnel in the reviewing of Title VI activities and issues; developing and implementing the processing of discrimination complaints pursuant to Title VIJ;
- Working with program managers to resolve problems identified as discriminatory practices and policies pursuant to Title VI;
- Monitoring NJDOT's sub-recipients' compliance and implementation of Title VI activities;
- Establishing procedures to resolve noncompliance determinations;
- Coordinating Title VI training programs;
- Preparing an annual report summarizing all of NJDOT's Title VI activities, accomplishments, complaints and future plans;
- Updating the Title VI Compliance Program as necessary to reflect changes in organization, policy or implementation;
- Increasing public/community awareness of Title VIJ;
- Developing and updating Title VI and EJ information for dissemination to the public and, where appropriate, in languages other than English; and
- Communicating with FHWA officials on a regular basis regarding areas needing to be addressed and/or improved as relating to the Department's Title VI Program.

The Title VI Program at one point over the course of last year, was comprised of three individuals – a full-time Title VI Coordinator, and two additional employees. With the loss of the Title VI Coordinator and one full-time employee, the day-to-day responsibilities have been assigned to the Supervisor of the Title VI Unit, with the assistance of one staff member.

Title VI Taskforce

In keeping with Title VI of the Civil Rights Act of 1964 and EJ Executive Order 12898, which incorporated Environmental Justice into all DOT existing programs, NJDOT designated a Title VI Liaison from each administrative division/regional operational area or work unit whose activities and/or programs impact the general public (i.e., communities, organizations, and private concerns). These liaisons are the Title VI contact for their respective division/region or work unit, to work closely with the DCR/AA Title VI Coordinator to ensure implementation, monitoring and enforcement of the Title VI Program. Title VI Liaisons continue to be responsible for their individual program areas and reporting accomplishments to the Civil Rights Office. Sub-committees of the task force are:

Sub-committee: Data Collection	
Goal: Achieve successful data reporting that meets NJDOT's Title VI obligations/reporting responsibilities	
Programmatic Area Participation:	
<i>IT – Chair</i>	Environmental Resources
Community & Constituent Relations	Local Aid
Highway & Traffic Design	Procurement – Construction Services
Procurement – Professional Services	Bridge Management
Pavement & Drainage Management	Construction Services & Materials
Multi Modal – Freight Planning & Services	Operations – Regional
Statewide Planning	Research
Environmental Solutions	Landscape Architecture
Right of Way (ROW)	Traffic Operations
Human Resources	MPOs
Capital Investment Planning	Civil Rights – Title VI Coordinator
Sub-committee: Contract Language	
Goal: Ensure Title VI Nondiscrimination is addressed on all NJDOT contracts.	
Programmatic Area Participation:	
<i>PMO – Specifications Section – Chair</i>	Construction Management
Procurement – Professional Services	Procurement – Construction Services
Right of Way (ROW)	ROW – Major Access Permits
Operations – Regional	Research
Department Secretary	Local Aid
Multimodal – Grants & Programs	MPOs
Civil Rights – Title VI Coordinator	
Sub-committee: Public Involvement	
Goal: Ensure that NJDOT, in delivery of its projects, programs or activities involves and seeks input from the diverse population of citizens of NJ, including minorities and those of low-income, Limited English Proficiency (LEP), or disability.	
Programmatic Area Participation:	
<i>Community & Constituent Relations – Chair</i>	
Project Management	PMO Office
Environmental Resources	Local Aid
Construction Management	Multimodal – Director's Office
Statewide Planning	Operations – Regional
Capital Investment Planning	Highway & Traffic Design
Transportation Systems Management	Environmental Solutions
Landscape Architecture	Operations – Bridge Maintenance Eng.
Operations – Roadway Maintenance Engineering	Systems Planning & Research
Right of Way (ROW)	ROW – Major Access Permits
MPOs	Civil Rights – Title VI Coordinator

Table 2 – Title VI Task Force Sub-Committees

Sub-committee: Limited English Proficiency (LEP)	
Goal: Ensure that work in carrying out NJDOT programs, activities and services is conducted in a manner so that Limited English Proficient individuals are afforded equal access to information.	
Programmatic Area Participation:	
<i>Traffic Operations – Chair</i>	Local Aid
Project Management	PMO Office
Community & Constituent Relations	Construction services & Materials
Right of Way (ROW)	ROW – Major Access Permits
Department Secretary	Facilities
Community & Constituent Relations	Human Resources – Recruitment
Operations – Regional	Operations – Bridge Maintenance Eng.
Operations – Roadway Maintenance Engineering	Civil Rights – Title VI Coordinator
Sub-committee: Informational Materials	
Goal: Educate internal employees, external sub-recipients, and the General Public about Title VI	
Programmatic Area Participation:	
<i>Civil Rights – Title VI Coordinator – Chair</i>	Local Aid
Capital Investment Planning	Department Secretary
Community & Constituent Relations	Systems Planning & Research
PMO Office	Project Management

Table 3 – Title VI Task Force Sub-Committees

CAPITAL INVESTMENT PLANNING & DEVELOPMENT

The Division of Capital Investment Planning & Development is comprised of the Bureau of Capital Program Coordination, and the Bureau of Capital Program Development. The Bureau of Capital Program Coordination is responsible for the monitoring and coordination of the State's FHWA funding as well as State Transportation Trust funds. This monitoring includes the review of funding requests to insure compatibility with approved STIP and Capital Program.

One of the strategic initiatives within the Division is the development and implementation of an Asset Management Program and further, the institutionalization of Asset Management as a way of doing business. Asset Management is a strategic and systematic approach that uses system information to operate, maintain, upgrade and expand physical assets effectively throughout their lifecycle. It focuses on business and engineering practices for resource allocation and utilization, with the objective to make better decisions based upon quality information and well defined objectives.

The Bureau of Capital Program Development is responsible for developing and producing the Annual Capital Program; 10 Year Capital Plan; Statewide Transportation Improvement Plan (STIP); Annual Study and Development Program; Annual Statewide Capital Investment Strategy (SCIS) and analysis; Problem Statement processing and Tier I screening; Project Prioritization, and is the MPO Liaison for the Department.

The New Jersey Department of Transportation allocates funds to projects and programs through two main capital program documents: the Transportation Capital Program and the Statewide Transportation Improvement Program (STIP.) The Bureau of Capital Program Development Division of Capital Investment Strategies is charged with developing a Statewide Capital Investment Strategy, and a 10-year constrained Statewide Transportation Improvement Plan for NJDOT. The division also manages the funding elements associated with each year's approved Annual Capital Program.

Federal law requires the Statewide Transportation Improvement Program (STIP). Although a four-year constrained plan is required by federal law, the New Jersey Department of Transportation and New Jersey Transit allocate funding over a ten-year period and constrain the plan to what are reasonable revenue expectations. Like the Transportation Capital Program, the STIP includes both State and federal funding and includes projects and programs of the New Jersey Department of Transportation, New Jersey Transit, and the counties and municipalities. The STIP is compiled from three regional Transportation Improvement Programs (TIPs), which are developed in conjunction with New Jersey's three metropolitan planning organizations (MPO). These two documents are critical reports produced by NJDOT as it delineates the Department's spending priorities from a statewide, regional and local perspective. Each MPO has extensive public involvement activities in preparation for the TIP. The Department has also produced the FY 2016-2025 [Electronic Statewide Transportation Improvement Program](#) (e-STIP), an application providing current information about the Statewide Transportation Improvement Program for the State of New Jersey for Federal Fiscal Years 2016 through 2025. The e-STIP reflects all modifications and amendments to the FY 2016 – FY 2025 STIP as such changes to the program are adopted. Thus e-STIP differs from the FY 2016 - 2025 STIP that was approved on November 20, 2015 by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that reviewed the 2016 – 2017 portion of the STIP.

The benefits of the FY 2016 – FY 2025 e-STIP are that it: (1) streamlines the STIP modification and amendment process; (2) allows for access in real-time to project, financial and map information; (3) improves the fiscal management of the STIP; and (4) reduces the amount of time necessary for review and approval of modifications and amendments to the STIP.

NJDOT expenditures for FY 2016 through FY 2018 identified in the original approved 2016-2025 Statewide Transportation Improvement Program are:

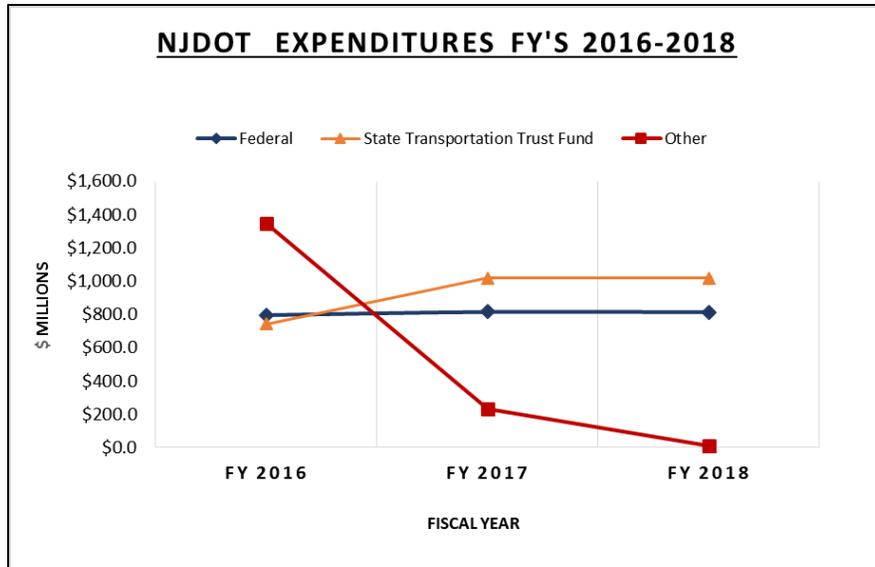


Figure 12 – NJDOT Expenditures for Fiscal Years 2016 to 2018

The Department has identified several programs or projects related to Civil Rights/Title VI programs in its FY 2016-2020 Transportation Capital Plan. Funding for the various items is from federal-aid (STP), or the New Jersey Transportation Trust Fund (State). The FY 2017 programs are shown in the table on the next several pages:

Program Name: ADA Curb Ramp Implementation		
Description: Federal Highway Administration requested NJDOT to complete an Americans with Disabilities Act (ADA) Curb Ramp Inventory and develop an Implementation Program. A priority list of locations that are missing ADA curb ramps was developed and this funding will be applied to projects that are missing ADA curb ramps statewide.		
MPO	Fund	Amount
Statewide	State	\$1,000,000
Statewide	STP	\$1,000,000
Program Name: DBE Supportive Services		
Description: This is a federal grant program that provides support to individual Disadvantaged Business Enterprise (DBE) contractors through technical assistance, on-site visits, DBE conferences, newsletters, and similar types of assistance.		
MPO	Fund	Amount
Statewide	STP	\$250,000
Program Name: Disadvantaged Business Enterprise		
Description: This is a federal grant providing an integrated program of training and business development services to expand the capacity of Disadvantaged Business Enterprise (DBE) firms to more equitably compete for public works contacts in the State.		
MPO	Fund	Amount
Statewide	STP	\$100,000

Table 4 – NJDOT 2017 Capital Funded Civil Rights Programs/Projects

Program Name: Minority and Women Workforce Training Set Aside		
Description: State law requires that an allocation of one-half of one percent for State construction contracts over \$1 million be set aside for minority and women outreach and training purposes. Training and outreach activities will have particular emphasis on contractors who do not meet workforce goals. This requirement is delineated under N.J.A.C. 17:27-7.4. NJDOT is committing to the training requirement on a programmatic level rather than on a project-by-project level.		
MPO	Fund	Amount
Statewide	State	\$1,000,000
Program Name: Pre-Apprenticeship Training Program for Minorities and Women		
Description: This program provides funding for a pre-apprenticeship program to train minorities and women to qualify for entry into union apprenticeship programs and employment on NJDOT construction projects.		
MPO	Fund	Amount
Statewide	STP	\$500,000
Program Name: Title VI and Nondiscrimination Supporting Activities		
Description: This is a State funded program supporting the activities required to ensure nondiscrimination in the delivery of the NJDOT Capital Program and related projects. Activities include, but are not limited to informational training sessions, translation services and the development of informational material (e.g. pamphlets, brochures, training guides and letters) disseminated to the public and in languages other than English as necessary.		
MPO	Fund	Amount
Statewide	State	\$150,000
Program Name: Youth Employment and TRAC Programs		
Description: This is a federal grant program providing employment and training opportunities to at-risk youths in New Jersey, especially those in urban areas.		
MPO	Fund	Amount
Statewide	STP	\$300,000

Table 5 – NJDOT 2017 Capital Funded Civil Rights Programs/Projects

Federal-Aid Programs administered by NJDOT and/or the MPOs include, Local Scoping Program; Local Lead Program; Local Safety Program; High Priority Projects; Safe Routes to Schools; Transit Village; and the Transportation Enhancement Program.

The Department must be vigilant with regards to monitoring this division to ensure communities with high concentrations of minorities and low-income individuals are included in the STIP and TIP priorities, as well as making sure project prioritization is monitored to ensure projects in areas of minority and low-income communities are given the same consideration as projects in more affluent communities.

PROJECT MANAGEMENT

The Division of Project Management is responsible for managing the department’s capital program projects through their complete lifecycle – from problem screening through concept development, preliminary engineering, final design, and finally, construction. This division manages the integration of Context Sensitive Design, the Community Impact Assessment, the NJDOT Public Involvement Action Plan, Environmental Justice, design policies as well as state and national

environmental statutes and regulations into concept proposals, other studies, and the project delivery process.

The Division of Project Management consists of six Program groups, led by Program Managers. Each group is assigned capital projects based on geographic location or level of complexity. In addition to the six program groups, the division also is home to the Project Management Office, which serves the project management needs of the division as well as facilitates project management best practices and improves project management processes for the entire department.

The Project Management Groups are at the center of the project team approach, working and directing the activities of other specialized units both internal and external to the Division of Project Management. This includes managing final scope development, overseeing the design consultant selection and agreement process, managing both in-house and consultant design, overseeing the construction contractor bid and award, and managing the project through construction close out.

RIGHT OF WAY & ACCESS MANAGEMENT

The Division of Right of Way & Access Management acquires and takes possession of real estate for transportation purposes. Right of Way Acquisition includes property appraisals, appraisal registration, acquisition through bona fide negotiations, the eminent domain process, if necessary, relocation of families and businesses, title clearances and closings. As the real estate arm of the Department, the Division provides related services to other areas with the Department, such as Multi-Modal, Aeronautics and Park and Ride. Right of Way has the oversight responsibility for the Federal Highway Administration (FHWA) in providing right of way clearance letters to municipalities and counties for Federally-funded projects administered through the Department's Local Government Services Unit.

The Director's Office is responsible for the administration of ROW project programming and funding, database management, full service right of way consultant management, and procedure manual maintenance.

Technical Support is responsible for auditing district operations, quality control, utility, railroad and riparian acquisitions and property management, right of way engineering functions, as well as providing technical guidance to the district offices. Unit staff perform a review of the final ROW plans. They also set the schedule and, upon FHWA approval, transmit final ROW plans to the ROW District Office to proceed with the acquisition process. They also conduct all acquisition activities for railroad, utility and tidelands parcels; review and approve the appraisal plan, appraisal contracts, relocation plans, and relocation payments; manage all excess parcels in terms of maintaining inventory, leasing and disposals; and review and approve all ROW plan submissions and dedications.

The Closing Bureau is responsible for preparing and filing of legal documents pertaining to eminent domain actions, obtaining clear title, conducting title closings, and providing payments to property owners, all of which results in the vesting of title in the Department. The bureau handles Agreement Cases and Condemnation Cases. Staff handling Agreement Cases update and examine title searches, prepare and transmit title instruments to the owner for execution, satisfy property liens, record title documents, secure check(s) and transmit payment to the property owner. Staff

handling Condemnation Cases update and examine title searches, compute interest and transmit check(s) to the property owner, file general property parcel maps with the appropriate County Clerk's Office, prepare legal pleadings, secure Law Division approval, file pleadings, secure payment for deposit into court, and process judgment/award documents.

Each district office is comprised of administrative staff and several acquisition teams. The teams are responsible for the appraisal, appraisal review, negotiations and relocation for each assigned project. Staff within the District offices overseeing appraisal and review assignments; begin preliminary data collection; negotiate contracts with fee appraisers and specialists; ensure that the title search and environmental screening/remediation cost report is completed, property site surveys are initiated and a draft relocation plan is prepared; and initiate and complete property acquisition and relocation processes.

This Division also provides for highway access through a permitting process, in accordance with the New Jersey State Highway Access Management Code. It regulates and issues permits for outdoor advertising in conformance with State law and federal agreements. The Division, through the Outdoor Advertising Unit, assists in improving statewide communications systems by making New Jersey Department of Transportation (NJDOT) properties available for wireless communication infrastructures through Master Agreements with carriers and site licenses.

BRIDGE ENGINEERING & INFRASTRUCTURE MANAGEMENT

The Division of Bridge Engineering and Infrastructure Management plans, organizes, oversees, and implements the various work programs in the offices of Structural Design and Geotechnical Engineering, the Structural Evaluation & Bridge Management Unit, the Bureau of Structural & Railroad Engineering Services, the Railroad Construction & Safety Unit, and New Technologies and Products. This Division is also responsible for implementing and maintaining comprehensive management systems to preserve and improve the transportation infrastructure of New Jersey's highway network. These management systems include bridge, structures, and highway railroad crossings.

Bureau of Structural Design & Geotechnical Engineering

The Bureau of Structural Design & Geotechnical Engineering is comprised of the Structural Design, Geotechnical Engineering and Engineering Geology.

The Structural Design Unit provides structural design services for the in-house design projects for highway-related structures, such as bridges, culverts, retaining walls, sign structures, etc. The Structural Design Unit provides Subject Matter Expert (SME) opinion during the Concept Development process for the structural portion of in-house projects. These services include the design and preparation of structural contract documents, Quality Assurance reviews, construction shop-drawing review and technical advice for the resolution of construction problems. Additionally, the Structural Design Unit provides technical input on major structural projects and provides constructability reviews for the structural portion of the projects designed by consultants.

The Geotechnical Engineering Unit provides geotechnical engineering, rock engineering and subsurface investigative services. The Unit consists of the Geotechnical Design Section and the Engineering Geology Section. The Geotechnical Design Section performs and approves

geotechnical engineering designs for highway foundations, roadway embankment/cuts and stability issues for projects in the Capital Program. This Section also evaluates and implements state-of-the-art geotechnical engineering technology for the construction of highway systems and develops technical specifications associated with the geotechnical engineering designs. This group supports Construction and Maintenance Operations by reviewing and approving pile driving systems, test pile driving data, drilled shaft construction and testing data, soil anchor and soil nail construction and testing data and provides general geotechnical guidance for all structural foundations.

The Engineering Geology Section performs and approves rock mechanic designs in support of the Capital Program. It provides technical specifications and evaluates/implements new rock engineering technology. The Section maintains an up-to-date Rock fall Hazard Management System (RHMS) for all rock cuts within the state highway system which is used to generate new rock fall mitigation Capital Projects. The Engineering Geology Section also maintains the Geotechnical Data Management System (GDMS) which contains all gathered subsurface information and provides Internet access. It provides subsurface investigation services in support of the Capital Program by the development and review/approval of subsurface exploration programs and monitoring of field exploration operations.

Structural Evaluation & Bridge Management Unit

The Structural Evaluation and Bridge Management Unit is responsible for the safety inspections of all bridges in New Jersey (State, County, Toll, etc.). The unit accomplishes this mission through inspection projects using in-house and consultant staff for the State and County bridges and oversight of the inspection programs for the toll agency bridges. When serious conditions are identified, the unit is responsible for the design of the bridge repairs. The unit is also responsible for the inspection programs for the State-owned sign structures, high mast light poles, culverts and dams and the inspection of all county and municipally owned culverts using the CoMBIS system (Inspectech inspection software). Structural Evaluation maintains databases for bridges, culverts, sign structures, high mast light poles and dams. The data is used by the Bridge Management System staff within the unit to identify capital project needs and initiate new project starts.

Bureau of Structural & Railroad Engineering Services

The Bureau of Structural and Railroad Engineering Services is responsible for the policies and standards which govern the bridges and structures in the State. The unit is comprised of the Bridge Policy, Standards and Specifications Section and the Value Solution plan review and scoping functions. The unit is also responsible for evaluating new products and technologies for use Department-wide. The Railroad Unit performs Diagnostic Team site reviews, issues orders to improve railroads at grade crossing sites and inspects railroad at-grade crossings throughout the State and maintains the New Jersey Department of Transportation (NJDOT) Railroad Database.

HIGHWAY AND TRAFFIC DESIGN

The Division of Highway & Traffic Design is comprised of the following bureaus/units/sections: In-House Design, Pavement and Drainage Management and Technology, and Traffic Engineering. The division is responsible for the oversight of in-house design projects, preparation of in-house roadway design contract documents, preparation of maintenance work orders, provision of survey support, geodetic monument control and Departmental Computer Aided Design and Drafting

(CADD) support. The Division reviews and approves temporary and permanent traffic signals and timings, pavement markings, overhead sign structure and ground mounted locations and sign panel shop drawings, electrical underground and highway lighting and traffic control staging and detours for all capital and access permit projects. The Division investigates and designs traffic control devices at non-signalized intersections/locations related to speed limits, passing zones, stop/yield control, turn prohibitions and weights restrictions and prepares all state Traffic Regulation Orders. The Division is the liaison to the Fernwood Sign Shop/Overhead Sign Crew, the Outdoor Advertising and New Jersey Logos, Inc. (tourist oriented directional signing and logo programs) and administers the Red Light Running Camera (RLR) Program. The Division also prioritizes and initiates pavement and drainage projects for both Capital Management Program (CPM) and Operations. It also provides and reviews pavement recommendations and specifications for CPM, Operations and developer projects, and administers skid testing and the ride quality (IRI) quality assurance testing program. The Division also provides data and analysis to support the Department's Asset Management and Capital Investment Strategy (CIS) functions.

Pavement and Drainage Management and Technology

The Pavement & Drainage Management and Technology Unit manages pavement and drainage assets for roadways owned and maintained by NJDOT (the state highway system). This system includes approximately 4,665 lineal miles (sum of both travel directions) of mainline pavement, which equates to 8,410 lane miles.

The Pavement Management Group collects detailed pavement condition data, manages database systems to store and retrieve this information, analyzes pavement data to assess system conditions and to identify areas needing treatment, and supplies information used to drive the Department's capital pavement program. In this process, the Pavement Management System identifies current needs, formulates yearly pavement treatment programs, and forecasts future pavement system performance under various funding scenarios in support of the Capital Investment Strategy. Thus, the Pavement Management System is used to identify funding needs and to plan how to utilize available funding effectively.

The Drainage Management Group centralizes drainage related problem reporting, tracking, and remediation plans. In this effort, the Drainage Management System is used to evaluate and track drainage related complaints and problem statements and plan effectively for drainage problem remediation.

The Pavement Technology Group provides pavement design recommendations for all in-house design projects, reviews and approves pavement designs for consultant design projects, and develops specifications and requirements controlling pavement ride quality construction acceptance testing.

CAPITAL PROGRAM SUPPORT

The Division of Capital Program Support supports Capital Program Management by providing quality assurance reviews and administration of advertisements, bids and awards. The Division provides document control of baseline documents and construction and right of way plans. The Division also provides system support (schedules, budgets and independent cost estimates) and utility and jurisdictional oversight to Project Management.

Program Management Office (PMO)

The Program Management Office is the center for the advancement of project and program management at NJDOT and maintains and manages the Capital Project Delivery Process. The PMO possesses the ability to address Department-wide issues from a systemic perspective using a repeatable systematic process. The PMO includes the Center for Improvement, Contract Management, Utility Management, Claims, Risk and Value Engineering (CRAVE), Tort Litigation/Jurisdiction, Schedule and Budget Management, Project Reporting System (PRS), Primavera (P3e), CPMCS Cost Applications. The PMO also provides training and development on the project delivery process and project management. The tangible benefits and value of the PMO include improving capital project performance and limiting change to project work, schedules and cost, while improving the quality of capital projects.

Major tasks of the PMO Office are:

- Managing the Department's Capital Project Delivery Process which establishes how transportation projects are managed.
- Managing process improvements to streamline and enhance project delivery.
- Managing Consultant Task Order Agreements for capital projects.
- Providing support for Consultant Selection and Agreement processes.
- Providing support on claims, errors and omissions, as well as, supporting the functions of the Claims Committee and Change Control Board.
- Providing information to the Attorney General's Office concerning tort claims for defense of claims, and providing support including claim defenses/analyses during Contract Mediation to Deputy Attorney Generals (DAGs) during litigation and trial.
- Determining jurisdictional limits on all projects and right of ways in the state.
- Performing Value Engineering/Smart Solution reviews on federally funded projects, as well as, facilitating Value Engineering Change Proposal Reviews and Approvals.

The PMO Office is also responsible for all agreements with utility and railroad companies.

Office of Design Standards

The Office of Design Standards strives to improve customer service, deliverability, quality and cost value of transportation projects by developing, publishing and maintaining design standards and documents. The units within the Bureau perform value solution/Americans with Disabilities (ADA) reviews, and provide traffic mitigation analysis and continuous support through AASHTOWare Project, a transportation software management system.

Major tasks of the office include:

- Receiving and evaluating nationally developed standards and procedures issued by the Federal Highway Administration (FHWA) and other organizations for incorporation into New Jersey Department of Transportation (NJDOT) design documents.
- Establishing and facilitating cross discipline review and development teams for improvements to NJDOT design standards.
- Providing Americans with Disability Act (ADA) reviews and quality assurance reviews for capital projects and major access projects.

- Creating, publishing and maintaining NJDOT's design standards, specifications, construction details and various Capital Program Management (CPM) related manuals.
- Publishing Baseline Document Changes (BDC), Corrective Action Notice (CAN) and Quality Improvement Advisories (QIA) on the Department's web site.
- Processing and maintaining bridge, roadway, right of way plans and working drawings for construction projects and storing required drawings after completion.
- Administering FALCON Data Management System (DMS) for use by NJDOT staff.
- Administering, supporting and updating AASHTOWare Project Cost Estimation, WebT Preconstruction, SiteManager Construction, SiteManager Materials, Civil Rights and Labor Management System (CRL), and Bid-X software systems.
- Evaluating construction staging and providing Road Users Costs and Lane Occupancy Charges for contract documents.
- Determining geometric footprint for capital projects, considering value, geometric standards, constructability and environmental impacts.
- Reviewing and providing comments for all Design Exception requests.

LANDSCAPE ARCHITECTURE & ENVIRONMENTAL SOLUTIONS

The Bureau of Landscape Architecture and Environmental Solutions (BLAES) directly supports the Department's Statewide Capital Construction Program by ensuring compliance with all environmental requirements, securing environmental permits and providing design and review services for the landscape and drainage aspects of all capital projects. BLAES contains the Landscape Architecture Office, the Environmental Solutions Office, Environmental Engineering Hydrology and Hydraulics Office, the Hazardous Waste Unit and the Soil Erosion and Sediment Control Unit, all reporting to one overall manager. The Landscape Architecture Office provides landscape architectural services to the Department. It is responsible for integrating proposed transportation projects into the existing environment with minimal adverse impact to the roadside environment and community.

The ideology of achieving a balance between the built and natural environments is the Unit's mantra. As such, examining ways to ensure that NJDOT projects "fit" aesthetically and culturally into the community is standard practice. Minimizing, mitigating or enhancing NJDOT projects is a customary design practice, without regard to community demographics. The design and construction teams are vigilant about ensuring that all communities are provided enhancements, regardless of ethnicity and income.

The unit also provides complete visual aid packages to the Department when needed, for both design and public information meetings and is the lead unit in the Department's Scenic Byways Program, Good Neighbor Planting and Roadside Rehabilitation Program and the No Net Loss Reforestation Program. Office organization consists of two design and construction teams, each under a Section Chief.

The Environmental Solutions Office ensures that roadway projects comply with all environmental policies, State and federal environmental regulations, and commitments stemming from coordination with regulatory agencies and consultation with cultural resource agencies. It performs or oversees the preparation of National Environmental Policy Act (NEPA) documents; permit applications; cultural resource studies; construction monitoring; wetland mitigation

plans/monitoring; and hazardous waste requirements. Hydrology and hydraulic engineering expertise are provided for wetland and storm water mitigation. To accomplish this task, the office is organized, with six “E” team supervisors.

The Environmental Engineering Hydrology and Hydraulics Office provides drainage related engineering review and design for Access Permits, flooding studies, NJDEP Land Use Resources Permitting (LURP) permits for bridge and highway projects, hydrology and hydraulic design of bridges and culverts, storm-water management facilities, dams, etc.

The Hazardous Waste Unit administers all aspects of New Jersey Department of Transportation's (NJDOT) asbestos surveying and remediation concerns on a statewide basis. It also develops, plans, coordinates and executes advanced demolition and asbestos removal contracts from inception through award.

The Soil Erosion and Sediment Control Unit reviews and certifies to the local Soil Conservation District that the Department's projects comply with soil erosion control mandates and prepare Request for Authorizations (RFAs) for New Jersey Department of Environmental Protection (NJDEP) approval.

The DCR/AA considers the implementation of Title VI principles in this phase of the Department's program to be critical. It is in this phase of the Department's work that the environmental issues are considered through an Environmental Assessment (EA) or an Environmental Impact Study (EIS). Of particular concern to the DCR/AA is whether the social and economic impacts to minority and low-income communities are incorporated in said documents.

As indicated earlier, the DCR/AA Title VI coordinator participates as a team member on the Department's Scoping Development Teams. This is significant, because it is at this stage of the project pipeline process that Environmental Services “E” Teams determine whether an EA or EIS is needed for a project. DCR/AA's involvement and review of EA's and EIS's in this process will ensure that EA's and EIS's include social and economic impact actions that result in displacement of Title VI populations and businesses, affect community cohesion and accessibility of community facilities or services. If EA's or EIS's indicate an adverse impact on said communities, DCR/AA will provide assistance to Department managers in developing alternative solutions that will avoid, minimize, mitigate or provide enhancement to said communities.

CONSTRUCTION SERVICES AND MATERIALS

The Division of Construction Services and Materials is responsible for the oversight of all Construction projects in the NJDOT Capital Program, and several Operation Construction projects. After a project is awarded, the project is handed to the division for administration of the construction Contract, including enforcement of all Contract provisions, materials inspection and the quality of constructed work. It is the Division's responsibility to: 1) ensure the safety of all who come in contact with the project; 2) that materials used meet the specifications, and 3) that contractors do not use substandard or hazardous material in any community, including in minority and low-income neighborhoods.

The Division of Construction Services and Materials is comprised of the Bureau of Construction Management, three Regional Construction Offices (North, Central and South), and the Bureau of

Materials. The Division reports directly to the Assistant Commissioner of Capital Program Management, who in turn reports directly to the Deputy Commissioner and Commissioner. The division reports directly to the Assistant Commissioner's Office any problems or accomplishments in the Department's Construction and Materials Program as well as the concerns and accomplishments of the Department's overall Construction Program.

The Division of Construction and Materials (DCM) plays a critical role in ensuring that the Department acts on its obligation to implement Title VI during the construction phase of project development. This is where the public interact with the Department the most. They must ensure that minority and low-income populations are afforded the same or similar standards as affluent communities during construction, which is to avoid, minimize, mitigate and/or enhance the communities that are affected by the construction project.

DCM must work in conjunction with the Office of Community Relations to ensure that the public is educated on the construction details of the project (e.g. detours, dust mitigation, construction duration, noise levels, air pollutants, etc.) DCM also plays a critical role in ensuring that all construction contracts are administered and built in accordance with the Contract Specifications. This includes ensuring that materials used meet the specifications and that contractors don't use substandard or hazardous material in any community, including minority and low-income neighborhoods. DCM must ensure that contractors adhere to the Title VI requirements set forth in their contract regarding attainment of goals on minority and female construction workers, DBE subcontracting goals, minority and female training goals, and wage rate requirements. The Title VI Liaison for this Division must work closely with our DCR/AA Units to ensure contract Special Provisions are implemented by the contractors.

Responsibility for activities related to Title VI within Construction and Materials fall on employees of different levels of the division. The Director is responsible to:

- Administer all construction contracts to assure that they are completed in accordance with the Contract requirements in a timely manner and within budget.
- Review random contracts and documentation to verify that all administrative practices and construction activities are carried out in accordance with Construction Certification Acceptance Guidelines and that all documentation is processed in accordance with it.
- Direct all State Highway related construction, materials testing and inspection activities of the Department in accordance with established policies, procedures, federal requirements, specifications and accepted practices.
- Allocate divisional resources to ensure effective and efficient mission accomplishment.
- Investigate and provide response to internal and external inquiries on construction related issues.
- Coordinate the submittal of reports from regions and bureaus. Consolidate them into one report for the Division.
- Provide Training coordination for all units within the Division
- Assist Regions in the FHWA and internal closeout process.

The Regional Construction Engineers are responsible for assigning a team of engineers and personnel to each specific project. The project team consisting of the project RE, team engineers and construction technicians are responsible to ensure that work and activities on construction projects comply with the Contract requirements.

Field construction forces ensure that Contractors comply with traffic interference restrictions, and that construction work zones comply with the Department's safety standards. Additionally, they ensure that construction adheres to environmental restrictions and that Contractors meet EEO employment goals and adhere to prevailing wage and trainee requirements. They oversee and authorize monthly payments to the Contractor for work performed. REs act as the liaison to other governmental entities and the public. They coordinate design support services to engineer solutions to resolve field condition problems. Additionally, the REs monitor the Contractor's construction schedule, work to resolve Contractor claims and process Change Orders.

PROCUREMENT

The Division of Procurement is comprised of the Construction Services Procurement, Professional Services Procurement, and Equipment Materials and Supplies Units.

Construction Services Procurement

Construction Services Procurement is responsible for classifying highway construction firms, advertising highway projects, receiving and certifying highway project bids, awarding and executing contracts, approving subcontracts and maintaining contractor performance evaluations.

All prime contractor and subcontractor contracts/subcontracts are required to have the appropriate non-discrimination clauses.

Professional Services Procurement

The Bureau of Professional Services is responsible for review, coordination, prequalification, and selection of consultants; soliciting technical proposals; coordinating Consultant Selection Committee activities; industry notification of anticipated projects and consultant selections; as well as approving the average rate by title utilized in agreement negotiations.

The Department posts all notices for Requests for Proposals (RFPs) on its website. A database of all pre-qualified contractors, and all certified DBEs, and ESBEs are maintained as well. All professional service term agreements are required to have the appropriate non-discrimination clauses.

The Department maintains a list of pre-qualified consulting firms and their approved work disciplines, which are categorized into three levels of difficulty: i.e., Level A - Simple for projects having estimated fees of less than \$500,000; Level B - Routine for projects with estimated fees between \$500,000 and \$1.5 million; and, Level C - Complex for projects having an estimated fee of over \$1.5 million. The NJDOT pre-qualifies consultants in sixty-one areas of Engineering, Architecture, Planning and/or Land Surveying.

All firms interested in performing as the prime consultant are required to be fully pre-qualified by the Bureau of Professional Services. This means the firm: (1) has a current application on file and

has been approved in at least one discipline; (2) has an approved accounting system and quality assurance plan; and (3) meets the requirements of the New Jersey Professional Services Corporation Act. Firms interested in performing in a sub-consultant capacity do not have to be fully pre-qualified, but must have an accounting system approved by NJDOT (Cost Basis Approval).

In addition, the Department through DCR/AA and the Procurement Division, participates in workshops, trainings, seminars, writing newsletters, networking conferences, minority and women business associations meetings, trade fairs, etc., to provide information on contract opportunities to encourage the use of minority and female consultants and contractors.

Bureau of Equipment Materials and Supplies

The Bureau is responsible for the purchase of equipment and materials and supplies for the Department, including highway and vehicle maintenance. It develops and transmits requests for proposals to the NJ Department of Treasury's Purchase Bureau for the procurement of equipment, materials and supplies for the department and handles procurement of small construction projects. It utilizes State Contracts for major purchases and Direct Purchasing Authority for small dollar amount contracts. It utilizes both traditional purchase orders and P-Cards (credit cards) for purchases. Vendors are not prequalified for the purchase of goods and services.

COMMUNITY & CONSTITUENT RELATIONS

The Office of Community Relations (OCR) is responsible for ensuring the opportunity for public participation in all phases of a transportation project throughout the planning, design, construction and maintenance process. The office conducts Public Information Centers, Public Meetings and Public Hearings throughout the state, which provide all stakeholders the opportunity to provide feedback on NJDOT projects and initiatives in their respective communities.

Community Relations Managers are responsible for coordinating public participation in NJDOT's capital program and serve as liaison with local officials and the general public for the variety of issues, programs, and services provided by NJDOT.

Each project is assessed from conception through completion to determine the impact the transportation action will have on the specific community's quality of life.

LOCAL AID & ECONOMIC DEVELOPMENT

The Division of Local Aid and Economic Development's primary function is to work with county and municipal government officials to improve the efficiency and effectiveness of the state's transportation system. This is accomplished by providing state and federal funding assistance to local governments for road, bridge and other transportation projects. Local Public Agencies (LPA's) are responsible for administering, implementing and monitoring the Title VI Program on Local Aid projects.

The Division is organized with a central office of the Director, with four District Offices. Each District Office has teams responsible for the administration and oversight of Local Aid projects within their respective regions, including the oversight and monitoring of sub-recipient compliance with federal-aid contract requirements, including Title VI. NJDOT annually announces the availability of grant funds to counties and municipalities.

STATE FUNDED PROGRAMS

Funding for local governments comes via the Transportation Trust Fund (TTF) which provides the opportunity for State assistance to local governments for the funding of road, bridge and other transportation projects. Annually, the TTF provides approximately \$175 million in State Aid to municipalities and counties for local transportation improvements. The State Aid Program is one method by which NJDOT can work with county and municipal governments to improve the efficiency and effectiveness of the state's transportation system. The Transportation Trust Fund (TTF) has provided the opportunity for State assistance to local governments for road, bridge, and other transportation projects. State funded programs administered by Local Aid include: Municipal Aid, County Aid, Local Aid Infrastructure Fund, Bikeways, Safe Streets to Transit, and Transit Village and Local Bridges Future Needs.

Municipal Aid Program

In the Municipal Aid program, funds are appropriated by the Legislature for municipalities in each county based on a formula contained in legislation. Each spring, the Department announces the Municipal Aid Program for that fiscal year and invites municipalities to apply. Road improvement projects such as resurfacing, rehabilitation or reconstruction and signalization are funded from the \$78.75 million in municipal aid distributed by formula. Additionally, \$5 million is allotted for those municipalities that qualify for Urban Aid. Urban Aid is distributed by a formula that is computed by the New Jersey Department of Community Affairs.

County Aid Program

County Aid funds are appropriated by the Legislature annually for the improvement of public roads and bridges under county jurisdiction. Public transportation and other transportation projects are also included.

Local Aid Infrastructure Fund

Subject to funding appropriation, a Local Aid Infrastructure Fund is established to address emergencies and regional needs throughout the State. Any county or municipality may apply at any time. Under this program a county or municipality may also apply for funding for pedestrian safety and bikeway projects.

Bikeways Program

NJDOT's Bikeway Grant Program provides funds to counties and municipalities to promote bicycling as an alternate mode of transportation in New Jersey. A primary objective of the program is to support the State's goal of constructing 1,000 new miles of dedicated bike paths (facilities that are physically separated from motorized vehicular traffic by an open space or barrier either within the highway right of way or within an independent right of way). In an effort to establish regionally connected bicycle networks, this program is available to every municipality and county throughout New Jersey.

Safe Streets to Transit Program

In 2006, the State of New Jersey announced a comprehensive Pedestrian Safety Initiative. One element of that initiative, administered by NJDOT, is the Safe Streets to Transit (SSTT) program

which provides funding to counties and municipalities in improving access to transit facilities and all modes of public transportation. The objectives of the SSTT program are:

- To improve the overall safety and accessibility for mass transit riders walking to transit facilities.
- To encourage mass transit users to walk to transit stations.
- To facilitate the implementation of projects and activities that will improve safety in the vicinity of transit facilities (approximately one-half mile for pedestrian improvements).

Counties and municipalities are eligible for the program. A county or municipality may submit one application annually under the SSTT program, however, applications can be submitted under other Local Aid programs.

Transit Village Program

The Transit Village Grant Program is designed to assist municipalities who have been formally designated as Transit Villages by NJDOT's Commissioner and the inter-agency Transit Village Task Force. The Division of Local Aid and Economic Development's Transit Village Grant program awards grants for non-traditional transportation-related projects to New Jersey municipalities designated as Transit Villages. These are municipalities which have made a commitment to grow in the area surrounding a transit facility. The facility can service commuter rail, bus, ferry, or light rail. Growth in areas where infrastructure is already in place and where multi-modal transportation options are readily available helps to advance vital goals of the State of New Jersey such as reduced auto-dependency and cleaner air and water.

Local Bridges, Future Needs Program

NJDOT's Local Bridges, Future Needs program provides funds for the improvement of county jurisdiction bridges. As part of its Statewide Capital Investment Strategy, NJDOT is focusing on preventive maintenance, rehabilitation and selective replacement of bridges. This program was initiated in recognition of funding needs that goes beyond what is currently available at the local level. The Program is managed by both the Division of Local Aid and the Bureau of Structural Engineering.

The Department has allotted \$25 million per year in its Transportation Capital Program for this program. It is funded through the Transportation Trust Fund, and was implemented in FY 2009. It provides 100% state funding, and NJDOT announces annually the availability of grant funds to counties.

FEDERAL-AID FUNDED PROGRAMS

In addition, there are several programs which provide funding to counties and municipalities that are funded with federal monies available through the Transportation Equity Act for the 21st Century (TEA 21) legislation. NJDOT's Division of Local Aid and Economic Development, and/or the Metropolitan Planning Organizations currently administer the following Federal Aid Programs: Local Lead Program, Transportation Enhancements, Safe Routes to School, Emergency Relief, Transportation Alternatives and Local Safety/High Risk Rural Roads.

Local Lead Program

The Local Lead Program is a competitive program intended to provide an opportunity for the sub-regions to apply for federal funding for the advancement of projects through final design, right of way, and/or construction. Transit projects are not eligible.

Transportation Enhancements Program

This is funded through a 10 percent set aside of the Surface Transportation Program category of federal funds for projects which are transportation related. Transportation Enhancement (TE) projects are designed to foster more livable communities, preserve and protect environmental and cultural resources and to promote alternative modes of transportation.

Transportation Enhancement funds are to be used only for projects with a direct transportation relationship that enhance quality-of-life while reaching the greatest number of people. Transportation enhancement activities are a means of more creatively and sensitively integrating transportation facilities into their surrounding communities. Funds are available for design, right of way acquisition and construction. Specific activities that are eligible are:

- Provision of facilities for pedestrians and bicycles.
- Provision of safety and educational activities for pedestrians and bicyclists.
- Acquisition of scenic easements and scenic or historic sites.
- Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
- Landscaping and other scenic beautification.
- Historic preservation.
- Rehabilitation and operation of historic transportation buildings, structures and facilities (including historic railroad facilities and canals).
- Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian and bicycle trails).
- Control and removal of outdoor advertising.
- Archeological planning and research.
- Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
- Establishment of transportation-related museums.

TE funds are to be used only for projects with a direct transportation relationship that enhance quality of life while reaching the greatest number of people.

Safe Routes to School Program

The Safe Routes to School Program (SRTS) is a federally funded reimbursement program that was established in August 2005 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU). Section 1404 of the legislation provides funding for State Departments of Transportation to create and administer SRTS. Section 1404 of the Act also provides the details of the SRTS program. The SRTS program eligible under SAFETEA-LU,

Section 1404 Safe Routes to School Program (23 USC 402 note) has been continued under the Moving Ahead for Progress in the 21st Century (MAP-21) legislation enacted in July 2012 and Fixing America's Surface Transportation (FAST) Act enacted in December 2015.

Under the most recent legislation, funding does not provide for a standalone Safe Routes to School Program. The New Jersey Department of Transportation (NJDOT) has elected to continue funding the SRTS program separately. The SRTS program is funded through the Federal Highway Administration's Federal Aid Program and is being administered by the NJDOT, in partnership with the North Jersey Transportation Planning authority (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC), and the South Jersey Transportation Planning Organization (SJTPO).

County, municipal governments, school districts, and schools are eligible to apply to the program. Nonprofit organizations are not eligible as direct grant recipients for this solicitation. However, non-profit organizations may partner with a local public agency that will assume responsibility and administration for the grant.

The SRTS Program provides funding for infrastructure and non-infrastructure projects, such as:

Infrastructure

Infrastructure projects include the planning, design, and construction or installation of sidewalks, crosswalks, signals, traffic-calming, and bicycle facilities.

Non-Infrastructure

Non-infrastructure projects include activities such as public awareness campaigns, walk and bike to school events and training, traffic education and enforcement, and student lessons on bicycle and pedestrian safety, health, and the environment. Federal regulations require that States devote at least 10% of SRTS funding to the non-infrastructure component of the program.

The NJDOT partnered with the New Jersey Transportation Management Associations (TMAs) to administer a new statewide education and encouragement program using Safe Routes to School Federal SAFETEA-LU funds. The goal of the program is to educate and encourage more children to walk and bicycle to school.

Design Assistance for Grant Recipients

The Department offers a Safe Routes to School Design Assistance Program which makes consultant engineering services available to assist Local Public Agencies (LPAs) with the development of plans, specifications, and estimates (PS&E) for their SRTS projects. Recipients of NJDOT's Safe Routes to School grants are eligible to participate in the program. The program was developed by NJDOT as part of the Federal Highway Administrations Every Day Counts initiative and is intended to shorten time, reduce costs, and improve quality in the delivery of NJDOT Safe Routes to School projects.

NJDOT established a pool of engineering design consultants through a quality-based selection process. This pool aids LPAs in the project delivery process by reducing the time required to procure professional services, ensure the consultant selection process is compliant with federal Brooks Act requirements, and provides the LPA with NJDOT prequalified, cost basis approved designers to aid in the development of PS&E submissions for their eligible SRTS project.

Emergency Relief Program

The United States Congress authorizes in Title 23, United States Code Section 125, a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of a natural disaster or a catastrophic failure from an external cause. This program is referred to as the Emergency Relief (ER) program. It supplements the commitment of resources by individual States, their political subdivisions, or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions.

This program covers only those criteria and procedures relevant to the ER program for Federal-aid highways. These are public highways other than those functionally classified as local roads or rural minor collectors.

Transportation Alternatives Program

The Transportation Alternatives Program (TAP) was established by Congress in 2012 under the Moving Ahead for Progress in the 21st Century Act (MAP-21), and is funded through a set aside of the Federal Aid Highway Program. TAP provides federal funds for community based "non-traditional" projects designed to strengthen the cultural, aesthetic and environmental aspects of the nation's intermodal system. TAP projects must relate to surface transportation.

This program is administered by the New Jersey Department of Transportation, in partnership with the North Jersey Transportation Planning Authority (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC) and the South Jersey Transportation Planning Organization (SJTPO).

Local Safety/High Risk Rural Roads Program

The federally funded Local Safety Program (LSP) is a component of wider safety planning, supporting construction of quick-fix, and high-impact safety improvements on county and local roadway facilities. Projects on State, United States and Interstate highways are **not** eligible for funding under the LSP. Projects supported by this program have included new and upgraded traffic signals, signage, pedestrian indications, crosswalks, curb ramps, pavement markings and other improvements to increase the safety of drivers, bicyclists and pedestrians.

The program:

- Typically addresses New Jersey Department of Transportation (NJDOT) derived high priority crash locations on County or Local Roadways.
- Projects must be quick-fix, supported with detailed crash data analyses (utilizing the American Association of State Highway and Transportation Officials Highway Safety Manual) and have minimal or no environmental or cultural resource impacts (eligible for

programmatic Categorical Exclusions or self-certified Categorical Exclusions from the Federal Highway Administration).

- LSP funding may be used for all phases of a project, including design, right of way acquisition, construction and construction inspection.

High Risk Rural Roads Program

Although Map-21 eliminated the requirement of a State to set-aside funds for the High Risk Rural Roads Program (HRRRP), New Jersey will continue with this program as defined in the previous Federal Transportation funding legislation: Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU). HRRRP under SAFETEA-LU provided federal funds for construction improvements to address safety problems only on roadways that are functionally classified as rural major collector, rural minor collector or rural local roads and have a crash rate that exceeds the statewide average for those functional classes of roadways. Projects supported by this program have included but not limited to skid-resistant surface treatments, guiderail, reflective pavement markings, rumble strips and rumble stripes, safety edge, enhance and advanced warning signs. MAP-21 eliminated HRRRP as a dedicated program, however, the set-aside continued in some states depending on that state's rural road crash data.

The HRRRP:

- Projects must be on roadways functionally classified as rural major collector, rural minor collector or rural local roads with a crash rate that exceeds the statewide average for those functional classes of roadways.
- Projects must have minimal or no environmental or cultural resource impacts (eligible for programmatic or self-certified Categorical Exclusions).

Funding may be used for all phases of a project, including design, right of way acquisition, construction and construction inspection.

The LSP/HRRRP is run by the three Metropolitan Planning Organizations (MPO):

- Delaware Valley Regional Planning Commission (DVRPC)
- North Jersey Transportation Planning Authority (NJTPA)
- South Jersey Transportation Planning Organization (SJTPO)

ENVIRONMENTAL RESOURCES

The primary focus of the Division is to provide project related environmental services to the Division of Local Aid, to other MPOs, towns and municipalities as well as Transportation Systems Management; track new/changing laws, rules, and regulations; provide technical guidance; recommend new policies and/or policy changes in environmental areas; and develop programmatic environmental solutions. To accomplish this, the division is organized with one director and three regional environmental groups with a supervisor. Each regional group is staffed with a generalist, permit specialist and cultural resource specialist. The primary focus of the group is to provide project related environmental services to Local-Aid & Economic Development Managers.

This is significant because it is at this stage of the Local-Aid process that Environmental Resources groups determine whether an EA or EIS is needed for a project. DCR/AA's involvement and review of EAs and EISs in this process will ensure that EAs and EISs include any social and economic impact actions that result in the displacement of Title VI populations and businesses, or affect community cohesion and accessibility of community facilities or services. If EAs or EISs indicate adverse impact on said communities, DCR/AA will provide assistance to Local-Aid Managers in developing alternative solutions that will avoid, minimize, mitigate or provide an enhancement to said communities.

Project Development Support Unit

The Project Development Support Unit is comprised of three teams, each having regional and program responsibilities to provide environmental support for projects administered by the Divisions of Local Aid & Economic Development, Systems Planning, Multimodal Services, and other units as needed in matters related to project development and delivery. The Unit ensures that projects avoid and/or minimize impacts to the environment by participating in the early scoping of project alternatives and continuous participation throughout the project delivery process. It assists the Metropolitan Planning Organizations (MPOs) and the Department in screening and selecting projects for the various NJDOT/FHWA-funded grant programs to ensure projects can progress through the project delivery process without environmental fatal flaws. Also, it prepares and reviews various environmental documents that assess impacts of proposed actions. These documents are required to demonstrate compliance with federal or state environmental regulations thereby enabling projects to receive funding to advance through the project delivery process. It also ensures that environmental commitments are incorporated into project plans and specifications and periodically monitors construction activities to ensure that commitments are satisfied.

Technical Analysis & Policy Support Unit

The Unit provides guidance, advice and policy recommendations related to environmental regulations and practices to Department leadership. Also, it:

- Provides subject matter expertise pertaining to existing federal and state environmental laws, regulations, policies, and procedures that affect transportation projects.
- Reviews and provides guidance on implementing procedures related to project compliance for the various environmental disciplines.
- Considers the implications of proposed federal and state environmental laws, regulations, policies and procedures to the functions of NJDOT; prepares/coordinates NJDOT comments regarding these proposals for NJDOT management and regulatory agencies prior to formal adoption; provides guidance to staff on compliance after adoption; and resolves issues related to the changes through continued coordination with regulatory agencies.
- Identifies and implements initiatives to improve efficiency in the environmental compliance process, developing programmatic and interagency agreements, and internal procedures, as appropriate.
- Resolves project-specific and program-wide technical issues relative to the environmental compliance process with federal and state regulatory agencies. Identifies and disseminates

information about training opportunities related to technical environmental and regulatory compliance issues.

Environmental Services & Support Unit

The Unit, comprised of the Site Remediation Group and the Water Group, provides oversight of activities conducted at the various Department facilities throughout the state including Operations, to ensure consistency with federal and state environmental regulations related to project environmental permitting requirements, storm water management, hazardous waste remediation, and safe drinking water. The Unit serves as the point of contact with NJDEP regarding agency-generated storm water and New Jersey Pollution Discharge Elimination Systems (NJPDES) permitting. The Unit also audits maintenance facilities for compliance with all applicable regulations (Storm water, Solid & Hazardous Waste Management, etc.). In addition, the Unit collects periodic potable well samples from NJDOT facilities to ensure compliance with Small Water Purveyor Permit compliance and to ensure safe drinking water at non-regulated facilities.

The Site Remediation Group manages remedial activities associated with known and emerging hazardous issues at maintenance facilities and NJDOT right-of-way (ROW) discoveries. It also develops and executes property access agreements in support of Regional Operations ROW Access Permitting units, and provides technical support for the District Attorney's Office relative to legal actions involving hazardous material discharges and compounds.

The Water Group screens projects initiated by Operations and Facilities for potential environmental regulatory concerns, and procures routine and emergency NJDEP Land Use Permits (e.g. Wetlands, Flood Hazard Area, etc.) and other permits/regulatory approvals for these projects as required.

OPERATIONS

Operations is responsible for overseeing 13,295 lane miles of state highways. Regional Operations Divisions are responsible for the maintenance and repair of all roadway and bridge assets; the maintenance and repair of traffic signals and electrical applications; the service and repair of regional fleet and heavy equipment, as well as the repair of facilities and storage buildings. Regional Operations provides Maintenance and Equipment Operations (per Region), Electrical Operations and Permits. The Division of Operations Support provides Equipment Engineering and Operations; handles statewide fleet management, prepares equipment specifications, bid analysis and contract administration. The Bridge Maintenance Engineering Unit is responsible for 17 statewide drawbridge operations, and the Bureau of Maintenance Engineering and Operations is responsible for engineering expertise for various bridge repair and roadway maintenance contracts. Operations supports Winter Operations staff and coordinates, leads, guides and analyzes best practices for winter maintenance. Drainage Engineering prepares and administers drainage contracts, explores existing drainage to planned capacities, repairs/installs piping systems, inventories and maintains condition reports of all underground infrastructure. The Office of Emergency Management (OEM) is responsible for the mitigation, response and recovery from natural and man-made emergencies, as well as ensures that all required employees receive the necessary training to prepare them for potential disasters.

Regional Operations is responsible for general roadway maintenance, pothole repair, crack sealing, litter removal, grass mowing, as well as snow and ice control. Specialty crews are responsible for maintenance of all regulatory traffic signs, landscape maintenance, bridge maintenance and catch basin repairs. Regional Operations is also responsible for the oversight of all work within the State's right of way that is not sponsored by the Department or Federal Highway Administration (FHWA), and the Permit process.

Regional Engineering staff are responsible for contract administration and inspection for various regional contracts.

Regional Equipment Service Centers maintain all vehicles and heavy equipment assigned to Regional Operations. Regional Electrical Operations' responsibilities include maintenance, repair of traffic signals, highway lighting, illuminate signs, traffic counting stations and moveable bridges.

STATEWIDE PLANNING

The Division of Statewide Planning formulates planning goals, objectives and strategies for the effective development and management of an integrated multi-modal transportation system, expressed in a Statewide Long-Range Transportation Plan. Transportation planning analysis and recommendations are provided which promote efficient maintenance, management and development of the transportation system with full consideration of diverse, multi-modal alternatives and the community context.

Bureau of Statewide Strategies

The Bureau of Statewide Strategies develops statewide strategies to shape transportation policy and enhance statewide transportation services. The Bureau provides broad, future oriented direction for the Department's mission and programs that ultimately result in the delivery of capital investments and mobility services to the public. The Bureau promotes compatibility among state, regional, and local transportation, land use, air quality, and private sector planning activities, processes, and products.

Specific functions that impact Title VI include:

- Preparing a comprehensive statewide long-range transportation plan.
- Preparing a Transportation Asset Management Plan.
- Participating on the State Planning Commission in the development, update and implementation of the State Development and Redevelopment Plan.
- Managing the Transit Village Initiative to designate Transit Villages in municipalities that meet criteria for walkable, mixed use, and compact development around transit facilities.
- Coordinating Department statewide transportation planning activities with other state, transportation and regional planning agencies.
- Recommending changes to the New Jersey State Highway Access Code to strengthen support of the state's Smart Growth goals and objectives and improve consistency with the policies and strategies of the State Development and Redevelopment Plan.

- Conducting planning studies to coordinate multimodal transportation strategies with land use development and produce needs assessments.
- Maintaining the statewide travel demand model to conduct air quality analyses and to provide travel demand projections to support the capital program and projects.
- Managing the metropolitan planning program with the state's three Metropolitan Planning Organizations.
- Preparing and managing the State Planning and Research/Management System work program, which describes and budgets federally funded planning activities throughout the Department.

Bureau of Research

The Research Unit delivers quality research and technology transfer solutions that the Department uses to deal with the ever-increasing demand on the State's transportation systems. The Bureau of Research solicits multi-disciplinary transportation research needs and utilizes the resources of institutions of higher education and consultants to provide research solutions for a variety of customers, including the Department, NJ TRANSIT, and the Motor Vehicle Commission. The Bureau utilizes the Department's resources as a conduit to its research partners to discover new materials; improve processes; refine systems; generate innovative ideas that enhance the durability and efficiency of the State's transportation infrastructure; enhance public safety; improve mobility; reduce congestion; improve and protect the environment, and introduce new innovative technologies that can improve the quality of life in the Garden State.

Bureau of Commuter & Mobility Strategies

The Bureau of Commuter & Mobility Strategies is made up of four primary units: the Office of Bicycle and Pedestrian Programs, the Community Transportation Planning Assistance Program, the Park and Ride Program and Congestion Management.

The Office of Bicycle and Pedestrian programs is responsible to advance the Complete Streets initiative through the Capital Project Delivery Process. This office is also tasked with advancing the Bicycle and Pedestrian Master Plan and the Pedestrian Safety Action Plan. It is responsible to support the State's Safe Routes to School Program.

The Community Transportation Planning Assistance Program is responsible to promote State operational efficiency, safety and Department "smart growth" goals through providing Local Technical Assistance to develop local transportation circulation plans and access management plans.

The Park and Ride Program supports the oversight of the State's leased and owned park and ride lots. This effort is maintained with the intention to decrease traffic volumes and congestion along our roadways.

The Congestion Management Unit provides support to the Department's decision-making and project delivery process by providing congestion evaluation and congestion relief strategies to support project planning and studies.

MULTIMODAL SERVICES

The Division of Multimodal Services, provides grants for rail, aviation and maritime transportation. The Division licenses airports and heliports and provides permits for oversized and overweight vehicles. It is also responsible for providing oversight of fixed guideway rail facilities and plans for goods movement via rail, truck and maritime. The Division is comprised of Multimodal Grants and Programs, Aeronautics, Maritime Resources, Freight Planning & Services, and Fixed Guideway Oversight.

The Bureau of Multimodal Grants and Programs is responsible for receiving applications for, and awarding grants, plus general program management. NJDOT offers Capital Improvement Program Grants and Matching Grants to Federal Aviation Administration (FAA) Grants awarded to New Jersey airports. Grants under the Airport Improvement Program and the Rail Freight Assistance Program are now administered through an online resource, SAGE (System for Administering Grants Electronically.)

The Office of Maritime Resources is the state advocate for New Jersey's marine trade industry and plans programs based on local, regional and global factors that affect the economic, environmental, technical, political and cultural climate within which New Jersey's marine trade industry conducts business. Many projects that New Jersey Department of Transportation's Office of Maritime Resources (NJDOT/OMR), participates in can be considered "planning" for more efficient, increased, or better utilized maritime or marine development. Initiatives encompass environmental restoration, dredging projects, port development, enhancement and security, maritime transportation, marine trades advocacy, harbor safety and management, and ferries. To support New Jersey's marine trade businesses and organizations, NJDOT/OMR developed and manages the New Jersey Marine Trades Program. The Program encompasses numerous projects, grant programs, and marine-related initiatives including but not limited to: I BOAT NJ, National Boating Infrastructure Grant Program (NBIG), State Channel Dredging Program, New Jersey Clean Marina Program and Dredged Material Management.

Freight Planning & Services manages and oversees numerous Freight planning studies and research projects, such as the Statewide Freight Plan, and the Freight Rail Strategic Plan. The Department also collaborates with other transportation agencies and works on other public and private initiatives, such as the State Rail Plan with NJ Transit. Freight Planning & Services also supports other major freight initiatives under way at NJDOT such as the Portway Program and the activities of Maritime Resources.

TRANSPORTATION SYSTEMS MANAGEMENT

Transportation Systems Management (TSM) focuses on systems management and the operation of New Jersey's Highway System. It is broken down into two "unified" sections, the Division of Traffic Operations, which carries out the operations functions, and the Bureau of Mobility and Systems Engineering, which carries out the engineering functions. Transportation Systems Management's (TSM) mission is to alleviate traffic congestion and travel disruptions that inconvenience motorists and make New Jersey's highways more efficient and safe for those who travel them every day.

Division of Traffic Operations

The Division of Traffic Operations is responsible for carrying out the following programs: Statewide Safety Service Patrol (SSP); the Traffic Operations Centers located in Woodbridge (STMC - 24/7 operation) and Cherry Hill (16/5 operation); the 24/7 Central Dispatch Unit; and the Statewide Incident Management Program in partnership with the New Jersey State Police (NJSP).

The Safety Service Patrol (SSP) concentrates patrol on highway areas that have demonstrated the greatest need for motorist assists. SSP patrols 225 linear miles of interstate and state highways throughout New Jersey. They assist motorists whose vehicles have become disabled as a result of a crash, a mechanical failure or other cause, and provide safety for emergency responders. Assistance includes changing a flat tire, pushing a disabled vehicle off to the shoulder, pulling a vehicle trapped in mud or snow back onto the road, providing a small amount of gasoline and making minor repairs.

Along with assisting disabled vehicles and drivers on our highways, SSP drivers also assist the New Jersey State Police (NJSP) and other secondary responders by promoting safety and diverting traffic during incidents and creating a safe work zone for emergency responders. The SSP is alerted by the NJSP when their operators receive calls from 911. Patrol drivers are typically the first responders on location and their trucks are equipped with traffic cones, safety flares, air compressors, a variety of tools and first aid kits.

It is imperative that the Department effectively provide guidance to and engage employees of SSP in Title VI policies and practices as this area has direct daily contact with the motoring public of NJ. Effectively communicating with all citizens, no matter what language they speak, helps to alleviate disparate impacts on the LEP community, and is key to being able to assist them, and alleviate traffic congestion and travel disruptions.

The Traffic Operations Centers (TOCs) are responsible for managing the flow of traffic on the highway system and coordinating incident management responses. The TOCs work in close cooperation with the New Jersey Turnpike Authority (NJTA) and the New Jersey State Police (NJSP) to jointly oversee and manage a 24/7 statewide traffic management center.

The Division of Traffic Operations also coordinates Incident Management Response Teams (IMRT) for Traffic Operations North and South, in cooperation with the NJSP's Statewide Incident Management Team; ensures the safe and efficient movement of traffic through the use of statewide Intelligent Transportation Systems (ITS) equipment, and provides a 24 hour a day, 7 days a week point of contact for the public and police to report emergencies or complaints and assign a NJDOT response. It also oversees the distribution of real time traffic information to the public; approves/disapproves requests to close all or any portion of the highway system, and provides responsive and sensitive contact information with other government agencies, local officials, various interest groups and private citizens concerning highway problems and priorities.

Division of Mobility and Systems Engineering

The Division of Mobility and Systems Engineering is responsible for carrying out the following programs: the design and maintenance of Intelligent Transportation Systems (ITS)

equipment/operations; ITS contracts and agreements; reviewing constructability for capital and maintenance projects, traffic mitigation activities and work zone safety; traffic signal optimization and adaptive traffic signal systems, travel time systems, traffic signal timing; and the New Jersey Department of Transportation's (NJDOT) 511 system and advance traveler information systems. Developing and maintaining the NJDOT Intelligent Transportation Systems (ITS) Investment Strategic Plan and ITS Architecture.

- Providing design services for stand-alone ITS projects or installation of ITS components within other projects.
- Developing design budgets and schedules and preparing construction contract documents, including plans, specifications, estimates and schedules as required for these projects.
- Designing and administering any system(s) necessary to interconnect the video and information systems used by the Traffic Operations Center.
- Providing contract administration for special federally-funded ITS programs (example: TRANSCOM and I-95 Corridor Coalition).
- Reviewing ITS designs and documents developed by private consultants, including projects managed by Capital Program Management (CPM)
- Providing technical support to the Resident Engineer during construction concerning ITS work items, including change of plans, ITS material approvals and lane closure hours or stage changes.
- Ensuring that all ITS designs meet Department standards, are compatible with other systems in the State, and support the NJDOT ITS Investment Strategy and New Jersey Statewide ITS Architecture.
- Conducting field investigations, testing and evaluating ITS systems and components, and developing and maintaining ITS standards and guidelines.
- Coordinating with and providing support to other agencies and Departmental units involved in ITS initiatives.

HUMAN RESOURCES

The Division of Human Resources assists employees and management with administrative and personnel matters related to benefits, pensions, retirement, leaves, employee relations and career opportunities. The Recruitment Unit is responsible for the recruitment of new employees and the processing, tracking and managing of employee applications through an applicant tracking database. The Unit is also responsible for managing and overseeing the Department's Student Intern Program.

SUPPORT SERVICES

The Division of Support Services consists of the Facilities Planning, Engineering and Operations Unit and the Employee Safety Unit. The Division works to provide all NJDOT employees with a safe, comfortable, effective, and efficient work environment by providing a wide variety of services, including but not limited to: building and elevator maintenance, snow removal, pest control, HVAC operations, fire protection and janitorial services. Additional functional services under the auspices of the Division include mail delivery, receptionist coverage and the Department Secretary function.

Facilities Planning, Engineering and Operations provides statewide engineering support and technical assistance for the Department's physical plant. This unit provides critical input for the development of the Capital Program with regard to the planning and design of physical facilities, including the acquisition of properties for that purpose. This group oversees the construction or modifications of facilities including construction management services. The unit is responsible to provide engineering support to correct health and safety deficiencies as they relate to the physical facilities and is available to respond to emergency situations, such as a major systems failure, electrical power outage and/or building.

Facilities Management & Operations provides facilities management and operations support at the NJDOT Main Office Complex including building maintenance and repairs, janitorial services, grounds-keeping services, heating, air conditioning and ventilation services, security, parking, etc. They are also the liaison for all leased facilities occupied by DOT and coordinate with the New Jersey Department of Treasury's Bureau of Lease Compliance for all facilities management issues. The Section is responsible for the development of floor plans and space allocation throughout NJDOT's Main Headquarters campus. They plan, design and construct/reconstruct all systems furniture layouts throughout the Complex.

Employee Safety is responsible for setting the tone on safety and occupational health in the workplace and in developing NJDOT's health and safety program. Employee Safety staff help management, employees, and unions better understand safe and healthful work practice and safety equipment needs. The unit investigates serious occupational health and safety incidents and helps develop corrective action recommendations. Employee Safety is concerned about our employees whether working in an office, in a work zone, in a garage or on a bridge house. This unit ensures all proper reporting to the Departments of Labor, Health and Community Affairs on all PEOSH, NJ Worker and Community Right to Know Act, and fire code issues. They help evaluate new products before their use and help to develop specifications for items such as safety signage to lead paint removal.

DEPARTMENT SECRETARY

The Department Secretary, as an official notary, is responsible for processing requests for Advertising of legal notices, reconciling legal billing issues for prompt payment, review and correcting Department Actions (AD-12/RE 27 forms) prior to certification, and the compliance of all legal attachments. As a Notary for Commissioner of NJDOT, the Secretary is responsible for the certification of approval for the Schedule of Approvals; authorizes acceptance and final payment letters to Contractors, as well as surety for acceptance and Final payment; and certifies and authorizes DEEDS and Traffic Regulation Orders, Emergent and Non-Emergent (PUBLIC LAW) Contracts and Bonds.

Complaint Procedures & Complaint Violations

A written complaint may be filed by any person or class of persons who believes that they have been subjected to discrimination or retaliation based upon race, color, sex, age, national origin, low income or disability. An individual's representative may file the complaint on behalf of the individual.

- A complaint must be filed no later than 180 days after the date of the alleged act of discrimination; the date when the individual(s) became aware of the alleged discrimination; or where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.
- Complaints shall be in writing and signed by the individual or the representative and include the complainant's name, address and telephone number. These procedures do not preclude any agency from attempting to resolve issues and complaints that are non-written, i.e., sexual harassment. Complaints must detail the facts and circumstances of the alleged discrimination.
- The Department will investigate complaints filed directly with the Department against contractors and sub-recipients. Complaints shall be investigated utilizing procedures approved by FHWA in accordance with 23 CFR 200.9(b) (3).
- Complaints filed directly with the Department against the Department shall be forwarded to FHWA for investigation.
- The Director of DCR/AA shall acknowledge in writing the receipt of every complaint filed with the Department within ten (10) business days of receiving it.
- If additional information is required, the complainant will be provided ten (10) business days to respond. If the complaint is rejected, the complainant will be informed of the appropriate appeal authority and given a timeline in which to appeal.
- It is in the best interest of all parties involved that the concerns raised be resolved informally at the lowest level possible. With the complainant's consent, attempts may be made to resolve the matter informally. However if the complainant is dissatisfied with the Department's decision, he or she may bring the matter to the attention of the FHWA, USDOT and the USDOJ.
- If the complaint has merit, the Title VI Coordinator will supervise the conduct of a thorough investigation and submit a Report of Findings to the Director of the Department's Division of Civil Rights and Affirmative Action for determination.
- Within 60 days of the receipt of the complaint, the Complainant should be notified of the Department's findings, the proposed disposition of the matter, the avenues available for appeal and the timeline to appeal if there is dissatisfaction with the Department's decision. The proposed remedy should require action necessary to correct and prevent similar occurrences.
- The Department will issue letters of findings for all investigations processed by the Department or develop informal settlements for all complaints processed by the

Department. In accordance with regulations at 23 CFR 200, a copy of the complaint, together with a copy of the State’s report of the investigation, shall be forwarded to the FHWA Division Office within 60 days of the date the complaint was received by the Department. An extension of an additional 60 days may be granted by the FHWA for justifiable reasons.

- It is the responsibility of the Department to periodically inform the FHWA Division Office of the status of all complaints.

Title VI Nondiscrimination Complaint Procedures

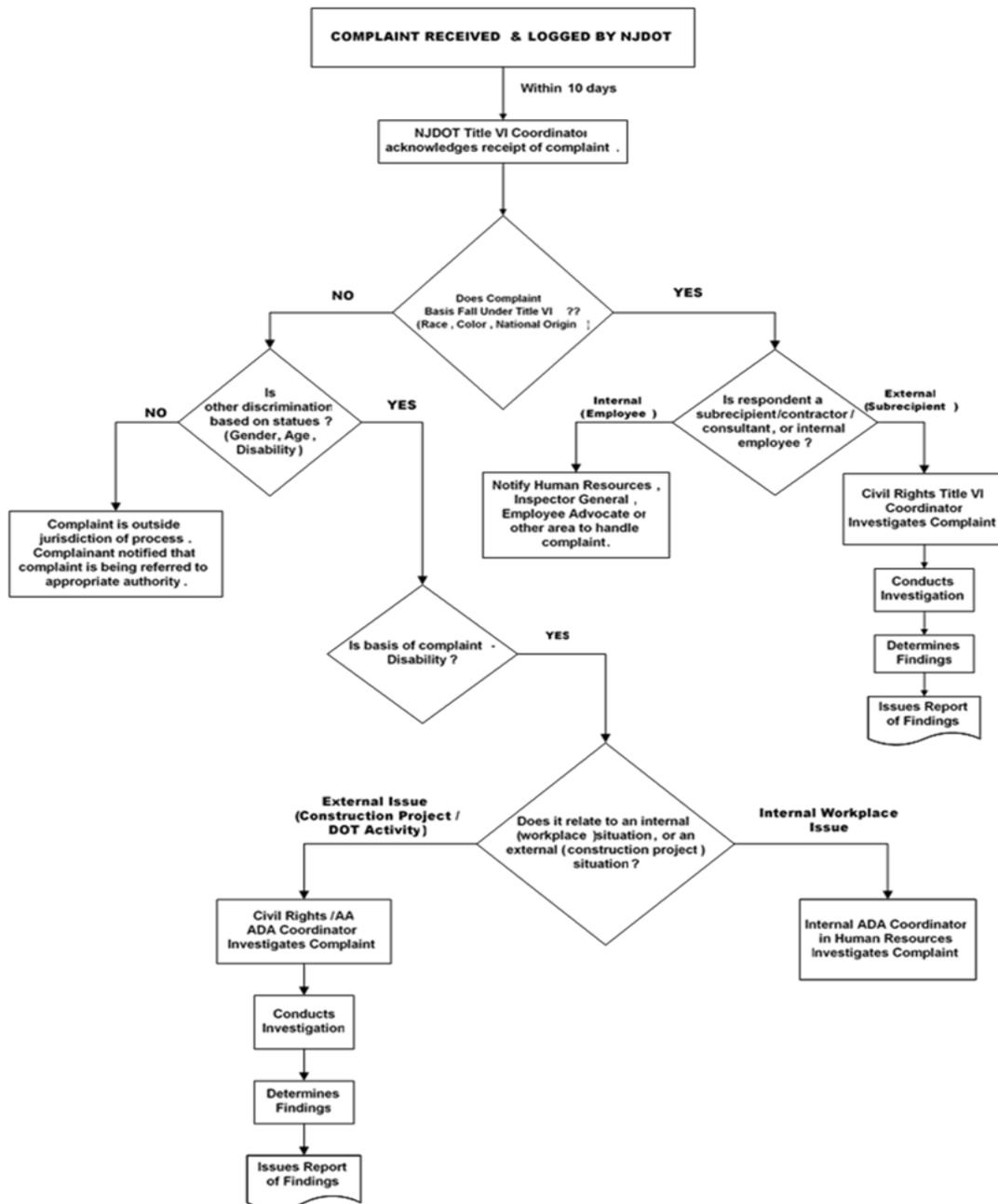


Figure 13 – Complaint Process Diagram

TITLE VI NONDISCRIMINATION COMPLAINTS/VIOLATIONS

External Title VI Complaints

There were no Title VI complaints filed during FY 2017 period. The Disadvantaged and Small Business Programs Unit and the Wage Rate Unit did not receive any Title VI complaints during Federal Fiscal Year 2017.

Over FFY 2016, the Contractor Compliance Unit received three complaints. In March of 2016, Civil Rights received, and followed up on, a complaint of racial discrimination against Schiavone Construction Co., LLC (SCC) on Pulaski Skyway Contract #2, DP #13121. In April of 2016, Civil Rights staff investigated a complaint that Power Concrete did not provide restroom facilities on site on the Bridge Preventive Maintenance Contract 2015-1: Forty-One (41) Bridges, Route I-78, DP#15406. Civil Rights conducted an Internal EEO investigation and ensured that port-o-johns were obtained for the worksite. Finally, in June of 2016, Intercounty Paving Associates (IPA), a subcontractor to M.L. Ruberton, complained of non-payment for services on NJDOT Route 18 Extension, Section 3A project, DP#11125. The RE on the project and Civil Rights intervened and M.L. Ruberton did end up paying IPA.

Data Collection

DEMOGRAPHICS OF THE STATE OF NJ:

The New Jersey Department of Transportation provides services and programs to the citizens of the whole state. New Jersey is the fourth smallest state, but the 11th most populous and the most densely populated. The New Jersey Department of Labor and Workforce Development reports that the estimated resident population in 2016 was 8,944,469. Table 4 below, shows New Jersey Counties’ annual estimates of the resident populations based on information from American Fact Finder.

Population Rank	Geographic Area	2016 Total Population
1	Bergen County	939,151
2	Middlesex County	837,073
3	Essex County	796,914
4	Hudson County	677,983
5	Monmouth County	625,846
6	Ocean County	592,497
7	Union County	555,630
8	Camden County	510,150
9	Passaic County	507,945
10	Morris County	498,423
11	Burlington County	449,284
12	Mercer County	371,023
13	Somerset County	333,751
14	Gloucester County	292,330
15	Atlantic County	270,991
16	Cumberland County	153,797
17	Sussex County	142,522
18	Hunterdon County	124,676
19	Warren County	106,617
20	Cape May County	94,430
21	Salem County	63,436

Table 6 - NJ Population by County

Several of New Jersey’s most populous cities or townships are located in Northern New Jersey, and are under the auspices of the North Jersey Transportation Planning Authority (NJTPA). Care must be taken to ensure that implementation of Title VI principles are adequately identified, addressed and monitored in activities as well as transportation and planning projects in under the realm of the NJTPA, particularly minority, low income and LEP communities.

Table 5 below, identifies New Jersey’s most populous cities and townships as of 2016 figures.

Population Rank	Geographic Area	2016 Population
1	Newark	281,764
2	Jersey City	264,152
3	Paterson	147,000
4	Elizabeth	128,640
5	Edison	101,996
6	Woodbridge	101,389
7	Lakewood	100,758
8	Toms River	91,837
9	Hamilton Township (Mercer)	88,400
10	Clifton	85,845
11	Trenton	84,056
12	Brick Township	75,061
13	Camden	74,420
14	Cherry Hill	71,352
15	Passaic	70,635
16	Union City	69,296
17	Old Bridge	66,673
18	Franklin Township	66,311
19	Bayonne	66,238
20	Middletown	65,482

 Region North
  Region Central
  Region South

Table 7 – NJ’s Most Populous Cities & Townships

Nine (45%) of the most populous cities and Townships are located in what NJDOT calls Region North; nine (45%) are located in Region Central and two (10%) are located in Region South.

Figure 14 below, illustrates the racial makeup of New Jersey in 2015 based on the American Community Survey.

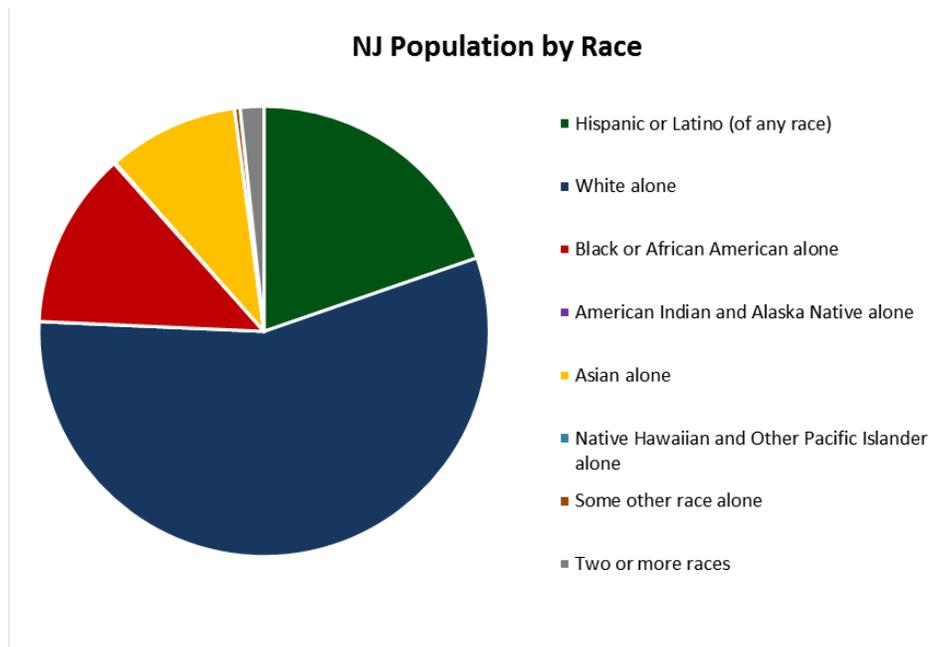


Figure 14 – NJ Population by Race – 2015

Based on the estimates, minorities made up 44% of New Jersey’s population. Based on the survey, Hispanics represented approximately 20% of the population, followed by 12% Black, 10% Asian, .5% were from some other race alone and 1.5% were from two or more races. Representation of Native Hawaiian/Pacific Islanders and American Indian/Alaska Native was negligible compared to the total population of New Jersey.

Tables on the following pages represent Municipalities having the largest African American, Hispanic, Asian, Native American & Hawaiian and/or Pacific Islander populations as of 2015. This is estimated data that has been compiled by the New Jersey Department of Labor & Workforce Development, New Jersey State Data Center.

Municipalities having the largest African American population estimates for 2014-2015 are:

Municipality	County	Total #	African American Population	%
Newark City	Essex	277,357	143,381	51.7
Jersey City	Hudson	251,717	65,604	26.1
East Orange	Essex	64,351	57,044	88.6
Irvington Township	Essex	54,144	46,633	86.1
Paterson City	Passaic	145,920	45,960	31.5
Trenton City	Mercer	84,609	42,876	50.7
Camden City	Camden	77,356	37,771	48.8
Elizabeth City	Union	125,888	24,780	19.7
Willingboro	Burlington	31,772	22,532	70.9
Plainfield	Union	50,065	22,108	44.2
Atlantic City	Atlantic	39,591	15,889	40.1
Piscataway	Middlesex	56,915	12,416	21.8
Teaneck Township	Bergen	39,994	11,089	27.7
Neptune Township	Monmouth	27,902	10,418	37.3
Vineland City	Cumberland	60,857	9,217	15.1
Lakewood Township	Ocean	92,586	5,432	5.9
Monroe Township	Gloucester	36,386	4,552	12.5
Franklin Township	Somerset	5,111	2,737	53.6
Parsippany Troy Hills Twp.	Morris	53,483	1,961	3.7
Middle Township	Cape May	18,864	1,625	8.6
Phillipsburg Town	Warren	14,819	1,266	8.5
Clinton Township	Hunterdon	13,382	1,174	8.8
Newton Town	Sussex	8,043	1,069	13.3

Table 8 –Municipalities with Largest African American Populations–2014-2015

Nearly forty (40%) of the municipalities having the largest African American population are located in NJDOT’s Region North; 30% are located in Region Central, and 30% are located in Region South. The top five municipalities with the highest African American Population are located in the North Region.

Newark City in Essex County contains the largest total number of African Americans. East Orange (88%) and Irvington (86%), both located in Essex County, contain the highest percentage of African Americans in relation to the municipality’s total population.

Municipalities having the largest Hispanic population estimates for 2014-2015 are:

Municipality	County	Total #	Hispanic Population	%
Newark City	Essex	277,357	94,480	34.1
Patterson City	Passaic	145,920	83,681	57.3
Elizabeth	Union	125,888	77,329	61.4
Jersey City	Hudson	251,717	68,857	27.4
Union City	Hudson	67,233	56,703	84.3
Passaic City	Passaic	70,172	49,408	70.4
North Bergen Twp.	Hudson	61,434	44,602	72.6
Perth Amboy City	Middlesex	51,300	40,832	79.6
West New York	Hudson	50,649	39,958	78.9
Camden City	Camden	77,356	36,630	47.4
Trenton City	Mercer	84,609	28,616	33.8
Vineland City	Cumberland	60,857	22,062	36.3
Hackensack City	Bergen	43,466	14,881	34.2
Lakewood Township	Ocean	92,586	14,526	15.7
Dover	Morris	18,257	12,830	70.3
North Plainfield Borough	Somerset	22,001	9,875	44.9
Atlantic City	Atlantic	39,591	9,760	24.7
Long Branch City	Monmouth	30,614	8,602	28.1
Pemberton Township	Burlington	27,951	3,134	11.2
Washington Twp.	Gloucester	48,432	2,309	4.8
Vernon Township	Sussex	23,450	2,160	9.2
Hackettstown Town	Warren	9,671	1,894	19.6
Wildwood City	Cape May	5,269	1,471	27.9
Flemington	Hunterdon	4,559	1,295	28.4
Pennsgrove Borough	Salem	5,100	1,262	24.7

Table 9 – Municipalities with Largest Hispanic Populations-2014-2015

Forty-four percent (44%) of the municipalities having the largest Hispanic population are located in NJDOT’s Region North; 24% are located in Region Central, and 32% are located in Region South. The top five municipalities with the highest Hispanic Population are located in the North Region.

Newark City in Essex County contains the largest Hispanic population (94,480) within the state. Municipalities located in Hudson County have the highest percentage of Hispanics in relation to

the municipality's total population, leading with Union City at (84%). The municipality with the lowest Hispanic population are mostly located in the Southern Region of the state.

Municipalities having the largest Asian population estimates for 2014-2015 are:

Municipality	County	Total #	Asian Population	%
Jersey City	Hudson	251,717	60,922	24.2
Edison Township	Middlesex	100,513	46,046	45.8
Woodbridge Township	Middlesex	99,930	22,544	22.6
Piscataway Township	Middlesex	56,915	18,430	32.4
South Brunswick	Middlesex	43,877	17,160	39.1
Parsippany- Troy Hills Township	Morris	53,483	15,875	29.7
Franklin Township	Somerset	63,274	14,102	22.3
Palisades Park Borough	Bergen	35,617	13,896	39
Fort Lee Borough	Bergen	35,617	13,896	39
East Brunswick	Middlesex	47,736	11,064	23.2
West Windsor Twp.	Mercer	27,711	10,997	39.7
Cherry Hill Township	Camden	71,094	9,927	14
Clifton City	Passaic	84,591	7,715	9.1
Marlboro Township	Monmouth	40,138	7,031	17.5
Livingston Township	Essex	29,420	6,376	21.7
Atlantic City	Atlantic	39,591	6,014	15.2
Union Township	Union	56,915	5,412	9.5
Toms River Township	Ocean	91,690	3,683	4
Mount Laurel	Burlington	41,848	3,511	8.4
Washington Township	Gloucester	48,432	1,642	3.4
Raritan Township	Hunterdon	22,145	1,321	6
Vineland City	Cumberland	60,857	829	1.4
Middle Township	Cape May	18,864	639	3.4
Sparta Township	Sussex	19,621	538	2.7
Greenwich Township	Warren	5,654	453	8
Pennsville Township	Salem	13,310	203	1.5

Table 10 – Municipalities with Largest Asian Populations-2014-2015

Thirty-two percent (32%) of the municipalities having the largest Asian population are located in NJDOT's Region North; 36% are located in Region Central, and 32% are located in Region South.

Jersey City in Hudson County has the largest Asian Population (60,922) within the state. The following Townships within the Central Region, specifically Middlesex County (Edison, Woodbridge, Piscataway, and South Brunswick) have a high Asian population. Edison Township located in Middlesex County has the highest percentage of Asians (45.8%) in relation to the municipality's total population. Vineland City located in Cumberland County has the lowest percentage of Asians (1.36%) in relation to the municipality's total population.

Municipalities having the largest Native American population estimates for 2014-2015 are:

Municipality	County	Total #	Native American Population	%
Jersey City	Hudson	251717	1,206	0.5
Newark City	Essex	277357	944	0.3
Camden City	Camden	77356	651	0.8
Passaic City	Passaic	70172	632	0.9
Trenton City	Mercer	84609	411	0.5
Millville City	Cumberland	28598	371	1.3
Berkeley	Ocean	41458	366	0.9
Atlantic City	Atlantic	39591	360	0.9
Hackensack City	Bergen	43466	336	0.8
Woodbridge Township	Middlesex	99930	319	0.3
Dover Town	Morris	18257	315	1.7
Elizabeth City	Union	125888	303	0.2
Franklin Township	Somerset	63274	290	0.5
Lower Township	Cape May	22696	275	1.2
Red Bank Borough	Monmouth	12207	259	2.1
Clayton Borough	Gloucester	8196	106	1.3
Hoptacong Borough	Sussex	15053	90	0.6
Phillipsburg Town	Warren	14819	63	0.4
New Hanover Twp.	Burlington	7760	61	0.8
Pilesgrove Township	Salem	4031	34	0.8
Holland Township	Hunterdon	5264	28	0.5

Table 11– Municipalities with Largest Native American Populations-2014-2015

Thirty-three percent (33%) of the municipalities having the largest Native American population are located in NJDOT's Region North; 29% are located in Region Central, and 38% are located in Region South.

Jersey City in Hudson County has the largest Native American Population (1206) within the state. The data is dispersed across all three regions for the top 5 municipalities (Jersey City, Hudson County; Newark City, Essex County; Camden City, Camden County; Passaic City, Passaic County; and Trenton City, Mercer County. Holland Township, Hunterdon County has the smallest Native American (28) population. Red Bank in Monmouth County has the highest percentage of Native Americans (2.12%) in relation to the municipality's total population.

Municipalities having the largest Hawaiian or other Pacific Islander populations for 2014-2015 are:

Municipality	County	Total #	Native Hawaiian and other Pacific Islander Population	%
Newark	Essex	277357	410	0.1
Flemington Borough	Hunterdon	4559	194	4.3
Union Township	Union	56915	158	0.3
Egg Harbor Township	Atlantic	43403	123	0.3
West New York Town	Hudson	50649	88	0.2
Perth Amboy City	Middlesex	51300	87	0.2
Mount Olive Township	Morris	28321	70	0.2
Clifton City	Passaic	84591	53	0.1
Lindenwold Borough	Camden	17573	51	0.3
West Windsor Twp.	Mercer	27711	50	0.2
Cliffside Park Borough	Bergen	24110	48	0.2
Pemberton Township	Burlington	27951	46	0.2
Jackson Township	Ocean	55254	41	0.1
Wildwood City	Cape May	5269	36	0.7
Franklin Township	Somerset	63274	34	0.1
Monroe Township	Gloucester	36386	20	0.1
Middletown Township	Monmouth	66423	19	0
Montague Township	Sussex	3829	13	0.3
Bridgeton City	Cumberland	25271	12	0
Carneys Point Twp.	Salem	8020	4	0
Allamuchy Township	Warren	4426	0	0

Table 12 – Municipalities with Largest Hawaiian/Pacific Islander Populations-2014-2015

Thirty-three percent (33%) of the municipalities having the largest Native Hawaiian or other Pacific Islander population are located in NJDOT's Region North; 29% are located in Region Central, and 38% are located in Region South.

Newark City in Essex County has the largest Native Hawaiian and other Pacific Islander Population (410) within the state. The data is dispersed across all three regions for the top 5 municipalities (Newark City, Essex County; Flemington Borough, Hunterdon County; Union Township, Union County; Egg Harbor Township, Atlantic County; and West New York, Hudson County) with the highest Native Hawaiian / Pacific Islander populations. Flemington located in Hunterdon County has the highest percentage of Native Hawaiian (4.25%) in relation to the municipality's total population. Allamuchy Township in Warren County has the lowest percentage (0%) in relation to the municipality's total population.

Municipalities having the largest two or more races population estimates for 2014-2015 are:

Municipality	County	Total #	2 Races or More Population	%
Newark City	Essex	277,357	16,781	6.1
Paterson City	Passaic	145,920	8,887	6.1
Jersey City	Hudson	251,717	7,784	3.1
Camden City	Camden	77,356	3,331	4.3
Edison Township	Middlesex	100,513	2,974	3
Vineland City	Cumberland	60,857	2,731	4.5
Elizabeth City	Union	125,888	2,296	1.8
Egg Harbor Township	Atlantic	43,403	2,118	4.9
Long Branch City	Monmouth	30,614	1,906	6.2
Franklin Township	Somerset	63,274	1,898	3
Trenton City	Mercer	84,609	1,877	2.2
Lakewood Township	Ocean	92,586	1,585	1.7
Willingboro Twp.	Burlington	31,772	1,566	4.9
Parsippany - Troy Hills	Morris	53,483	1,466	2.7
Teaneck Township	Bergen	39,994	1,244	3.1
Monroe Township	Gloucester	36,386	1,202	3.3
Sparta Township	Sussex	19,621	433	2.2
Clinton Township	Hunterdon	13,382	405	3
Lower Township	Cape May	22,696	368	1.6
Phillipsburg Town	Warren	14,819	349	2.4
Penns Grove Borough	Salem	5100	294	5.8

Table 13 – Municipalities with Largest 2 or More Races Populations-2014-2015

Thirty-three percent (33%) of the municipalities having the largest 2 or More Races population are located in NJDOT's Region North; 29% are located in Region Central, and 38% are located in Region South.

Newark City in Essex County has the largest 2 or More Races Population (16,781) within the state. The top three municipalities with the highest population of 2 Races or More are located in the North Region, specifically Essex County, Passaic County, and Hudson County. Long Branch City in Monmouth County has the highest percentage of 2 Races or More (6.23%) in relation to the municipality's total population. Both Ocean County (1.71%) and Cape May County (1.62%), located in the Southern Region, have the lowest population percentages in relation to each of the municipality's total population.

New Jersey is a racially diverse state. Representation from different ethnic groups is dispersed throughout the state.

Age & Gender

The New Jersey Department of Labor and Workforce Development State Data Center estimates the 2016 median age for all New Jersey residents regardless of gender is 40. The median age for males is 38, while the median age for females is 41.

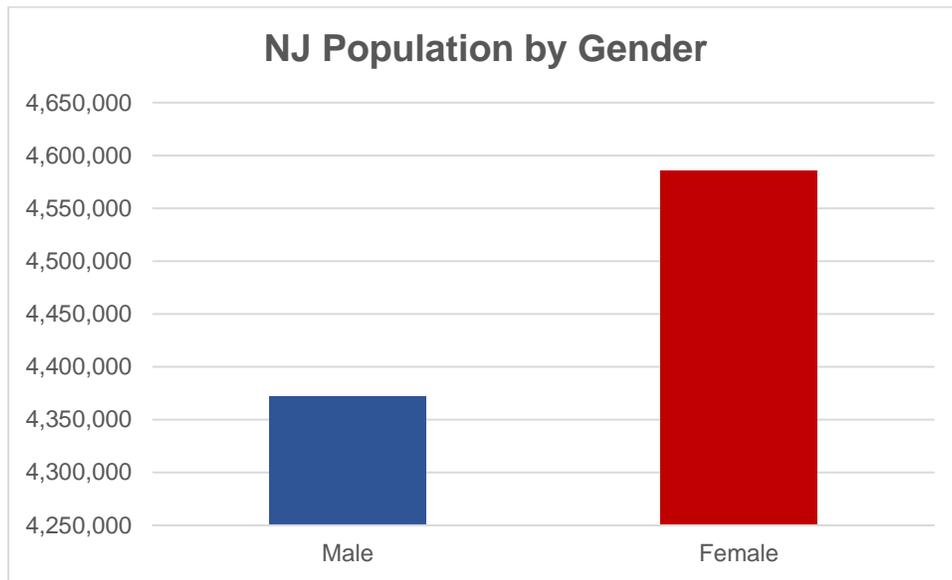


Figure 15 - New Jersey Population Breakdown by Gender

Income

According to the NJ Department of Labor and Workforce Development's Labor Market Information website, for 2015, the per capita personal income in NJ was identified as \$59,782. The median household income in NJ was defined as \$72,093, and the median nonfamily income in NJ was defined as \$39,809. Median earnings for NJ male full-time, year round workers was \$61,712, and for NJ female full-time, year round workers was \$49,954. Figure 16 depicts the median household income (in 2015 inflation-adjusted dollars) by county as estimated according to the American Community Survey.

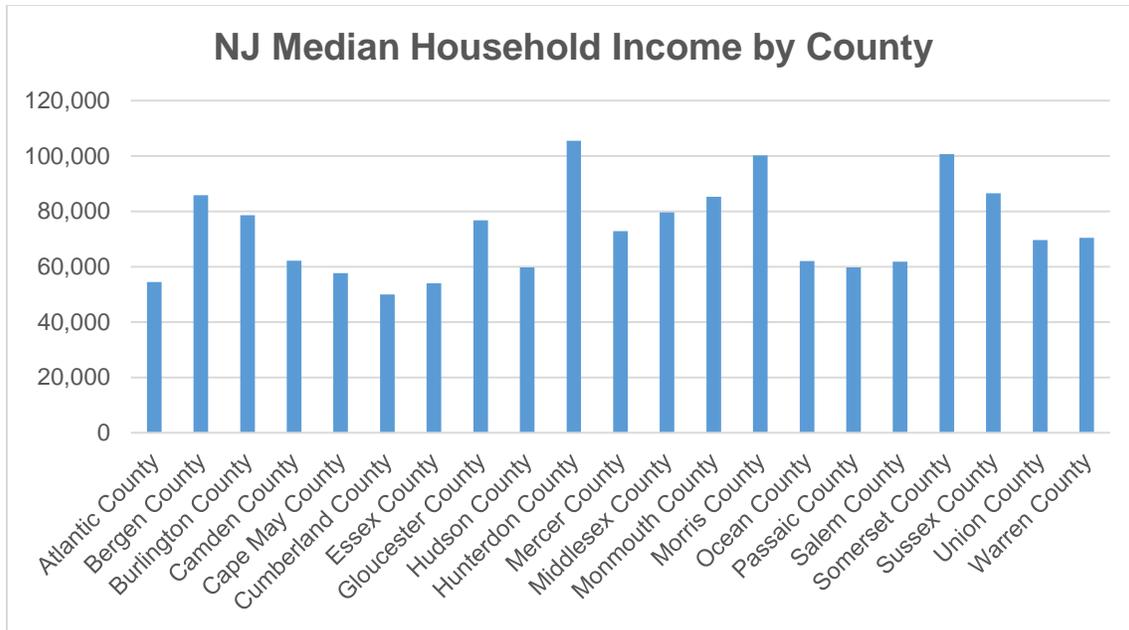


Figure 16– NJ Median Household Income by County

Poverty

The 2017 U.S. Federal Poverty Guidelines are issued by the Department of Health and Human Services (HHS). The U.S. Federal Poverty Guidelines are used to determine financial eligibility for certain federal and state assistance programs such as Head Start, the Supplemental Nutrition Assistance Program (SNAP), the National School Lunch Program, the Low-Income Home Energy Assistance Program and the Children’s Health Insurance Program (CHIP).

According to the U.S. Census Bureau’s American Community Survey, in 2015, the percentage of all persons living in New Jersey below poverty level was 10.8%. It is reported that 9.8% of males are living below poverty level and 11.8% of females live below poverty in New Jersey. The race and ethnic status of persons living below poverty is: 42% are White or Caucasian, 20.0% are Black or African American, and 29% are of Hispanic origin.

NJ POVERTY LEVEL BY RACE/ETHNICITY

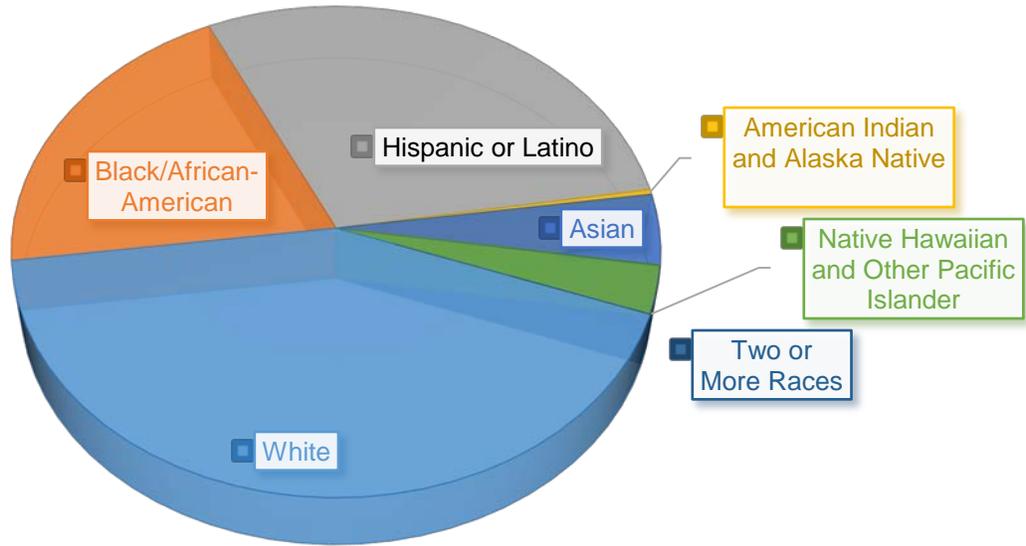


Figure 17– NJ Poverty Level by Race/Ethnicity

Families Living Below Poverty Level by County

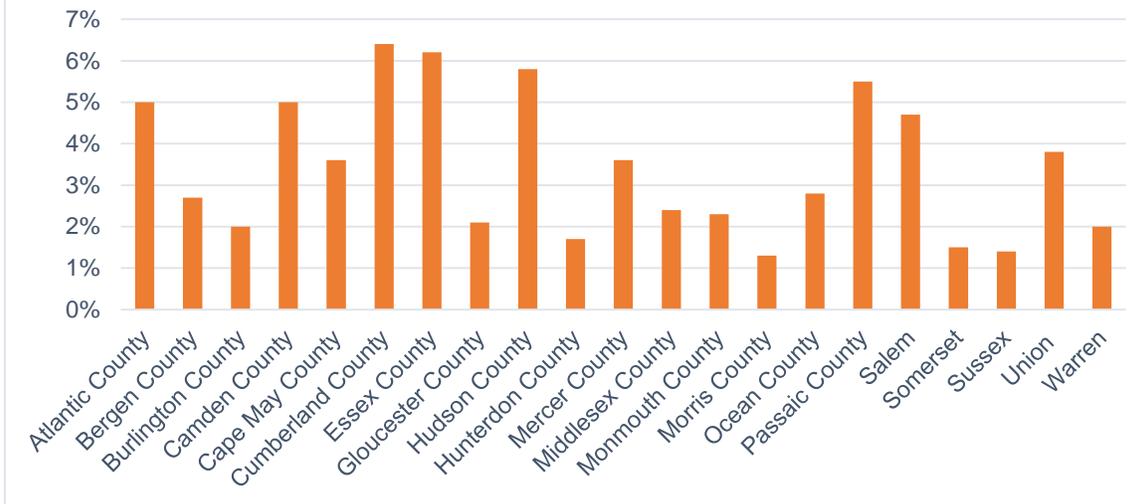


Figure 18– Families Living Below Poverty Level by County

According to the U.S. Census Bureau’s American Community Survey 2015, Cumberland County (6.4%) has the highest percentage of families living below poverty level. Essex (6.2%), Hudson (5.8%), Passaic (5.5%) and Salem (4.7%) Counties’ population consists of a relatively high number of families living below the poverty threshold.

Veteran Status

The U.S. Census Bureau’s American Community Survey reports that New Jersey’s population is 7% veteran, compared with 9.6% nationally. New Jersey ranks #19 in total veteran population in the U.S. Thirty percent are at least 75 years old, while 19.4% are 35 to 54. According to data collected by the U.S. Department of Veteran’s Affairs, New Jersey has approximately 410,900 veterans. Of that number, 33,000 are women veterans. 229,000 are veterans age 65 and over. NJ’s veterans’ 2015 median income was \$33,219. The unemployment rate of veterans in 2015 was 8.8%.

Veteran Population by County		
Geographic Area	Veteran Population	Percent of Population
Atlantic County	17,000	7.3%
Bergen County	32,000	4.6%
Burlington County	33,000	9.9%
Camden County	29,700	6.9%
Cape May County	8,600	10.2%
Cumberland County	9,000	6.4%
Essex County	24,600	3.8%
Gloucester County	19,600	7.6%
Hudson County	15,000	2.8%
Hunterdon County	6,700	6.4%
Mercer County	16,700	5.4%
Middlesex County	30,000	4.4%
Monmouth County	32,000	6.5%
Morris County	22,000	5.7%
Ocean County	44,800	9.9%
Passaic County	17,000	3.9%
Salem County	5,500	10%
Somerset County	12,700	4.8%
Sussex County	9,000	8%
Union County	18,600	4.2%
Warren County	7,400	7.6%

Table 14– Veteran Population by County

The highest percentages of veteran population were found in Cape May, Salem and Ocean Counties. The lowest percentages of veteran population were found in Hudson, Essex and Passaic Counties.

Towns with the Highest Number of Veterans		
Town	County	Number of Veterans
Toms River	Ocean County	6,961
Newark	Essex County	6,469
Manchester	Ocean County	6,024
Brick	Ocean County	5,982
Jersey City	Hudson County	5,892
Berkeley	Ocean County	5,744
Hamilton	Mercer County	5,313
Woodbridge	Middlesex County	4,237
Middletown	Monmouth County	3,957
Jackson	Ocean County	3,919
Gloucester	Camden County	3,889
Pemberton	Burlington County	3,884
Monroe	Middlesex County	3,700
Cherry Hill	Camden County	3,585
Trenton	Mercer County	3,316

Table 15– Towns with the Highest Number of Veterans

Toms River (6,961) has the highest number of veterans. Ocean County has six towns on the ‘Highest Number of Veterans in New Jersey’ list.

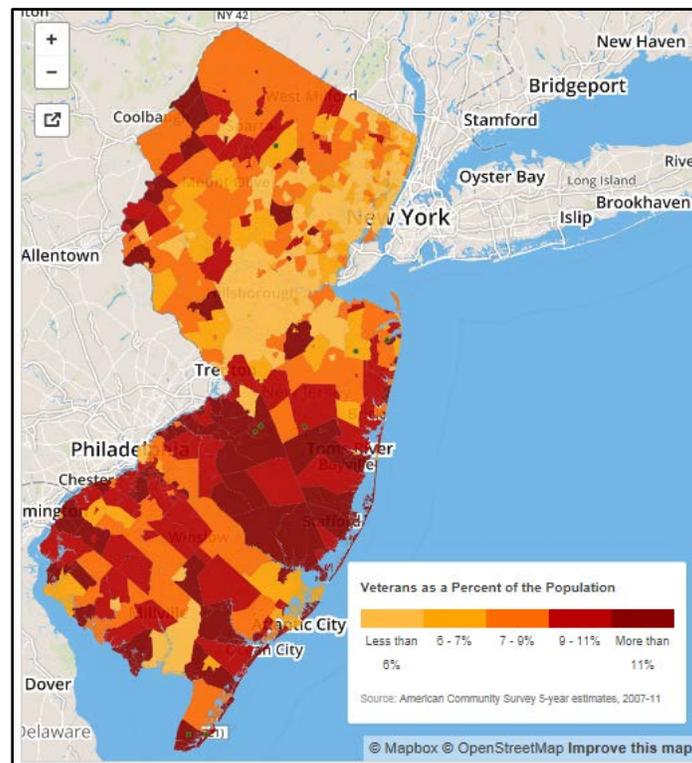


Figure 19- New Jersey’s Veteran Population

LIMITED ENGLISH PROFICIENCY (LEP)

According to the Census Reporter at: <http://censusreporter.org/profiles/04000US34-new-jersey/>, persons with language other than English spoken at home is 30.6%, which is 1.5 times the rate in the United States. Other than English, the top ten languages spoken in New Jersey are Spanish, Italian, Polish, Portuguese, German, French/French Creole, Chinese, Tagalog, Korean and Arabic. The SSP Unit is currently using “I SPEAK CARDS” translated into various different languages including Spanish and Chinese. Employees interviewed stated that other than English, Spanish is the predominate language encountered when communicating with the public.

The Title VI Unit worked with a Task Order consultant on a GIS mapping project to update the 2000 demographics data, including environmental justice population distribution, percentage below poverty level, household income, race, age, gender, educational levels and disability population distribution to reflect the 2010 Census data. This information is vital in that each programmatic area must access and use this information when planning and implementing their respective activities or programs to adhere to Title VI principles and ensure equal consideration is given to all communities.

FUNDING DISTRIBUTION

The Transportation Capital Program for FY 2017 described the planned capital investments for the fiscal year starting July 1, 2016. It represented the annual element of the New Jersey Department of Transportation’s and NJ Transit’s ten-year Statewide Transportation Improvement Program (STIP). Focusing on the department’s Core Mission—safety, infrastructure preservation, mass transit, mobility and congestion relief, and operations and maintenance—this Capital Program outlined projects and programs that rebuild the State’s bridges and roads, provide mass transit services, and reduce congestion by deploying Intelligent Transportation Systems (ITS) technology. This Capital Program reflected the need to prioritize spending in a difficult economic environment by carefully evaluating transportation needs and targeting limited resources toward safety, fix- it-first and state-of-good-repair initiatives.

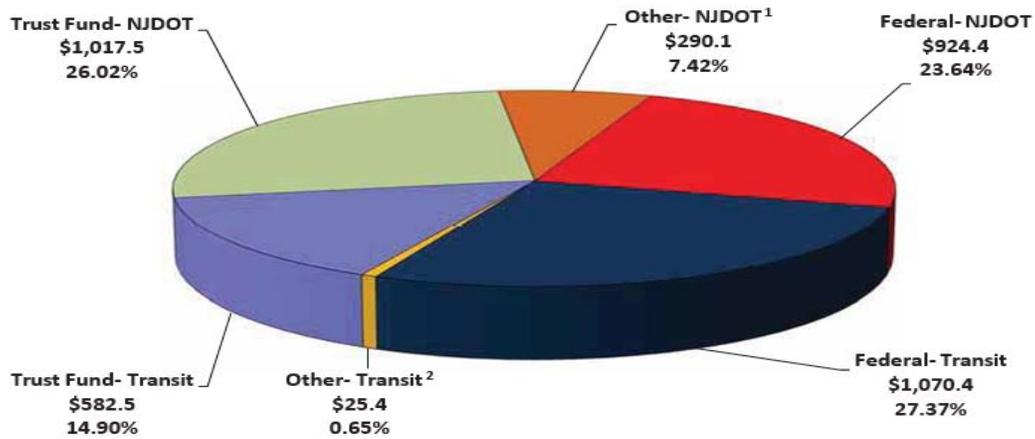
The FY 2017 Transportation Capital Program totals \$3.910 billion and is funded primarily by the State Transportation Trust Fund (TTF), federal, and third-party resources. This includes a total of \$3.680 billion for both NJDOT and NJ Transit and \$230 million for Port Authority projects.

State funds are programmed at \$1.600 billion.

- \$1.0175 billion for NJDOT
- \$582.5 million TTF for NJ TRANSIT

Federal revenues for FY 2017 were projected at \$1.9948 billion. NJDOT’s share of the federal funding is \$924.4 million, while NJ Transit’s allotment is \$1.0704 billion.

Sources of Funds (\$ in Millions)



1. \$230 M PANY&NJ's Route 440 Bayonne Bridge project; \$55.1 M Port Newark Container Terminal, Access Improvement and Expansion Project; \$5 M Route 1&9 Interchange (Union)
2. \$17.5 M Casino Revenue Fund; \$6.9M Operating Agreements.

Figure 20– Sources of Funding

NJDOT's \$2.232 billion Capital Program addressed New Jersey's transportation needs:

- The NJDOT program provided \$551 million for state and local bridges. Bridge investments ranged from funding for high-cost bridges to implementation of a variety of rehabilitation programs and local bridge rehabilitations.
- The NJDOT program provided \$417 million dedicated to road assets, including pavement rehabilitation, reconstruction and resurfacing.
- The NJDOT program provided nearly \$102 million for safety improvements. Key programs funded included the Crash Reduction Program, Intersection Improvement Program, Pedestrian Safety Initiatives, Rail-Highway Grade Crossings, and Safe Routes to School Program.
- The NJDOT program provided \$244 million in funds to address highway congestion through infrastructure improvements as well as efforts to better manage traffic and respond to incidents.
- The NJDOT program provided \$127 million for multimodal investments that support maritime, freight, and rail initiatives as well as bicycle and pedestrian improvements.

The 2016 State Transportation Improvement Program identified, that NJDOT has committed funding to the three Metropolitan Planning Organizations for FY 2016 through FY 2025. The three MPOs are: 1) the Delaware Valley Regional Planning Commission (DVRPC), which serves the Greater Philadelphia region and works to foster regional cooperation in a nine county, two state area – Bucks, Chester, Delaware, Montgomery and Philadelphia, in Pennsylvania and Burlington, Camden, Gloucester and Mercer in New Jersey; 2) the North Jersey Transportation Planning Authority (NJTPA), which covers thirteen counties in northern and central New Jersey – Sussex, Warren, Passaic, Morris, Bergen, Essex, Hudson, Union, Somerset, Hunterdon, Middlesex, Monmouth and Ocean; and, 3) the South Jersey Transportation Planning Organization (SJTPO), which covers the counties of Atlantic, Cumberland, Cape May and Salem in southern New Jersey.

Table 12 shows overall distribution of funds to each MPO per fiscal years for 2016 through 2018.

Metropolitan Planning Organization	FY 2016	FY 2017	FY 2018
<i>MPO Distribution (\$ millions)</i>			
DVRPC	\$195.9	\$252.3	\$260.9
NJTPA	\$1,921.7	\$879.2	\$686.3
SJTPO	\$88.0	\$95.0	\$90.1
<i>MPO Total</i>	\$2,205.5	\$1,226.5	\$1,037.3
<i>Statewide Distribution (\$ millions)</i>			
Statewide	\$679.0	\$841.2	\$803.9
<i>Statewide Total</i>	\$679.0	\$841.2	\$803.9
Total	\$2,884.6	\$2,067.7	\$2,856.4

Table 16– Funding Distribution for MPO Organizations FY 2016-2018

NJTPA’s coverage area includes Bergen, Essex, Hudson, Hunterdon, Monmouth, Morris, Middlesex, Ocean, Passaic, Somerset, Sussex, Union, and Warren counties. DVRPC’s coverage area includes Burlington, Camden, Gloucester, and Mercer counties. SJTPO coverage area includes Cape May, Atlantic, Cumberland, and Salem counties.

ADVISORY BOARDS, COMMITTEE(S), COMMISSION(S)/OR OTHER DECISION MAKING BODIES

NJDOT and any sub-recipient of federal aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial breakdown of the membership of those committees.

Tables 15 to 35 show a partial listing of the New Jersey Department of Transportation’s decision-making bodies and their appointment structure. Table 15 has been updated to show the decision-making body and appointment structure of Senior Leadership due to a change in member – the vacancy of Assistant Commissioner-Administration (as of May 2017). Table 23 outlines the racial and gender structure of the [Employee EEO Advisory Committee for the 2015 to 2017](#) term while

Table 24 identifies the racial and gender breakdown of the [Title VI Task Force](#). Please note the addition of Tables 21-23. They include: the Mediation Negotiation Team, the Bid Protest Hearing Officer and the Administrative Reconsideration Official. The Department is in the process of continuing to identify additional committees or boards, as well as the committees and/or boards for each of the three Metropolitan Planning Organizations and any sub-recipients. Listed below is a partial listing of boards, committees or other decision making bodies at NJDOT, or that NJDOT's Commissioner or employees participate on. As additional boards or committees are identified, they will be included in future updates to this Title VI Plan.

NJDOT

Senior Leadership		
Title	Race	Gender
Commissioner	White	Male
Deputy Commissioner	White	Male
Chief of Staff	White	Male
Chief Financial Officer	White	Male
Inspector General	White	Female
Assistant Commissioner – Administration (Vacant as of 5/17)	Black	Female
Assistant Commissioner – Transportation Systems Management	White	Male
Assistant Commissioner (Acting) – Government & Community Relations	White	Male
Assistant Commissioner – Capital Investment Planning & Grant Administration	White	Male
Assistant Commissioner – Capital Program Management	White	Male
Assistant Commissioner - Operations	White	Male

Table 17– Senior Leadership - Ethnicity & Gender

NJDOT's Senior Leadership team is comprised of 90% non-minorities and 10% minorities. Males account for 80% of the group; females, 20%. Hispanics, American Indianans and Alaskan Natives are currently underrepresented in Senior Leadership.

Capital Program Screening Committee (CPSC)		
Title	Race	Gender
Director, Statewide Planning	White	Male
Director, Mobility & Systems Engineering	Asian	Male
Director, Highway & Traffic Design	White	Male
Director, Project Management	White	Female
Director, Capital Program Support	White	Male
Director, Bridge Engineering & Infrastructure Management	Asian	Male
Deputy Executive Director, Operations	White	Male
Federal Highway (FHWA)	Unknown	Male
NJ Transit (NJT)	Unknown	Male
North Jersey Transportation Planning Authority (NJTPA) (Advisory Capacity)	Unknown	Male
South Jersey Transportation Planning Organization (SJTPO) (advisory capacity)	Unknown	Male
Delaware Valley Regional Planning Commission (DVRPC) (advisory capacity)	Unknown	Female

The Capital Program Screening Committee is comprised of various Directors and managerial staff and chaired by the Director of Capital Investment Planning & Development. Members include FHWA and NJ Transit. Representatives from the three MPOs also attend in advisory capacity. Voting members consist of the Chairman and NJDOT Director-level staff, including management system owners and pipeline delivery owners. The committee reviews presentations from Project Managers and others for advancement of projects in accordance with approved procedures, and recommend approval of the action to the Capital Program Committee.

Table 18 – Capital Program Screening Committee – Ethnicity & Gender

Capital Program Committee (CPC)		
Title	Race	Gender
Chief of Staff	White	Male
Assistant Commissioner, Capital Program Management	White	Male
Chief Financial Officer	White	Male
Assistant Commissioner, Transportation Systems Management	White	Male
Chief of Staff	White	Male
FHWA representative (advisory capacity)	Unknown	Male
NJTPA representative (advisory capacity)	Unknown	Unknown
SJTPO representative (advisory capacity)	Unknown	Unknown
DVRCP representative (advisory capacity)	Unknown	Unknown
NJ Transit representative (advisory capacity)	Unknown	Unknown

The Capital Program Committee is comprised of the Department’s Assistant Commissioners (senior management) and chaired by the NJDOT Deputy Commissioner. FHWA, NJ Transit and representatives from the 3 MPOs may attend in an advisory capacity. The committee reviews recommendations from the Capital Program Screening Committee on the advancement of existing projects; and reviews individual’s requests (presentations) for new project funding for out-of-cycle projects, and requests for cancellation of projects. Voting members consist of the Deputy Commissioner and Assistant Commissioners.

Table 19 – Capital Program Committee – Ethnicity & Gender

Consultant Selection Committee		
Title	Race	Gender
Director of Civil Rights or Representative in their absence	White	Female
Deputy Commissioner	White	Male
Assistant Commissioner, Capital Program	White	Male
Assistant Comm., Capital Investment Planning & Grant Admin.	White	Male
Assistant Commissioner, Transportation Systems Management	White	Male
Assistant Commissioner, Operations	White	Male
Chief Financial Officer	White	Male
Manager - Professional Services Procurement	White	Female

The Consultant Selection Committee is appointed by the Commissioner to ensure maximum objectivity in the method of qualifying, evaluating, and selecting consultants. The Committee also reviews/approves Consultant Selection Policy and Procedure revisions.

Table 20 – Consultant Selection Committee – Ethnicity & Gender

Change Control Board (CCB)		
Title	Race	Gender
Director, Construction Services & Materials	Asian	Male
Director, Highway & Traffic Design	White	Male
Director, Bridge Engineering & Infrastructure Management	Asian	Male
Director, Project Management	White	Female
Director, Capital Program Support	White	Male

The Change Control Board reviews changes and approve changes and requests affecting design and construction in an effort to control costs, scope changes and provide historical data for quality assurance purposes.

Table 21– Change Control Board – Ethnicity & Gender

Dispute Review Board		
Title	Race	Gender
Regional Construction Engineer, Chairperson	Varies	Varies
Project Program Manager	Varies	Varies
Manager, Bureau of Construction Management	White	Male

The Dispute Review Board is comprised of three delegated voting members of the Department’s management team. The Board is responsible for review of Contractor’s claims at Step II of the Contractual Claims Resolution Process, in accordance with the requirements of New Jersey’s current 2007 Standard Specifications, section 107.12.02, Part 2, or as revised by the Supplementary Specifications of the project.

The gender and ethnicity of the members serving on the Dispute Review Board varies, based on the particular project that is being disputed as the Regional Construction Engineer and Project Program Manager assigned to hear the dispute are assigned from the particular Region where the project is located. The race and gender of the Regional Construction Engineers is: Region North - White/Female; Region Central - Asian/Male and Region South - Position is vacant.

Table 22 – Dispute Review Board – Ethnicity & Gender

Mediation Negotiation Team		
Title	Race	Gender
Spokesperson, Department Representative	Unknown	Unknown
Member, Department Representative	Unknown	Unknown
Member, Department Representative	Unknown	Unknown
Mediator, Mutually Agreed on by Contractor and Department	Unknown	Unknown
Contractor Representative	Unknown	Unknown

The Mediation Negotiation Team is comprised of three delegated members of the Department, which may or may not be from management. Of the three members, one serves as the Team’s Spokesperson. The Team also consists of a mediator who must be mutually agreed upon by the Contractor and Department. It also includes a Contractor Representative. The Team is responsible for review of the claims of a Contractor at Step IV of the Contractual Claims Resolution Process, in accordance with the requirements of New Jersey’s current 2007 Standard Specifications, section 107.12.02, Part 4, or as revised by the Supplementary Specifications of the project.

Table 23 – Mediation Negotiation Team – Ethnicity & Gender

Bid Protest Hearing Officer Pool (Procurement-Construction Services)		
Title	Race	Gender
Asst. Commissioner, Capital Program Management (or designee)	White	Male
Designee of Assistant Commissioner, CPM	Unknown	Unknown
Assistant Commissioner, Operations (or designee)	White	Unknown
Designee of Asst. Commissioner, Operations	Unknown	Unknown

When a contract is bid, if NJDOT deems that the apparent lowest bidder failed to fully meet the Contract requirements at Bid Opening, and the bid is rejected, the Bidder may request a Bid Protest Hearing. In answer to such a request, Procurement appoints a Bid Protest Hearing Officer (BPHO) from the BPHO pool. The BPHO must not have had any prior dealings with the bid in question. The BPHO reviews the merits of arguments that the contractor was a fully responsible and responsive bidder and renders a written decision regarding whether the bid rejection is upheld or overturned.

Table 24 – Bid Protest Hearing Officer Pool (Procurement-Construction Services) – Ethnicity & Gender

Administrative Reconsideration Hearing Officer Pool		
Title	Race	Gender
Asst. Commissioner, Capital Program Management (or designee)	White	Male
Designee of Assistant Commissioner, CPM	Unknown	Unknown
Assistant Commissioner, Operations (or designee)	White	Unknown
Designee of Asst. Commissioner, Operations	Unknown	Unknown

When a contract is bid, if NJDOT deems that the apparent lowest responsive bidder failed to meet the Contract DBE/ESBE/SBE goal and failed to demonstrate adequate good faith effort to do so by the 5th day after Bid opening, and the bid is rejected, the Bidder may request Administrative Reconsideration (AR). In answer to such a request, Procurement appoints an Administrative Reconsideration Hearing Officer (ARHO) from the ARHO pool. The ARHO must not have had any prior dealings with the bid in question and must be trained in AR. The ARHO reviews the merits of arguments that the contractor was a fully responsive bidder and renders a written decision regarding whether the bid rejection is upheld or overturned.

Table 25 – Administrative Reconsideration Officer Pool – Ethnicity & Gender

Claims Committee		
Title	Race	Gender
Director of the Division of Capital Program Management	White	Male
Director of the Division of Bridge and Engineering & Infrastructure Management	Asian	Male
FHWA representative (non-voting Attendee)	Unknown	Unknown
Department Counsel (non-voting Attendee)	Unknown	Unknown

The Claims Committee is comprised of two delegated voting members of the Department’s management team. The Committee is responsible for review of Contractor’s claims at Step III of the Contractual Claims Resolution Process. The Assistant Commissioner, Capital Program Management designates members for claims on all Capital Projects. The Assistant Commissioner, Operations designates members for claims on all projects administered by Maintenance/Operations.

Table 26 – Claims Committee – Ethnicity & Gender

Prequalification Committee (PC)		
Title	Race	Gender
Chief Financial Officer (Chairman)	White	Male
Assistant Commissioner, Capital Program Management	White	Male

Assistant Commissioner, Operations	White	Male
Director of Procurement	White	Male
Director of Civil Rights	White	Female
Deputy Attorney General (non-voting member)	White	Female
Manger Bureau of Construction Services (Procurement) (Secretary & nonvoting member)	Black	Male

The Prequalification Committee consists of five voting members appointed by the Commissioner to perform duties indicated in the Classification of Contractors Policy and Procedures. (NJDOT Policy & Procedure 317) for construction contracts and contractor performance issues.

Table 27 – Prequalification Committee – Ethnicity & Gender

NJ UCP DBE Decertification Hearing Panel		
Title	Race	Gender
Manager, Outreach & Certifications, NJ Transit	Hispanic	Male
Supervisor, DBE-ESBE Programs, NJDOT	Black	Female
Manager, Certification Programs, The Port Authority of NY/NJ	Black	Male

The NJUCP will be the hearing board for all eligibility challenges to certified firms. The Certify Partner conducting the investigation and making the preliminary determination for certification removal will not serve as a voting member on the hearing board for the challenged firm.

Table 28 - NJ UCP DBE Decertification Hearing Panel

Senior EEO Advisory Committee		
Title	Race	Gender
Assistant Commissioner – Administration (Vacant as of 5-2017)	Black	Female
Assistant Commissioner – Transportation Systems Management	White	Male
Assistant Commissioner (Acting) – Government & Community Relations	White	Male
Assistant Commissioner – Capital Investment Planning & Grant Administration	White	Male
Assistant Commissioner – Capital Program Management	White	Male
Assistant Commissioner - Operations	White	Male

The Senior EEO Advisory Committee is comprised of the Department’s Assistant Commissioners. The group appoints non-supervisory staff to serve for two years on the EEO Advisory Committee and reviews their recommendations and provides guidance to them.

Table 29 – Senior EEO Advisory Committee – Ethnicity & Gender

2015--2017 Employee EEO Advisory Committee		
Employee Name	Race	Gender
Employee Member, Automotive Mechanic, Operations	Black	Male
Employee Member, Management & Operations Analyst, Maintenance - North	White	Male
Employee Member, Administrative Analyst 1, Operations - Central	Asian	Female
Employee Member, Personnel Assistant 1, Human Resources	Asian	Female
Employee Member, Secretarial Assistant 2, Right of Way, CPM	Black	Female
Employee Member, Equipment Operator, Maintenance - South	White/Am In./Alas Nat.	Male
Employee Member, Senior Engineer, Structural Evaluation	Black	Male
Employee Member, Auditor 3, Accounting & Auditing	Black	Female
Employee Member, Senior Clerk Typist, Construction - North	Hispanic	Female
Employee Member, Project Engineer, Local Aid & Economic Development	Asian	Male
Employee Member, Principal Engineer, Mobility & Systems Engineering	Asian	Female
Employee Member, Senior Engineer, Project Management	White	Male
Employee Member, Truck Driver, Maintenance - South	White	Male
Employee Member, Environ. Specialist 1, Environ. Resources	Asian	Female
Employee Member, C&M Tech 3, Maintenance - North	White	Female

The EEO Advisory Committee is comprised of employees selected by the Senior EEO Advisory Committee. The Committee serves as a resource group of non-supervisory staff who advise and assist NJDOT on matters relative to equal employment opportunity, diversity and inclusion. The committee provides recommendations and promotes initiatives that support and influence NJDOT activities such as recruitment, career development, increased employee engagement, and strategic planning.

Table 30 – Employee EEO Advisory Committee for 2015-2017 – Ethnicity & Gender

Title VI Liaison Task Force		
Programmatic Area	Race	Gender
Civil Rights – Title VI and ADA Supervisor	Black	Male
Civil Rights – Title VI Coordinator Vacant		
Bridge Engineering & Infrastructure Management	Asian	Male
Capital Investment Planning & Development	White	Female
Community & Constituent Relations	Black	Female
Construction Management	Asian	Male
Construction Services & Materials	Asian	Male
Department Secretary	Black	Female
Environmental Resources & Context Sensitive Solutions	Black	Male
Facilities	White	Male
Highway & Traffic Design	White	Male
Human Resources - Recruitment	White	Female
Information Technology	White	Female
Landscape Architecture & Environmental Solutions-Environmental	Hispanic	Female

Landscape Architecture & Environmental Solutions-Landscape	White	Male
Local Aid & Economic Development – Divisional Liaison	Asian	Male
Local Aid – District 1	Asian	Female
Local Aid – District 2	Asian	Female
Local Aid – District 3	Black	Male
Local Aid – District 4	White	Male
Multi-Modal Services – Maritime Resources	White	Female
Multi-Modal Services – Freight Planning & Services	White	Male
Multi-Model Services – Aeronautics	Asian	Male
Multi-Model Services – Fixed Guiderail	White	Male
Multi-Modal Services – Grants & Programs	Black	Male
Operations – Bridge Maintenance Engineering & Operations	White Asian	Male Male
Operations – Region Central	White	Female
Operations – Region North	White	Male
Operations – Region South	White	Female
Operations – Roadway Maintenance Engineering & Operations	White	Male
Procurement – Construction Services	Asian	Male
Procurement – Professional Services	White	Male
Project Management – Group A	Black	Female
Project Management – Group B	Black	Male
Project Management – Group C	Hispanic	Female
Project Management – Group D	White	Male
Right of Way & Access Management – Major Access Permits	Black	Male
Right-of-Way & Access Management – ROW	White	Female
Statewide Strategies	White	Female
Systems Planning & Research	Black	Male
Traffic Operations	White/Other	Male
NJ Transit Representative	Black	Female
Federal Highway Representative (FHWA)	Unknown	Female
NJDOT's Deputy Attorney General Representative	White	Female
North Jersey Transportation Planning Authority, Inc. (NJTPA)	White Black	Female Female
Delaware Valley Regional Planning Commission (DVRPC)	White	Female
South Jersey Transportation Planning Organization (SJTPO)	White	Male

The Title VI Liaison Task Force is comprised of Department employees of Programmatic Areas selected by the Title VI Coordinator. Individual employees are selected by Directors of their respective programmatic area. The liaisons are responsible in ensuring that employees in their respective programmatic area throughout the department are aware of Title VI policies, procedures and practices.

Table 31– Title VI Liaison Task Force – Ethnicity & Gender

2017 Municipal Aid Program Review Committee		
Title	Race	Gender
Consultant, Hatch Mott MacDonald	White	Male
Consultant, Remington and Vernick	White	Male
Supervising Engineer, NJDOT	White	Male
Manager, NJDOT	White	Male
Supervising Engineer, NJDOT	Black	Male
Senior Engineer, NJDOT	Asian	Male

Project Manager, NJDOT	White	Male
Manager, NJDOT	White	Male
Supervising Engineer, NJDOT	White	Female
Consultant, NJSME	White	Male
Consultant, NJSME	White	Male
Supervising Engineer, NJDOT	White	Male
Project Engineer, NJDOT	Asian	Male
Director, NJDOT	White	Male

The Municipal Aid Program Review Committee evaluates applicants for the Municipal Aid program which is a competitive program intended to provide municipalities with transportation based grants to supplement their transportation programs.

Table 32- 2017 Municipal Aid Program Review Committee – Ethnicity & Gender

2017 Bikeways Program Review Committee		
Title	Race	Gender
Project Engineer, NJDOT	Asian	Male
Project Manager, NJDOT	White	Male
Supervising Engineer, NJDOT	White	Male
Manager, NJDOT	White	Male
Supervising Engineer, NJDOT	Black	Male
Supervising Engineer, NJDOT	White	Female
Supervising Engineer, NJDOT	White	Female
Senior Engineer, NJDOT	Asian	Male
Manager, NJDOT	White	Male
Section Chief, NJDOT	White	Female
Manager, NJDOT	White	Male
Facilities Planner, NJTRANSIT	White	Female
Principal Planner, NJDOT	Black	Male
Director, NJDOT	White	Male

The Bikeways Program Review Committee evaluates applicants for the NJDOT Bikeway Grant Program which provides funds to counties and municipalities to promote bicycling as an alternate mode of transportation in New Jersey. It supports the State’s goal of constructing 1,000 new miles of dedicated bike paths.

Table 33- 2017 Bikeways Program Review Committee – Ethnicity & Gender

2017 Safe Street to Transit Review Committee		
Title	Race	Gender
Project Engineer, NJDOT	Asian	Male
Project Manager, NJDOT	White	Male
Supervising Engineer, NJDOT	White	Male
Manager, NJDOT	White	Male
Supervising Engineer, NJDOT	Black	Male
Supervising Engineer, NJDOT	White	Female
Supervising Engineer, NJDOT	White	Female
Senior Engineer, NJDOT	Asian	Male
Manager, NJDOT	White	Male
Section Chief, NJDOT	White	Female
Manager, NJDOT	White	Male
Facilities Planner, NJTRANSIT	White	Female

Principal Planner, NJDOT	Black	Male
Director, NJDOT	White	Male

The Safe Street to Transit Review Committee evaluates applicants for the Safe Streets to Transit program. The program provides funding to counties and municipalities in improving access to transit facilities and all modes of public transportation.

Table 34- 2017 Safe Street to Transit Review Committee – Ethnicity & Gender

2017 Local Bridges Future Needs Review Committee		
Title (Bureau of Structural Engineering)	Race	Gender
Assistant Engineer, NJDOT	Asian	Female
Project Engineer, NJDOT	Asian	Male
Supervising Engineer, Bridge Design	Black	Male
Project Manager, Local Aid	Asian	Male

The Local Bridges Future Needs Review Committee evaluates applicants’ proposals for the Local Bridges, Future Needs program. The program provides funds for the improvement of county jurisdiction bridges.

Table 35- 2017 Local Bridges Future Needs Review Committee – Ethnicity & Gender

2017 Transit Village Review Committee		
Title	Race	Gender
Project Engineer, NJDOT	Asian	Male
Project Manager, NJDOT	White	Male
Supervising Engineer, NJDOT	White	Male
Manager, NJDOT	White	Male
Supervising Engineer, NJDOT	Black	Male
Supervising Engineer, NJDOT	White	Female
NoSupervising Engineer, NJDOT	White	Female
Senior Engineer, NJDOT	Asian	Male
Manager, NJDOT	White	Male
Section Chief, NJDOT	White	Female
Manager, NJDOT	White	Male
Facilities Planner, NJTRANSIT	White	Female
Principal Planner, NJDOT	Black	Male
Director, NJDOT	White	Male

The Transit Village Review Committee evaluates applicants’ proposals for the Transit Village Grant Program. The program is designed to assist municipalities with grants for non-traditional transportation–related projects.

Table 36- 2017 Transit Village Review Committee – Ethnicity & Gender

Research Oversight Committee		
Name &/or Title	Race	Gender
Member, NJ Transit	White	Female
Member, MVC	White	Female
Member, NJDOT	White	Male
Member, NJDOT	White	Male
Member, NJDOT	Asian	Male
Member, NJDOT	White	Male
Member, NJDOT	White	Male
Member, NJDOT	White	Male

Member, NJDOT	White	Male
Member, NJDOT	Asian	Male
Member, NJDOT	Asian	Male
Member, NJDOT	White	Female
Member, NJDOT	White	Male
Member, NJDOT	Black	Male
Member, NJDOT	White	Male
Member, NJDOT	White	Male
Member, NJDOT	White	Male
Member, NJDOT	Black	Male
Member, NJDOT	White	Male
Member, NJDOT	White	Male
Member, NJDOT	White	Female

In order to optimize the use of resources of the Bureau, all candidate research projects will be categorized and presented to the ROC by the Bureau Manager. The ROC prioritizes the research problem statements based on the importance to NJDOT in order to include them in the work program.

Table 37- Research Oversight Committee – Ethnicity & Gender

North Jersey Transportation Planning Authority (NJTPA)

Executive Committee		
Name &/or Title	Race	Gender
Executive Committee		
Chairman	White	Male
First Vice-Chairman	Hispanic	Male
Second Vice-Chairman	White	Male
Third Vice-Chairman	White	Male
Secretary	White	Female

The NJTPA provides direction, oversight and final sign-off on all administrative, personnel and financial matters; coordinates MPO issues needing priority attention; and takes “interim actions” (as necessary) on behalf of the NJTPA Board of Trustees (subject to the latter’s concurrence).

Table 38- NJTPA Executive Committee – Ethnicity & Gender

Board of Trustees		
Trustees		
Trustee, Member	White	Male
Trustee, Member	Black	Male
Trustee, Member	White	Male

Trustee, Member	White	Male
Citizens' Representative	White	Male

The NJTPA Board of Trustees oversee transportation planning and investment decisions geared to meet the mobility needs for people and goods. The 15 elected officials, one representative from each of the 13 northern NJ counties work closely with NTPA staff in transportation improvement planning.

Table 39- NJTPA Board of Trustees – Ethnicity & Gender

Planning & Economic Development Committee		
Name &/or Title	Race	Gender
Freeholder, Hunterdon County	White	Male
County Executive, Essex County	White	Male
Mayor	White	Male
Freeholder Director, Warren County	White	Male
Citizens' Representative	White	Male
Executive Director	White	Male
Mayor	Black	Male
New Jersey Governor's Representative	White	Male
Chairman	White	Male
Commissioner, NJDOT	White	Male
Freeholder, Ocean County	White	Male
Freeholder, Somerset County	White	Male

The Planning and Economic Development Committee oversees regional and corridor-based planning activities including: the update of the Regional Transportation Plan and NJTPA work related to the Regional Plan for Sustainable Development; the review and approval of funding for the annual Unified Planning Work Program, which includes all Central Staff activities; the Study & Development (S&D) Program, which includes future projects in various stages of planning; and the Sub-regional Transportation Planning and Sub-regional Studies programs.

Table 40- NJTPA Planning & Economic Development Committee – Ethnicity & Gender

Project Prioritization Committee		
Name &/or Title	Race	Gender
Freeholder, Union County	Hispanic	Male
Freeholder, Morris County	White	Female
Freeholder, Middlesex County	White	Male
Executive Director	White	Male
Director	White	Male
County Executive, Bergen County	White	Male
Commissioner, NJDOT	White	Male
County Executive, Hudson County	White	Male
Freeholder, Hunterdon County	White	Male
Freeholder, Monmouth County	White	Male
Freeholder, Passaic County	White	Male
Freeholder, Sussex County	White	Male
Ex Officio, Freeholder, Somerset County	White	Male

The Project Prioritization Committee oversees all activities related to the annual development and management of the Transportation Improvement Program (TIP), including modifications and amendments, as well as negotiations with

NJDOT and NJ TRANSIT in the development of the state’s annual Transportation Capital Program. The committee also reviews and approves funding for the NJTPA’s Local Safety, High Risk Rural Road and Local Capital Project Delivery programs, among others.

Table 41- NJTPA Project Prioritization Committee – Ethnicity & Gender

Freight Initiatives Committee		
Name &/or Title	Race	Gender
<i>Chair</i> , Freeholder, Morris County	White	Female
<i>Vice-Chairperson</i> , Freeholder, Passaic County	White	Male
Freeholder, Union County	Hispanic	Male
County Executive, Hudson County	White	Male
Executive Director	White	Male
Mayor	Black	Male
New Jersey Governor’s Representative	White	Male
Chairman, PANYNJ	White	Male
Commissioner, NJDOT	White	Male
Ex Officio, Freeholder, Somerset County	White	Male

The Freight Initiatives Committee supports the economically vital regional goods movement industry, as mandated by federal legislation. This includes recommendations on strategic transportation investments and policies to keep the region globally competitive. The committee serves as a forum for dialogue on freight issues between the public and private sectors.

Table 42- NJTPA Freight Initiatives Committee – Ethnicity & Gender

Regional Transportation Advisory Committee		
Name &/or Title	Race	Gender
<i>Chair</i> , Transportation Planning Manager, Union County	White	Female
Principal Planner, Bergen County	White	Male
Senior Planner, Jersey City	Other	Female
MPO Liaison, City of Newark	Black	Male
Principal Planner, Essex County	White	Male
Principal Planner, Hudson County	White	Female
Assistant Planner, Hunterdon County	White	Male
Planning Director, Middlesex County	White	Male
County Engineer, Monmouth County	White	Male
Principal Planner, Morris County	White	Male
Supervising Engineer, Ocean County	White	Male
Asst. Planning Director, Passaic County	White	Male
Principal Planner, Somerset County	White	Male
Principal Transportation Planner, Sussex County	White	Male
Senior Planner, Warren County	White	Male
Director, Intermodal and Agency Coordination, NJ Transit	White	Female
MPO Liaison, New Jersey Department of Transportation	White	Male
General Manager, Regional Transportation Policy Development, PANYNJ	White	Male

The Regional Transportation Advisory Committee provides a forum for presentation and discussion on regional issues. The committee also performs a vital function in reviewing and disseminating information, and making recommendations to the NJTPA Board and its individual Trustees to aid in decision making.

Table 43- NJTPA Regional Transportation Advisory Committee – Ethnicity & Gender

Delaware Valley Regional Planning Commission (DVRPC)

DVRPC Board		
Name &/or Title	Race	Gender
<i>Chair, Montgomery County</i>	White	Female
<i>Vice Chair, Commissioner, NJDOT</i>	White	Male
<i>Secretary, Camden County</i>	Unknown	Male
<i>Treasurer, PA Governor's Policy & Planning Office</i>	Black	Female
Secretary of Transportation, PA Department of Transportation (PennDOT)	Unknown	Female
Deputy Secretary for Planning, PennDOT	White	Male
Director, Center for Program Development & Management	Unknown	Male
Metropolitan Manager, Center for Program Development & Management	White	Male
Assistant Commissioner Capital Investment Strategies – Planning and Grant Administration, NJDOT	White	Male
Director, Capital Investment Planning & Development, NJDOT	White	Male
Commissioner, NJ Dep. of Community Affairs	Unknown	Male
Acting Director, NJ Dept. of Community Affairs	Unknown	Male
Director, NJ Governor's Authorities Unit	Unknown	Male
Assistant Counsel, Office of Governor, NJ	Unknown	Male
Bucks County Commissioner	White	Female
Executive Director, Bucks County Planning Commission	Unknown	Female
County Commissioner, Chester County	Unknown	Female
Executive Director, Chester County Planning Commission	Unknown	Male
Council Member, Delaware County Council	Unknown	Male
Director, Delaware County Planning Dept.	Unknown	Female
Manager of Transportation Planning, Delaware County	Unknown	Male
Executive Director, Montgomery County Planning Commission	Unknown	Female
Deputy Director, Burlington County Board of Chosen Freeholders	Unknown	Male
Principal Planner, Burlington County	White	Female
Director of Planning	Unknown	Male
Gloucester County	Unknown	Female
Gloucester County Freeholder	Unknown	Male
County Executive, Mercer County	White	Male
Director, Mercer County Planning Commission	White	Female
Principal Planner, Mercer County Planning Commission	Other	Male
Mayor, Chester City	Unknown	Male
Director, City Planning, Chester City	Unknown	Female
Councilman, City of Philadelphia	White	Male
Deputy Managing Director, City of Philadelphia	Unknown	Female
Director of Policy & Planning, City of Philadelphia	Unknown	Female
Mayor, City of Camden	Unknown	Female
Director, City of Camden	Black	Male
Mayor, City of Trenton	Unknown	Male
Principal Planner, City of Trenton	Unknown	Male
Co-Council for the Commission, (NJ)	Unknown	Male
Attorney at Law, Co-Council for the Commission (PA)	Unknown	Male

The Delaware Valley Regional Planning Commission Board has the authority and responsibility to make decisions affecting the entire DVRPC organization as well as the nine-county region. The Board creates and defines the duties of the Office of the Executive Director and the various DVRPC committees; and approves and adopts the annual planning work program. The commission establishes regional transportation policies, determines allocation of available transportation funds and prioritizes transportation projects for the region. In addition to transportation planning for highways, transit, airports and freight, the commission develops plans and policies for other regional physical planning elements such as land use, air quality, housing, water supply and water quality.

Table 44- DVRPC Board – Ethnicity & Gender

DVRPC Executive Committee		
Title	Race	Gender
<i>Committee Chair</i> , Montgomery County	White	Female
<i>Committee Secretary</i> , Camden County	Unknown	Male
<i>Committee Treasurer</i> , PA Governor's Policy & Planning Office	Black	Female
Committee Member, Deputy Secretary for Planning, PennDOT	White	Male
Committee Member, Assistant Commissioner Capital Investment Strategies – Planning and Grant Administration, NJDOT	White	Male
Committee Member, Acting Director, NJ Dept. of Community Affairs	Unknown	Male
Committee Member, Assistant Counsel, Office of Governor, NJ	Unknown	Male
Committee Member, Councilman, City of Philadelphia	White	Male
Committee Member, Director, City of Camden	Black	Male

The DVRPC Executive Committee is charged with managing the administrative and fiscal affairs of the Commission including awarding of contracts and the adoption of the annual budget.

Table 45- DVRPC Executive Committee – Ethnicity & Gender

DVRPC Regional Technical Committee (RTC)		
Title	Race	Gender
<i>Chair</i> , City of Camden	Black	Male
<i>Vice Chair</i> , Delaware County	Unknown	Male
<i>Staff Coordinator</i>	Unknown	Male
<i>Assistant Coordinator</i>	Unknown	Unknown

The DVRPC Regional Technical Committee serves as an advisory unit that reports to the DVRPC Board, in reference to: (1) the Transportation Planning consisting of a long-range element and a short-range element; (2) the Transportation Improvement Program; (3) the Transportation Planning Work Program consisting of the DVRPC Work Program; and (4) all other transportation planning as directed by the Board.

Table 46- DVRPC Regional Technical Committee – Ethnicity & Gender

South Jersey Transportation Planning Organization (SJTPO)

SJTPO Policy Board		
Title	Race	Gender
Mayor, Sea Isle City	White	Male
Freeholder Deputy Director, Salem County	White	Male
Freeholder, Atlantic County	White	Male
Director of Engineering and Chief Engineer, SJTA	White	Male
Freeholder Director, Cape May County	White	Male
Freeholder, Cumberland County	White	Male
Mayor, Quinton Township	White	Male
Mayor, Atlantic City	White	Male

Mayor, City of Vineland	White	Male
Director of Capital Investment Planning & Development, NJDOT	White	Male
Director of Programmatic Planning, NJ Transit	White	Male

The SJTPO Policy Board is the governing body of the SJTPO, consisting of eleven voting members, including one elected official from each county government, one municipal elected official from each county (specifically including the mayors of Atlantic City and Vineland), and one representative each from NJDOT, NJ Transit, and the South Jersey Transportation Authority. The Policy Board is informed by recommendations of the Technical Advisory Committee (TAC), a committee of planning and engineering experts in the region.

Table 47- SJTPO Policy Board – Ethnicity & Gender

SJTPO Technical Advisory Committee (TAC)		
Title	Race	Gender
CAC Chairperson, SJTPO Citizens Advisory Committee	Black	Male
Director, Department of Regional Planning and Development, Atlantic County	White	Male
City Engineer, Atlantic City	White	Male
Planning Director, City of Vineland	White	Female
Planning Director, Cumberland County	White	Male
Planning Director, Cape May County	White	Female
County Engineer, Salem County	White	Male
Business Administrator, Sea Isle City	White	Male
Councilman, Elmer Borough	White	Male
Director of Capital Investment Planning & Development, NJDOT	White	Male
Director of Programmatic Planning, NJ Transit	White	Male
Director of Engineering and Chief Engineer, South Jersey Transportation Authority	White	Male
Senior Project Engineer, Delaware River and Bay Authority	White	Male
Acting Supervising Engineer, Planning, NJ Turnpike Authority	White	Female

The SJTPO Technical Advisory Committee is a fourteen-member committee of planning and engineering experts in the region that provides input to the Policy Board. It consists of staff from each Policy Board member, as well as representatives of the New Jersey Turnpike Authority, the New Jersey Highway Authority, and the Delaware River and Bay Authority, along with the chairperson of the Citizens Advisory Committee. Other agencies are also invited to participate in the Technical Advisory Committee. The TAC is informed by the Citizens Advisory Committee, a group of passionate citizens who provide SJTPO with the perspective of the public.

Table 48- SJTPO Technical Advisory Committee – Ethnicity & Gender

SJTPO Citizens Advisory Committee		
Title	Race	Gender
Chairperson	Black	Male
Vice-Chairperson	White	Male
Committee Member	Black	Female
Committee Member	White	Male
Committee Member	White	Male
Committee Member	White	Female
Committee Member	White	Male
Committee Member	White	Female

The Citizens Advisory Committee (CAC) was established as part of the SJTPO’s initial structure to recognize the importance of public involvement in the organization. The CAC represents a broad cross-section of civic and business groups, environmental interests, and private provider and user groups.

Table 49- SJTPO Citizens Advisory Committee – Ethnicity & Gender

South Jersey Transportation Authority (SJTA)

Board of Commissioners		
Title	Race	Gender
Chairman	White	Male
Vice Chairman	Unknown	Male
Commissioner	White	Male
Commissioner	Unknown	Male
Commissioner	Unknown	Male
Commissioner	Unknown	Male
Vacant	Unknown	Unknown

The Board of Commissioners is a seven (7) member body of Commissioners that carries out the Authority's responsibilities. Members are appointed by the Governor and two cabinet officers serve ex-officio: the Commissioner of Transportation (a voting member), and the Commissioner of Economic Growth and Tourism (non-voting). The Executive Director reports to the Board of Commissioners.

Table 50- SJTA Board of Commissioners – Ethnicity & Gender

Other

TRANSCOM Board of Trustees		
Name &/or Title	Race	Gender
<i>Chair</i> , New York City Department of Transportation	Unknown	Female
Board Member, MTA Bridges & Tunnels	Unknown	Male
Board Member, New Jersey State Police	Unknown	Male
Board Member, New York City Police Department	Unknown	Male
Board Member, New York State Police	Unknown	Male
Board Member, Port Authority Trans-Hudson Corporation	Unknown	Male
Board Member, Connecticut Department of Transportation	Unknown	Male
Board Member, MTA New York City Transit	Unknown	Female
Board Member, NJ Transit	Unknown	Male
Board Member, New York State Bridge Authority	Unknown	Male
Board Member, New York State Thruway Authority	Unknown	Male
Board Member, Metropolitan Transportation Authority	Unknown	Male
Board Member, Commissioner, NJDOT	Unknown	Male
Board Member, New Jersey Turnpike Authority	Unknown	Male
Board Member, New York State Department of Transportation	Unknown	Male
Board Member, Port Authority of New York and New Jersey	Unknown	Male

TRANSCOM is a coalition of 16 transportation and public safety agencies in the New York – New Jersey – Connecticut metropolitan region. It was created in 1986 to provide a cooperative, coordinated approach to regional transportation management.

Table 51- TRANSCOM Board of Trustees – Ethnicity & Gender

SUB-RECIPIENTS

A 2011 compliance review conducted by FHWA’s National Office of Civil Rights indicated that the Department needed to identify and maintain a stakeholder list. The Title VI Unit is working to identify sub-recipients. As part of our efforts to improve data collection this year, requests were sent to the programmatic areas of Research, Systems Planning, Procurement–Construction Services, Procurement–Professional Services, Right of Way & Access Management, Multimodal, Community & Constituent Relations, and Accounting & Auditing to provide a listing of sub-recipients and type of sub-recipient receiving federal funding in FFY 2017. Acquiring this information will be beneficial for monitoring non-discrimination practices in accordance with Title VI.

The process of identifying sub-recipients continues, and future requests will be sent out to additional programmatic areas such as Project Management, Environmental Resources, and the Bureau of Landscape Architecture and Environmental Solutions. To date, the Department has identified the following sub-recipients:

Sub-recipient Name
Metropolitan Planning Organizations
NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY (NJTPA)
DELAWARE VALLEY REGIONAL PLANNING COMMISSION (DVRPC)
SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION (SJTPO)
Professional Service Firms
A G LICHTENSTEIN
A. D. MARBLE & CO.
A. STRAUSS WEIDER
ABBINGTON ASSOCIATES, INC.
ACCURATE LOCATING
ACT ENGINEERS, INC.
ADR
ADVANCED INFRASTRUCTURE DESIGN
ADVANTAGE ASSOCIATES
ADVANTAGE ENGINEERING ASSOC.
AECOM TECHNICAL SERVICES, INC.
AECOM USA, INC.
AECOM USA/LDA
AECOM/URBITRAN
AERIAL DATA REDUCTION
AIR SURVEY
AIR-OGRAPHY, INC.
ALLIED SIGNAL, INC.
AMERCOM CORP.
AMERCOM CORPORATION
AMMANN & WHITNEY CONSULTING

AMMANN & WHITNEY/MAITRA
AMY S. GREENE ENVIRONMENTAL
ANALYSIS & COMPUTING
ANNE STRAUSS-WEIDER
ARCH STREET COMM
ARCH2
ARMAND CORPORATION
ARORA & ASSOCIATES, P.C.
ASPEN VALUATION GROUP
ATC GROUP SERVICES, INC.
A-TECH ENGINEERING
AZZOLINA & FEURY ENG
B.E.I. ENGINEERING
BAE SYSTEMS NSS, INC.
BAE SYSTEMS, INC.
BAKER ENVIRONMENTAL, INC.
BAKER GEORESEARCH
BANC3, INC.
BARBARA THAYER, P.C.
BENCHMARK APPRAISLA, INC.
BEM SYSTEMS, INC.
BERGMANN
BET ENGINEERING CONS
BETTINA DURMASKIN SHOLK
BIKEWAYS ENGINEERING
BIOENGINEERING GROUP
BOOZ-ALLEN & HAMILTON, INC.
BOSWELL ENGINEERING
BRB VALUATION & CONSULTING SERVICES
BRINKERHOFF ENV.
BUCHART-HORN, INC.
C. V. ASSOCIATES NY
CALVIN GIBSON
CAMBRIDGE SYSTEMATICS
CANAC
CAPITAL APPRAISAL, INC.
CAPITAL PROJECT MANAGEMENT
CASTLE ROCK CONSULTANTS
CELO'S INT'L
CHERRY, WEBER & ASSOCIATES
CHERRY, MACE, WEBER
CHILTON ENGINEERING, INC.
CHILTON ENGINEERING, INC.
CHURCHILL, P.C.

CIVIC EYE COLLABORAT
CIVIL GROUP
CLARK CANTON HINTZ
CMX, INC.
CONNOLLY ENVIRO.
CONSOLIDATED
CONTAMINATION CON.
CONTINENTAL FIELD SERVICE
CONTRACT COMPLIANCE, INC.
CONVERSE CONSULTANTS
CORANET
CRAIG TEST BORING
CREST ENGINEERING
DANIEL CONSULTANTS
DEWBERRY ENGINEERS INC.
DMJM HARRIS
DREM
DRESDNER ROBIN
DRESDNER ROBIN ENV.
DRI/MCGRAW-HILL
EARTH TECH
ECM ENGINEERS, INC.
EDWARDS & KELCEY
EEA,INC
EL TALLER
ENG WONG, TABU ASSOC
ENVIRONMENTAL CONNECTION, INC.
ENVIRONMENTAL RESOL.
ENVISION CONSULTANTS LTD.
ERDMAN ANTHONY ASSOC
ESBE SET-ASIDE
ETC
FAY, SPOFFORD & THORNDIKE
FIGG BRIDGE ENGINEERS
FIGG/VOLLMER
FITZGERALD & HALLADAY
FRANK H. LEHR
FRANK LEHR ASSOC.
FREDERIC R. HARRIS
FRENCH & PARRELLO ASSOCIATES
GAHAGAN & BRYANT ASSOCIATES
GALLI ENGINEERING
GANNETT FLEMING, INC.
GANNETT FLEMING, INC.

GARMEN ASSOCIATES
GEOD CORPORATION
GEOTRACK
GIBSON ASSOCIATES, P.A.
GLATTING JACKSON
GOLDER ASSOCIATES
GOODKIND & O'DEA
GREATER PRINCETN TMA
GREENMAN-PEDERSEN, INC.
GROUP MELVIN DESIGN
H2L2 ARCHITECTS
HACKENSACK MEADOWLANDS DC
HAIDER
HAKS ENGINEERS ARCHITECTS
HALEY & ALDRICH, INC.
HARDESTY & HANOVER, LLP
HAROLD E. PELLOW & ASSOCIATES
HARTGEN ARCHAEOLOGIC
HATCH MOTT
HDR ENGINEERING, INC.
HELEN NEUHAUS
HISTORIC CONSERVAT.
HNTB CORPORATION
HORNER & CANTER ASSOCIATES
HOWARD/STEIN-HUDSON
HUNTER RESEARCH, INC.
IH ENGINEERS, P.C.
INFO TRAN ENGINEER
INFRA MAP CORP.
INFRA TECH ASSOCIATES
INFRAMAP CORPORATION
INTEGRATED ENGINEERING
INTEGRITY APPRAISAL GROUP
INTERSTATE ACQUISITION
J MC HALE & ASSOCIATES, INC.
JACOBS ENGINEERING GROUP, INC.
JBC ASSOCIATES, INC.
JENNY ENGINEERING CORPORATION
JMS/STOKES
JOHN CILO, JR.
JOHN MATHES ASSOC.
JOHNSON, MIRMIRAN & THOMPSON
JOYCE ASSOCIATES
JPCL LOGISTICS, LLC

KEEGAN TECHNOLOGY
KELLER & KIRKPATRICK, INC.
KEYSTONE AERIAL SERVICES
KIMLEY-HORN & ASSOCI
KIRIT R. DESAI, P.E., P.C.
KISE STRAW&KOLODNER
KMA CONSULTING ENGINEERS, INC.
KS ENGINEERS, P.C.
KTA-TATOR, INC.
KUPPER ASSOC.
KUPPER, LLC
L. ROBERT KIMBALL & ASSOCIATES
LANE-ROBINSON
LARDNER/KLEIN
LEHR ASSOCIATES
LOUIS BERGER GROUP, INC. (THE)
LS ENGINEERING ASSOCIATES
M & J ENGINEERING, P.C.
M.A. CULBERTSON, LLC
MACHAEL MOULE
MAGUIRE GROUP, INC.
MAITRA ASSOCIATES, P.C.
MAKS CONSULTANT CORP
MALICK & SCHERER, PC
MANAGEMENT INTERVENTIONS, INC.
MARTINE A.CULBERTSON
MASER CONSULTING, P.A.
MATRIX ENV.
MBI-GLUCKSHAW
MCCORMICK TAYLOR, INC.
MCPMAHON TRANSPORTATI
MEDINA ASSOCIATES
MEDINA CONSULTANTS
MEGA ENGINEERING
MICHAEL BAKER INTERNATIONAL
MIKE BAKER, MAPPING
MINTZ LIGHTING GROUP
MODJESKI & MASTERS
MOTT MACDONALD, LLC.
MP ENGINEERS, P.C.
MPT RENTALS, INC.
M-TEC CONSTRUCTION
MULLER, BOHLIN & ASSOC.
MUNOZ ENGINEERING, P

MUSNUFF GROUP LLC
NAIK CONSULTING GROUP, P.C.
NELSON/NYGAARD
NIELSEN-WURSTER GR.
NJ INSTITUTE OF TECH
O. R. COLAN ASSOCIATES
OCEAN COASTAL CONSUL
O'DEA, PAVLO & ASSOCIATES
OMSUM ENGINEERING, LLC
OR COLAN
ORTH-RODGERS & ASSOCIATES
OWEIS ENGINEERING
PARAGON
PARSONS BRINCKERHOFF, INC.
PARSONS ENGINEERING SCIENCE
PARSONS TRANSPORTATION GROUP
PAUL CARPENTER ASSOCIATES
PB-QD
PBS&J
PENNONI ASSOCIATES, INC.
PERTH AMBOY/WOODBRIDGE
PICKERING, CORTS & SUMMERSON
PKB ENGINEERING CORPORATION
PKY CONSULTING USA/ CBRE HOTELS
POLYTRAN ENGINEERING ASSOC.
PORTFOLIO
POWELL-HARPSTEAD
PRC-HARRIS
PRESTIGE ENV., INC.
PROJECT FOR PUBLIC SPACE
PROMATECH, INC.
PUBLIC SPACES
QBS INTERNATIONAL, INC.
QWIC, INC.
RAIL TRANS. SYSTEMS
RAYMOND KEYES ASSOC.
RAYMOND PARISH PINE
RAYTHEON INFRASTRUCTURE
RBA GROUP, INC. (THE)
RBA-RICHARD BROWNE
REALTY INVESTMENT ECONOMICS
REEBIE ASSOC.
REG. ALLIANCE SMALL C
REICHMAN FRANKLE

RICHARD GRUBB & ASSOCIATES
RIGAMER, GREGORY C.
RL BANKS
ROBERT WALSH ASSOCIATES, LLC
ROBINSON AERIAL SURVEYS, INC.
ROWBEAR CONSULTING
ROY F. WESTON, INC.
S & R ENGINEERS, P.C.
SCHLESINGER ASSOC.
SCHNABEL
SCHOMMER ENGINEERING INC.
SEVEN SEAS ENG & LS SERV., PA
SHAH ASSOCIATES
SI ENGINEERING
SIDDIQUI ENGINEERING, P.C.
SIMCO TECHNOLOGIES
SITE-BLAUVELT
SJH ENGINEERING, P.C.
SJHE
SKYCOMP
SO-DEEP, INC.
SOIL BORING CONTRACT
STACIE DAVIS, INC.
STAFFORD BANDLOW
STANLEY B. JAY REAL ESTATE APPL. CONS
STANTEC CONSULTING SERVICES
STEVE SPINDLER
STOKES CREATIVE GROU
STUMP/HAUSMAN
STV, INCORPORATED
SUBSURFACE INVESTIGATIONS
SUSAN BLICKSTEIN AICP, PP
SWK PAVEMENT INC.
SYSTRA
T & M ASSOCIATES
T.Y. LIN INTERNATIONAL
TAYLOR, WISEMAN & TAYLOR
TBE GROUP
TECHNIQUEST CORPORATION
TECHNO CONSULTING
TELCORDIA TECHNOLOGIES
THOMAS RODRIGUEZ ASSOCIATES
TOOLE DESIGN GROUP
TOPOGRAPHIC DATA

TRAFFIC DATABANK
TRAFFIC PLANNING
TRANS. MGMT. SYS.
TRANSCORE
TRANSYSTEMS CORPORATION
TRAUNER CONSULTING SERVICES
TRC ENGINEERS, INC.
TUCK MAPPING SOLUTIO
U & S ENGINEERS, P.C.
UNDERGROUND SERVICES
URBAN ENGINEERS, INC.
URBANOMICS
URBITRAN ASSOC.
URS CORPORATION
URS/GREINER
URS/WASHINGTON GROUP INTERNATI
VECTOR CORROSION TEC
VEP ASSOCIATES
VEP/SANDWELL
VOLLMER ASSOCIATES
W.J. CASTLE, P.E. & ASSOCIATES
WADE WANDER
WALKABLE
WEIDLINGER ASSOCIATES
WESTON GEOPHYSICAL
WHARTON VALUATION ASSOCIAT4ES, INC.
WSP PARSONS BRINCKER
WSP USA CORP.
YORK LABORATORIES
YU & ASSOCIATES, INC

Sub-recipient Name
Contractors/Subcontractors
A SERVIDONE INC
A-TECH CONCRETE CO INC
A.P. CONSTRUCTION INC
ABEL RECON, LLC
ABHE & SVOBODA INC
ADAMSVILLE MAINTENANCE INC
AGATE CONSTR CO INC
ALLAN BRITWAY ELECTRICAL UTILITY CONTRACTORS, INC.
ALLIANCE LANDSCAPING INC.
ALLIED PAINTING INC

ALPHA PAINTING & CONSTRUCTION CO INC
AMERICAN ASPHALT CO INC
AMERICAN BRIDGE CO
AMERICAN FLASHER CO INC T/A ATLAS FLASHER & SUPPLY CO
AMERICAN PIPE CLEANING, LLC
ANKA PAINTING CO INC
ANSEMI & DECICCO INC
APBN, INC
ARAWAK PAVING CO INC
ARCHER STEEL CONSTRUCTION CO INC
ARTHUR R HENRY INC
ASPEN LANDSCAPING CONTRACTING INC
ASPHALT MAINTENANCE SOLUTIONS, LLC
ASPHALT PAVING SYSTEMS INC
ATLANTIC CONCRETE CUTTING INC
ATLANTIC SUBSEA INC
ATLAS CONCRETE CORPORATION
ATSALIS BROTHERS PAINTING CO
B R WELDING, INC
B. ANTHONY CONST CO
BARNARD CONSTRUCTION CO
BARNEGAT BAY DREDGING CO., INC
BEACHELECTRIC CO., INC
BEAVER CONCRETE CONSTR CO INC
BERENATO CONTRACTORS, INC.
BERKEL & COMPANY CONTRACTORS, INC
BERTO CONSTR INC
BLACK ROCK ENTERPRISES, LLC
BLASTECH ENTERPRISES INC
BRISTOL ENVIRONMENTAL INC
C ABBONIZIO CONTRACTORS INC
C CARUSO LANDSCAPING & EXCAVATING T/A CARUSO EXCAVATING INC
CARBRO CONSTRUCTORS CORP
CARR & DUFF INC
CASHMAN DREDGING & MARINE CONTRACTING, CO LLC
CHAMMINGS ELECTRIC INC
CLYDE LATTIMER & SON CONST CO INC
COLONNELLI BROS INC
COMMAND CO., INC.
CONCRETE CONSTR CORP
CONTI ENTERPRISES
CORCON INC
CORNELL & CO INC
CREAMER ENVIRONMENTAL INC

CRISDEL GROUP, INC
D'ANGELO BROS INC
D'ANNUNZIO & SONS INC
DAIDONE ELECTRIC, INC.
DBI SERVICES, LLC
DEANGELO BROTHERS LLC
DEFINO CONTRACTING
DEFOE CORP
DELLA PELLO PAVING INC
DELTA LINE CONSTR CO
DENVILLE LINE PAINTING INC.
DESILVIO & CO INC
DIGITAL TRAFFIC SYSTEMS, INC.
DMJ INDUSTRIAL SERVICES LLC
DOWN TO EARTH LANDSCAPING
DOWNES FOREST PRODUCTS
DOWNES TREE SERVICE, INC
DRISCOLL CONSTRUCTION CO INC DBA M. J. DRISCOLL
DYNAMIC SURFACE APPLICATIONS. LTD
E J BRENEMAN LP
EARLE ASPHALT COMPANY
EAST COAST DRAWBRIDGES, CORP.
EASTERN GUNITE CO INC
EAST TRADING WEST D.B.A. AMERICAN TRAFFIC AND STREET SIGN
ECCO III ENTERPRISES INC
EDWARD H. CRAY, INC.
EIC GROUP, LLC
ELECNOR HAWKEYE LLC
EMPIRE STATE PIPING CO., INC.
ENTERPRISE NETWORK RESOLUTIONS CONTRACTING
ENVIROSCAPES, INC
FAI-GON ELECTRIC, INC.
FALCON LAYOUT LLC.
FERREIRA CONSTRUCTION COMPANY, INC
FERREIRA CONSTRUCTION CO./CRISDEL GROUP, JV
FERREIRA CONSTRUCTION CO./TUTOR PERINI, JV
FICOR, LLC
FITZGERAL & HALLIDAY, INC.
FLUID COATING SYSTEMS, INC.
FLANAGAN'S CONTRACTING GROUP, INC
FOUNDATION STRUCTURES INC T/A CONCRETE FOUNDATION STRUCTURES
FRED A COOK JR INC
G.M. WHITE EECTRICAL

GANNETT FLEMING, INC.
GARDEN STATE ENGINEERING, SURV. & PLAN., INC.
GARDEN STATE HIGHWAY PRODUCTS INC
GARDEN STATE SEALING, INC
GENERAL SEWER SERVICE, INC.
GEOD CORPORATION
GEORGE HARMS CONSTRUCTION COMPANY INC
GEOTECH SERVICES INC
GLASGOW INC
GRANITE CONSTRUCTION CO
GRANITEWORKS, INC.
GREEN CONSTRUCTION INC.
GREENWOOD ABATEMENT CONSULTANTS, INC
GRIFFIN SIGN, INC.
GRL ENGINEER, INC.
H4 ENTERPRISES, LLC
H & L CONTRACTING, LLC
H C CONSTRUCTORS INC
HACKNEY CONCRETE, INC.
HAINES & KIBBLEHOUSE, INC., NJ DIVISION
HALMAR INTERNATIONAL, LLC
HASKELL PAVING, INC.
HAYWARD BAKER CO
HBC COMPANY INC
HENKELS & MCCOY INC
HYDRO-MARINE CONSTRUCTION CO INC
IEW CONSTRUCTION GROUP, INC
IH ENGINEERS, PC
INTERCOUNTY PAVING ASSOCIATES LLC
IRON BRIDGE CONSTRUCTORS, INC.
IRON BRIDGE GROUP INC
ISC STRUCTURES T/A INDUSTRIAL SERVICE CORP
J ANTHONY EQUIPMENT CO
J.C. CONTRACTING, INC.
J FLETCHER CREAMER & SON INC
J. FLETCHER CREAMER & JOSEPH SANZARI, JV
J.H.REID GENERAL CONTRACTOR
J-WAY SOUTHERN, INC.
J.T. CLEARY, INC.
JAMES SASSANO ASSOCIATES, INC.
JEN ELECTRIC INC
JERSEY CONSTRUCTION INC
JORREY EXCAVATING, INC.
JOSEPH DEFINO TRUCKING CO INC T/A DEFINO CONTRCTING CO

JOSEPH M SANZARI INC
JPC GROUP INC
JUPITER PAINTING CONTRACTING CO., INC.
KAS CONSTRUCTION CONSULTANTS, LLC
KISKA CONSTRUCTION, INC
KLINE CONSTRUCTION CO.
KMETZ, INC.
KONKUS CORPORATION
KREMER & SON MARINE CONTRACTORS, LLC
KRISANNA CONSTRUCTION INC
KYLE CONTI CONSTRUCTION LLC
L FERIOZZI CONCRETE COMPANY
L.M. SESSLER EXCAVATING & WRECKING, INC.
L & L PAVING COMPANY, INC
L & R CONSTRUCTION INC
LC EQUIPMENT, INC
L&L PAINTING CO INC
LAFAYETTE UTILITY CONSTR CO INC
LANDMARK SURVEYS, LLC
LEXA CONCRETE LLC
LIBERTY MAINTENANCE INC
LINDE GRIFFTH CONSTRUCTION CO
LOFTUS CONSTRUCTION INC
LONG FENCE COMPANY, INC
LORE SWEEPING CO INC
LUCAS BROTHERS, INC.
LUCAS CONSTRUCTION GROUP, INC
M & A TREE SERVICE
M L RUBERTON CONSTRUCTION CO INC
M L RUBERTON CONST5RUCTION & SAFETY, INC.
M PAINTING CO., INC.
MANDA CORP.
MANSON CONSTRUCTION CO
MARBRO INC
MASONRY PRESERVATION GROUP INC
MASS ELECTRIC CONSTR CO
MATHIS CONSTRUCTION CO INC
MCVAC ENVIRONMENTAL SERVICE, INC.
MECO CONSTRUCTORS, INC.
MIDLANTIC CONSTRUCTION LLC
MIKE FITZPATRICK & SON INC
MOBILE DREDGING & PUMPING CO
MONTANA CONSTRUCTION CORP INC.
MORETRENCH AMERICAN CORP

MOUNT CONSTRUCTION CO., INC.
MOUNTAIN VIEW LAYOUT
MV CONTRACTING, INC.
NAGI CONSTRUCTION CO INC
NATIONAL FENCE SYSTEMS, INC.
NATIONAL WATER MAIN CLEANING CO
NESHAMINY CONSTRUCTORS INC
NEWAGE PAINTING CORP.
NEW PRINCE CONCRETE CONSTRUCTION COMPANY, INC.
NEW YORK GEOMATICS, INC.
NOON-MATHIS LLC
NORTH AMERICAN PIPELINE SERVICES, LLC
NORTH STAR PAINTING CO., INC
OGLESBY CONSTRUCTION INC
ORCHARD HOLDINGS, LLC
OMSUM ENGINEERING LLC
ON SITE WASTEWATER MANAGEMENT, LLC
ORCHARD HOLDINGS
P&A CONSTRUCTION, INC.
PAOLELLA PRO-FILING, INC.
PANTALEO ELECTRIC INC
PERRELLO, LLC
PETILLO INC
PETRONGOLO CONTRACTORS INC
PHOENIX REBAR LLC
PILLARI BROS CONSTRUCTION CORP
PIM CORPORATION
PKF MARK III, INC
POWER CONCRETE CO., INC.
POWER ELECTRIC CO INC
PRECISE CONSTRUCTION INC.
PROBEK CONSTRUCTION CORP.
PROSHOT CONCRETE, INC.
PROTECH DOCUMENTATION SERVICES
PYRAMID STEEL SERVICES, INC.
R. E. PIERSON CONSTRUCTION COMPANY, INC.
R & R CONSTRUCTION CO INC
RWV LAND & LIVESTOCK SOUTH, INC.
RAILROAD CONSTRUCTION CO OF SOUTH JERSEY INC
RAILROAD CONSTRUCTION COMPANY INC
RAILROAD CONSTRUCTORS INC
RCC FABRICATORS INC
REILLY SWEEPING, INC
RENCOR INC

RENTA-FENCE, INC.
RICH TREE SERVICE
RICHARD E PIERSON CONSTR CO INC
RICHARDSON-WAYLAND ELECTRICAL CO.
RICKY SLADE CONSTRUCTION, INC.
RITACCO CONSTRUCTION INC
RIVERVIEW PAVING, INC.
ROMAN ASPHALT CORP
ROMAN E 7 G GROUP
ROSEY'S TANK CLEANING, LLC
ROTH BROTHERS CONSTRUCTION, INC.
SA ENGINEERING, INC.
S BATATA CONSTRUCTION, INC.
S&R CORPORATION
SAFETY IMPROVEMENTS, LLC
SCARFAR CONTRACTING, INC.
SCHIAVONE CONSTRUCTION CO. LLC
SCHIFANO CONSTRUCTION CORP
SCHNABEL FOUNDATION COMPANY
SEASHORE ASPHALT CORP.
SEMCORE EQUIPMENT & MFG. CO.
SEVENSON ENVIRONMENTAL SERVICES INC
SHOCON, INC.
SIMPSON & BROWN, INC.
SJA CONSTRUCTION INC
SKANSKA USA CIVIL NORTHEAST, INC
SLAVCO
SMITH-SONDY ASPHALT CONSTRUCTION CO
SODON'S ELECTRIC INC
SOLAR-MITE ELECTRICAL CONTRACTORS INC
SOUTH STATE, INC.
SOUTHWIND CONSTRUCTION CORP
SPARWICK CONTRACTING, INC.
STATEWIDE FENCE CONTRACTORS
STATEWIDE STRIPING CORP
STAVOLA CONTRACTING CO., INC
STELLA CONTRACTING, INC.
STERLING CONSTRUCTION
STONE HILL CONTR CO INC
STRAIGHT EDGE STRIPING LLC
STRUCTURAL SERVICES INC
SURFACE PREPARATION TECHNOLOGIES, LLC
SWERP, INC.
TRC

TARHEEL ENTERPRISES, INC.
TEC-CON CONTRACTORS, INC.
TECHNA-PRO ELECTRIC LLC
THE CONTI GROUP
THE H&K GROUP
THE SHAUGER GROUP, INC.
TIFFANY ELECTRIC INC
TILCON NEW YORK INC
TITAN LAYOUT SERVICES, LLC
TONY & SON INC
TONY DEPAUL & SON
TOP LINE CONSTRUCTION CORP
TRAFFIC LINES INC
TRAFFIC PLANNING AND DESIGN, INC.
TRAFFIC SAFETY SERVICE
TRAP ROCK INDUSTRIES, LLC
TRAYLOR BROS. INC
TREVCON CONSTRUCTION CO INC
TRI-STATE DREDGING INC
TRICON ENTERPRISES INC
TURF CONSTRUCTION CO INC
TWO BROTHERS CONTRACTING, INC
UNION PAVING & CONSTRUCTION CO., INC.
UNI-TECH DRILLING CO., INC.
URETEK USA INC
VILLAGE DOCK CONTRACTING, INC.
VOLLERS EXCAVATING & CONSTRUCTION INC
W R BURNETT, INC.
WAGMAN GENERAL CONSTRUCTION
WALKER DIVING UNDERWATER CONSTRUCTION, INC.
WALTERS MARINE CONSTR INC
WATERS & BUGBEE, INC.
WEEKS MARINE INC
WEST BAY CONSTRUCTION, INC.
WICKBERG MARINE CONTRACTING, INC
WILLOW GROVE TRUCKING, LLC
WINZINGER, INC
WOOLSTON CONSTR CO INC
WORK ZONE CONTACTORS
YONKERS CONTRACTING CO INC
ZEISLOFT TRUCKING, LLC
ZONE STRIPING INC
ZUCCARO, INC.

Sub-recipient Name	
LPA/Grantee/Other	
ATLANTIC COUNTY	
BERGEN COUNTY	
BURLINGTON COUNTY	
CAMDEN COUNTY	
CAPE MAY COUNTY	
CUMBERLAND COUNTY	
ESSEX COUNTY	
GLOUCESTER COUNTY	
HUDSON COUNTY	
HUNTERDON COUNTY	
MERCER COUNTY	
MIDDLESEX COUNTY	
MONMOUTH COUNTY	
MORRIS COUNTY	
OCEAN COUNTY	
PASSAIC COUNTY	
SALEM COUNTY	
SOMERSET COUNTY	
SUSSEX COUNTY	
UNION COUNTY	
WARREN COUNTY	
HOLGATE MARINA	
NEWPORT YACHT CLUB	
NJ STATE POLICE	
NJ MOTOR VEHICLE COMMISSION	
DELAWARE RIVER AND BAY AUTHORITY	
UNIVERSITY OF MARYLAND (I-95 CORRIDOR COALITION)	
TRANSCOM	
Sub-recipient Name	
LPA/Grantee/Other	
Municipality Name	County
ABERDEEN TOWNSHIP	MONMOUTH
ABSECON CITY	ATLANTIC
ALLENDALE BOROUGH	BERGEN
ALPINE BOROUGH	BERGEN
ANDOVER BOROUGH	SUSSEX
ANDOVER TOWNSHIP	SUSSEX
ASBURY PARK CITY	MONMOUTH
ATLANTIC CITY	ATLANTIC
AUDUBON BOROUGH	CAMDEN
BARRINGTON BOROUGH	CAMDEN
BASS RIVER TOWNSHIP	BURLINGTON

BAYONNE CITY	HUDSON
BEACH HAVEN BOROUGH	OCEAN
BEACHWOOD BOROUGH	OCEAN
BEDMINSTER TOWNSHIP	SOMERSET
BELLEVILLE TOWNSHIP	ESSEX
BELLMAWR BOROUGH	CAMDEN
BELVIDERE TOWNSHIP	WARREN
BERGENFILED BOROUGH	BERGEN
BERKELEY HEIGHTS TOWNSHIP	UNION
BERLIN BOROUGH	CAMDEN
BERNARDS TOWNSHIP	SOMERSET
BERNARDSVILLE BOROUGH	SOMERSET
BETHLEHEM TOWNSHIP	HUNTERDON
BEVERLY CITY	BURLINGTON
BLOOMFIELD TOWNSHIP	ESSEX
BLOOMINGDALE BOROUGH	PASSAIC
BOGOTA BOROUGH	BERGEN
BOONTON TOWN	MORRIS
BORDENTOWN CITY	BURLINGTON
BOUND BROOK BOROUGH	SOMERSET
BRANCBURG TOWNSHIP	SOMERSET
BRICK TOWNSHIP	OCEAN
BRIDGETON CITY	CUMBERLAND
BRIDGEWATER TOWNSHIP	SOMERSET
BROOKLAWN BOROUGH	CAMDEN
BUENA VISTA TOWNSHIP	ATLANTIC
BUENA BOROUGH	ATLANTIC
BURLINGTON CITY	BURLINGTON
BUTLER BOROUGH	MORRIS
BYRAM TOWNSHIP	SUSSEX
CALDWELL TOWNSHIP	ESSEX
CAPE MAY CITY	CAPE MAY
CAPE MAY POINT BOROUGH	CAPE MAY
CARBURY TOWNSHIP	MIDDLESEX
CARNEYS POINT TOWNSHIP	SALEM
CARTERET BOROUGH	MIDDLESEX
CEDAR GROVE TOWNSHIP	ESSEX
CHATHAM BOROUGH	MORRIS
CHATHAM TOWNSHIP	MORRIS
CHESTER TOWNSHIP	MORRIS
CINNAMINSON TOWNSHIP	BURLINGTON
CLARK TOWNSHIP	UNION
CLEMENTON BOROUGH	CAMDEN
CLIFTON CITY	PASSAIC

CLINTON TOWN	HUNTERDON
CLINTON TOWNSHIP	HUNTERDON
CLOSTER BOROUGH	BERGEN
COLLINGSWOOD BOROUGH	CAMDEN
COLTS NECK TOWNSHIP	MONMOUTH
COMMERCIAL TOWNSHIP	CUMBERLAND
CRANFORD TOWNSHIP	UNION
DEMAREST BOROUGH	BERGEN
DENVILLE TOWNSHIP	MORRIS
DEPTFORD TOWNSHIP	GLOUCESTER
DOVER TOWN	MORRIS
DOWNE TOWNSHIP	CUMBERLAND
DUMONT BOROUGH	BERGEN
EAGLESWOOD TOWNSHIP	OCEAN
EAST BRUNSWICK TOWNSHIP	MIDDLESEX
EAST NEWARK BOROUGH	HUDSON
EAST ORANGE CITY	ESSEX
EAST WINDSOR TOWNSHIP	MERCER
EASTHAMPTON TOWNSHIP	BURLINGTON
EATONTOWN BOROUGH	MONMOUTH
EGEWATER BOROUGH	BERGEN
EGG HARBOR CITY	ATLANTIC
EGG HARBOR TOWNSHIP	ATLANTIC
ELIZABETH CITY	UNION
ELMWOOD PARK BOROUGH	BERGEN
EMERSON BOROUGH	BERGEN
ENGLEWOOD CLIFFS BOROUGH	BERGEN
ENGLISHTOWN BOROUGH	MONMOUTH
ESSEX FELS BOROUGH	ESSEX
ESTELL MANOR CITY	ATLANTIC
EWING TOWNSHIP	MERCER
FAIR LAWN BOROUGH	BERGEN
FAIRFIELD TOWNSHIP	ESSEX
FAIRVIEW BOROUGH	BERGEN
FANWOOD BOROUGH	UNION
FARMINGDALE BOROUGH	MONMOUTH
FIELDSBORO BOROUGH	BURLINGTON
FLEMINGTON BOROUGH	HUNTERDON
FLORENCE TOWNSHIP	BURLINGTON
FLORHAM PARK BOROUGH	MORRIS
FOLSOM BOROUGH	ATLANTIC
FORT LEE BOROUGH	BERGEN
FRANKFORD TOWNSHIP	SUSSEX
FRANKLIN BOROUGH	SUSSEX

FRANKLIN LAKES BOROUGH	BERGEN
FRANKLIN TOWNSHIP	GLOUCESTER
FRANKLIN TOWNSHIP	SOMERSET
FREDON TOWNSHIP	SUSSEX
FREEHOLD BOROUGH	MONMOUTH
FREEHOLD TOWNSHIP	MONMOUTH
FRENCHTOWN BOROUGH	HUNTERDON
GARGFIELD CITY	BERGEN
GARWOOD BOROUGH	UNION
GIBBSBORO BOROUGH	CAMDEN
GLASSBORO BOROUGH	GLOUCESTER
GLEN RIDGE BOROUGH	ESSEX
GLEN ROCK BOROUGH	BERGEN
GLOUCESTER CITY	CAMDEN
GLOUCESTER TOWNSHIP	CAMDEN
GREEN BROOK TOWNSHIP	SOMERSET
GUTTENBURG TOWN	HUDSON
HACKENSACK CITY	BERGEN
HADDON TOWNSHIP	CAMDEN
HALEDON BOROUGH	PASSAIC
HAMILTON TOWNSHIP	MERCER
HAMMONTON TOWN	ATLANTIC
HAMPTON BOROUGH	HUNTERDON
HANOVER TOWNSHIP	MORRIS
HARDYSTON TOWNSHIP	SUSSEX
HARMONY TOWNSHIP	WARREN
HARRINGTON PARK BOROUGH	BERGEN
HARRISON TOWNSHIP	GLOUCESTER
HARRISON TOWNSHIP	HUDSON
HASBROUCK HEIGHTS BOROUGH	BERGEN
HAWORTH BOROUGH	BERGEN
HAWTHORNE BOROUGH	PASSAIC
HAZLET TOWNSHIP	MONMOUTH
HIGH BRIDGE BOROUGH	HUNTERDON
HIGHLANDS BOROUGH	MONMOUTH
HIGHTSTOWN BOROUGH	MERCER
HILLSBOROUGH TOWNSHIP	SOMERSET
HILLSDALE BOROUGH	BERGEN
HILLSIDE TOWNSHIP	UNION
HOBOKEN CITY	HUDSON
HO-HO-KUS BOROUGH	BERGEN
HOLMDEL TOWNSHIP	MONMOUTH
HOPATCONG BOROUGH	SUSSEX
HOPEWELL BOROUGH	MERCER

HOPEWELL TOWNSHIP	MERCER
HOWELL TOWNSHIP	MONMOUTH
IRVINGTON TOWNSHIP	ESSEX
ISLAND HEIGHTS BOROUGH	OCEAN
JACKSON TOWNSHIP	OCEAN
JAMESBURG BOROUGH	MIDDLESEX
JEFFERSON TOWNSHIP	MORRIS
JERSY CITY	HUDSON
KEANSBURG BOROUGH	MONMOUTH
KEARNY TOWN	HUDSON
KENILWORTH BOROUGH	UNION
KEYPORT BOROUGH	MONMOUTH
KINNELON BOROUGH	MORRIS
KNOWLTON TOWNSHIP	WARREN
LACEY TOWNSHIP	OCEAN
LAKE COMO BOROUGH	MONMOUTH
LAKEHURST BOROUGH	OCEAN
LAKEWOOD TOWNSHIP	OCEAN
LAMBERTVILLE CITY	HUNTERDON
LANG BRANCH CITY	MONMOUTH
LAUREL SPRINGS BOROUGH	CAMDEN
LAVALLETTE BOROUGH	OCEAN
LAWRENCE TOWNSHIP	CUMBERLAND
LAWRENCE TOWNSHIP	MERCER
LEBANON TOWNSHIP	HUNTERDON
LEONIA BOROUGH	BERGEN
LIBERTY TOWNSHIP	WARREN
LINCOLN PARK BOROUGH	MORRIS
LINDEN CITY	UNION
LINDENWOLD BOROUGH	CAMDEN
LINWOOD CITY	ATLANTIC
LITTLE EGG HAROBOR TOWNSHIP	OCEAN
LITTLE FALLS TOWNSHIP	PASSAIC
LIVINGSTON TOWNSHIP	ESSEX
LONG HILL TOWNSHIP	MORRIS
LUMBERTON TOWNSHIP	BURLINGTON
LYNDHURST TOWNSHIP	BERGEN
MADISON BOROUGH	MORRIS
MAGNOLIA BOROUGH	CAMDEN
MANALAPAN TOWNSHIP	MONMOUTH
MANASQUAN BOROUGH	MONMOUTH
MANCESTER TOWNSHIP	OCEAN
MANSFIELD TOWNSHIP	BURLINGTON
MANSFIELD TOWNSHIP	WARREN

MANTOLOKING BOROUGH	OCEAN
MANTUA	GLOUCESTER
MAPLEWOOD TOWNSHIP	ESSEX
MARGATE CITY	ATLANTIC
MARLBORO TOWNSHIP	MONMOUTH
MATAWAN BOROUGH	MONMOUTH
MAURICE RIVER TOWNSHIP	CUMBERLAND
MENDHAM BOROUGH	MORRIS
MENDHAM TOWNSHIP	MORRIS
MERCHANTVILLE BOROUGH	CAMDEN
METUCHEN BOROUGH	MIDDLESEX
MIDDLESEX BOROUGH	MIDDLESEX
MIDDLETOWN TOWNSHIP	MONMOUTH
MILLBURN TOWNSHIP	ESSEX
MILLSTONE BOROUGH	SOMERSET
MILLSTONE TOWNSHIP	MONMOUTH
MILLTOWN BOROUGH	MIDDLESEX
MILLVILLE CITY	CUMBERLAND
MONROE TOWNSHIP	GLOUCESTER
MONROE TOWNSHIP	MIDDLESEX
MONTCLAIR TOWNSHIP	ESSEX
MONTGOMERY TOWNSHIP	SOMERSET
MOONACHIE BOROUGH	BERGEN
MOORESTOWN TOWNSHIP	BURLINGTON
MORRIS TOWNSHIP	MORRIS
MORRISTOWN TOWN	MORRIS
MOUNT EPHRAIM BOROUGH	CAMDEN
MOUNT HOLLY TOWNSHIP	BURLINGTON
MOUNT LAUREL TOWNSHIP	BURLINGTON
MOUNTAIN LAKES BOROUGH	MORRIS
MOUNTAINSIDE BOROUGH	UNION
NATIONAL PARK BOROUGH	GLOUCESTER
NEPTUNE CITY	MONMOUTH
NETCONG BOROUGH	MORRIS
NEW BRUNSWICK CITY	MIDDLESEX
NEW HANOVER TOWNSHIP	BURLINGTON
NEW PROVIDENCE BOROUGH	UNION
NEWARK CITY	ESSEX
NORTH BERGEN TOWNSHIP	HUDSON
NORTH CALDWELL BOROUGH	ESSEX
NORTH HALEDON BOROUGH	PASSAIC
NORTH HANOVER TOWNSHIP	BURLINGTON
NORTH PLAINGFIELD BOROUGH	SOMERSET
NORTH WILDWOOD CITY	CAPE MAY

NORTHVALE BOROUGH	BERGEN
NUTLEY TOWNSHIP	ESSEX
OAKLYN BOROUGH	CAMDEN
OCEAN CITY	CAPE MAY
OCEAN GATE BOROUGH	OCEAN
OCEAN TOWNSHIP	MONMOUTH
OCEAN TOWNSHIP	OCEAN
OCEANPORT BOROUGH	MONMOUTH
OLD BRIDGE TOWNSHIP	MIDDLESEX
OLD PAPPAN BOROUGH	BERGEN
ORADELL BOROUGH	BERGEN
ORANGE CITY	ESSEX
OXFORD TOWNSHIP	WARREN
PALISADES PARK BOROUGH	BERGEN
PARAMUS BOROUGH	BERGEN
PARK RIDGE BOROUGH	BERGEN
PARSIPPANY-TROY HILLS TOWNSHIP	MORRIS
PASSAIC CITY	PASSAIC
PATTERSON CITY	PASSAIC
PAULSBORO BOROUGH	GLOUCESTER
PEAPACK & GLADSTONE BOROUGH	SOMERSET
PEMBERTON BOROUGH	BURLINGTON
PEMBERTON TOWNSHIP	BURLINGTON
PENNINGTON BOROUGH	MERCER
PENNS GROVE BOROUGH	SALEM
PENNSAUKEN TOWNSHIP	CAMDEN
PEQUANNOCK TOWNSHIP	MORRIS
PHILLIPSBURG TOWNSHIP	WARREN
PILESGROVE TOWNSHIP	SALEM
PINE HILL BOROUGH	CAMDEN
PISCATAWAY TOWNSHIP	MIDDLESEX
PITMAN BOROUGH	GLOUCESTER
PITTSGROVE TOWNSHIP	SALEM
PLAINFIELD CITY	UNION
PLAINSBORO TOWNSHIP	MIDDLESEX
PLEASANTVILLE CITY	ATLANTIC
PLUMSTEAD TOWNSHIP	OCEAN
POINT PLEASANT BEACH BOROUGH	OCEAN
POMPTON LAKES BOROUGH	PASSAIC
PRINCETON	MERCER
PROSPECT PARK BOROUGH	PASSAIC
QUINON TOWNSHIP	SALEM

RAHWAY CITY	UNION
RANDOLPH TOWNSHIP	MORRIS
RARITAN BOROUGH	SOMERSET
RIDGEFIELD BOROUGH	BERGEN
RIDGEFIELD PARK VILLAGE	BERGEN
RINGWOOD BOROUGH	PASSAIC
RIVER EDGE BOROUGH	BERGEN
RIVERDALE BOROUGH	MORRIS
RIVERSIDE TOWNSHIP	BURLINGTON
ROBBINSVILLE TOWNSHIP	MERCER
ROCHELLE PARK TOWNSHIP	BERGEN
ROCKAWAY BOROUGH	MORRIS
ROCKAWAY TOWNSHIP	MORRIS
ROSELAND BOROUGH	ESSEX
ROSELLE BOROUGH	UNION
ROSELLE PARK BOROUGH	UNION
ROXBURY TOWNSHIP	MORRIS
SADDLE BROOK TOWNSHIP	BERGEN
SADDLE RIVER BOROUGH	BERGEN
SAYREVILLE BOROUGH	MIDDLESEX
SCOTCH PLAINS TOWNSHIP	UNION
SEA ISLE CITY	CAPE MAY
SEASIDE HEIGHTS BOROUGH	OCEAN
SECAUCUS TOWN	HUDSON
SHAMONG TOWNSHIP	BURLINGTON
SILLWATER TOWNSHIP	SUSSEX
SOMERS POINT CITY	ATLANTIC
SOUTH AMBOY CITY	MIDDLESEX
SOUTH HACKENSACK TOWNSHIP	BERGEN
SOUTH HARRISON TOWNSHIP	GLOUCESTER
SOUTH ORANGE VILLAGE TOWNSHIP	ESSEX
SOUTH PLAINFIELD BOROUGH	MIDDLESEX
SOUTH RIVER BOROUGH	MIDDLESEX
SPOTSWOOD BOROUGH	MIDDLESEX
SPRING LAKE BOROUGH	MONMOUTH
SPRINGFIELD TOWNSHIP	UNION
STAFFORD TOWNSHIP	OCEAN
STOCKTON BOROUGH	HUNTERDON
STONE HARBOR BOROUGH	CAPE MAY
SUMMIT CITY	UNION
SURF CITY	OCEAN
SWEDESBORO	GLOUCESTER
TEANECK TOWNSHIP	BERGEN

TENAFLY BOROUGH	BERGEN
TENAFLY TOWNSHIP	BERGEN
TETERBORO BOROUGH	BERGEN
TINTON FALLS BOROUGH	MONMOUTH
TOTOWA BOROUGH	PASSAIC
TRENTON CITY	MERCER
TUCKERTON BOROUGH	OCEAN
UNION BEACH BOROUGH	MONMOUTH
UNION TOWNSHIP	UNION
UNITON CITY	HUDSON
UPPER DEERFIELD TOWNSHIP	CUMBERLAND
UPPER FREEHOLD TOWNSHIP	MONMOUTH
UPPER PITTSBORO TOWNSHIP	SALEM
UPPER TOWNSHIP	CAPE MAY
VENTNOR CITY	ATLANTIC
VERNON TOWNSHIP	SUSSEX
VERONA TOWNSHIP	ESSEX
VINELAND CITY	CUMBERLAND
VORHEES TOWNSHIP	CAMDEN
WALL TOWNSHIP	MONMOUTH
WANAQUE BOROUGH	PASSAIC
WANTAGE TOWNSHIP	SUSSEX
WASHINGTON TOWNSHIP	BURLINGTON
WASHINGTON TOWNSHIP	GLOUCESTER
WASHINGTON TOWNSHIP	MORRIS
WASHINGTON TOWNSHIP	WARREN
WATCHUNG BOROUGH	SOMERSET
WATERFORD TOWNSHIP	CAMDEN
WAYNE TOWNSHIP	PASSAIC
WAYNE TOWNSHIP	PASSAIC
WEEHAWKEN TOWNSHIP	HUDSON
WEST CALDWELL TOWNSHIP	ESSEX
WEST DEPTFORD TOWNSHIP	GLOUCESTER
WEST LONG BRANCH BOROUGH	MONMOUTH
WEST MILFORD TOWNSHIP	PASSAIC
WEST NEW YORK TOWN	HUDSON
WEST WILDWOOD BOROUGH	CAPE MAY
WEST WINDSOR TOWNSHIP	MERCER
WESTFIELD TOWNSHIP	UNION
WESTVILLE BOROUGH	GLOUCESTER
WESTWOOD BOROUGH	BURLINGTON
WEYMOUTH TOWNSHIP	ATLANTIC
WHARTON BOROUGH	MORRIS
WILDWOOD CITY	CAPE MAY

WILDWOOD CREST BOROUGH	CAPE MAY
WINFIELD TOWNSHIP	UNION
WINSLOW TOWNSHIP	CAMDEN
WOODBRIIDGE TOWNSHIP	MIDDLESEX
WOODBURY CITY	GLOUCESTER
WOODBURY HEIGHTS BOROUGH	GLOUCESTER
WOODCLIFF LAKE BOROUGH	BURLINGTON
WOODLAND PARK BOROUGH	PASSAIC
WOODLYNNE BOROUGH	CAPE MAY
WOOLWICH TOWNSHIP	GLOUCESTER
WYCKOFF TOWNSHIP	BURLINGTON
Sub-recipient Name	
Research Partner	
CAMBRIDGE SYSTEMATICS	
CITY COLLEGE OF NY	
LEHIGH UNIVERSITY	
MONMOUTH UNIVERSITY	
NEW JERSEY INSTITUTE OF TECHNOLOGY (NJIT)	
PRINCETON UNIVERSITY	
RICHARD STOCKTON COLLEGE	
ROWAN UNIVERSITY	
RUTGERS UNIVERSITY	
STEVENS INSTITUTE OF TECHNOLOGY	
THE COLLEGE OF NEW JERSEY	
THOMAS EDISON STATE UNIVERSITY	

Table 52– Preliminary Sub-recipient List

REPORTING REQUIREMENTS

A 2012 Title VI audit conducted by the Federal Highway Administration identified NJDOT’s data collection efforts as needing improvement. The Department continues to work educating staff and sub-recipients about data collection requirements related to Title VI, Environmental Justice and Limited English Proficiency.

NJDOT’s various Programmatic areas are uniformly required to report the following items of data:

1. Any complaints of discrimination;
2. Training, orientation and knowledge of staff on Title VI issues;
3. Notices and posters setting forth Title VI are placed in areas readily accessible to employees and the public;
4. Efforts made to ensure opportunity for full participation and accommodation for persons with disabilities and Limited English Proficiency (LEP);
5. Efforts being made to reach minority and low-income citizens to promote their active participation;

6. The method and sources used to publish advertisements /information involving issues to be discussed at public meetings.
7. The method and sources used to publish materials involving issues to be discussed at local and county meetings;
8. Efforts made in securing the services of minority or female group consultant(s) when needed in the general, data collection and analysis process.
9. Consideration given to minority communities in developing scoping projects;
10. The reasonable efforts being made to reach minority and low-income citizens to promote their active participation, e.g., contacting minority community leaders, posting flyers (in the languages spoken by targeted group, when needed), utilizing minority media, etc.;
11. Efforts made in securing the services of minority or female group consultant(s) when needed in the project development process.
12. Consideration given to minority communities affected by state transportation highway activities;
13. The method and sources used to publish materials involving issues to be discussed at local and county meetings;
14. Efforts made in securing the services of minority or female group consultant(s) when needed in the general, data collection and analysis process.

ENVIRONMENTAL RESOURCES

In addition to the standard data items needing to be reported, the Division of Environmental Resources is required to (upon request):

1. Provide copies of all CE, EA and EIS documents to DCR/AA.

RIGHT OF WAY & ACCESS MANAGEMENT

The Right of Way Unit is also required to report:

1. The type of notice given, including timing, when property is acquired through the right-of-way procedure;
2. Documentation of any deviation in methods used to acquire real property in minority communities, such as price, selection, and negotiation;
3. Efforts used to ensure nondiscrimination in the selection and acquisition of right-of-way, property management, and fee contracts and other commitments with persons for services and expenses incidental to the acquisition of right-of-way;
4. Efforts made in securing the services of minority or female contractor's incidental to right-of-way acquisition.

ROW will also be required to report:

- The method and sources used to publish advertisements /information involving the ROW condemnation process.

LANDSCAPE ARCHITECTURE & ENVIRONMENTAL SOLUTIONS

In addition to the data items, the Landscape Architecture & Environment Solutions is also required to (upon request):

1. Provide copies of all CE, EA and EIS documents to DCR/AA.

In the upcoming year, Landscape Architecture & Environmental Solutions will also be required to report:

- The method and sources used to determine plantings under the “Good Neighbor” Program.

CONSTRUCTION SERVICES AND MATERIALS

The Division of Construction Services & Materials is also required to:

1. Ensure consideration is given to minority communities during the construction of projects;
2. Make reasonable efforts to reach minority and low-income citizens in the construction area and develop communication materials in the languages spoken by the targeted group, when needed, (e.g. poster/flyer, utilizing minority media, web-site, etc.);
3. Place notices and posters pertaining to Title VI requirements in areas readily accessible to employees and the public (e.g. construction trailers, field offices, contractor’s trailers construction site, etc.).

PROCUREMENT

The Professional Services Unit is also required to report:

1. The method and sources used to publish solicitations of Expressions of Interest (EOI), in particular methods used to reach minority and women- owned consultant firms.

In the upcoming year, the Professional Services Unit will also be required to report:

- The method and sources used to publish advertisements /information involving advertisement of bidding for Capital Projects.

COMMUNITY & CONSTITUENT RELATIONS

The Office of Community Relations is also required to report:

1. Efforts made to ensure opportunities for full participation and accommodation for persons with disabilities and Limited English Proficiency (LEP);
2. Efforts made to reach minority and low-income citizens to promote their active participation;

OPERATIONS

Operations is also required to report:

1. Efforts made to ensure opportunity for full participation and accommodation for persons with disabilities and Limited English Proficiency (LEP);
2. Efforts being made to reach minority and low-income citizens to promote their active participation;
3. The method and sources used to publish advertisements /information involving issues to be discussed at public meetings.

In the upcoming year, Operations will also be required to report:

- The method and sources used to publish advertisements /information involving issues to be discussed at public meetings and notices for pesticide application

STATEWIDE PLANNING

The Division of Statewide Planning is also required to report:

1. Consideration given to minority communities in the state transportation planning activities;
2. The method and sources used to publish advertisements/information involving issues to be discussed at public meetings;
3. Efforts being made in securing the services of minority or female group consultant(s) when needed in the planning process;
4. Efforts made to provide Historically Black Colleges and Universities, Hispanic Serving Institutions and Tribal Colleges and Universities the opportunity to participate in research projects;
5. Efforts made to encourage universities to use minority, female, disabled and low-income students to participate on research projects.

HUMAN RESOURCES

The Division of Human Resources – Recruitment is required to report information captured from individual applications, including veteran status, US citizenship or authorization to work in the US, education, foreign language abilities, skills, previous employers and duties, and outside employment. Information such as gender, ethnicity, race and reasonable accommodation are requested, but are not considered part of the formal application. Applicants are informed that New Jersey seeks to increase the richness and diversity of its workforce, and asked that in order to comply with Federal and State reporting requirements, they take the time to briefly identify their gender, ethnicity, race and whether they need a reasonable accommodation. (Please note that not all applicants include this information when filing their applications.)

From October 2016 to September 1, 2017, there were 1,917 applications filed with the NJDOT. As of the end of August 2017, there are 1,551 active applications on file. Females accounted for 27% of the applicant pool, while males accounted for 65%. Eight (8) percent of the applicants did not supply their gender.

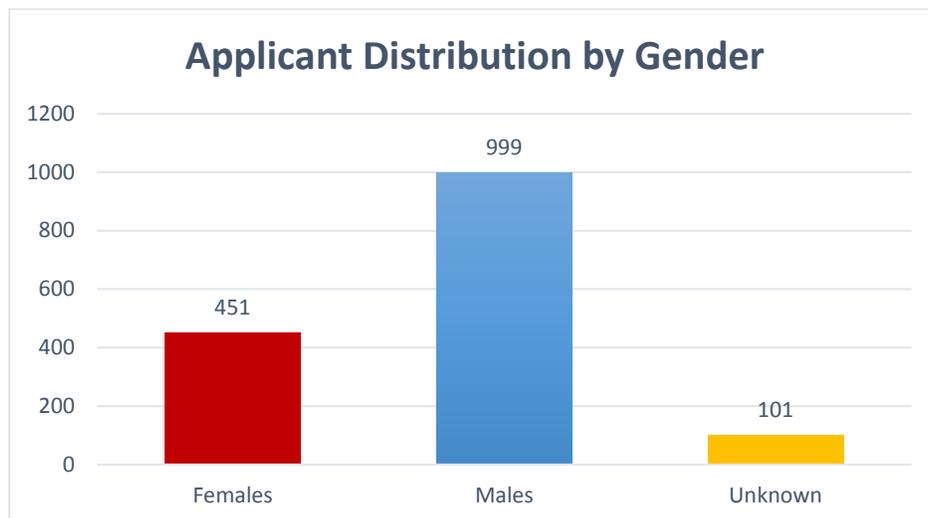


Figure 21– Applicant Distribution by Gender

The Report Snapshot taken in September 2017 indicates that 38% of applicants identified as White; 16% as Black; 30% Asian; 12% as Unknown; and four (4%) as Two or More Races. The number of applicants that identified as American Indian/Alaskan Native were negligible. At the time of acquiring the Report Snapshot, there were no known applicants identifying as Hispanic/Latino. See Figure 20 below.

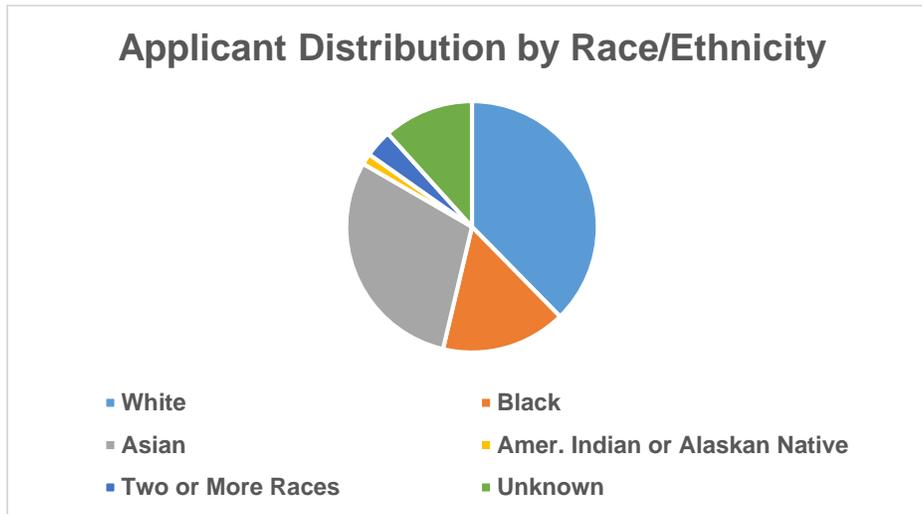


Figure 22– Applicant Distribution by Ethnicity

DEPARTMENT SECRETARY

The Department Secretary will be required to report:

1. The method and sources used to publish advertisements /information involving issues to be discussed at public meetings, land sales, auctions.
2. A breakdown of the number and type of advertisements published in languages other than English, including the other languages said advertisements were published in.

The Department continues to recognize the importance of collecting and analyzing data in the administration of its programs, activities and services, and is attempting to improve its data collection efforts. In order to educate employees and others about Title VI data collection requirements, and the types of data needing to be collected, the Title VI Unit continues to work on developing a toolkit, “Title VI Technical Guidance: Data Collection.” (See Appendix 6) Once completed, this toolkit is intended to be distributed to internal employees and the Department’s sub-recipients.

In order to assist NJDOT’s programmatic areas with providing data for inclusion in the Title VI Implementation Plan and/or annual updates, the Title VI Unit continues to work on creating data collection templates for the reporting of Title VI, environmental justice and LEP information. To date, data collection forms have been created for the internal units of Right-of-Way, Landscape & Environmental Solutions, Procurement – Professional Services, Procurement Construction Services, Community & Constituent Relations, DBE & Small Business Unit, Contract Compliance, Wage Rate, and Internal EEO. (See Appendix 7). It is intended that templates for Local Aid (Internal) Project Management, Environmental Resources, Research, Operations, Capital Investment Planning & Development, Bridge Engineering & Infrastructure Management,

Construction & Materials, Multimodal, Statewide Planning, Operations, Transportation Systems Management, the Department Secretary, and sub-recipients (MPOs) will also be developed.

Title VI Reviews

TITLE VI REVIEW PROCESS

The review process for conducting Title VI reviews of NJDOT programmatic areas, LPAs and MPOs consists of the following steps:

1. Develop and finalize the Title VI Review Questionnaire for each specific programmatic area. All questions are reviewed and approved by the Supervisor of the Title VI Nondiscrimination and ADA Unit.
2. The cover letter informing the programmatic area(s) of the upcoming review is sent to the Assistant Commissioner of Administration for signature.
3. Notification via cover letter and the Title VI Review Questionnaire package is sent to the Assistant Commissioner of each Programmatic area to be reviewed. Copies of each package are also distributed to the Division Director of each programmatic area being reviewed.
4. Each programmatic area completes the Title VI Review Questionnaire, and must return it to the Civil Rights Title VI Unit within two (2) weeks.
5. Each questionnaire is reviewed by the Title VI Coordinator and/or person conducting the Title VI Review.
6. The Title VI Coordinator and/or personnel conducting the review meets with the Director of the programmatic area to discuss responses to the questionnaire, mutually establish particular projects/processes to be audited, and establish a schedule to complete the review of the specific projects/processes.
7. The desk audit review of projects/processes is conducted by Title VI Coordinator or personnel assisting with Title VI review.
8. Findings documented and deficiencies identified.
9. Meet with Director of Programmatic area to discuss the findings, as well as give them an opportunity to provide clarification or additional information in order to prove or disclaim findings.
10. Write up/completion of formal review, including findings as well as identification of improvements needed/policies/procedures needing modification or development.
11. Provide notification of findings to each Assistant Commissioner of programmatic area as well as each specific programmatic areas.
12. Report findings to the Federal Highway Administration (FHWA)

The following information is included as the heading on every Title VI Programmatic review questionnaire form:

Title VI Background

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. However the broader application of nondiscrimination law is found in other statutes, regulations and Executive Orders. Section 324 of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. The Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. The Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability, prohibits discrimination in the provision of access to public buildings and requires that rest areas be accessible by wheelchair. The Age Discrimination Act of 1975 prohibits age discrimination. The Civil Rights Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients and contractors whether those programs and activities are federally-funded or not.

In addition to the above mentioned statutory authorities, the 1994 Environmental Justice (EJ), Executive Order 12898, amplifies Title VI by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of federal-aid projects on minority populations and low-income populations. Limited English Proficiency, Executive Order 13166, is also enforced under Title VI, as it further clarifies the Title VI responsibility of National Origin discrimination and requires Federal-aid recipients to take steps to ensure meaningful access to their programs, services and information by people with Limited English Proficiency (LEP).

Review questions, specific to each programmatic area, are developed.

TITLE VI REVIEWS PERFORMED

There were two Title VI Compliance reviews conducted in FFY 2017, on Right of Way and Community and Constituent Relations. These reviews revealed several deficiencies that require corrective action within their respective programmatic areas. (*See Appendix I*).

Also during this FFY, we have conducted two Title VI reviews on sub-recipients for another USDOT Federal Administration - the Federal Motor Carrier Safety Administration (FMCSA). The two sub-recipients receiving funds under this program are the New Jersey State Police and Motor Vehicle Commission. These reviews revealed deficiencies that require corrective action to develop Title VI Assurances and Title VI Policy Statement. These corrective actions have been implemented by the sub-recipient agencies and their programs have been approved by the FMCSA.

Reviews of internal NJDOT programmatic areas anticipated to be completed in FFY 2018 include one or two of the following: Statewide Planning and Multi-Modal Services.

In FFY 2017, we reviewed all 21 counties for the Title VI requirements and found that they did not have viable Title VI program implementation plans. As a result of these reviews, training was provided to all 21 counties, advising them of their requirements to establish Title VI Assurances, Title VI Policy Statements, Affirmative Action Plans and Developing Minority and Female Business Implementation. We continue to follow-up on their status of developing and implementing Title VI programs.

Procedures for Ensuring Title VI Compliance

Each Division and Regional Director is still responsible for ensuring Title VI compliance within his or her programmatic area of responsibility.

Local Public Agencies (LPAs) such as counties and municipalities are still responsible for ensuring Title VI compliance on all Local Aid projects.

NOTICES AND POSTERS

Notices and posters (EEO is THE LAW, as well as others setting forth Title VI are prominently and conspicuously displayed at NJDOT Headquarters and each Regional Office and NJDOT facility where they can readily be observed by applicants for employment, the general public, as well as employees.

LPAs are required to prominently and conspicuously display notices and posters applicable to Title VI at their respective facilities and locations, as well as ensure that contractors display them at their on-site trailers for each construction project.

The EEO is the Law Poster, and other posters are part of a package of information distributed to REs and prime contractors at project specific pre-construction meetings for federally funded Capital projects, maintenance projects, and Local Aid projects. Local Aid staff and local agency recipients are responsible for ensuring that these posters are disseminated at preconstruction meetings for local aid projects. Posters distributed at preconstruction meetings are:

- US Dept. of Transportation’s “NOTICE of False Statements” – FHWA-1022
- US/EEOC “Equal Employment Opportunity IS THE LAW” – US/EEOC-P/E-1 (English and Spanish versions)
- US Dept. of Labor- “Employee Rights on Government Contracts” – WHD-1313 (English and Spanish versions)
- US Dept. of Labor’s “Employee Rights under the Davis-Bacon Act” – WH-1321 (English and Spanish versions)
- US Dept. of Labor’s OSHA “Job Safety and Health” - OSHA-3165
- US Dept. of Labor “Employee Rights under Family and Medical Leave Act” - WHD Pub 1420
- US Dept. of Labor’s “Employee Polygraph Protection Act” – WH1462 (English and Spanish versions)
- NJ Dept. of Law & Public Safety-”Discrimination in Employment” (English and Spanish versions)

See *Appendix 8* for the various posters displayed and distributed to sub-recipients for display.

The Department continued to distribute a “Title VI Nondiscrimination Notice to Sub-recipients of Federal Financial Assistance” informing Local Public Agencies of their requirement to abide by Title VI. This notice, signed by the Commissioner, is used to inform sub-recipients (contractors, subcontractors, consultants, research institutions, Local Public Agencies, etc.) of their Title VI obligations, and how to file a complaint. The notice is also being distributed with pre-construction packages for Capital and Local Aid projects. Links to the notice are also posted on the Research, Procurement – Professional Services, Procurement – Construction Services and Local Aid areas of NJDOT’s external website. The notice is found at:
<http://www.state.nj.us/transportation/business/civilrights/pdf/titlevisubrecipients.pdf>

Also, in an effort to better inform sub-recipients of their Title VI Nondiscrimination obligations and responsibilities, the Department has begun an effort to collectively identify our sub-recipients. Upon request, Procurement – Construction Services can provide the Title VI Unit with a listing of all pre-qualified prime contractors while Procurement - Professional Services can provide information regarding professional service firms. The Division of Local Aid & Economic Development provides a list of County and Municipal sub-recipients, upon request.

TRAINING

The Department conducts the following training sessions relevant to Title VI issues:

Internal Equal Employment Opportunity/Affirmative Action Program

New Jersey State Policy Prohibiting Discrimination in the Workplace

This training, conducted by the Internal EEO/AA Unit, is mandatory for all internal NJDOT staff. It covers the review of prohibited actions and behaviors that are considered discriminatory as per the “*New Jersey State Policy Prohibiting Discrimination in the Workplace.*” (See Appendix 9) This is relevant to Title VI in that construction projects, and any external meetings and such are considered extensions of the workplace in which discrimination based on race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability is prohibited.)

Interview Procedures for Panelists – Nuts & Bolts of Conducting Interviews

The Director of Civil Rights and Affirmative Action, in conjunction with the Division of Human Resources conducts training about interview procedures for all supervisors as well as those employees identified as participating on the interview panel during the interview process. This training is vital in that all participants are informed that discrimination based on race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability is prohibited in the interview process, both when interviewing internal candidates seeking promotion as well as external candidates seeking employment with NJDOT.

Internal Crew Supervisor Academy Training

This is historically held on a yearly basis, during the summer months. The prior presentation was “Making It Real: Supervisory Responsibility under the *“New Jersey State Policy Prohibiting Discrimination in the Workplace”*”, and addressed supervisor’s responsibilities prohibiting discrimination in the workplace, including what is deemed an extension of the workplace.

Contractor Compliance Program

RE Workshops

The Contractor Compliance Unit continues to participate in RE Workshops (conducted via a PowerPoint presentation) yearly at the Division of Construction and Materials Winter Workshops, and on a mini scale, with five to ten REs and office support staff (including consultant support staff), as they are assigned oversight on a new construction project. The workshops are also conducted for the Division of Local Aid and Economic Development, and Maintenance, with the PowerPoint presentation tailored to each specific audience. Information presented touches on the Contractor and Subcontractor’s obligations to the Civil Rights portion of NJDOT contracts, including D/E/SBE subcontracting, EEO, Workforce, OJT and wage rate compliance. In addition, this year’s workshops added information and guidance on Commercially Useful Function (CUF), and the monitoring of DBE truckers, DBE regular dealers, transaction expeditors and DBE manufacturers. *(See Appendix 10)*

Project Specific EEO Meetings

EEO Meetings continue to be conducted between Contractor Compliance staff, the RE, Prime Contractor, and subcontractors in order to review project specific EEO, workforce, OJT and wage rate requirements. These meetings are scheduled for Capital projects, as well as Local Aid projects where the recipients and contractors on Local Aid sponsored projects attend.

With the addition of new staff to the Contractor Compliance Unit, the internal and external Contract Compliance webpages can continue to be updated. The intent continues to be to provide Contractors, Subcontractors, Local Aid recipients and sub-recipients more detailed guidance about D/E/SBE subcontracting, EEO, Workforce, OJT and wage rate requirements on NJDOT projects.

Guidance & Required Forms

The Contractor Compliance Unit in conjunction with the Bureau of Construction Management continues to provide guidance to RE’s working on NJDOT construction contracts, and RE’s working on Local Public Agency projects. The Civil Rights portion of the “RE Construction Procedures Handbook” has been updated to include guidance on Commercially Useful Function (CUF), as well as verification and monitoring of DBE/ESBE firms working on construction projects. *(See Appendix 11)*

Grant Program

The NJBUILD Highway to Employment (H2E) is a grant program under the New Jersey Builders Utilization Initiative for Labor Diversity (NJBUILD), one of several programs for training women and minorities in the construction trades administered by New Jersey Department of Labor and Workforce Development (LWD). NJBUILD funds are specifically limited to construction trades training. Funding for NJBUILD is provided through the annual Appropriations Act and P.L. 2009, c. 335, which ensure that all members of the public are afforded the opportunity to benefit from

the economic recovery funds and associated state spending, and that every public contract, whether for construction services, goods, or other services provides equal employment opportunity for women and minorities.

NJ Department of Labor and Workforce Development in conjunction with NJDOT announced a Notice of Grant Opportunity (NGO) for the NJBUILD H2E Program, which will promote outreach and pre-apprenticeship training in the highway construction trades industry for female and minority New Jersey residents to prepare them for entry into registered apprenticeships or employment in construction-related jobs with a minimum hourly wage of \$12.65 (51% above the State's minimum wage).

It will assist in providing greater opportunities and incentives for individuals by providing pre-apprenticeship training, basic skills instruction, workforce readiness (employability skills) instruction, and a structured work experience which will emphasize vocational-based training for entry-level skills in the highway construction trades. The grant will assist contractors and trade unions in meeting their mandated workforce needs through the recruiting and training of women and minorities. The program will seek to facilitate effective transitions of women and minorities 20 years of age and older to high-skill, high-wage employment in labor-demand occupations that are apprentice able, such as: Carpenter, Dock and Wharf Builder, Construction Laborer, Operating Engineer, Electrician and Structural Iron and Steel Worker.

On June 16, 2016, LWD received four proposals:

- Rowan College at Burlington County (RCBC)—applying for the southern region.
- Mercer County Community College (MCCC)—applying for the central region.
- Jersey City Employment and Training Program (JCETP)—applying for the northern region.
- Orange Housing Authority (OHA)—applying for the northern region.

On June 30, 2016, the Technical Evaluation Committee (representatives from LWD and NJDOT) met to go over our individual scores and to combine scores to give an overall average to each proposal submitted for program. The overall average of each proposal needed to be rated a 70 to be considered for a grant opportunity. Of the four proposals submitted, only one proposal scored a 70 or over - (JCETP) for the North Region. Therefore, LWD awarded two grants in the northern region to JCETP for a total of 240,000 to train 40 individuals and place at least 36 in construction employment.

As of July 2017, 40 participants have graduated from the program. JCETP staff have been actively planning and sponsoring job fairs involving companies in the construction industry to assist graduates with job placement.

On March 29, 2017, NJ Department of Labor and Workforce Development and NJ Department of Transportation jointly held a Technical Assistance Workshop for NJBUILD-H2E applicants.

On May 15, 2017, LWD received one proposal:

- International Union of Operating Engineers: Local 825-applying for the central region, with the intention to recruit all over the State of New Jersey.

*Due to an incomplete proposal, the grant has not yet been awarded for Fiscal Year 2017.

Title VI Nondiscrimination Program

Title VI Nondiscrimination Training

In our effort to improve the Department's overall compliance posture, Title VI Nondiscrimination training sessions were conducted in 2017 for Senior Leadership, as well as 55 Title VI Taskforce Liaisons of their various programmatic areas (*See Appendix 2*). Also, training was provided to 211 Local Public Agencies/County Representatives, to increase their knowledge, skills and performance in the implementation, monitoring and enforcement of the Department's Title VI Nondiscrimination Program (*See Appendix 4*). Each training session covered the following basics:

- outline of the background and history of Title VI
- explanation of environmental justice, limited English proficiency and ADA
- description of Title VI and environmental justice interconnections & distinctions
- explanation of the various types of discrimination
- definition of NJDOT's Title VI/Nondiscrimination Program
- emphasis of NJDOT's commitment to Title VI Nondiscrimination
- outline of NJDOT's Title VI responsibilities
- Title VI data collection requirements and identification of potential sources of data

Sub-recipients

As mentioned above, training was conducted in 2016-2017 for the 21 County Representatives. The session covered the basic items listed under the section "Title VI Nondiscrimination Training" above. The session also covered the following:

- Sub-recipient responsibilities at the agency level (methods of administration), such as:
 - submission of signed Standard Title VI assurances
 - submission of annual Title VI Nondiscrimination Implementation Plan
 - Title VI Nondiscrimination Policy Statement
 - organization & structure of Civil Rights Unit
 - monitoring & review process
 - DBE/ESBE/SBE participation in Federal-aid highway programs & activities
 - Procedures for assuring compliance & enforcement, such as:
 - processing of Title VI complaints
 - ensuring contract provisions are included in Federally funded contracts
 - addressing education and outreach
 - Title VI training
 - dissemination of Title VI information to beneficiaries and stakeholders
 - Data collection procedures and methods.
 - Accomplishment report & work plan

- development of Title VI procedures to ensure nondiscrimination in services, programs and activities, including involving the public, minorities, disabled, limited English proficient and other underserved populations
- Limited English Proficiency Implementation Plan
- contract provisions such as FHWA-1273 and NJDOT's Civil Rights Special Provisions
- Sub-recipient responsibilities in the project delivery process:
 - integrating Title VI, environmental justice and limited English proficiency into the project delivery
 - NEPA and public outreach and participation processes, including the development of a community profile, identifying minority, low income, disabled and other underserved populations within a project's study area
 - the need for an adequate EJ analysis when minority, low income, limited English proficient, disabled and other underserved populations are identified in the project study area
 - An impact assessment
- Meaningful public engagement
 - public outreach & participation: Who & How
 - barriers to achieving meaningful public involvement
 - considering & including the underserved

Training about Title VI Nondiscrimination requirements, as well as how to develop an ADA Self Evaluation and Transition Plan was held for County Engineers in April 2016. Elements of the session related to Title VI Nondiscrimination covered:

- what Title VI is
- definitions of program, activity & financial assistance
- types of discrimination
- what Title VI prohibits and what it requires
- responsibilities at the county agency level such as:
 - Nondiscrimination Policy Statement
 - Standard Title VI Assurance
 - EEO/Affirmative Action Program, including DBE Affirmative Action Program

Also discussed was the need for each County, as a sub-recipient, to submit an Affirmative Action Plan to NJDOT for review and approval. Guidance concerning development of an Affirmative Action Plan was subsequently provided via the Department's website at:

http://www.state.nj.us/transportation/business/civilrights/pdf/LPA_Guideline.pdf. A sample Disadvantaged and Emerging Small Business Enterprise Program was posted on the NJDOT website at: http://www.state.nj.us/transportation/business/civilrights/pdf/LPA_DEB.pdf.

Individual follow-up meetings have been held with Mercer, Burlington, Gloucester and Camden Counties to further discuss these requirements.

The Department recognizes that training is a key component to fully effectuating and integrating Title VI, EJ and LEP in its programs and services. Training is also key in educating our sub-recipients about their Title VI Nondiscrimination (including EJ and LEP) obligations and

responsibilities. We are working to create training modules for various programmatic areas. Once these modules are developed, we will schedule and conducted training sessions.

BROCHURES

The Department previously created several brochures containing information about the Division of Civil Rights & Affirmative Action, as well as Title VI Nondiscrimination and the Americans with Disabilities Act (ADA) for distribution to employees as well as the general public. (*See Appendix 12*)

In addition to those brochures, the Department has developed a draft “Civil Rights Title VI Sub-Recipient Guide” (*See Appendix 13*) for distribution to all sub-recipients. The guide defines Title VI, who is a sub-recipient, federal financial assistance, sub-recipient’s roles and responsibilities, as well as ways to accomplish Title VI, and complaint procedures. The guide is in draft form and under review for publication.

As previously mentioned, the Department is also in the process of developing a “Civil Rights Title VI Technical Guidance: Data Collection” booklet (*See Appendix 6*), intended to assist internal employees and sub-recipients on Title VI data collection efforts. The booklet outlines why data needs to be collected, the types of data needing to be collected, collection methods, and analysis of the data is to assist the Department and sub-recipient in improving their Title VI data collection efforts.

EVENTS

Representatives from the department’s Division of Human Resources, Facilities, the Employee Advocate, as well as Civil Rights continue to collaborate to form “Team Ewing” visiting the Regional Offices, as well as individual maintenance yards to review policies and procedures as well as discuss any issues or complaints raised by employees, including any Title VI issues.

NJDOT holds various educational “Heritage Events” to recognize, promote and celebrate the diversity of its workforce. Events held from October 2016 to September 2017 include recognizing Martin Luther King Jr.’s Birthday, African American History Month, Asian Pacific American Heritage Month, Women’s History and Hispanic Heritage Month. Activities normally include some sort of educational component such as a lecture or panel discussion, as well as some sort of cultural component such as dance, singing or food.

CONTRACT PROVISIONS/REQUIREMENTS

NJDOT includes in every Federal-aid contract, provisions that require compliance with Title VI, as well as non-discrimination clauses. Provisions are required to be included in federally funded construction contracts, both prime and subcontracts, as well as in vendor and supply agreements; consultant agreements for work in connection with federal-aid highway projects, such as design work and environmental studies; research agreements with colleges universities or other institutions; fee appraiser and fee attorney contracts for Right of Way work, and contracts between the NJDOT and a contractor for utility relocation when the NJDOT is relocating such utility. This language continues to be included in the Professional Service Term Agreements, the Standard Specifications for Road and Bridge Construction; and the project specific Special Provisions which

are part of the Contract Documents, all of which make up contract language that determining the responsibilities of all involved parties for projects.

Technical Proposals

All model technical proposals include language that bidders are required to comply with the requirements of Title VI of the Civil Rights Act of 1964, specifically that contractors, sub-recipients or subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of the contract. Contractors and consultants are required to submit their annual Equal Employment Opportunity/Affirmative Action (EEO/AA) Plan package to the department for review and approval.

Professional Service Term Agreements

“Standard Terms & Conditions of Agreement” (See Appendix 14), included in all professional service agreements, include specific articles with language concerning nondiscrimination, affirmative action rules for professional service contracts, restrictions on lobbying, and the Americans with Disabilities Act. The terms and conditions indicate the consultant will comply with NJDOT regulations relative to nondiscrimination in federally assisted programs of NJDOT, and will not discriminate on the basis of race, color, age or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment.

The consultant is not allowed, directly or indirectly to participate in discrimination prohibited by Section 21.5 of Title 49. Code of Federal Regulations, Part 21 through Appendix H, and Title 23CFR Part 710.405(b). This includes employment practices when the Agreement covers a program set forth in the Title 49. Code of Federal Regulations, Part 21 through Appendix H, and Title 23CFR Part 710.405(b). In all solicitations by either competitive bidding or negotiation by the consultant for work to be performed under a subcontract, provision is made to have the consultant inform the potential subcontractor or supplier of the consultant’s obligations under the agreement and the regulations relative to nondiscrimination on the basis of race, color, age, sex or national origin.

The consultant is required to provide information and reports required under Title 49 and Title 23, and permits access to their books, records, accounts, other information sources and facilities that are pertinent to ascertain compliance with the regulations, orders and instructions.

Consultants are required to 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 by the regulations.

State of New Jersey Affirmative Action Rules for Professional Service Contracts prohibit the contractor or subcontractor from discriminating against any employee or applicant for employment because of race, religion, color, national origin, age, ancestry, nationality, marital status, sex, gender identity or expression, disability, military service, affectional or sexual orientation, atypical cellular or blood trait and genetic information. Also, contractors and subcontractors are required to take affirmative action to ensure applicants are treated equally, and are not discriminated in the

actions of employment, up-grading, demotion, transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, or selection for training, including apprenticeship.

Local Aid & Economic Development Federal Aid Agreement

The Division of Local Aid & Economic Development utilizes a standard federal aid agreement template for agreements between the NJDOT and local public agencies for projects that are eligible for federal funding. The Title VI Coordinator worked closely with Local Aid to review and update this agreement with respect to language relating to proposed changes in the Civil Rights specifications, Title VI and DBE assurances, EEO and Affirmative Action language and wage rate requirements.

Construction Contracts – “Standard Specifications for Road and Bridge Construction” and Construction Contracts - Special Provision Attachments

The “*Standard Specifications*” outline the description of work, method and manner to perform the work, the acceptance criteria and measurement and payment statement for particular items of work. Specific language in the “standard specifications” addressing Title VI is located in Division 100 - General Provisions, [Subsection 107.02 – Discrimination in Employment on Public Works](#), and [Subsection 107.03 – Affirmative Action, Disadvantaged Business Enterprises, or Emerging Small Business Enterprise](#). The language prohibits discrimination by the Contractor, subcontractor or any person acting on their behalf for the performance of work under the contract or any subcontract, or for the procurement, manufacture, assembling, or finishing of materials, equipment, supplies, or services to be acquired under the contract on the basis of race, creed, color, national origin, age, ancestry, marital status, gender or affectional or sexual orientation. (*See Appendix 15*)

Also, the “*Standard Specifications*” state that “the Contractor, subcontractor, or any person acting on their behalf shall not, in any manner, discriminate against or intimidate any employee engaged in the performance of the Work under the Contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling, or furnishing of any such materials, equipment, supplies, or services to be acquired under such Contract, by reason of race, creed, color, national origin, age, ancestry, marital status, gender, or affectional or sexual orientation.”

No individual, group, firm, or corporation working on or seeking to work on a Public Works Project should be discriminated against on the basis of race, creed, color, national origin, age, ancestry, nationality, marital or domestic partnership status, sex, gender identity or expression, disability, liability for military service, affectional or sexual orientation, atypical cellular or blood trait, or genetic information (including the refusal to submit to genetic testing).

NJDOT has project specific “Special Provisions” and Special Provisions Attachments. Special Provisions are prepared using the current Standard Inputs (SI) with project specific requirements filled-in. Standard Input (SI) contains some generic information required on every projects. For example, the SI contains contact office location for all three regions; the designer chooses only one of the three based on the location of the project; etc. The SI also includes the approved changes to the Specifications until they are incorporated in the next publication of the Specifications book.

The designers use the SI as template to prepare project specific Special Provisions that are part of the Contract Documents.

Attachments to the Special Provisions address Title VI, and have language covering nondiscrimination, non-segregated facilities, payment of predetermined minimum wage, statements and payrolls, records of materials, supplies and labor, subletting or assigning the contract, safety/accident prevention, false statements, and are located in the NJDOT Supplement to the Standard Specifications. These contract Provisions are described below.

The Division of Civil Rights & Affirmative Action, in collaboration with the Division of Construction Services, and Procurement, has almost completed work on the major effort to revise both the Standard Specifications and Civil Rights portions of the Special Provisions updating the documents based on DBE Final Rule changes, and addressing items previously identified by the Civil Rights National Review Team needing to be included in the specifications, and/or corrected. Major revisions include:

- Requiring all Bidders to submit a Bidder's List of DBE and non-DBE firms providing a bid or quote for the Contract.
- Clarifying Pre-Award and Post-Award obligations of Bidders and Contractors.

Pre-Award obligations were clarified, including the need to:

- Demonstrate commitment of meeting the Contract goal
- Submit within 5 days of Bid Opening as a matter of responsiveness, the schedule of DBE Participation, (CR-266) including NAICS code info applicable to the kind of work the DBE will perform, type of work, specific work items and actual subcontract value of work.
- Submit within 5 days after Bid Opening, a CR-273 Confirmation of DBE/ESBE/SBE Firm for each firm listed on the CR-266 to demonstrate written, signed confirmation from each DBE/ESBE/SBE that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
- Submit within 5 days after Bid Opening, a CR-272 – DBE/ESBE Regular Dealer/Supplier Verification and/or a CR-274 – DBE/ESBE/SBE Trucking Verification for each applicable firm listed on the CR-266 in order to verify the firm is a bona fide Regular Dealer/Supplier, and/or to verify the trucking information related to equipment and leasing.
- If goal attainment is not demonstrated within 5 days of Bid Opening, the Bidder must submit documented evidence of good faith efforts also within 5 days after Bid Opening.
- If the apparent lowest Bidder is rejected, inform the rejected Bidder of their right to Administrative Reconsideration, and the process that must be followed.

Post-Award obligations clarified include:

- Changes Regarding Subletting/Subcontracting:
 - Ensured certified DBEs/ESBEs have an equal opportunity to receive and participate in the performance of contracts and subcontracts financed with federal funds through the identification and retention of DBE subcontractors and replacement subcontractors

- Added requirement that both the Standard Title VI Assurance, including Appendix E, and the contract assurance found in 49 CFR Part 26.13(b) are included in subcontract agreements on Federal Aid projects
 - Added the requirement that the Standard Title VI Assurance, including Appendix E is included in subcontract agreements on State Transportation Trust Fund (TTF) projects
 - Reporting DBE participation on a monthly basis using CR 267 forms
 - If the Contractor is not demonstrating utilization meeting the Contract Goal, submission of documented evidence of good faith efforts to meet the goal are required with the monthly CR-267 form.
 - Submitting a revised CR-266 when there are changes to the original approved DBE Participation Plan:
 - Any changes to the original approved DBE Participation Plan (CR-266) must be submitted and approved by Civil Rights prior to termination or replacement of DBE subcontractors, truckers, material suppliers or transaction expeditors.
 - Along with the CR-266, submitting for each new firm listed on the CR-266:
 - 1) a CR-273 – Confirmation of DBE/ESBE/SBE firm;
 - 2) if applicable, a CR-272 – DBE/ESBE Regular Dealer/Supplier Verification; and,
 - 3) if applicable, a CR-274 – DBE/ESBE/SBE Trucking Verification
 - Potential payment reduction for not attaining the contract DBE goal, or providing adequate good faith effort documentation.
 - Addressing modification of DBE/ESBE Contract goal if there are significant changes to the project.
 - Addition of prompt payment language requiring the prime contractor to pay subcontractors and suppliers within 30 days after the subcontractor or supplier satisfactorily completes the specified work.
- Adding a section on Contractor’s Civil Rights DBE program, wage rate and EEO responsibilities on each construction contract, including:
 - Compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21 and 28 CFR Section 50.3 and any other Rules relative to Nondiscrimination, including the addition of the Standard Title VI assurance, and Appendix E of said assurance.
 - On federally assisted contracts, compliance with 49 CFR Part 26 and the DBE program, rules and regulations in the administration of the contract, including the addition of the contract assurance found in 49 CFR Part 26.13(b)
 - Requirement to include nondiscrimination language in all subcontracts, including procurements of materials and leases of equipment
 - Ensuring compliance with labor standards
 - Need to submit weekly certified payrolls
 - Monitoring the status of all truck owner-operators working on the Contract
 - Monitoring compliance by any subcontractor, and lower tier subcontractor
 - Monitoring and reporting DBE participation on the Contract on a monthly basis
 - Utilizing DBEs that perform a commercially useful function and perform the work committed to at the time of Contract award

- Terminating or replacing DBE subcontractors or lower tier subcontractors, including providing the DBE/ESBE/SBE with written notification of the intent to terminate or replace, including the reason(s), and allowing them five (5) days to respond to the notice
- Making and documenting Good faith effort to attain DBE goal commitments
- Crafting language outlining specific consequences for failure to comply with each specific responsibility, including but not limited to rejection of bid, denial or limit of credit toward Contract goal, payment being delayed or withheld, default or termination of the Contract
- Clarifying the counting of DBE participation toward goal attainment as it relates to truckers and suppliers
- Adding of Commercially Useful Function language
- Explaining requirements related to DBE trucking, most notably the DBE firm cannot obtain trucks from the Contractor, requirements of Contractor to submit copies of hiring and lease agreements
- Reviewing requirements related to regular dealers, manufacturers and transaction expeditors
- Explaining submission of required documents, including EEO/Affirmative Action Plans, and monthly forms for tracking and monitoring DBE participation
- Adding of various definitions of Civil Rights related terms, most notably:
 - DBE/ESBE
 - Socially and economically disadvantaged individual
 - Commercially useful function
 - Transaction expeditor
 - Good faith effort

The Department met with members of the contracting community on June 16, 2016 to apprise them of the proposed revisions to the Civil Rights pre-award and post award processes, then allowed the community the opportunity to review the proposed changes and provide feedback on the changes. The Department conducted a pilot test period where Bidders were asked to follow the new proposed procedures during the Bid and Award process. The Department provided feedback to any bidders about their compliance with the proposed process. The pilot test period commenced on October 1, 2016, and ended on June 30, 2017. The new procedures became effective July 1, 2017.

Notification about the new Civil Rights procedures has been posted on NJDOT's website, at: <http://www.state.nj.us/transportation/business/civilrights/contract.shtm#procedure> . A summary of the new procedures is shown on the next several pages:

Regulation(s)	Current Procedures	Procedures Beginning 10/1/16
<p>Form CR-261 List of All DBE and Non-DBE Firms Providing a Bid or Quote for the Contract</p> <p>49 CFR Part 26.11(c)</p>	<p>NJDOT does not currently obtain this information from bidders.</p>	<p>At the end of the 2017 Federal Fiscal Year (9/30/17), and annually thereafter, NJDOT will require all bidders who bid in that fiscal year, to submit a CR-261. The CR-261 lists all DBE and non-DBE firms who provided a bid or quote to the bidder for work on the project(s) for which bidders submitted a bid. All bidders, regardless of whether or not their bid was successful, must submit a CR-261. The information which must be provided is: firm's name, address, phone #, email address, status as a DBE or non-DBE, relevant North American Industry Classification System (NAICS) code, and type of work for which quote was solicited/received (Electrical, Paving, etc. and contract items, or parts thereof, to be performed).</p>
<p>Form CR-266 Schedule of DBE/ESBE/SBE Participation</p> <p>49 CFR Part 26.53(b)(2) & 26.55</p>	<p>CR-266 is currently submitted by the apparent low bidder no later than seven days after bid opening as matter of responsibility. Changes to the CR-266 are accepted before contract award.</p>	<p>All bidders are required to submit the CR-266 at time of bid, as a matter of responsiveness, for any project that has a DBE/ESBE/SBE goal. Changes will not be accepted before contract award.</p> <p>-After the test pilot period concluded, requirement was changed to require bidder submission within 5 days of Bid Opening.</p>
<p>Form(s) CR-273 Confirmation of DBE/ESBE/SBE Firm</p> <p>49 CFR Part 26.53(b)(2)(v)</p> <hr/> <p>Form CR-274 DBE/ESBE/SBE Trucking Verification</p> <p>49 CFR Part 26.55(d)</p> <hr/> <p>Form CR-272 DBE/ESBE Regular Dealer/Supplier Verification</p> <p>49 CFR Part 26.55(e)</p>	<p>NJDOT Civil Rights currently calls to verify the participation of DBE/ESBE/SBE firms listed on the CR-266, including trucker/haulers and regular dealer/suppliers.</p>	<p>Bidders, as a matter of responsibility, have up to 5 days after Bid Opening to provide the following forms for each DBE/ESBE/SBE firm listed on the CR-266:</p> <ul style="list-style-type: none"> • CR-273 for each DBE/ESBE/SBE firm • CR-274 for each trucking/hauling firm • CR-272 for each regular dealer/supplier firm <p>Information provided on the forms is to confirm/verify the information provided on the CR-266, therefore, it must match the information on the CR-266. Any firm listed on the CR-266 will not be counted toward the DBE/ESBE/SBE goal commitment unless the CR-273, and CR-274/CR-272, if applicable, are submitted within 5 days after Bid Opening. Good faith effort documentation must be submitted if the goal has not been met.</p> <p>Also, during the construction phase of a contract, the CR-273, and CR-274/CR-272, if applicable, must be submitted with any revised CR-266.</p>
<p>Evidence of Good Faith Effort</p> <p>CFR Part 26.53 & Appendix A to Part 26</p>	<p>Good faith effort documentation is currently submitted with the CR-266 by the apparent low bidder no later than seven days after bid opening as matter of responsibility if the goal commitment has not been met.</p>	<p>If the project has a DBE/ESBE/SBE goal, all bidders will have up to 5 days after Bid Opening to submit good faith effort documentation if they fail to demonstrate verified attainment of the DBE/ESBE/SBE goal. NJDOT will use the standards in the Federal Regulations to determine the adequacy of good faith efforts.</p>
<p>Administrative Reconsideration</p> <p>49 CFR Part 26.53(d)</p>	<p>Rejected apparent low bidders currently appeal decisions by filing a Bid Protest.</p>	<p>If NJDOT deems that the apparent lowest responsive bidder failed to meet the Contract goal AND failed to demonstrate adequate good faith effort to do so by the end of the 5th day after Bid Opening, and the bid is rejected, the Bidder may request Administrative Reconsideration (AR). (A bidder failing to submit the CR-266 at time of bid does not have the right to request Administrative Reconsideration.) To receive AR, the Bidder must make a written request within 1 State business day of being notified by NJDOT that the bid was rejected. The request must indicate whether the rejected bidder wants AR in-person or via a written</p>

		review. Regardless of the type of AR requested, within 2 State business days of filing a request for AR, a rejected bidder must submit written documentation or argument proving that the Bidder met the Contract goal, or submitted adequate good faith effort documentation to do so. (This is not an opportunity to submit new information on 1) ways to attain the goal commitment or, 2) new good faith effort documentation.)
Notification Requirements Before DBE Subcontracts are Changed/Terminated 49 CFR Part 26.53(f)	Contractors must submit, and obtain approval for, revisions to the CR-266 from NJDOT Civil Rights prior to the revision(s) being enacted.	In advance of proposed change(s) to the CR-266, contractors must notify in writing, affected DBE/ESBE/SBE firms, the RE, and NJDOT Civil Rights, indicating the reason(s) for termination/change. Affected DBE/ESBE/SBE firms will have 5 State business days to respond to NJDOT Civil Rights, the RE, and the Contractor in writing of the reasons why they object to their services being terminated/changed. NJDOT Civil Rights must review the arguments, and approve or deny such changes BEFORE they are made. Changes made without prior approval by NJDOT Civil Rights will not be counted toward DBE/ESBE/SBE goal attainment.
Modification of the DBE/ESBE/SBE Goal Commitment <i>Official Questions and Answers (Q&A's) DBE Program Regulation (49 CFR 26), Transportation.gov U.S. Department of Transportation (last visited May. 23, 2016)</i>	No changes are currently made to the established DBE/ESBE/SBE goal, but NJDOT Civil Rights takes into consideration good faith effort documentation if changes to the project during the construction phase precludes a contractor from attaining the goal.	During the project construction phase, if there are significant changes to the project, NJDOT Civil Rights will determine if the changes necessitate a change to the DBE/ESBE/SBE goal commitment percentage. If so, NJDOT Civil Rights will notify the RE and Contractor of the change in the goal commitment percentage and will require the Contractor to submit a revised CR-266, and CR-273s, CR-272s/CR-274s (if applicable), AND any good faith effort documentation needed to meet the revised goal commitment.
Commercially Useful Function Monitoring 49 CFR Part 26.55(c)	Commercially Useful Function (CUF) reviews are currently performed informally and not consistently.	For all DBE/ESBE/SBE firms listed on the CR-266, the RE must conduct a CUF review via the CR-275. The Contractor will not receive credit toward attaining the DBE/ESBE/SBE goal for firms that do not pass the CUF review. The CUF review monitors whether the DBE/ESBE/SBE firms are independently managing, supervising, and performing their own work.
Prompt Payment of Subcontractors and Suppliers 49 CFR Part 26.29 & NJSA 52:32-41	NJDOT currently withholds progress payments if the Contractor is delinquent in paying subcontractors or suppliers for work completed satisfactorily according to submitted DL-72s. Civil Rights does not currently verify that a Contractor has made all requisite subcontract payments.	If the Contractor fails to pay a subcontractor or supplier within 30 days after the subcontractor or supplier satisfactorily completes the specified work, the Department may withhold progress payments from the Contractor, until the Contractor pays the subcontractor or supplier any and all delinquent amounts due, or the contract is terminated, or the matter is resolved under N.J.S.A. 52:32-40 and N.J.S.A. 52:32-41. If the Department receives an allegation from a subcontractor or supplier that the Contractor has not paid the subcontractor or supplier the amount due from a previous progress payment, the Contractor must submit to the RE within 10 days of a request made by the RE, evidence that payment has been made, such as copies of cancelled checks or proof of electronic fund transfers. NJDOT is also required to verify prompt payment by prime contractors to subcontractors and suppliers. At a future date, NJDOT will be evaluating electronic systems for monitoring all payments to subcontractors and suppliers by prime contractors, and may implement such a system.
Potential Payment Reduction for Not	NJDOT has the right to withhold payment/not	If the Contractor fails to meet the contract DBE/ESBE/SBE goal, without demonstrating adequate

<p>Attaining Goal or Providing Adequate Good Faith Effort Documentation</p> <p>49 CFR Part 26.13(b) & 26.53(h)</p>	<p>process an estimate, or may suspend the Work, wholly or in part.</p>	<p>good faith effort to do so, the Department may make a payment reduction from progress payments, retainage, or the final payment as follows:</p> <p>DBE/ESBE/SBE Goal Payment Reduction = (CG - AG) x CP</p> <p>CG = Contract DBE/ESBE/SBE Goal percentage, or approved DBE/ESBE/SBE commitment, or if modified by the Department, the Modified DBE/ESBE/SBE Contract Goal percentage</p> <p>AG = Attained DBE/ESBE/SBE goal percentage = (total dollar amount paid to DBE/ESBE/SBE suppliers and DBE/ESBE/SBE subcontractors divided by CP) plus the percent value attributed to the Contractor's Good Faith Effort approved by the Department.</p> <p>CP = Total Adjusted Contract Price less the payment adjustments for FINAL LAYOUT, PERFORMANCE BOND AND PAYMENT BOND, and DBE Goal Payment Reduction.</p>
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Table 53– Summary of New Civil Rights Procedures

CONSULTANT SELECTION PROCESS

The consultant selection process used to obtain consultants to perform work such as location studies, preliminary design, and engineering design plans, is also monitored.

The Department has either a One-Step or Two Step procurement process. In the One-Step process, consultant selection is based on the evaluation and scoring of technical proposals. In the Two Step process, a consultant short list is created based on the evaluation of scoring of technical proposals. Short-listed firms then provide an oral presentation to determine final selection. The final score is based on the Technical Proposal Evaluation consisting of 60% of the score, and the Oral Presentation, 40%.

NJDOT employs a rating system (Consultant Evaluation System (CES) where Contract Managers or Project Managers assign a numerical rating to measure the quality of work performed by consultants on NJDOT projects. The ratings are then compiled and the numerical ratings are used to determine a Firm's Capability score of Technical Proposals.

The Department has a Consultant Selection Committee, which is responsible for ensuring maximum objectivity in the method of qualifying, evaluating and selecting Consultants. The Director of Civil Rights & Affirmative action serves as a permanent member of this committee, enabling he or she to exercise positive affirmative action impacts with regard to the Department's procurement of professional services.

MANUALS/GUIDES

In an effort to better incorporate the principles of Community Impact Assessment (CIA) to the overall project delivery process, NJDOT's Division of Environmental Resources developed a Socioeconomic Guidance Manual "A Practitioner's Guide." which can be found online at: <http://www.state.nj.us/transportation/eng/Environmental/pdf/GuidanceManual.pdf> This guide is

a tool to be used by all disciplines in the project delivery process, from managers to maintenance crews, including LPAs. This tool helps ensure that Title VI Nondiscrimination is implemented not only because of the letter of the law, but also with the spirit and intention in which it was written.

PROCEDURES

CIVIL RIGHTS & AFFIRMATIVE ACTION

DBE and Emerging Small Business Program Procedures

The Department has developed Affirmative Action, Disadvantaged Business Enterprise, and Emerging Small Business Enterprise Programs to implement this policy. The regulations and requirements applicable to the Contract are contained in the Special Provisions. Unit staff complete the yearly renewal of certification documents (no change affidavit, personal financial statement, corporate, personal and affiliates federal and state taxes) for DBEs and ESBEs to ensure the continued satisfaction of the DBE criteria. If not, firms can graduate out, or are de-certified and removed from the program. DBE Supportive Services efforts provide training and technical guidance to DBEs.

Contractor Compliance & Wage Rate Procedures

The unit, in conjunction with Procurement's Bureau of Construction Services, establishes DBE or ESBE goals on federally funded Capital, maintenance projects or projects funded through Local Aid federal aid agreements. Each project Engineer's Estimate is reviewed, with items typically subcontracted by prime contractors identified. This determines the subcontracting opportunities and corresponding percentage available to be sub-contracted to ESBE and DBE firms. Staff then utilize a joint Unified Certification Program (NJ UCP) database with New Jersey Transit (NJT) and the Port Authority of NY/NJ to verify availability of certified DBEs to perform the identified sub-lettable items. Staff then set the specific goal for each project based on the availability of certified DBEs.

During the project award process, the Unit works with Procurement's Bureau of Construction Services in order to satisfy all requirements to award a project. NJDOT Policy and Procedure 310 – Bid Contracts – Awarding or Rejecting, Preparing, Executing and Distributing, outlines specific procedures for awarding, or rejecting a project, including execution and implementation. The Contractor Compliance Unit's involvement is that if a project has an established DBE, ESBE or SBE project goal, the unit reviews and approves the prime contractor's initial DBE/ESBE or SBE Utilization Plan (CR-266) to ascertain that bona fide and certified DBEs/ESBEs/SBEs are being used to perform work on the project. The unit also monitors the prime contractor's goal attainment to ensure it meets or exceeds the advertised project DBE, ESBE or SBE goal. A verification form (CR-273) has been developed and is now in use. Once the Utilization Plan is reviewed, either a Recommendation to Award or Not to Award memo is prepared and sent to the Procurement's Bureau of Construction Services informing them of the Division of Civil Rights and Affirmative Action's determination. If the Division did not recommend award, the Bidder would be informed by Procurement of their right to Administrative Reconsideration.

Subsequent revisions to the contractor's DBE/ESBE/SBE Utilization Plan are reviewed and approved by the Contract Compliance Unit, with notification of review and approval in the form

of a memo with attached revised utilization plan sent to the Procurement Construction Services Unit, Regional Construction Engineer, project RE and Contractor.

Comprehensive EEO reviews are conducted to ensure that contractors and subcontractors are meeting their obligations to the civil rights component of the contract, specifically EEO, DBE subcontracting, O-T-J Training and wage rate.

Prior to the start of work on a project, a Pre-Construction Meeting between the Department and the Contractor is held for each project in order to review the Contractor's responsibilities and obligations under the contract, including the Civil Rights component of the contract, among other things. Contractor Compliance and Wage Rate Unit staff attend these meetings to provide EEO, wage rate, O-J-Training and work hour information applicable to the project. The RE and Contractor are provided with a Pre-construction package which includes various posters and notices required to be displayed, as well as wage rate information.

During the construction phase of a project, RE Checklist reviews are conducted at the project field office, where Contract Compliance staff review the RE's formal project records to ensure that the RE is effectively monitoring the contractor and subcontractor's compliance with the Civil Rights aspect of the project, including Title VI. When non-compliance is determined, unit staff notify the RE and contractor of items needing correction in order that the RE can correct deficiencies in order to attain compliance.

The Unit also reviews annual EEO/Affirmative Action Plan Packages for contractors, subcontractors and consultants working on NJDOT contracts. Contractors, subcontractors and consultants are required, on an annual basis, to submit their company's EEO/AA Plan, EEO Policy Statement, Sexual Harassment Policy, designation of EEO Officer, including contact information, and D/ESBE Affirmative Action Plan to the Division of Civil Rights Contractor Compliance Unit for review and approval. Once reviewed and approved, the Division issues an approval letter, which is good for one year. A copy of the approval letter is required to be provided to the RE overseeing each project on which the contractor, subcontractor or consultant performs work. Consultants working on professional service term agreements are required to submit a copy of the letter with their technical proposals.

Title VI Nondiscrimination Procedures

The Title VI Unit ensures that Title VI practices and principles are incorporated into the work programs, processes and activities of the various programmatic areas, including policies/procedures, and contract language. Periodic programmatic reviews are conducted to audit the effect of each programmatic area's implementation of Title VI. Training is conducted to educate staff, and sub-recipients about Title VI, and their responsibilities under Title VI.

As a project moves through the Department's Pipeline Development Process, and is in the Concept Development Phase, the Title VI Coordinator serves as a member of the Project Scope Team. The inclusion of a DCR/AA staff member on the team ensures that minority and low-income communities are given equitable consideration during the project's concept development and preliminary engineering phases of our project pipeline process.

The Title VI Unit is currently in the process of developing an overall Department-wide Title VI Policy and Procedure which would outline each programmatic area's roles and responsibilities in effectuating Title VI and EJ in their programs, services, and activities.

Americans with Disabilities

The New Jersey Department of Transportation (NJDOT) has a responsibility to make its programs, services, activities, and facilities accessible for individuals with disabilities in accordance with Section 504 and Title II of the Americans with Disabilities Act (ADA). NJDOT's external website that is available to the general public has a section devoted to ADA/Section 504. An overview of the Americans with Disabilities/Section 504 is available as well as an assurance that no qualified disabled person shall solely by reason of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in access to its programs, services, or activities or in any aspect of their operations. In addition, information regarding grievance procedures and resources are available through the website.

One of the components of Title II focuses on removing barriers to effective communication. For persons who have hearing and speech disabilities, calling NJDOT is easy using Telecommunications Relay Service (TRS) provided by NJ Relay.

TRS is a free telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals.

A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device, or dials 711 from a telephone to call the TRS relay center, and gives a CA the number of the party that he or she wants to call. The CA in turn places an outbound traditional voice call to that person. The CA then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party.

Information about Telecommunications Relay Service as well as dedicated toll free access numbers are also posted on NJDOT's external public website under the "Doing Business" drop down.

Limited English Proficiency (LEP)

The Department published [*Limited English Proficiency Guidelines*](#) and distributed them to divisions throughout NJDOT to assist them in completing individualized LEP Plans based on their unique interactions with the public. All program areas are utilizing the LEP Guidelines, however, special attention has been given to the following program areas: Operations, Right-of-Way, Systems Planning & Research, and Traffic Operations, specifically their Safety Service Patrol (SSP) Unit. On a daily basis, these divisions encounter and service the traveling public who speak languages other than English.

Language assistance cards, in the form of “I Speak” cards with translations in various different languages and “Language Identification” cards are available for use. *(See Appendix 16)*

The Department has a Task Order Agreement with a consultant to provide updated GIS mapping showing the breakdown of languages spoken by County. These maps are intended for use across all programmatic areas of the Department for use during the various stages of the project delivery process. They can assist in identifying the languages other than English that project information might need to be produced for dissemination to project stakeholders or the public and for providing interpreters for public information centers, public hearings or other project type meetings such as Right of Way negotiations.

NJDOT created and utilizes a Linguistics Pool for employees needing interpreters, or assistance. Employees who read, speak or write a language, or languages other than English have been identified, and voluntarily serve as interpreters, when needed. All formal documents are translated utilizing a professional service consultant agreement for translation services.

The Title VI Unit is also working to institute a LEP Subcommittee, comprised of members of the Title VI Taskforce to promote and publicize LEP education and awareness, including assisting in the creation of LEP literature and multilingual website.

In the future, the Title VI Unit will develop an overall NJDOT LEP Policy and Procedure to outline each programmatic area’s roles and responsibilities in effectuating Title VI and EJ in their programs, services, and activities.

PROJECT MANAGEMENT

The Division for Project Management has an array of tools to assist in managing and delivery of capital projects. In 2004, the Department undertook the NJDOT Project Management Initiative to map the then current project management maturity level across NJDOT, and establish a detailed plan to identify and implement improved project management processes throughout NJDOT, many of which are currently in use. Several tools allowing for integration of Title VI into the work programs or activities of Project Managers as they manage and oversee projects from the Problem Screening Phase, through Construction are:

Capital Program Management’s Project Reporting System (PRS)

PRS is an electronic reporting system for NJDOT Capital Projects. This tool houses a variety of key information such as project location, key players from various programmatic units that are working on the project, budget and funding information, schedule, MPO issues with associated risks, and environmental information, including community impacts, public support, and the identification of environmental justice communities. Project Managers are required to update PRS, on a monthly basis, at a minimum, but more often if deemed necessary. This reporting system is vital to recording and tracking Title VI issues on projects to ensure they are recognized, addressed and either avoided, mitigated or remedied.

Design Pipeline Diagrams and Activity Descriptions

NJDOT developed a consistent project delivery process, known as the Project Pipeline Delivery Process. Depending on specific parameters, each project intended for advancement through the Problem Screening Phase through to the Award Phase is advanced by way of completion of a series of well-defined and coordinated activities, each of which has its own Activity Description. Each of the [Project Phases](#) (*See Appendix 17*) identifies key tasks as well as the type of public involvement in order to provide Project Managers a guide for recognizing and addressing Title VI issues and concerns. Project Managers must be vigilant while managing projects to ensure that Title VI and Environmental Justice issues are recognized, identified and addressed so “No person shall, on the grounds of race, color, national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any NJDOT program or activity.” This also includes those with a disability and those with a Limited English Proficiency, as well as making sure that there is not a disparate impact to minority and low-income communities during the project delivery process, including Construction.

Design Communications Reports

These reports, established during the Concept Development Phase of a project, are intended to be continuously updated throughout a project’s development, and through the construction phase. The report provides a record of the justification associated with decisions, agreements, stakeholder concerns and resolutions of design issues made during project development, which may affect the design or project outcome. These reports are a critical component to ensuring that Title VI issues and concerns are identified, documented, discussed and addressed.

Project Status Meetings

Project Managers meet with their respective Division Program Manager on a monthly basis to discuss the individual status of each project, including schedule, budget, commitments, as well as any issues that arise on the project, including those relative to Title VI.

Public Involvement Program and Public Involvement Action Plan

The Department cannot over-emphasize the importance of the public involvement process during the project pipeline process. Public involvement ensures that commitments made by the Department during all stages of a project – from planning and scope development through construction, are adhered to, and alternative designs are considered to guard against discrimination and disproportionately high and adverse impacts on minority and low-income communities. The Department considers its public involvement process equally critical during the concept development and preliminary engineering phases, and ensures adherence to the public involvement process during these phases of the project pipeline process.

In cooperation with the Office of Community Relations, Project Management designs and conducts comprehensive, early and frequent public involvement programs for all transportation projects. This includes developing a Public Involvement Action Plan that includes the public at all levels of the Department’s project delivery process. The plan includes at a minimum the development of a database of known stakeholders and the anticipated number of meetings with local officials, citizens groups and any outside agencies impacted by the proposed project. Creation of Community Advisory Committees to establish partnerships with the community,

solicit information about the community, determine how a project impacts the community, and help build a consensus between the community and NJDOT are beneficial during this public involvement process. The plan ensures public input on proposed projects involving major social, economic, environmental or transportation impacts. The Project Manager develops the Public Involvement Action Plan and forwards it to the Division of Community & Constituent Relations for final review and signature. If needed, it is revised to incorporate Title VI references and considerations.

Other policy and procedures relating to project management and the advancement of projects through the pipeline process include:

- NJDOT Policy/Procedure 404– Initiation of NJDOT Projects
- NJDOT Policy/Procedure 703 – Complete Streets Policy
- NJDOT Policy 405 – Change in Project Scope and Status
- NJDOT Policy/Procedure 801– Environmental Reevaluation Process

The Department needs to develop a department-wide Public Involvement Action Plan in order to provide a comprehensive and cohesive interdisciplinary approach to more actively involving and integrating the public in our transportation decision making process. As part of our ongoing effort to improve and strengthen our Title VI Program, the Title VI Unit intends to collaborate with the Community & Constituent Relations Unit in this endeavor.

ENVIRONMENTAL RESOURCES

Environmental Resources staff review draft and final environmental documents such as Environmental Assessment (EA) or Environmental Impact Study (EIS) to ensure social and economic impacts to minority and low-income communities are incorporated in said documents. Staff also visit construction projects, as well as work with the LPA “responsible charge” to ensure that each project’s environmental commitments, inclusive of Title VI, are being met.

As mentioned earlier, the Division developed a Socioeconomic Guidance Manual “A Practitioner’s Guide” as a tool to be used by all disciplines in the project delivery process. Environmental Resources staff utilize “Field Visit Checklist”, “Socioeconomic Screening Form” and “Categorical Exclusion Documentation” forms to perform and document complete community assessments - notable community characteristics and concerns; potential socioeconomic impacts; secondary impacts and cumulative effects. Documentation about options and recommendations to avoid, minimize, or mitigate potential impacts as well as possible enhancements to offset adverse effects are included. Appendix B of the screening form addresses documenting specific socioeconomic profiles – population trends, race, LEP and poverty levels.

As indicated earlier, the DCR/AA Title VI coordinator participates as a team member on the Department’s Scoping Development Teams. This is significant, because it is at this stage of the project pipeline process that Environmental Services “E” Teams determine whether an EA or EIS is needed for a project. DCR/AA’s involvement and review of EA’s and EIS’s in this process will ensure that EA’s and EIS’s include an analysis of social and economic impact actions that could result in displacement of Title VI populations and businesses, affect community cohesion and accessibility of community facilities or services. If EA’s or EIS’s indicate an adverse impact on

said communities, DCR/AA will provide assistance to Department managers in developing alternative solutions that will avoid, mitigate or provide an incentive to said communities.

Project Status Meetings

Environmental staff meet with Local Aid & Economic Development staff, MPOs and LPAs on a monthly basis to discuss the individual status of each project, including schedule, budget, commitments, as well as any issues that arise on the project, including those relative to Title VI.

RIGHT OF WAY

Efforts are used to ensure nondiscrimination in the selection and acquisition of right-of-way, property management, and fee contracts and other commitments with persons for services and expenses incidental to the acquisition of right-of-way. Efforts are made to secure the services of minority or female contractor's incidental to right-of-way acquisition.

All applicable right-of-way manuals are evaluated to ensure that overall Departmental procedures are applied uniformly without regard to race, color, sex, age, national origin or those who are disabled. The process of contracting out the fee appraiser services is monitored to assure there is equal opportunity for all to participate, i.e., equal representation of minorities and women and fair treatment. All fee appraisers doing work for NJDOT must be approved by the Department's Consultant Selection Committee. As previously stated, the Director of DCR/AA serves on this committee and ensures that minority and female-owned firms are given equal consideration in this process.

Various forms related to agreements of sale, easement agreements, appraisal plans, condemnations, negotiations, offer letters, relocation etc. are also available through the Right of Way website.

The [Title VI Standard Assurances](#), including Standard Assurance Appendix [A](#), and Appendix [E](#) are to be inserted into every contract subject to Title VI. Appendices [B](#), [C](#), and [D](#) are to be inserted into every contract subject to construction/use/access or transfer of property acquired or improved Title VI.

ROW Term Agreements are subject to the same conditions mentioned above under [Professional Service Term Agreements](#).

In addition, the Division of Right of Way and Access management has a webpage on the NJDOT Employee Intranet that provides various information about the division, its roles and responsibilities within the department. Formal manual and policy information that is accessible through the website includes:

- [ROW Acquisition Manual – 2012](#)
- NJDOT Policy 814 – “*ROW Relocation P Card for Lodging*”

Other policy and procedures relating to Right of Way are posted on the NJDOT Employee Intranet, and include:

- NJDOT Policy/Procedure 807– Initiation of Right of Way Projects for State Highways
- NJDOT Policy/Procedure 814 - ROW Relocation P Card for Lodging

LANDSCAPE ARCHITECTURE & ENVIRONMENTAL SOLUTIONS

The Landscape Design Teams identify adverse impacts on NJDOT projects, then through the project’s landscape architectural design process, propose design commitments/elements to minimize, mitigate or enhance those impacts, which are then included as part of the construction project. The Unit developed procedures related to the planting, reforestation and construction aspects of NJDOT projects. Design staff design/prepare landscape architectural commitments to be incorporated into the contract documents. Plan reviews are conducted during the Preliminary and Final Design Phases of each project to ensure these and other Title VI commitments are in fact incorporated into the contract documents.

The Unit’s Good Neighbor Treasure Task Order Contract also addresses the mitigation of negative and visual impacts of traffic and the highway from adjacent properties. Referrals are investigated for the validity of the issue or complaint, and mitigation efforts made to address any issues, irrespective of the community demographics.

The Environmental Solutions staff also utilize the Socioeconomic Guidance Manual’s “Field Visit Checklist”, “Socioeconomic Screening Form” and “Categorical Exclusion Documentation” forms to perform and document complete community assessments and document options and recommendations to avoid, minimize, or mitigate potential impacts as well as possible enhancements to offset adverse effects. They also and review CPM project draft and final environmental documents - Environmental Assessment (EA) or Environmental Impact Study (EIS) to ensure social and economic impacts to minority and low-income communities are incorporated in the documents.

As indicated previously, the DCR/AA Title VI coordinator participates as a team member on the Department’s Scoping Development Teams. This is significant, because it is at this stage of the project pipeline process that Environmental Services “E” Teams determine whether an EA or EIS is needed for a project. DCR/AA’s involvement and review of EA’s and EIS’s in this process will ensure that EA’s and EIS’s include social and economic impact analyses to determine the existence, and attempt to mitigate the effects, of potential displacement of Title VI populations and businesses, or factors affecting community cohesion and accessibility of community facilities or services. If EA’s or EIS’s indicate an adverse impact on said communities, DCR/AA will provide assistance to Department managers in developing alternative solutions that will avoid, mitigate or provide an incentive to said communities.

CONSTRUCTION SERVICES & MATERIALS

The project RE is the primary person responsible for ensuring contractors, subcontractors, and others working on the project, meet their obligations, and are compliant with all aspects of the contract, including the Title VI and related Civil Rights components. They are responsible for maintaining the formal project records of the contract.

The Bureau of Construction Management has a website on the NJDOT Employee Intranet that provides all employees, especially construction personnel, information and guidance related to the oversight and monitoring of construction contracts, including specific information pertaining to the implementation of policies and procedures pertaining to, and in accordance with, Title VI requirements.

One tool available is the “Construction Procedures Handbook, which contains necessary information to assist construction personnel in performing their assigned duties of overseeing construction projects. The handbook is intended as a reference for Construction Procedures, Office Procedures and Inspection Reports, and provides a procedure whereby supervisors will bring to the attention of employees under their jurisdiction, all pertinent Capital Program and Department Policies, Procedures, and Administrative Directives. This handbook also provides specific information about the Division of Construction Services & Materials, job assignments, specifications, plans, mathematics, materials and other sources of information. It assists construction personnel in obtaining construction quality, preparing accurate records, reports and calculations. Section V: Construction Affirmative Action addresses Title VI issues, specifically the contractor’s compliance with labor, EEO and training requirements. *(See Appendix 18)*

Guidance concerning DBE/ESBE or SBE subcontracting is posted on the website, as well as included in Subsection B of the Construction Handbook. The Department does not permit subcontracting without Department approval. REs are required to ensure that work reserved for a subcontractor designated as a DBE, ESBE, or SBE, is not performed by any other firm, including the Contractor's own organization. Daily Inspector’s Reports, Monthly Utilization of DBE/ESBE/SBE forms, a newly instituted Commercially Useful Function Checklist, and newly instituted Monthly Trucking Verification forms are required in order for the RE to monitor the work of and payments to DBE/ESBE or SBE subcontractors working on each respective project.

As mentioned earlier, the Division of Civil Rights and Affirmative Action’s Contractor Compliance Unit developed a RE Checklist (Form DC-130) that is accessible and used by internal construction personnel, as well as contractors, sub-recipients and others responsible for monitoring the Civil Rights component of the construction contract. The checklist is intended for use as a tool to track the required contractor, subcontractor or other firm’s submissions related to DBE/ESBE subcontracting, EEO, and O-J-T requirements for each specific project. *(See Appendix 19)*

Project REs are required to conspicuously post in each NJDOT project field office, as well as ensure that contractors post in their respective project on-site trailer, notices addressing equal employment opportunity, employee rights on federal contracts as well as wage rate and other items where employees can readily see such posters. If no trailer is available, posters must be displayed on a bulletin board that is accessible to workers on a daily basis.

NJDOT schedules and holds a Pre-Construction Meeting for each project, so that the Department and the Contractor meet to review the Contractor’s responsibilities and obligations under the contract, including the Civil Rights component of the contract, among other things. The Regional Construction Engineer, Field Manager and RE attend, to review procedures the contractor, subcontractor and consultant must follow with respect to work on the project. The RE and Contractor are provided with a Pre-construction package which includes various posters and notices required to be displayed, as well as wage rate information.

Provisions and guidelines, construction services and regional construction manuals and programs, including the above mentioned “Construction Procedures Handbook” are reviewed to assure that internal and external Civil Rights and Environmental Justice policies and procedures are being implemented in accordance with Title VI requirements.

If it is determined that a contractor is not meeting their contractual obligations, in other words, found to be noncompliant, the Department has mechanisms in place to enforce sanctions. NJDOT Policy/Procedure 810 – Contractor’s Claim Settlements by the Department’s Claims Committee, Mediation or Litigation; and FHWA Participation in Settlements outlines the claim settlement process.

PROCUREMENT

Professional Services

All notices for Requests for Proposals (RFPs) are posted on the Department’s website. The DCR/AA mails notices to all DBEs. Lists of all pre-qualified contractors, and all certified DBEs and ESBEs are maintained as well.

Procedures for contracting out Roadway and Bridge Design services are monitored to ensure that no person is excluded from participation in the consultant-contracting program, and that DBEs/ESBEs have maximum opportunities to compete for these and other contracting opportunities. This is accomplished through our DBE and Contract Compliance Programs. Additionally, the Director of DCR/AA serves on the Consultant Selection Committee (CSC). In this capacity, the Director reviews every consultant proposal to ensure that DBE firms receive due consideration in the selection process for consultant contracts..

The Department maintains a list of pre-qualified consulting firms and their approved work disciplines, which are categorized into three levels of difficulty, i.e., Level A - Simple for projects having estimated fees of less than \$500,000; Level B - Routine for projects with estimated fees between \$500,000 and \$1.5M; and Level C - Complex for projects having an estimated fee of over \$1.5M. The NJDOT pre-qualifies consultants in sixty-one (61) areas of Engineering, Architecture, Planning and/or Land Surveying.

Construction Services

As mentioned earlier, the Construction Services Unit of Procurement works with the Division of Civil Rights Contractor Compliance Unit to establish DBE, ESBE or SBE project goals. The Construction Services Unit identifies sublettable items, then relays this information to Contract Compliance to complete the goal setting process.

All firms interested in performing as the prime consultant must be fully pre-qualified by the Bureau of Professional Services. This means they must: 1) have a current application on file and be approved in at least one discipline; 2) have an approved accounting system and quality assurance plan; and 3) meet the requirements of the New Jersey Professional Services Corporation Act. Firms interested in performing in a sub-consultant capacity do not have to be fully pre-qualified, but must have an accounting system approved by NJDOT (Cost Basis Approval).

Employees are provided guidance, in the form of policies and procedures, for the securing of professional services, as well as the classification of contractors, advertisement and bid of projects, as well as debarment, suspension or disqualification of contractors. These policies and procedures include:

- NJDOT Policy/Procedure 309– Request for Treasury Waiver of Advertising
- NJDOT Policy/Procedure 312 – Consultant Selection Process for Professional Services
- NJDOT Policy/Procedure 316 – Debarment, Suspension and Disqualification of a Contractor
- NJDOT Policy/Procedure 317 – Classification of Contractors
- NJDOT Policy/Procedure 318– Receipt of Bids
- NJDOT Policy/Procedure 354 – Use of Term agreements in the Procurement of Professional Services
- NJDOT Policy/Procedure 810 – Contractor’s Claim Settlements by the Department’s Claims Committee, Mediation or Litigation; and FHWA Participation in Settlements
- STATE OF NEW JERSEY AFFIRMATIVE ACTION RULES FOR PROFESSIONAL SERVICE CONTRACTS (L. 1975, C. 127 ([N.J. A.C. 17:27](#)), as amended and supplemented, dealing with Affirmative Action Rules on public contracts, and the rules and regulations promulgated pursuant thereto.

COMMUNITY & CONSTITUENT RELATIONS

As stated earlier, in cooperation with Project Management, the Office of Community Relations designs and conducts comprehensive, early and frequent public involvement programs for all transportation projects, including the development of a Public Involvement Action Plan that includes the public at all levels of the Department’s project delivery process. This plan ensures public input on proposed projects involving major social, economic, environmental or transportation impacts. The Public Involvement Action Plan is in the process of being reviewed and will be revised as needed to incorporate Title VI references and considerations.

As part of its mitigation effort the Department devoted part of its external public website to informing the public about technical and non-technical information on cultural and environmental resources. Various project specific information is also included on the site. Depending on the stage of the project, the specific information posted may vary. Examples of types of information published about a project include:

- Study Area
- Project Details
- Temporary Detours
- Transit Information
- Construction Activities
- Community Outreach
- History/Background
- Frequently Asked Questions
- Selected Alternative & Photo Simulation
- Schedule
- Alternative Routes
- Construction Contracts
- Environmental Documents
- Public Involvement
- Photos/Videos
- News

- Email Alerts
- Follow on Twitter
- YouTube Channel
- Contact Us

The information is found on the NJDOT website within “Our Projects and the Environment” under the dropdown “In the Works.”

LOCAL AID & ECONOMIC DEVELOPMENT

Implementation of Title VI requirements is critical during the funding phase to sub-recipients in the Department’s Local Aid Program. NJDOT ensures that no one is discriminated against based on race, creed, color, national origin, age, ancestry, nationality, marital status, sex, gender identity or expression, disability, military service, affectional or sexual orientation, atypical cellular or blood trait and genetic information prior to the award of any State or Federal dollars to county and municipal sub-recipients. The Division of Local Aid utilizes NJDOT’s online grant management system, SAGE, (System for Administering Grants Electronically), to accept, review, approve and manage sub-recipient grants. Applications for all programs are processed online, and all applicants are required to submit their application online using SAGE. Each Local-Aid sub-recipient must meet eligibility requirements, and also provide the Department with Title VI assurances prior to the award of funding.

State Funded Programs

Municipal Aid Program

Each district office reviews applications within their designated geographic area for completeness, makes a field investigation, evaluates and assigns a rating to each project. Applications receive points based on various criteria including existing road conditions, Average Daily Traffic (ADT), safety improvements, and access to nodes (schools, residential areas, employment centers, etc.). Other important criteria include the project’s readiness to construct, whether the municipality has received an allotment within the last three years, and the municipality’s award and close-out performance on previously awarded State grants.

Projects for which online applications have been submitted are presented to a screening committee comprised of municipal engineers and NJDOT staff appointed by NJDOT’s Commissioner. The committee evaluates the projects presented and makes recommendations to the Commissioner for consideration and approval. The State pays 75% of the funds at the time of bid approval and the remainder on a reimbursement basis after acceptance by the municipality and the State of the work completed.

County Aid Program

Annually (prior to August 31) each county will be advised of the amount of county local aid funds allotted for the current State fiscal year. Counties are required to submit their applications online using System for Administering Grants Electronically (SAGE). Submissions shall be made within five months of notification, unless otherwise directed by the Department.

Applications for County Aid are available in SAGE. Each county is required to develop an Annual Transportation Program (ATP), listing a pool of eligible projects by name and location, including municipality. Each ATP should also include a brief description of each project, project limits and

an estimate of the construction cost. The total cost of the pool of projects may exceed the amount of county local aid funds available. The ATP must be approved by the appropriate county governing body before submission to the Department for final approval and must include a certification that allotted funds will only be spent on eligible costs for projects set forth in the county's approved ATP. Each project advancing in an approved ATP must be established by the county in SAGE in accordance with the County Aid regulations N.J.A.C. 16:20A.

NJDOT requires an annual report on the expenditure of funds to be submitted by December 31 of each year in accordance with County Aid regulations N.J.A.C. 16:20A. Each county's progress in expending its allotment of local aid is measured on an annual basis.

Local Aid Infrastructure Fund (LIAF)

These projects are approved at the discretion of the Commissioner. Payment of project costs is the same as the Municipal Aid Program.

Bikeways Program

All applications are reviewed and rated by members of the Bikeway Project Selection Committee, comprised of staff from the New Jersey Department of Transportation's Local Aid Regional Offices and the Pedestrian and Bicycle Unit. Proposed bikeway projects are evaluated for selection based upon the following criteria:

- Safety – Separation from motor vehicle traffic through a barrier or an open space
- New Miles – Creation of new bikeway mileage
- Connectivity - the facility connects to an existing local or regional bicycle system
- Service to Public - improved access to centers of activities (community centers, parks, libraries, schools, employment and residential areas, central business districts, etc.)
- Designated Area – Special designated area (SDRP Center, a transit village, or a depressed rural center designation)
- Continuation of a previously NJDOT-funded project
- Construction ready within 24 months from the date of grant notification (estimate timeframe for right of way acquisition, permits, etc.)
- Applicant's past performance, over the last three years, with respect to the award and closeout of previous State grants will also be a consideration.
- Whether it is part of a bicycle network that has been adopted in the municipal master plan
- Whether it has adopted Complete Streets Resolution and provided evidence of an Implementation Plan
- Community Support – Up to ten letters of support from community organizations, citizens, levels of government and elected officials other than those of the applicant municipality, and any and all interested parties, is required. Letters must be addressed to the applicant and must be dated no earlier than January 1 of the calendar year prior to the current. Letters of support from local elected and appointed officials are not eligible, as the resolution submitted with the application indicates their support.

Although priority is given to construction of new bike paths, the proposed construction or delineation of any new bicycle facility is considered. Upon evaluation of all applications, a list of

recommended projects is forwarded to NJDOT's Commissioner for consideration and approval. Once approved by the Commissioner, all municipalities and counties are notified in writing of the disposition of their application. Project sponsors are expected to award the contract within 24 months from the date of grant notification.

Safe Streets to Transit Program (SSTT)

Counties and municipalities are eligible for the SSTT grant program and are required to submit applications via SAGE. Projects are evaluated and given priority based on the following criteria:

- Proximity to transit facility
- Improved Safety
- Increased Accessibility
- Access to Schools
- Pedestrian Incidents
- Special Designated Area
- Readiness to Construct
- Local Priority
- Matching Funds
- Prior Initiatives
- Collaboration
- Applicant's Past Performance

All applications are reviewed, evaluated and prioritized by the Safe Street to Transit Review Committee, which is an appointed committee comprised of representatives from the New Jersey Department of Transportation and may include representatives of New Jersey Transit. The committee makes recommendations to NJDOT's Commissioner for consideration and approval. The Commissioner makes the final decision on which projects will be funded and project sponsors are notified of the outcome by mail. After grant approval notification, kick off meetings are scheduled by Local Aid District staff to review the project and NJDOT's requirements. Project sponsors are expected to award the contract within 24 months from the date of grant notification.

Transit Village Program

Applications are evaluated and given priority ranking by the Transit Village Grant Program Selection Committee. The selection committee is comprised of representatives of NJDOT, and may include representatives of New Jersey Transit and the New Jersey Department of Community Affairs. Projects are evaluated and scored based upon set program criteria. Once all applications are reviewed by the Selection Committee, a list of recommended projects is forwarded to NJDOT's Commissioner for consideration and approval. Project sponsors are notified of the outcome by mail. A kick-off meeting for successful applicants is scheduled by Local Aid district staff in order to review the project and NJDOT's requirements. Project sponsors are expected to award the contract within 24 months from the date of grant notification

Local Bridges, Future Needs Program

NJDOT announces annually the availability of grant funds to counties. The county must prepare a standard Local Aid Application through System for Administering Grants Electronically (SAGE), outlining the intended use of the funds.

All applications are reviewed, evaluated and prioritized by the Bureau of Structural Engineering and a recommendation for final approval is made by the Commissioner of Transportation. The Division of Local Aid administers the projects once they are selected.

Federal-Aid Funded Programs

Local Lead Program

Each project is reviewed and rated by members of the Metropolitan Planning Organization Technical Review Committee using the following criteria:

- Projects must be located on roads with functional classifications other than rural minor collector, rural local collector, or urban local or part of the National Highway System (NHS)
- Projects must be transportation related
- Bridges must be included on the most recent National Bridge Inventory, Highway Bridge Replacement and Rehabilitation List
- Design costs should exceed \$100,000 (related projects can be combined)
- Construction costs should be a minimum of \$250,000

To ensure that proposed projects protect the environment, the sponsor is responsible for securing all applicable environmental approvals. Local Lead projects must conform to the requirements of the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (Section 106) and Section 4(f). A project must have received a current Categorical Exclusion, a Finding of "No Adverse Effect", or a Record of Decision from the Federal Highway Administration; or actions that are included in the "Programmatic Agreement for Approval of Certain Categorical Exclusions."

Transportation Enhancements Program

Solicitation packages are usually sent out in the winter to every municipality and county inviting them to submit an application in one or more of twelve eligible categories. All applications for the Transportation Enhancement Program required to be submitted online through SAGE (System for Administering Grants Electronically).

The selection process for Transportation Enhancement projects includes the participation of a Transportation Enhancement Advisory Committee that is charged with applying the selection criteria and preparing the recommended "shortlist" of projects for consideration by NJDOT's Commissioner. The Committee's recommended "shortlist" is not fiscally constrained by the actual Program budget.

The Transportation Enhancement Advisory Committee is made up from individuals representing the following organizations:

- South Jersey Transportation Planning Organization
- Delaware Valley Regional Planning Commission
- North Jersey Transportation Planning Authority
- New Jersey Department of Transportation

Other organizations or individuals may be added to the Committee at the discretion of NJDOT's Commissioner.

Safe Routes to School Program (SRTS)

Any county, municipality, school, school district, or board of education may submit an SRTS application, provided they demonstrate an ability to meet the requirements of the program. This includes charter and private schools, provided that the project is in the public right-of-way. Non-profits will not be directly eligible to apply for SRTS grants. Instead, nonprofit organizations may partner with a LPA that will assume responsibility and administration for the grant. NJDOT has final authority to make a determination on the eligibility of an applicant. Solicitation packages are usually sent out in the winter to every municipality and county inviting them to submit an application in one or more of twelve eligible categories.

The selection process for SRTS projects and activities includes the participation of a SRTS Selection Committee that is charged with reviewing and evaluating each application using established program criteria and a 25-point rating system. Select projects undergo further internal review and evaluation by NJDOT staff to establish technical feasibility (time frame, design standards, permits, environmental constraints, etc.), to confirm accuracy of project costs and to ensure that the recommended list of projects meets the program goals. If there are no preferred project cost levels or goals, however, the recommended project list will be developed with consideration given to geographic and demographic distribution. The Committee then prepares a recommended "shortlist" of projects for consideration by NJDOT's Commissioner.

The SRTS Selection Committee is made up from individuals representing the organizations listed below. Other organizations or individuals may be added to the Committee at the discretion of the NJDOT's Commissioner.

- New Jersey Department of Transportation
 - Division of Local Aid and Economic Development
 - Division of Traffic Engineering and Safety
 - Division of Environmental Resources
 - Office of Bicycle and Pedestrian Programs
- Federal Highway Administration – New Jersey Division
- North Jersey Transportation Planning Authority
- Delaware Valley Regional Planning Commission
- South Jersey Transportation Planning Organization

Transportation Alternatives Program (TAP)

All applications for TAP are required to be submitted online through SAGE (System for Administering Grants Electronically). Solicitation packages are sent to every municipality and county inviting them to submit an application. Nonprofit organizations are not directly eligible to

apply for this solicitation. However, nonprofit organizations may partner with a local public agency that will assume responsibility and administration for the grant.

The selection process for TAP projects includes the participation of a TAP Selection Committee that is charged with applying the selection criteria as discussed in this handbook and preparing the recommended “shortlist” of projects for consideration by NJDOT’s Commissioner.

The TAP Selection Committee is made up from individuals representing the following organizations:

- South Jersey Transportation Planning Organization
- Delaware Valley Regional Planning Commission
- North Jersey Transportation Planning Authority
- New Jersey Department of Transportation
- Federal Highway Administration

Other organizations or individuals may be added to the Committee at the discretion of NJDOT’s Commissioner.

The Selection Committee evaluates the applications within each category. NJDOT staff may visit each site and prepare comments for the Selection Committee. The Selection Committee members evaluate each category of applications. Projects are evaluated against each other within the appropriate category using the predetermined criteria. Projects are reviewed by the Selection Committee to establish technical feasibility (the timeframe, design standards, permits needed, potential for environmental constraints on construction, etc.), to determine the accuracy of project costs and to ensure that the recommended group of projects meets the program goals. There are no preferred project cost levels or goals by category. However, the recommended project shortlist is developed with consideration given to geographic distribution. Applicants chosen are invited to a meeting with Department staff to learn more about the Implementation and Authorization Process. All selected projects are required to receive Federal authorization for construction within two years of the announcement. If the project is not authorized within two years of the notification, the grant will be rescinded and the applicant will have to reapply.

Agreements

The Division utilizes Federal Aid cost reimbursement Agreements between Recipients and the NJDOT, Division of Local Aid and Economic Development. The Federal Aid Agreement requires recipients to comply with the Title VI of the 1964 Civil Rights Act and related statutes and implementing regulations to the end that no person shall on the grounds of age, race, national origin, religion, gender, disability, pregnancy and veteran status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the project covered by said agreement. The Federal Aid Agreement includes provisions for equal employment opportunity, as well as nondiscrimination, and the Americans with Disabilities Act, as standard language in the agreement, as well as Appendices to the Agreement. (*See Appendix 20*)

In addition, Recipients are bound by the equal employment opportunity clause with respect to their own employment practices when participating in federally assisted construction work. The recipient also must agree to obtain contractor and subcontractor compliance with the EEO clause

and the rules, regulations and relevant orders of the United States Secretary of Labor. Nondiscrimination language is also included as Appendix A to the Federal Aid Agreement.

Also, the agreement, includes standard, language that the recipient agrees to incorporate or cause to be incorporated into any contract for construction work, or modification thereof, an equal employment opportunity clause stating that the contractor or subcontractor, will not discriminate against any employee or applicant for employment based on race, creed, color, national origin, age, ancestry, nationality, marital status, sex, gender identity or expression, disability, military service, affectional or sexual orientation, atypical cellular or blood trait and genetic information. The actions include employment, recruitment, upgrading, demotion, transfer or recruitment advertising. When contractors are soliciting for employees, they are required to include language that all qualified applicants will receive consideration for employment without regard to race, creed, color, national origin, age, ancestry, nationality, marital status, sex, gender identity or expression, disability, military service, affectional or sexual orientation, atypical cellular or blood trait and genetic information.

Noncompliance by the Recipient, Contractor, or Subcontractor may be grounds for termination of the agreement in whole or part, withholding of payments, or initiation of legal proceedings. The Division of Civil Rights & Affirmative Action's Title VI Coordinator has been working with Local Aid to update the Federal Aid cost reimbursement Agreement to incorporate additional Title VI Nondiscrimination language, and required language from the Title VI Standard Assurance and assurance language found in 49 CFR Part 26.

Policies and Procedures

Available to Division staff is a "Local Aid Handbook" that outlines procedures for programs and funding for LPAs, information concerning pre-construction meetings, and construction inspection. The Division is currently in the process of updating the chapter concerning the Civil Rights component of a project, including Title VI.

Each local public agency sub-recipient seeking federal-aid funds must complete NJDOT's Division of Local Aid's Federal Aid Highway Program Administrative Questionnaire. (*See Appendix 21*) The questionnaire assesses the adequacy of an LPA's accounting controls and administrative management systems. In addition, NJDOT meets with each potential federal-aid recipient prior to the authorization of project funds to assess policies and procedures of each LPA and to determine if federal requirements are adequately addressed. In those instances where deficiencies are noted corrective action is required prior to authorization.

The Division implemented a policy and procedure for construction oversight and inspection for federal-aid highway projects that provides guidance on the monitoring of LPA federal-aid projects with respect to Title VI. The procedures identify the major activities for construction inspection: review of project files prior to inspection; and field inspection, including invoice review, office review and site review to ensure documentation concerning DBE subcontractor utilization and training assignments are on file. The procedures also outline LPA and staff responsibilities as well as techniques to ensure proper documentation and implementation to achieve compliance relative to Title VI. LPAs are required to verify the contractor's actual DBE percent attainment at project completion, and ensure the LPA demonstrated good faith effort. (*See Appendix 22*)

DBE Goals and DBE Utilization

DBE goals on Local Aid projects are established by the Division of Civil Rights and Affirmative Action Contractor Compliance Unit, in conjunction with the Division of Local Aid & Economic Development. Each project Engineer's Estimate is reviewed, with items typically subcontracted by prime contractors identified. This determines the subcontracting opportunities on each project and approximate percentage that will be sub-contracted to ESBE and DBE firms. Staff then utilize a joint Unified Certification Program ([NJ UCP](#)) database with New Jersey Transit (NJT) and the Port Authority of NY/NJ to verify availability of certified DBEs to perform the identified sub-lettable items. The unit then sets the specific goal for each project based on the availability of certified DBEs. The Division assures that the DBE contract provisions, including the established project goal and training assignment, are part of the Plans, Specs & Estimate (PS&E) package prior to project authorization.

As part of the award process, in conjunction with the Division of Civil Rights and Affirmative Action's Contractor Compliance Unit, Local Aid staff review and approve the contractor's DBE/ESBE Subcontractor Utilization Plan (CR-266 - Schedule of DBE/ESBE/SBE Utilization) to ensure listed firms that the contractor intends to perform work on the construction project are bona fide certified DBEs, and that the goal attainment meets or exceeds the established project DBE goal. Subsequent revisions to the Utilization Plan are also reviewed and approved by both Local Aid and the Contractor Compliance Unit.

Pre-construction meetings and project EEO meetings between the LPA, RE, contractor and NJDOT are held for each project to discuss project requirements and administrative items, including Title VI requirements such as EEO, DBE/ESBE goals, wage rate and O-J-T. Local Aid staff utilize a pre-construction checklist to ensure that key information conveyed at the meeting is complete and accurate.

Technical Assistance and Training

The division has a website that provides LPAs and others guidance on project funding, as well as Title VI and other Civil Rights requirements. The website provides sub-recipients with links to various tools used during the local aid project process. Guidance concerning federal eligibility requirements is located at: <http://www.state.nj.us/transportation/business/localaid/>. The website also provides links directly to NJDOT Division of Civil Rights website <http://www.state.nj.us/transportation/business/civilrights/>.

Technical guidance, in the form of quick guidance documents is also available to sub-recipients. These quick guides address information specific to the DBE/ESBE/SBE Program, ADA compliance and having a person designated as the responsible charge. (*See Appendix 23*)

Another document, "Summary of Project Management Eligibility Requirements for Locally Administered Federal Aid Highway Projects" (*See Appendix 24*) is available as a guide to LPAs for their development and implementation of procedures for projects using FHWA funds. This document is a summary of the federal requirements that must be met to establish an LPA's eligibility for funds. This document is not intended to be a comprehensive list of all federal requirements that must be met as a condition of funding authorization.

Contractors are required to conspicuously post notices of the non-discrimination clause in areas where employees and applicants for employment have access to the information. These notices are part of the pre-construction package distributed to both the contractor and the project RE at the Local Aid project pre-construction meeting. The posters are required to be posted both at the project's RE field office, as well as at the contractor's on-site construction trailer.

OPERATIONS

NJDOT's Operations must work in conjunction with the Division of Civil Rights Title VI Unit to ensure that staff are informed, educated and engaged in Title VI practices to ensure that if, in the course of performing their duties and responsibilities, any interaction with the public does not result in discriminatory practices.

STATEWIDE PLANNING

The Research Unit performs or contracts for applied research as requested from NJDOT, MVS, and NJ Transit through a solicitation of research needs. Solicitations for consultants go through the RFP process outlined in NJDOT Policy/Procedures 312 and 354.

Requests for proposals are issued by the Procurement Bureau, Division of Purchase and Property, Department of the Treasury on behalf of the Department of Transportation (DOT), Bureau of Research (BOR). Before the Department enters into agreements with outside entities to do research, the outside agency is informed of the requirements and provisions of Title VI. Agreements that must be signed by the agencies contains applicable Title VI provisions. The Unit utilizes "General Provisions for Basic Agreements" between universities and the Department. These General Provisions include as Part VI language that the Agreement is subject to all relevant laws, rules and regulations of the United States of America and the State of New Jersey. Part VI, Subsection D states "Equal Opportunity requirement for Procurement and Service Contracts in accordance with the provisions of N.J.S.A. 10:2-1 through 10:2-4 and N.J.S.A. 10:5-3 et seq. is made part of the Agreement, by reference." (*See Appendix 25*)

Appendices (Forms AD-218 and AD-219) to the General Provisions for Basic Agreements address Title VI requirements in the form of consultants agreeing to comply with regulations of Federal Highway Administration relative to nondiscrimination in federally-assisted programs of FHWA, as well as equal employment opportunity requirements for procurement and service contracts.

MULTIMODAL SERVICES

The Division follows NJDOT's Policies and Procedures for the procurement of professional services when initiating Requests for Proposals, performing consultant selection, and issuing Term Agreements, NJDOT Policy/Procedure 312 and 354. Maritime projects being advertised, awarded then advancing to construction follow NJDOT's standard bid and award process, NJDOT Policy/Procedures 310, 317 and 318.

Rail and airport projects funded with grants, follow NJDOT Policy/Procedure 321, and are subject to Title VI.

HUMAN RESOURCES

The New Jersey Department of Transportation (NJDOT) hires most employees through the New Jersey Merit System examination and selection process. NJDOT, via its external website that is available to the General Public, lists employment opportunities available both to internal career employees, as well as the General Public. Current openings, along with titles for which NJDOT will accept applications to create a resume bank and instructions on how to apply are provided on the site. The website also includes a link to the NJ Application for Employment. Both the website, and the application, include language indicating NJ is an equal opportunity employer. The application includes language that job applicants are considered for all positions without regard to race, creed, color, national origin, age, ancestry, nationality, marital status, sex, gender identity or expression, disability, military service, affectional or sexual orientation, atypical cellular or blood trait and genetic information. The website states that NJDOT encourages all candidates to apply, and does not discriminate on the basis of gender, race, age or sexual preference. Language regarding prohibiting discriminating against any person on the basis of disability is also posted.

The Human Resources Recruitment Unit utilizes an online system, Human Resources Employment Application Process Manager (EAPM), to process applications for employment with the NJDOT. This system manages/tracks the entire process from Initial Application Review and Activation Process to filling a job vacancy, and is typically only used for non-competitive titles. Data from the application is entered into corresponding fields in the system.

Policies and procedures applicable to Human Resources that address nondiscrimination and reasonable accommodation in employment, as well as a recruitment policy for non-competitive positions are:

- NJDOT Policy/Procedure 207 – Equal Employment Opportunity/Affirmative Action
- NJDOT Policy/Procedure 510– Reasonable Accommodations in Employment for Individuals with Disabilities
- NJDOT Policy/Procedure 536– Recruitment Policy for Non-Competitive Positions

BEST PRACTICES

NJDOT has identified best practices that several programmatic areas should employ while either delivering their programs or activities, or interacting with the public, to ensure that their work programs and activities incorporate Title VI so that no one is denied access to recipient and sub-recipient programs and activities, and minority, low-income and LEP communities are not unduly impacted. These best practices are:

PROJECT MANAGEMENT

1. Think more broadly about Low-Income Communities in the project development phase of project.
2. Reach out to communities through public and private schools.
3. Take a team approach to integrating transportation and community development during the project Development phase of a project.
4. Leverage Community-based Transportation funding sources to benefit Local Communities.
5. Identify and include nontraditional participants into the regional Transportation Development Process.

6. Develop a public Involvement Action Plan to enhance involvement in non-traditional transportation Stakeholder communities.
7. Evaluate the effectiveness of Public Involvement Plans and processes.
8. Include Representatives from Community-Based Groups onto Advisory Councils and Subcommittees.

ENVIRONMENTAL RESOURCES

1. Ensure continuity between project development, right-of-way, and construction phases by honoring commitments set forth as mitigation in the Final Environmental Clearing documentation (i.e. Record of Decision, Finding of No Significant Impact or Categorical Exclusion).
2. Communicate project information to the public in an accurate, timely and accessible fashion.
3. Create processes for community involvement before construction begins and to register concerns during construction.
4. Compensate impacts with mitigation and enhancements.

RIGHT OF WAY

1. Establish early proactive community and stakeholder participation in project design decision-making and the environmental review process.
2. Relocate non-functioning or obsolete public/private facilities early in the Right of Way process.
3. Mitigate the loss of parklands and other public facilities due to federal and state highway projects by using an imaginative solution.
4. Continue to use the Federal Functional Replacement Program on other projects.

LANDSCAPE ARCHITECTURE AND ENVIRONMENTAL SOLUTIONS

1. Ensure continuity between project development, right-of-way, and construction phases by honoring commitments set forth as mitigation in the Final Environmental Clearing documentation (i.e. Record of Decision, Finding of No Significant Impact or Categorical Exclusion.)
2. Communicate project information to the public in an accurate, timely and accessible fashion.
3. Create processes for community involvement before construction begins and to register concerns during construction.
4. Compensate impacts with mitigation and enhancements.

STATEWIDE PLANNING

1. Develop an Environmental Justice Policy and Procedure element in the Planning and Research Planning Process.
2. Use Geographic Information Systems to Identify Populations and Evaluate Spatial patterns of Benefits and Burdens.
3. Include Community Impact Assessment Methods During the Long Range Planning Process.
4. Establish dialogue with communities to identify relevant impacts and performance measures.

Compliance Monitoring

Each programmatic area is responsible for monitoring Title VI compliance, with each Director or Regional Director responsible for ensuring compliance within his or her particular area of responsibility. Title VI monitoring, coordinating and documentation is the responsibility of the designated Title VI Liaison, with the assistance of the DCR/AA Title VI Coordinator. Whenever possible, implementation and monitoring of the Title VI Nondiscrimination Program will be jointly undertaken between the DCR/AA Title VI Coordinator, Contractor Compliance Unit, DBE/ESBE/SBE Certification Unit, the Internal EEO Program staff and the designated Title VI Liaisons.

Monitoring of Title VI compliance during the stages of capital project development and/or the maintenance process in the most vulnerable program areas for Title VI issues is summarized below. Emphasis in an area changes depending on the occurrence of priority factors.

Civil Rights & Affirmative Action

The Contractor Compliance and Wage Rate Units continuously monitor construction related activities to ensure that all contractors conduct their work without discrimination based on race, color, sex, age, national origin, low income or disability. The Contractor Compliance Unit conducts in-depth contract compliance reviews as well as RE Checklist Reviews (*See Appendix 26*) to ensure that contractors' are complying with the EEO contract requirements. The unit also monitors department REs assigned to oversee the construction projects to ensure that the contractors meet the civil rights contract obligations. The Unit is in the process of implementing an electronic goal compliance application, Civil Rights and Labor (CRL) to monitor payments to professional service (consultant) DBE subcontractors. The Wage Rate Unit continuously reviews contractor and subcontractor payrolls to ensure compliance with federal and state labor regulations.

The Title VI Unit conducts compliance reviews of NJDOT's programmatic areas, sub-recipients and MPOs. These reviews are conducted to ensure that persons are not excluded from participation in any program or activity being administered by the New Jersey Department of Transportation, or have been denied any benefits provided by such program or activity, or have been unfairly treated in connection with such program or activity. Also these reviews are conducted to ensure that no person has been discriminated against based on age, race, national origin, religious beliefs, gender, disability, pregnancy and military status.

The Department continues to make small strides in compliance monitoring efforts, particularly external monitoring.

In efforts to develop and implement an external monitoring program, the Title VI Unit continues to identify stakeholders and sub-recipients. Several major programmatic areas were asked to identify their sub-recipients, and a cross examination is performed to weed out any duplication. A preliminary sub-recipient list, shown on pages 113-137, has been developed, and we will continue to expand the list as additional sub-recipients are identified.

To assist with more effective and efficient way to monitor, analyze, and report Civil Rights related information, the Department is working to implement an electronic CRL (Civil Rights Labor) Information Management System.

In 2015, the FHWA National Review Team performed a review of NJDOT's contract DBE compliance program and procedures. Various projects were reviewed in detail and REs were interviewed about how they monitored contractor compliance with the DBE Program. The National Review Team identified a number of areas in which NJDOT needed to modify its practices to better comply with 49 CFR Part 26.

However, our division currently has limited resources with which to monitor compliance with these programs. For instance, we have four staff members in our Contractor Compliance Unit to monitor all contractor compliance activities including DBE and OJT goal setting for projects; monitoring of DBE goal attainment by prime contractors; performing commercially useful function reviews on DBE subcontracting firms; and monitoring prime contractors' prompt payment to DBE subcontracted firms on more than 100 projects annually across the state. We have only two staff members to administer the DBE Certification program and monitor efforts to expand it. We have only one staff member to monitor compliance with wage rate regulations for all active projects throughout the state.

Special meetings, interviews and regular dialogue and activity between NJDOT contracting personnel and DCRAA staff involved in tracking and reporting DBE Program, OJT Program and general contracting data, have concluded that consistent and efficient management of DBE, OJT, and other program related data is vital to the success of the NJDOT DBE Program and OJT Program. Since DCRAA works closely with REs to monitor contractor compliance with the DBE Program and OJT Program, it is also vital that DCRAA have a data management system that can access information from the systems used by the REs in order to monitor compliance in real time. Current systems and reports require an inordinate amount of time to track down sources of data and manually extract information from static forms before being able to analyze data to make decisions or to produce requisite reports.

Many decisions made regarding NJDOT DBE utilization, participation and goal setting rely on consistent and accurate data from contractors and REs. For example, DCRAA utilizes project and contracting data in calculating the NJDOT annual, overall DBE goal and in determining project/contract specific goals used to meet the overall goal. Actual DBE participation may be overstated or understated depending upon the source of the information, which may hamper DBE utilization and goal attainment. OJT participant hours are currently calculated by project without an easy means to aggregate participant hours in total across projects.

In addition, NJDOT DBE and general contracting data are used in reports generated for Federal and State reporting requirements, government official requests, public examination, as well as disparity studies. Having access to data used by REs about projects in real time will enable DCRAA to know when Commercially Useful Function (CUF) reviews should be performed or when to perform checklist or comprehensive project reviews. Having an automated system for monitoring prompt payment of subcontractors ensures that all projects are monitored for fair payment practices and are not reliant on subcontractors who may be reluctant to inform Civil Rights when they are not getting paid promptly by a prime contractor.

Using electronic databases and systems will afford NJDOT's, Division of Civil Rights and Affirmative Action the means to access information in real time on the progress of projects so that we can better monitor contractor compliance with the DBE and OJT Programs and federal wage rate regulations. Such systems will help gather and analyze information more efficiently so that our limited staff will be able to do more. Finally, such tools will help the Department to gather information more efficiently in order to produce reports required by USDOT and FHWA in a more timely and efficient manner.

A module in the CRL database has been created for NJDOT's DBE Certification Unit. The module houses DBE Certification data and is able to track more information that is useful for monitoring and adapting to changes in regulations affecting DBEs. The system is able to track renewal dates and, therefore, generate renewal letters, anniversary letters, and removal letters electronically in an automated manner which reduces manual error and increases efficiency by saving time. NJDOT seeks to expand the capabilities of the CRL system over the next two years by expanding it to include modules for our Contractor Compliance Unit and our Wage Rate Compliance Unit.

Capital Investment Planning & Development

We must be vigilant with regards to monitoring this division to ensure towns and cities with high concentrations of minority and low-income individuals are included in the STIP and TIP priorities.

Project Management

Each project has a Scope Team Meeting where subject matter experts (SMEs) from various programmatic areas within the department meet to review the project location, scope of project, identified issues including those relative to Title VI, and other projects overlapping or within the vicinity. Each SME decides whether their respective unit will be involved in the project as it advances through the project process through construction.

Core Group meetings are systematically held with SME Units that are directly involved in the project. Based on these meetings, Concept Development and Preliminary Engineering Reports are prepared that capture potential issues and impacts, including those relative to Title VI. When the project is presented to the Capital Program Screening Committee, these impacts or issues are included as part of the discussion to determine advancement of a project.

Environmental Resources

The LPA's project RE monitors construction projects to ensure environmental commitments are addressed during construction. They also ensure that contractors and subcontractors meet their Title VI contractual obligations.

Right of Way

All applicable right-of-way manuals are evaluated to ensure that overall Departmental procedures are applied uniformly without regard to race, color, religion, sex, national origin or those who are disabled. The process of contracting out the fee appraiser services is monitored to assure there is equal opportunity for all to participate, i.e., equal representation of minorities and women and fair

treatment. All fee appraisers doing work for NJDOT must be approved by the Department's Consultant Selection Committee. As previously stated, the Director of DCR/AA serves on this committee and ensures that minority and female-owned firms are given equal consideration in this process.

Landscape Architecture & Environmental Solutions

The Office of Landscape Architecture has field staff that constantly monitor construction projects to ensure all landscape, environmental and Title VI related project commitments are addressed during the construction phase of NJDOT contracts. They also ensure that contractors and subcontractors meet their contractual obligations with respect to the landscape and environmental aspects of the project.

Construction Services & Materials (DCM)

The Division of Construction Services and Materials (DCM) plays a critical role in ensuring that the Department acts on its obligation to implement Title VI during the construction phase of project development. This is where the public interacts with the Department the most. REs must ensure that minority and low-income populations are afforded the same or similar standards as affluent communities during construction, which is to avoid, minimize, mitigate and/or enhance the communities that are affected by the construction project.

The division works in conjunction with the Office of Community Relations to ensure that the public is educated on the details of the construction project (e.g. detours, dust mitigation, construction duration, noise levels, air pollutants, etc.) Construction public informational meetings with interested stakeholders such as public officials, public interest groups, the General Public and other interested parties are scheduled and held at the start of construction in order to provide a two way channel of communication about the project, as well as identify any concerns or issues needing to be addressed.

Through individual REs assigned to each construction project, the Division ensures that contractors adhere to the Title VI requirements set forth in their contract regarding attainment of goals of minority and female construction workers, DBE subcontracting goals, minority and female on-the-job training goals, and wage rate requirements. The Construction Procedures Handbook, Section 5, Subsection A & B, and the RE's EEO, Training & DBE/ESBE & SBE Checklist provide them with guidance and tools for monitoring the Civil Rights portion of the construction projects. The RE and staff are the first line of defense involved in the daily interactions with contractors and subcontractors, and are charged with holding the contractor and sub-contractors accountable for implementing the Title VI requirements on construction contracts. The REs must work closely with DCR/AA Units to ensure contract special provisions are implemented by the contractors.

Procurement

Professional Services

Procedures for the procurement of professional services are continuously monitored for compliance with the applicable Title VI requirements through our DBE and Contract Compliance

Programs, which are delineated in this document under the section, “Procedures for Ensuring Title VI Compliance.”

In addition, the Department through DCR/AA and Procurement, participates in workshops, trainings, seminars, writing newsletters, networking conferences, minority and women business associations meetings, trade fairs, etc., to provide information on contract opportunities.

Construction Services

The Construction Services Unit solicits, receives and verifies all bids obtained for projects requiring formal bids. Contracts are prepared, executed and distributed by this unit. All contracts are required to have the appropriate non-discrimination clauses.

There is continuous monitoring of construction related activities to ensure that all contractors conduct their work without discrimination based on age, race, national origin, religious beliefs, gender, disability, and veteran status. The DCR/AA Contractor Compliance Unit conducts in-depth contract compliance reviews to ensure that contractors are complying with the EEO contract requirements. Additionally, provisions and guidelines, as detailed in construction services and regional construction manuals and programs, are reviewed to assure that internal and external Civil Rights and Environmental Justice policies and procedures are being implemented in accordance with Title VI requirements.

Community & Constituent Relations

The Department, in compliance with Title VI, continuously monitors the community’s involvement in the development and delivery of each project to ensure minimal impact on people, businesses and the environment. Community issues and concerns are addressed at public hearings and through disseminated information.

Local Aid & Economic Development

Local Aid staff conduct project field inspections to ensure both the LPA and contractors are meeting their contractual obligations, including Title VI. The Initial Field Inspection consists of an office review and a site review. This Initial Review is scheduled prior to the project construction being 10-15% complete so that issues identified early in construction can be minimized or remedied. Construction activities and source documentation are inspected to ensure the project is constructed in accordance with approved plans and specifications, and standard construction techniques. With respect to Title VI, Civil Rights documentation is reviewed to determine whether contractors and subcontractors have submitted the required DBE participation, monthly employment utilization, training and wage rate documentation, and that this required documentation is being kept on file with the project RE or responsible charge. The review also addresses investigating ADA compliance in the form of whether pedestrian access during construction meets ADA requirements. Once the field inspection is complete, a Local Aid Construction Oversight Inspection Summary Report is prepared, including findings and observations; corrective actions and determination of quality of inspection regarding work progress, site work and contract administration.

Local Aid staff, on a monthly basis, review project records of the contractor's DBE/ESBE subcontractor utilization, as well as contractor and subcontractor work hour/work force compliance and payrolls that were submitted by the Recipient/Sub-recipient in order to ascertain compliance with both NJDOT Local Aid and Economic Development procedures and Federal and State laws and regulations, including Title VI. These records are submitted as part of the payment voucher package. Local Aid staff review the payment voucher package, including the Civil Rights documentation for compliance with State and Federal laws and statues. Once it is determined that the paperwork is in order, and the LPA and contractor have met the contractual obligations, the Division of Local Aid and Economic Development releases funds for reimbursement of the LPA.

Contractors and subcontractors are advised that failure to carry out the requirements set forth in the contract constitutes a breach of contract. After notification by the applicable federal agency, a breach may result in the termination of the agreement or contract by the Department or such remedy as the Department deems appropriate.

Operations

Each Regional area has multiple maintenance or electrical facilities "yards" with assigned maintenance crews that are responsible for the maintenance of the highways, including pot hole repair, roadway cleaning, grass cutting, snow removal, roadway emergency services. They are also responsible for ensuring the roadways are kept in a state of good repair. It is critically important that the DCR/AA monitors this division as it interacts most with the community. Additionally, it is important to ensure that minority and low-income communities receive the same or similar state of good repair to their roadway system as affluent communities.

Statewide Planning

The Research Unit utilizes the "Prompts" tracking system in order to track research projects by university, including budgets, quarterly reports and final reports. Annual results are tracked for each university, including SPR funds used, research value, savings, alignment with Capital Investment Strategies, funds distribution by subject matter, etc.

Accomplishments Report

FISCAL YEAR 2017 ACCOMPLISHMENTS

Internal EEO/Affirmative Action Unit

Title VII EEO Complaints Investigated		87
Type of Resolution	Number of Complaints	Percentage
Formal Investigation	26	30%
Mediation	2	2%
Management Guidance/Recommendation	35	40%
Referral (IG/EA/Union)	24	28%
Career Development	0	0%
Of those complaints, the breakdown of the basis of complaints. Note: Each complaint filed may be filed on multiple bases.		
Race		27
Gender/Sex		6
National Origin		4
Religion		2
Age		1
Marital Status		0
Ancestry		0
Disability		13
Sexual Harassment		7
Reprisal		7
Creed		0
Other		33
Familial Status		2
Affectional / Sexual Orientation		4
Initiatives		FFY 17
The # of “Interview Procedures for Panelists” training sessions held between 10/1/16-09/30/17. <i>Note: Does not include one-on-one training held for individuals who required immediate training for an upcoming interview panel.</i>		129 employees 8 classes
The # of Team Ewing meetings attended by CR Staff.		21
The # of interview coaching sessions conducted to assist employees with improving their interview skills. <i>Note: A number of these employees were minorities and females who ultimately received promotions in titles where they under-represented after being provided with this supportive service.</i>		79
The # of “NJ State Policy Prohibiting Discrimination in the Workplace” orientation training sessions held.		28
The # of “STEP” trainings conducted to help new supervisors understand their responsibilities to uphold principles of diversity and inclusion in the workplace.		2

The # of Monthly Heritage Events held during the time period: <i>Hispanic Heritage Month, Reverend Dr. Martin Luther King Jr. Program, African American (Black) History Month, Women's History Month and, Asian Pacific American Heritage Month.</i>	5
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Awarded the annual “David Lee Unity Award” to the NJDOT employee most exemplifying the promotion of unity in the workplace?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

EEO Advisory Committee Members for 2015 to 2017	Division
Ifeoma Okeke	Accounting & Auditing
Jeeavanjot Singh	Mobility & Systems Engineer
Talayia Little	ROW
Andrea Ortiz-Lorenzo	Construction - North
Joshua Szulczewski	CPM - Team A
Yves Nadie	Structural Evaluation
Deven Patel	Local Aid
Charu Vaidya	Environmental Resources
Richard Christensen	Maintenance North
Urvi Dave	Operations - South
Joseph Tipton	Maintenance South
Lisa Yunkunis	Maintenance South
Robert Brooks Jr.	Operations - South
Michelle Lavell	Human Resources

EEO Advisory Committee:

The EEO Advisory Committee (EEOAC) meets bi-monthly. After participating in an information workshop on the results of the Rutgers study on “Building a Diverse and Inclusive 21st Century Workforce”, the EEOAC selected areas of focused intervention for improving diversity and inclusion at NJDOT. The group broke down into four working sub-committees focused on addressing the following topics:

Committee #1 – Fostering Connections

Purpose: Improve communications between leadership and employees; headquarters and field offices; so that staff feel connected to the organization and informed on important issues. Organize brown bag lunch sessions on topics suggested by employees to be held quarterly or tri-annually and broadcast to regional offices.

Committee #2 – Leveraging External Affinity Groups

Purpose: Establish connections with external women & minority affinity groups (Women in Transportation, Society of Women Engineers, COMTO, Society of Hispanic Professional Engineers, National Society of Black Engineers, Minority Engineering Educational Taskforce, and others) to increase pipeline of diverse applicants for NJDOT positions and to support the development and advancement of women and minorities at NJDOT. During this period, this committee organized a brown bag with representatives from several external affinity groups to introduce NJDOT staff to the benefits of each.

Committee #3 – Community-based Outreach

Purpose: Establish connections with community leaders and representatives from relevant academic institutions to increase pipeline of diverse applicants (women and minorities) for NJDOT positions (especially for positions in which women and minorities are underrepresented.) During this period, the committee helped develop a program by which former inmates could work as NJDOT temporary staff with supervised NJDOT maintenance crews to gain work experience, employment references, and life skills. The committee is also developing brochures about positions at NJDOT that are open to the public and how individuals may apply for them.

Committee #4 – Support Acclimation and Retention of Staff

Purpose: Provide support to new staff in their first year (help them acclimate to their job and feel connected to NJDOT; Provide on-going support for experienced staff to be successful with the Civil Service testing system. During this period, this committee developed and implemented a Buddy System in which experienced staff are paired with new hires to help acclimate them to NJDOT.

Disadvantaged Business Enterprise Program:

DBE Certifications	FFY 17	Comments
Current Number of certified DBE's	1611	Black Americans: 504 Hispanic Americans: 274 Native Americans: 0 Asian Pacific Americans: 115 Subcontinent Asian Americans: 188 Non-Minority Americans: 530
The # of new applications received for DBE Certification (FFY 2017)	57 (NJDOT)	
Of those applications:		
- The # that were certified	51	
- The # that were denied	2	
- The # that were withdrawn	4	
ESBE Certifications for October 1st 2016 – September 16, 2017	FFY 17	Comments
Current Number of certified ESBE's	39	
The # of new applications received for ESBE Certification (Federal Fiscal Year 2017)	0	
Of those ESBE applications:		
The # that were certified	0	
The # that were denied	0	
The # that were withdrawn	0	
DBE Goal for Federal Fiscal Years 2017 through 2019		
Annual DBE Goal		12.44%

Percentage of total federal financial assistance NJDOT will expend on FHWA contracts through race & gender neutral means or methods	3.93%
Percentage of total federal financial assistance NJDOT will expend through race and gender conscious means or methods	8.51%
Actual relative availability of DBEs to perform work NJDOT intends to contract (Step One Base Figure)	11.77%
NJDOT Past Participation Year	
2015	13.01%
2016	14.19%
2017	12.17% as of 6/30/17

Efforts Made to Increase the Number of Certified DBEs:
✓ Improved NJUCP Directory-updated firm's business descriptions to make it easier for prime contractors to locate firms by specialty.
✓ Sponsored a Contractor Venture Forum to allow DBE firms to expand their professional networks and establish relationships with large prime contractors.
✓ Attended outreach events with the intent of recruiting new firms for the DBE and/or ESBE Programs.
✓ Worked with the Contract Compliance Unit to ensure DBE/SBE/ESBE firms were aware of the Department's new bidding procedures.

DBE Supportive Services:
Fourteen firms recently graduated from NJDOT's DBE Supportive Services Program and several have subsequently obtained work on NJDOT contracts. The SSP involved intensive six (6) month classroom training in a number of business and technical topics including business planning, organizational development, marketing, public procurement, HR, bonding and financial management, construction project management, safety, technology, and legal, etc. In addition, the DBE firms received individualized one-on-one coaching and technical assistance. We sponsored a Contractor Venture Forum to allow DBE firms to expand their professional networks and establish relationships with large prime contractors. The next Contractor Venture Forum is scheduled for November 8, 2017. We are in the process of extending our contract with the consultant, r6catalyst. Once approved, we plan to start accepting applications for the next cohort in October/November 2017.

Contractor Compliance Program:

Subcontracting Goals	FFY 17
# of State Funded construction projects that SBE goals were set on.	67
# of Federal Funded construction projects that DBE goals were set on.	59

# of Federal Funded construction projects that ESBE goals were set on.	0
# of Federal Funded Local Aid projects that subcontracting DBE goals were set on.	22
# of State Funded Local Aid projects that subcontracting SBE goals were set on.	6
Project Awards	FFY 17
The # of State funded construction projects awarded	76
Total \$ Value of State Funded Projects Awarded	\$645,245,260.43
The # of Federally funded construction projects awarded.	50
Total \$ value of Federally funded projects awarded	\$502,796,301.00
Total \$ Awarded to DBE Prime Contractors	\$8,405,515.00
Total \$ Committed to DBE Subcontractors	\$55,317,066.00
O-J-Training Assignments Set	FFY 17
The Total # of Training Assignments set on Federally funded projects.	83
Of those, the # set on CPM projects.	56
Of those, the # set on Local Aid projects.	27
O-J-Training Assignments Made	FFY 17
The # of Training Assignments made.	100
Of those, the # made on CPM projects.	96
Of those, the # made on Local Aid projects.	4
RE Training/Workshops	FFY 17
# of RE Training/Workshops held for the period.	4
Project Specific EEO Meetings	FFY 17
# of project specific EEO meetings held for the period.	22
Compliance Reviews	FFY 17
The # of Comprehensive Contract Compliance Reviews conducted.	0
Deficiencies Identified (Check all applicable):	
Lack of EEO Workforce compliance	<input type="checkbox"/>
Lack of DBE/ESBE Subcontracting Goal compliance	<input type="checkbox"/>
Lack of Training Program compliance	<input type="checkbox"/>
Lack of Wage Rate compliance	<input type="checkbox"/>
Lack of good faith documentation	<input type="checkbox"/>
Incomplete/unacceptable good faith documentation.	<input type="checkbox"/>
Required posters missing or incomplete	<input type="checkbox"/>
Checklist Reviews	
The # of Checklist Reviews conducted for the period.	8
Deficiencies Identified (Check all applicable):	
Incomplete/unacceptable good faith documentation.	<input checked="" type="checkbox"/>
Lack of EEO Workforce compliance	<input checked="" type="checkbox"/>
Lack of DBE/ESBE Subcontracting Goal compliance	<input checked="" type="checkbox"/>
Lack of Training Program compliance	<input checked="" type="checkbox"/>

	Lack of Wage Rate compliance	<input checked="" type="checkbox"/>
	Lack of good faith documentation	<input checked="" type="checkbox"/>
	Required posters missing or incomplete.	<input checked="" type="checkbox"/>
Preconstruction Meetings	FFY 17	
Total # of Preconstruction Meetings participated in during the period:	102	
	CPM / Other	Local Aid
Region North	32	3
Region Central	25	0
Region South	27	16
Local Aid		
Other:		
<p>The Contract Compliance Unit continues to work closely with the Division of Construction & Materials to update the RE Handbook, and provide guidance to the REs concerning DBE Program rules/regulations, and other Civil Rights requirements. Updates to the handbook include the addition of new forms and guidance concerning: Commercially Useful Function (CUF); monitoring Trucking Firms working on construction contracts and, monitoring of DBE Regular Dealers, Manufacturers and Transaction Expeditors. Four RE workshops outlining revisions to the Civil Rights portion of the contract were conducted.</p>		

Wage Rate Program:

Projects Awarded FY 2016	FFY 17
The total # of projects awarded for the FY 2017	120 (51 Federal, 69 State)

Payroll	Numerical Value FY 17	FFY 17
Payroll Reviewed	# of Prime Contractors Reviewed	32
	# of Sub Contractors Reviewed	92
Wage Rate Complaints	Numerical Value	
The # of Wage Rate complaints	0	
RE Workshops & Project EEO Meetings	FFY 17	
# of RE Workshops Attended	4	
# of Project Specific EEO Meetings Attended	0	
	Region North	
	Region Central	
	Region South	
Preconstruction Meetings:	FFY 17	
Total # of Pre-construction conferences attended	14	

	Region North	1
	Region Central	10
	Region South	3

Americans with Disability Program (ADA)

Training /Outreach / Education	Numerical Value
Total # of training sessions held for consultants/contractors	0
Total # of training sessions held for NJDOT Staff	4
Total # of training sessions held for public/ advocacy groups organizations	0
The Total # of training sessions held for sub recipients	21
Public Info Centers	
The total # ADA Public Outreach education sessions held	0

The main topics discussed during the ADA training for sub-recipients included: Design of ADA Curb Ramps, Compliance to the ADA in the Public Right-of-Way, Self-Evaluation and Transition Plans, and ADA Curb Ramps at signalized intersections.

CPSC	Numerical Value
The total # CPSC Meetings Attended	6

Work Group Meetings	Numerical Value
The total # work group meetings attended to address FHWA’s concerns	6

ADA Complaints	Numerical Value
Total # of ADA complaints	Local Aid: 1
	Capital Projects: 0
Of those complaints, how many were resolved	Local Aid: 0
	Capital Projects: 0

Date of complaint: Filed with FHWA 2017

Name of person who filed the complaint: Carole Julian

Nature of the complaint: Ms. Julian has made several allegations of Montclair Township not complying with ADA, specifically obstructions on the sidewalks: mobile basketball hoops, trash cans, bus shelters, etc.

Major accomplishments within the ADA Unit include:

- Secured \$2 million in dedicated State (\$1,000,000.) and Federal (\$1,000,000.) funding to incorporate ADA upgrades into projects in the STIP and Long-Range Transportation Plans.
- ADA Transition Plan- Updated Plan submitted to FHWA April 2017. Plan includes: the 6 regional ADA Retro-Fit Complaint Contracts, comprising 57 projects approved by CPC; public outreach & training; meetings with county engineers on ADA Plans; ADA w/ ROW Sequencing Procedure; technically infeasible projects, etc.
- Accelerated ROW Process for Sidewalks- Replaces ADA with ROW Sequencing Procedure. FHWA approved August 2016. NJDOT's ADA Coordinator attended 6 work group meetings with Project Management, ROW and FHWA to discuss options for addressing ADA compliance when relocating utilities and acquiring ROW. Abbreviated Process for ADA Improvements. Conducted (4) Training Presentations- 6/19, 6/20, and 6/29 for Project Management, ROW and Design Consultants- Presenters: FHWA, Project Management, ROW, Capital Program Support and Civil Rights.
- ADA Sub-recipient Transition Plans- Over the past year, The ADA Coordinator has met with all 21 counties to provide training on completing ADA Transition Plans. Received draft plans from the following counties: Essex, Atlantic and Monmouth.
- RIDES PROGRAM - Recruited 15 schools, 8 school districts (Hillside, Lakewood, Rahway, Trenton, Willingboro, Newark, Mount Holly and Camden) and 14 NJDOT liaisons for participation in the program.
- NJTPA Coordinated Human Services Transportation Plan Advisory Council - The ADA Coordinator served as a Committee member on the NJTPA Regional Coordinated Human Services Transportation Plan (CHSTP). The plan identifies the transportation needs of seniors, low-income people, veterans and individuals with disabilities. The plan will provide strategies for meeting those needs and prioritizing transportation services for funding and implementation.
- The ADA Coordinator attended monthly CPSC and CPC meetings.

Title VI Nondiscrimination Program:

A summary of the accomplishments of the Title VI Nondiscrimination Unit for the FFY 2017 include:

Accomplishment	Completed Tasks	Date Completed
Title VI Plan	The Title VI Coordinator submitted and received approval for the Title VI Plan Update	<ul style="list-style-type: none"> • December 2016
Title VI Website (External)	Posted “Guideline for LPA Affirmative Action Plan” & “LPA Disadvantaged and Emerging Small Business Enterprise Program Plan”	<ul style="list-style-type: none"> • April 2016
Title VI Training/Info Sessions	<ul style="list-style-type: none"> • Created & conducted Title VI training for Environmental Resources, Landscape & Environmental Solutions, Project Management, Community & Constituent Relations, and Local Aid • Created & conducted Title VI Nondiscrimination training presentation for Ocean County Engineer’s Office (sub-recipient) • Presented ADA & Title VI Nondiscrimination Program Unit overview to Civil Rights staff. • Conducted Title VI Nondiscrimination training at Senior Leadership meeting 	<ul style="list-style-type: none"> • October 2016- June 2017 • October 2016- June 2017 • March 2017 • July 2017
Data Collection	<ul style="list-style-type: none"> • Developing draft Data Collection Booklet as guidance for sub-recipients and employees. • Developed draft data collection templates for Right-of-Way, Procurement – Professional Services, Procurement Construction Services, Community & Constituent Relations, Wage Rate, DBE & Small Business Unit, and Landscape & Environmental Solutions 	<ul style="list-style-type: none"> • Ongoing
Risk Analysis & Risk Assessment	At the request of FHWA, prepared a risk analysis and risk assessment of the Title VI Program.	<ul style="list-style-type: none"> • 2017
Contract Language (Specifications)	<p>Updated specifications and rewrote Civil Rights Special Provisions to incorporate Civil Rights related requirements and “DBE Final Rule” changes specifically:</p> <ul style="list-style-type: none"> • Requiring all Bidders, on an annual basis, to submit a List of DBE and non-DBE firms providing a bid or quote for the Contract (Bidder’s List). • Clarifying Pre-Award and Post-Award obligations of Bidders and Contractors. 	<ul style="list-style-type: none"> • Completed July 2017

<p>Contract Language (Specifications)</p>	<ul style="list-style-type: none"> • Pre-Award obligations include: <ul style="list-style-type: none"> - Demonstrate commitment of meeting the Contract goal - Submit within 5 days of Bid Opening as a matter of responsibility, the schedule of DBE Participation, (CR-266) including NAICS code info applicable to the kind of work the DBE will perform, type of work, specific work items and actual subcontract value of work. - If goal attainment is not demonstrated on the CR-266, the Bidder must submit good faith efforts within 5 days of Bid Opening. - Confirmation of DBE/ESBE/SBE Firm (CR-273) - Submission of DBE/ESBE Regular Dealer/Supplier Verification Form (CR-272) or DBE/ESBE/SBE Trucking Verification (CR-274), if applicable (Bidders have 5 days to submit verification forms after Bid Opening.) - Monthly Trucking Verification Form (CR-271) Post-Award obligations clarified were: <ul style="list-style-type: none"> - Subletting – Identifying and retaining DBE subcontractors and replacement subcontractors - Meeting the contract goal – - Reporting DBE participation on a monthly basis using CR 267 forms - If the Contractor is not demonstrating utilization meeting the Contract Goal, submission of good faith efforts to meet the goal are required with the monthly CR-267 form. - Any changes to the original approved DBE participation Plan must be submitted and approved by Civil Rights for approval prior to termination or replacement of DBE subcontractors, truckers, material suppliers or transaction expeditors. • Added a section on Contractor’s Civil Rights DBE program, wage rate and EEO responsibilities on each construction contract, including: 	<ul style="list-style-type: none"> • Completed July 2017
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<p>Contract Language (Specifications)</p>	<ul style="list-style-type: none"> • Compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21 and 28 CFR Section 50.3 and any other Rules relative to Nondiscrimination • On federally assisted contracts, compliance with the DBE program, rules and regulations in the administration of the Contract. • Ensuring compliance with labor standards • Weekly certified payrolls • Monitoring the status of all truck owner-operators working on the Contract • Compliance by any subcontractor, and lower tier subcontractor. • Monitoring and reporting DBE participation on the Contract on a monthly basis. • Utilization of DBE's that perform a commercially useful function and perform the work committed to at the time of Contract award • Terminating or replacing DBE subcontractors or lower tier subcontractors, including providing the DBE/ESBE/SBE with written notification of the intent to terminate or replace, including the reason(s), and allowing them five (5) days to respond to the notice. • Good faith effort • Language outlining specific consequences for failure to comply with each specific responsibility, including but not limited to rejection of bid, denial or limit of credit toward Contract goal, payment being delayed or withheld, default or termination of the Contract. • Clarification of counting DBE participation • Addition of Commercially Useful Function language • Requirements related to DBE trucking, most notably the DBE firm cannot obtain trucks from the Contractor; requirements of Contractor to submit copies of hiring and lease agreements. • Requirements related to regular dealers, manufacturers and transaction expeditors. • Submission of required documents, including EEO/Affirmative Action Plans, 	<ul style="list-style-type: none"> • Ongoing as of Sept. 2017
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Contract Language (Specifications)	<p>and monthly forms for tracking and monitoring DBE participation.</p> <ul style="list-style-type: none"> • Addition of various definitions of Civil Rights related terms, most notably: <ul style="list-style-type: none"> - DBE/ESBE - Socially and economically disadvantaged individual - Commercially useful function - Transaction expeditor 	
Monitoring	<p>Efforts to increase monitoring of sub-recipients were made, including the development of guidance for project REs, finalization of forms to monitor commercially useful function, verification of DBE suppliers on contracts, verification of initial contact and commitment for use of DBE's listed at time of Bid, and trucking commitment and trucking verification. These forms are required to be filled out by either the project RE, DBE firm or prime contractor. Documents/forms created include:</p> <ul style="list-style-type: none"> - Confirmation of DBE/ESBE/SBE Firm (CR-273) - Guidance for Counting DBE Regular Dealers/Suppliers - DBE/ESBE Regular Dealer/Supplier Verification Form (CR-272) - Monthly Trucking Verification Form (CR-271) - DBE/ESBE/SBE Trucking Verification (CR-274) - DBE/ESBE/Commercially Useful Function (CUF) Checklist (CR-275) <p>The use of these forms commenced during the period in which new procedures were test piloted by the Department and their use continued once the test period for the Revised Civil Rights procedures ended.</p>	<ul style="list-style-type: none"> • Completed July 2017
Sub-recipients	<ul style="list-style-type: none"> • Attend Local Aid's Quarterly Meeting w/ County Engineers to discuss Title VI EEO/Affirmative Action requirements, and DBE Affirmative Action Program requirements. • Met with 21 counties- to explain the DBE Affirmative Action and LPA's Internal Affirmative Action Plan processes and assist them in completing their plans for NJDOT's approval. 	<ul style="list-style-type: none"> • Ongoing • Completed June 2017
LEP	<ul style="list-style-type: none"> • Updating Language Assistance Cards 	<ul style="list-style-type: none"> • Ongoing

FISCAL YEAR 2017 GOALS

Title VI Nondiscrimination Program (Title VI, EJ & LEP)

Action Item	Tasks to Complete	Target Completion Date
Develop Commissioner & Senior Leadership Commitment & Buy-In	<ul style="list-style-type: none"> Schedule additional Title VI training session for Senior Leadership (Operations, CPM & Community Relations) Develop title VI Nondiscrimination Policy & Procedure 	<ul style="list-style-type: none"> January 2018 Ongoing
Website – Title VI Unit (Internal site)	<ul style="list-style-type: none"> Continue to update Title VI website with new information, guidance & procedures as they are implemented 	<ul style="list-style-type: none"> Ongoing
Website – Title VI Unit (External site)	<ul style="list-style-type: none"> Post brochures, guidance documents as developed. 	<ul style="list-style-type: none"> Ongoing
Title VI Taskforce	<ul style="list-style-type: none"> Hold bi-monthly meetings. Educate Liaisons on ways to integrate Title VI in the Department’s daily work processes. Work with Liaisons to develop and implement data collection procedures in various programmatic areas. 	<ul style="list-style-type: none"> Ongoing
Brochures	<ul style="list-style-type: none"> Continue approval process for draft English version of “Title VI Guide for Sub-recipients” prepared. Continue creation & approval process for draft versions in Spanish, Portuguese and Hindi in progress. Develop/update Title VI brochure and disseminate to the Public. 	<ul style="list-style-type: none"> Ongoing
Standard Assurances	<ul style="list-style-type: none"> Update Standard Assurances and distribute to sub-recipients. 	<ul style="list-style-type: none"> Ongoing
Monitoring	<ul style="list-style-type: none"> Develop sub-recipient list Develop monitoring checklists 	<ul style="list-style-type: none"> Ongoing Ongoing
Sub-recipients	<ul style="list-style-type: none"> Continue to develop list of sub-recipients 	<ul style="list-style-type: none"> Ongoing

Action Item	Tasks to Complete	Target Completion Date
Title VI Reviews	<ul style="list-style-type: none"> • Conduct Title VI Review of the Division of Statewide Planning • Conduct Title VI Review of Multi-Modal 	<ul style="list-style-type: none"> • March 2018 • May 2018
Title VI Training/Info Sessions	<ul style="list-style-type: none"> • Finalize “Achieving Title VI Compliance – Guidance for Local Public Agencies, Consultants & Contractors” PowerPoint presentation. • Conduct sub-recipient training <ul style="list-style-type: none"> - Contractors - Local Public Agencies/Grantees - Consultants - Research Institutions - MPO’s • Develop programmatic specific training modules • Conduct Title VI Training for internal employees 	<ul style="list-style-type: none"> • Ongoing • Ongoing • Ongoing • Ongoing
Toolkits/Checklists/Info Packets	<ul style="list-style-type: none"> • Finalize “Data Collection Toolkit” • Review of Data Collection Toolkit before printing • Distribute toolkit to internal employees and sub-recipients. • Develop toolkits on Title VI Review Process 	<ul style="list-style-type: none"> • By March, 2018
Contract Language	<ul style="list-style-type: none"> • Identify NJDOT Unit(s) responsible for developing and maintaining consultant agreements, research agreements, construction contracts, airspace leases, excess property sale deeds, etc. & inform them to ensure that applicable Title VI Nondiscrimination language is included. • Finalize/institute specification changes. 	<ul style="list-style-type: none"> • Ongoing • Ongoing
LEP	<ul style="list-style-type: none"> • Prepare Request for Proposal for a Treasury Contract for on-call translation and interpreter services to assist with various LEP related requests. • Update LEP brochures 	<ul style="list-style-type: none"> • October 2018

Action Item	Tasks to Complete	Target Completion Date
Public Involvement Action Plan	<ul style="list-style-type: none"> • Work with Community & constituent Relations Unit to develop an agency-wide NJDOT Public Involvement Action Plan 	<ul style="list-style-type: none"> • January 2019
Data Collection	<ul style="list-style-type: none"> • Continue development of draft Data Collection Booklet as guidance for sub-recipients and employees. • Finalize first set of draft data collection templates for Right-of-Way, Procurement – Professional Services, Procurement Construction Services, Community & Constituent Relations, Wage Rate, DBE & Small Business Unit, and Landscape & Environmental Solutions • Develop additional templates for Local Aid (Internal) Project Management, Environmental Resources, Research, Operations, Capital Investment Planning & Development, Bridge Engineering & Infrastructure Management, Construction & Materials, Multimodal, Statewide Planning, Operations, Transportation Systems Management, the Department Secretary, and sub-recipients (MPOs) 	<ul style="list-style-type: none"> • By 4/1/18 • By 4/1/18 • August 2018

Annual Work Plan – FFY 2018

The Department's Annual Work Plan will include, but not be limited to the following:

- Design & implement Title VI tracking database to track various Title VI information (sub-recipients, EEO/Affirmative Action Plans, standard assurances, complaints, training, Title VI reviews, etc.)
- Continue to obtain EEO/Affirmative Action Plans from Local Aid sub-recipients.
- Obtain assurance letters from all program area divisions and sub-recipients. The assurance letters shall contain information, statistics, records, and/or other data deemed necessary to determine compliance with Title VI requirements.
- Continue identification of sub-recipients.
- Continue update NJDOT Title VI website.
- Finalize draft training modules and conduct mandatory Title VI Nondiscrimination training for NJDOT programmatic areas, including: Procurement, Right of Way, Operations, Construction and Materials, Research, Capital Investment Planning & Development, Highway & Traffic Design, Bridge Engineering & Infrastructure Management, Multimodal, and others for whom NJDOT deems this training critical to the success and implementation of our Title VI Nondiscrimination Program.
- Continue to re-invigorate the Title VI Taskforce and hold bi-monthly meetings to educate employees and monitor the Department's ongoing efforts to comply with Title VI requirements.
- Conduct one or two internal programmatic Title VI reviews to determine the effectiveness of Title VI program in the areas of Bureau of Landscape Architecture and Environmental Solutions, Environmental Resources, or Multimodal.
- Conduct one sub-recipient Title VI review to determine the effectiveness of Title VI program for sub-recipients.
- Work with Community & Constituent Relations to develop comprehensive "department wide" Public Involvement Action Plan.
- Finalize development of brochures in both English, and additional languages explaining Title VI, complaint procedures, etc. for dissemination to MPO's and sub-recipients.
- Continue working with the Contractor Compliance Unit to provide comprehensive training to contractors and Local Aid sub-recipients on the requirements delineated in the Special Provisions, specifically the Civil Rights component.

- Continue to provide guidance and advice to program area personnel to ensure that the Department maintains a proactive approach to Title VI compliance.
- Maintain a day-to-day proactive approach of addressing Title VI issues by utilizing the network of Title VI Liaisons.
- Conduct investigations into any Title VI complaints filed in accordance with the complaint investigation procedures as outlined in the Department's Title VI Nondiscrimination Compliance Program.
- Continue to monitor, review and take appropriate actions to ensure that goals, policies and objectives are adhered to in each program area in compliance with Title IV regulations.

As a result, of this Title VI Nondiscrimination Plan and the department's continued on-going commitments to ensure Title VI, the Division of Civil Rights and Affirmative Action has become a more prominent factor in NJDOT processes at all levels of the organization. Consequently, DCR/AA continues to be involved from concept development through project construction, and at all levels of the public involvement process. These efforts should continue to result in an improved, viable and effective Title VI Nondiscrimination program at the New Jersey Department of Transportation.



New Jersey Department of Transportation



Appendices to the Title VI Nondiscrimination Plan & Annual Accomplishment Report

FEDERAL FISCAL YEAR ENDING September 30, 2017

Appendix 1- Title VI Reviews: Right of Way and Community and Constituent Relations

Appendix 2-Title VI Training for Taskforce

Appendix 3-ADA Transition Plan

Appendix 4-Title VI Training for Local Public Agencies

Appendix 5-NSTI 2017 Final Report

Appendix 6-Title VI Technical Guidance: Data Collection

Appendix 7-Title VI Data Collection Forms

Appendix 8-Posters Required on Federal-Aid Projects

Appendix 9-New Jersey State Policy Prohibiting Discrimination in the Workplace

Appendix 10-Training for Contractors/Sub-Contractors

Appendix 11-Forms: Verification & Monitoring of DBE/ESBE Firms

Appendix 12-Brochures

Appendix 13-Civil Rights Title VI Sub-Recipient Guide

Appendix 14-Standard Terms and Conditions for Professional Service Agreements

Appendix 15-NJDOT Standard Specifications for Road and Bridge Construction 2007, Division 100-General Information-Subsections 107.02 & 107.03

Appendix 16-Language Identification & Language Assistance Cards

Appendix 17-NJDOT Project Delivery Process

Appendix 18-Construction Procedures Handbook, Section 5, Subsections A & B

Appendix 19-RE's EEO, Training and DBE/ESBE and SBE Checklist (FHWA and 100% State Projects; Form DC-130)

Appendix 20-Local Aid & Economic Development Federal Aid Agreement



New Jersey Department of Transportation

Appendices to the Title VI Nondiscrimination Plan & Annual Accomplishment Report



FEDERAL FISCAL YEAR ENDING September 30, 2017

Appendix 21-Local Aid & Economic Development Federal Aid Highway Program
Administrative Questionnaire

Appendix 22-Division of Local Aid & Economic Development Policy/Procedure 011
Construction Oversight & Inspections for Federal-Aid Highway Projects

Appendix 23-Local Aid & Economic Development Quick Guidance Documents

Appendix 24-Local Aid-Summary of Project Management Eligibility Requirements

Appendix 25-Standard Terms & Conditions-Research Contracts & Purchase Agreements

Appendix 26-Division of Civil Rights Contract Compliance Checklist Review Form

Appendix 1

NEW JERSEY DEPARTMENT OF TRANSPORTATION

Division of Civil Rights & Affirmative Action

MEMORANDUM

TO: Victor Akpu, Director
Right of Way and Access Management

FROM: Linda Legge, Executive Director 
Civil Rights and Affirmative Action

SUBJECT: In Depth Programmatic Title VI Review – Division of Right of Way and
Access Management

DATE: September 21, 2017

Please find attached for your review and action, the Division of Civil Rights/Affirmative Action in-depth Title VI/Nondiscrimination Review conducted on the Division of Right of Way and Access Management. This review was conducted by Chrystal Section of our Title VI and ADA Unit.

The attached report contains observations, deficiencies, and recommendations for corrective action and reporting requirements.

Should you have questions or concerns regarding this report, please contact Chrystal Section at 5-2939 or Tony Davis at 5-2893.

Attachment

C: Joe Bertoni, Deputy Commissioner
Eli Lambert, Asst. Comr.
A. Davis
C. Section
S. Patel



**DIVISION OF CIVIL RIGHTS
TITLE VI/NONDISCRIMINATION REVIEW**

***RIGHT OF WAY
AND
ACCESS MANAGEMENT***

SEPTEMBER 21, 2017

**Prepared by: Chrystal Section
 External ADA Coordinator & Special Projects**

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I. INTRODUCTION

The New Jersey Department of Transportation (NJDOT) Division of Civil Rights and Affirmative Action (DCR/AA) conducted a Title VI Review of the NJDOT Division of Right of Way 'ROW' and Access Management.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. Nondiscrimination provisions apply to all programs and activities of Federal-aid recipients and contractors regardless of their funding source. The obligation not to discriminate is based on the objective of Congress not to have funds, which were collected in a nondiscriminatory manner, used in ways that support, promote, or effect discrimination. As a condition of receiving Federal financial assistance, the New Jersey Department of Transportation is responsible for assuring nondiscrimination in its programs and activities and must oversee and ensure nondiscrimination on the part of its sub-recipients and contractors.

Environmental Justice (EJ), Executive Order 12898, amplifies Title VI by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of federal-aid projects on minority populations and low-income populations. Limited English Proficiency, Executive Order 13166, is also enforced under Title VI, as it further clarifies the Title VI responsibility of National Origin discrimination and requires Federal-aid recipients to take steps to ensure meaningful access to their programs, services and information by people with Limited English Proficiency (LEP).

The DCR/AA has primary responsibility for providing leadership, direction and policy to ensure NJDOT's overall compliance with Title VI of the Civil Rights Act. In addition to our day-to-day monitoring, the DCR/AA's Title VI Nondiscrimination Program Unit is required to perform annual assessments of selected emphasis program areas and activities to determine their effectiveness in compliance with Title VI provisions. Priority for conducting these reviews is given to program areas with the greatest potential of impact to groups covered by the Act.

The Division of Right of Way and Access Management was selected for review since it has responsibility of acquiring and taking possession of real estate for transportation purposes in accordance with the Capital Program project development schedule in order for construction schedules to proceed as planned. In addition, FHWA has required that we direct some of our compliance efforts on NJDOT's ability to ensure that Right of Way and Access Management is in compliance with Federal nondiscrimination laws and regulations.

This review is intended to assist the Division of Right of Way and Access Management with providing the public, particularly minority, low-income and LEP communities, access and input in the eminent domain process. It is also intended to assist the division with the appropriate guidance to ensure compliance with Federal Civil Rights requirements in regards to Title VI, Americans with Disabilities (ADA), Limited English Proficiency (LEP), Equal

Employment Opportunity (EEO), Contractor Compliance, and Disadvantaged Business Enterprise (DBE).

In addition, this report serves as the determination of findings issued to the Director, Division of Right of Way and Access Management. A copy of the findings will also be provided to FHWA and included in the NJDOT Annual Title VI Accomplishments Report. The findings will serve as the basis for future plans to improve compliance with Title VI provisions.

II. BACKGROUND

The Division of Right of Way & Access Management acquires and takes possession of real estate for transportation purposes in accordance with the Capital Program project development schedule and in a cost effective manner that allows construction schedules to proceed as planned. Right of Way Acquisition includes property appraisals, appraisal registration, acquisition through bona fide negotiations, the eminent domain process, the relocation of families and businesses if necessary, title clearances and closings.

Authority

Acquisition of real property is governed by the State's Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. For the acquisition of both Federal and State funded projects, the Department follows the Federal Highway Administration's policies as contained in 23 CFR, Parts 710-713, and 49 CFR, Part 24.

Organization

Right of Way activities are performed in a decentralized organizational structure consisting of a headquarters' office located in Ewing Township, and district offices established in the three regional complexes in Cherry Hill, Freehold and Mount Arlington.

The headquarters office is comprised of

- Office of the Director of Right of Way & Access Management
- Administration Bureau
- Technical Support Bureau
- Closing Bureau

The Director's Office is comprised of an Administrative Assistant 2 and a Secretarial Assistant 2, in addition to the Director. All divisional property acquisition and administrative actions are coordinated and approved through this office. Other specific areas of responsibility include, but are not limited to, divisional training, staffing requests, staff time usage, etc.

Administration is responsible for ROW project programming and funding, database management, full service right of way consultant management, and procedural manual maintenance. Among the tasks completed by staff within this Bureau are: securing final acquisition/relocation cost estimates from the District Office; preparing project cost summaries, job number forms and Department Actions and then transmitting authorization packages to Capital Program Coordination for

submission of the funding requests to the FHWA by the Federal Aid Coordinator; maintaining electronic databases, developing the next generation of database/document management capabilities, and implementing the full service consultant concept. This Bureau is led by a Manager 2 ROW Programs and staffed by one Supervisor ROW 1, one Senior Fiscal Analyst, one Accounting Assistant, one Principal ROW Negotiator and several Senior ROW Negotiators.

The Bureau of Technical Support is responsible for auditing district operations, quality control, utility, railroad and riparian acquisitions and property management, right of way engineering functions, as well as providing technical guidance to the district offices. This bureau is led by a Manager 2 ROW Programs and staffed by a Supervising Appraiser, two Supervisors ROW 1, Supervising Engineer II, one Administrative Assistant 3, a Secretarial Assistant 2, several Principal & Senior Engineers, and several Principal ROW Negotiators. The Bureau performs a review of the final ROW plans, sets the schedule and, upon FHWA approval, transmits the final ROW plans to the ROW District Office to proceed with the acquisition process. It conducts all acquisition activities for railroad, utility and tidelands parcels. It reviews and approves appraisal plans, appraisal contracts, relocation plans, and relocation payments. The Bureau also manages all excess parcels in terms of maintaining inventory, leasing and disposals. It reviews and approves all ROW plan submissions and dedications.

The Closing Bureau is comprised of the Legal Processing and Title Sections, and is responsible for preparing and filing legal documents pertaining to eminent domain actions, obtaining clear title, conducting title closings, and providing payments to property owners, all of which result in the vesting of the title in the Department. Tasks completed for Agreement Cases include: updating and examining title searches, preparing and transmitting title instruments to owners for execution; satisfying property liens; recording title documents; and securing checks and transmitting payments to property owners. Tasks completed for Condemnation Cases include: updating and examining title searches; computing interest and transmitting checks to property owners. The Bureau also files general property parcel maps with the appropriate County Clerk's Office. Staff prepare legal pleadings; secure Law Division's approval; file pleadings; secure payment for deposit into court; and process judgment/award documents. This Bureau is led by a Regulatory Officer 1 and staffed by a Supervising Research Analyst, three Research Analysts, three Title Officer's II, a Secretarial Assistant 2, a Principal ROW Negotiator, and several Principal & Senior Title Examiners.

Each district office is comprised of administrative staff and several acquisition teams. A District Manager and Administrative Assistant 3 or Secretarial Assistant 2 conduct all administrative functions within the respective field offices. The teams, each of which are led by a Supervisor ROW 1 and a Principal ROW Negotiator, are responsible for the appraisal, appraisal review, and negotiations for relocation and property acquisition for each assigned project. Staff within the District offices oversee appraisal and review assignments, handle preliminary data collection, and negotiate contracts with fee appraisers and specialists. They ensure that the title search and environmental screening/remediation cost report is completed, property site surveys are initiated, and a draft relocation plan is prepared. They also initiate and complete property acquisition and relocation processes.

III. SCOPE AND METHODOLOGY

Scope

Interviews with key stakeholders were conducted to determine the magnitude of ROW and Access Management's Title VI Nondiscrimination engagement with low income, minority and LEP communities. Headquarters staff interviewed included Director, Victor Akpu, and Manager 2, Technical Support, David Kook. Title VI/ Nondiscrimination issues and concerns based around the scope of the review were discussed. Communications were also had with Realty Specialists 4- Donna Gatens and John Miksits of the Northern District. ROW's programmatic documents were provided to Title VI staff for review.

Methodology

There were three phases to the Review: Desk Audit, On-Site Review, and Telephone Interviews. The Desk Audit involved questions about the functions of the Division as they relate to provisions of Title VI. The results are outlined in the preceding sections which describe the scope of the Division of ROW and Access Management. Staff were required to answer questions in writing prior to the scheduled On-Site visit. Title VI Program staff reviewed the responses provided in advance of the meeting. Clarification of processes that were not in writing were obtained during the On-Site.

The On-Site Review consisted of an entrance conference, documentation review, and interviews with relevant staff. Telephone Interviews were also conducted to supplement and clarify information about how the Division performs work in compliance with Title VI provisions.

The following are the questions asked of ROW and Access Management:

A. POLICIES AND PROCEDURES

Please provide the following policies and procedures:

- All Division operating policies and procedures (e.g. Eminent Domain- ROW Acquisitions, Relocation, Condemnation Proceedings, etc.)

B. FUNDING SOURCES

Indicate all funding source(s) utilized by your division along with dollar amount for FFY 2016 (e.g. FHWA and TTF) and the program associated with said funding. If needed, attach addendum sheet(s).

Capital Costs:

Federal- \$ _____ State: \$ _____

Salary Costs:

Federal: \$ _____ State: \$ _____

C. DATA COLLECTION

Data Collection is a required activity of Title VI as it is the key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of "all persons" without discrimination; i.e. disproportionately benefitting or harming one group over another is a violation of Title VI.

1. In the delivery of the services provided, please include any data collected and an analysis, as it relates to demographic surveys/ reports conducted by the Division of Right of Way and Access Management Relations during FFY 2016.
2. Do you collect Title VI/ Nondiscrimination -related data? Is the data analyzed annually to identify any trends/ patterns of discrimination that shall require efforts to address (Appraisal Process/Valuation/ Negotiations/ Relocation Management)?

For example: To determine if your division is Title VI/Nondiscrimination compliant in how it implements the Relocation Program, it shall sample data on an annual basis to determine if Relocation Housing Benefits are being calculated based upon the relocatee's specific housing situation and not based upon the person's race, color, national origin, sex, age, or disability. This means that data shall be collected and compared according to larger and smaller projects, urban and rural projects, work product of different Relocation Agents, etc.

D. RIGHT OF WAY ACQUISITION PROCESS

1. How does ROW ensure that Title VI/Nondiscrimination populations are not treated differently when conducting ROW property title searches, valuation, negotiations, relocations and property management?
2. How does ROW ensure that Title Searching/Acquisition/Valuation consultant services are retained in a Title VI/Nondiscrimination compliant manner?
3. Is ROW responsible for monitoring all Local Public Agencies (LPAs) that receive Federal funds and implement the ROW Program? If this monitoring does not occur under ROW, then who has oversight of this function?
4. How does ROW ensure appraisals, acquisitions and relocation assistance are not discriminatory against Title VI/ Nondiscrimination protected populations?
5. Does ROW public materials including information notices, relocation assistance documents and other similar materials incorporate appropriate nondiscrimination language?
6. If applicable, explain concerns raised by minorities or women, elderly, disabled and low-income citizens about their options in the negotiation phase or with the final outcome of their relocation and attach documentation (if applicable).
7. How do you measure consistency in the determination of severance/consequential damages?
8. What advisory group(s) does ROW participate in to ensure the public's meaningful access to services?

9. How do you ensure that comparable sales and rental properties are not discriminatory?
10. How do you ensure that every effort is made to negotiate for required property before filing condemnation?
11. How do you ensure that relocation advisory assistance is provided equitably and without discrimination to displaced individuals?
12. How do you ensure that the determination of rent amounts is equitable?
13. How do you ensure that the procurement of bids provides equal opportunity?
14. How do you ensure that the maintenance of rental properties on projects is adequate and consistently performed for all renters?
15. How do you ensure that there is no deviation in methods used to acquire real property in minority communities, such as price, selection, and negotiations?
16. What is your process to identify Persons Not Lawfully Present in the United States (not eligible for Relocation Benefits due to Illegal Aliens Act of 1997)?

E. PUBLIC INVOLVEMENT/ LIMITED ENGLISH PROFICIENCY (LEP)

1. How does ROW ensure that all ROW activities are conducted in a non-discriminatory manner?
2. Does ROW conduct interviews with members of the public impacted by acquisition and relocation processes?
3. Are persons traditionally underrepresented by transportation systems, such as low income and/or minority, actively sought out for input on ROW processes at Public Information Center meetings?
4. How are limited English proficient persons made aware that they can receive translation services at no cost to them?
5. Has ROW received any requests for information in an alternative format such as Braille, Audio, or non-English? If so, what process is in place to ensure meaningful access to services?
6. How often does ROW use interpreters and translators to ensure those with LEP needs receive meaningful access to the Department's services?
7. Are accommodations for translation services or special needs included in vital documents to property owners (Owners Letters, Offer Letters, Appraisals, Agreement Forms, etc.)?
8. How are community ROW issues and concerns documented and addressed in the project delivery process?
 - a. How often does public outreach occur?
 - b. Do you have a process in place where staff consistently attend meetings or is it done on a project basis?

F. AMERICANS WITH DISABILITIES (ADA)

1. What is the process for addressing ADA impacts on ROW projects?
2. Does ROW promote the use of the New Jersey Relay Service for communicating with individuals with impaired speech or hearing?

G. CONTRACTING CONSULTANTS

- Are there separate agreements you procure through ROW that don't go through the consultant selection committee?
- What efforts are being made in securing the services of minority or female consultant appraisers?
- Do ROW appraisal contracts ensure inclusion of required nondiscrimination provisions as well as diversity in selection of consulting firms?
- Please list names of consultants or vendors ROW procured the services of during FFY 2016?
- How does ROW solicit and award consultant contracts with certified Disadvantaged Business Enterprises (DBEs) and other small, minority or women-owned businesses?
- Are appropriate DBE contract provisions incorporated into the contract agreements?
- How are consultants/vendors monitored for Title VI compliance?

H. STAFF COMPETENCIES

- Are staff adequately trained on Title VI/ADA, Limited English Proficiency and Environmental Justice?
- Does staff have capability or background in low-income community and urban housing issues?
- Does staff utilize geographic information system (GIS) to identify geographic and income of housing in the project study area?
- Are staff composed of bilingual individuals? If not, do you have the ability to obtain interpreter/translation services?
- Does staff have background or training in dealing with minorities, disabled and disadvantaged populations?

IV. DESK AUDIT/ DOCUMENTATION REVIEW FINDINGS

The Desk Audit phase of the Review consisted of an evaluation of ROW's observance to Title VI/Nondiscrimination. Seven (7) programmatic documents were reviewed by Title VI staff and found to incorporate Title VI/Nondiscrimination and other Civil Rights and Affirmative Action nondiscrimination law requirements.

Monitoring and Review Process

ROW and Access Management is responsible for acquiring and taking possession of real estate for transportation purposes in accordance with the Capital Program project development schedule and in a cost effective manner that allows construction schedules to proceed as planned. Right of Way Acquisition responsibilities include property appraisals, appraisal registration, acquisition through bona fide negotiations, the eminent domain process, relocation of families and businesses if necessary, title clearances, and closings.

The following were reviewed by Title VI staff during the Desk Audit phase.

Policies and Procedures:

Right of Way and Access Management Manual-

<http://www.state.nj.us/transportation/eng/pdf/ROWAcquisitionManual.pdf>

Funding Sources:

ROW Business Object Reports do not break out capital into numbers other than Federal and State. State includes any non-federal funds such as from the Transportation Trust Fund (TTF) and other third party funding.

Capital Costs:

Federal: \$6,215,116 State: \$1,274,337

Salary Costs:

Federal: \$1,343,610 State TTF: \$3,475,507 State Port Authority: \$133,184

Data Collection:

The Division of ROW is not involved in the collection and analysis of demographic surveys, this research is undertaken by the Bureau of Landscape Architecture and Environmental Solutions 'BLAES' for environmental justice conformity.

BLAES staff identify minority, low income and LEP populations during the environmental review process for every project using the Environmental Protection Agency's (EPA) EJ screening tool. The new environmental justice (EJ) mapping and screening tool is called EJSCREEN. It is based

on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports. Screening results are maintained in each project's file. Results are used to determine compliance with Title VI and are provided to the Project Manager via the Categorical Exclusion documentation for use in appropriate outreach.

ROW Acquisition Process:

- ROW ensures that Title VI Nondiscrimination populations are not treated differently when conducting ROW property title searches, valuation, negotiations, relocations and property management by providing ROW services without regard to a person's, origin, religion, color, etc. The supervisor is responsible for ensuring that ROW activities are not discriminatory. The manual defines the process to follow, and all cases are reviewed by a Supervisor, Manager and Director to ensure fair process.
- ROW ensures that Title Searching/Acquisition/Valuation consultant services are retained in a Title VI Nondiscrimination compliant manner by selecting valuation experts from a Consultant Selection Committee (CSC) approved list. The Director of Civil Rights and Affirmative Action sits on the Consultant Selection Committee to ensure that qualified disadvantaged, minority and female owned businesses are included on the approved list when appropriate. Firms are added to the list based upon experience and expertise. They are only removed from the valuation list for cause, and that information is provided to and reviewed by the CSC.
- Acquisition work is based on contracts overseen by Procurement, they handle Title VI issues for those contracts. Acquisitions by staff are governed by the manual and follow standard procedures.
- Title work is based on contracts from the Design Consultant. Internal title work is conducted in accordance with the manual. Nearly all title work is based on public records. Contacts with others are conducted in the same manner and are needed only to conclude the title clearance process.
- Right of Way is delegated oversight of Local Public Agencies that receive Federal funds and implement the ROW Program by FHWA through a partnership agreement between the Department and FHWA.
- ROW ensures appraisals, acquisitions and relocation assistance are not discriminatory against Title VI Nondiscrimination protected populations by:
 - Contracting appraisals with non-discrimination provisions. Following the *Uniform Standards of Professional Appraisal Practices* (USPAP), which does not permit bias. USPAP is the generally recognized ethical and performance standards for the appraisal profession in the United States. USPAP was adopted by Congress in

1989, and contains standards for all types of appraisal services, including real estate, personal property, business and mass appraisal. Compliance is required for state-licensed and state-certified appraisers involved in federally-related real estate transactions. USPAP is updated every two years so that appraisers have the information they need to deliver unbiased and thoughtful opinions of value. Appraisals are based on highest and best use and market based data. Appraisals are reviewed independently to address bias.

- Relocation is specified in the manual to not be discriminatory. Cases are reviewed by a Supervisor, Manager and Director. Relocation determinations have a right to appeal. Negotiations are appealed through courts to ensure fairness.
 - Acquisitions are based on market value from approved and independently reviewed appraisals. Cases must be conducted with bona fide negotiations, which preclude discrimination. Cases are reviewed by a Supervisor, Manager and Director.
 - Overall, the process is defined in the manual. All cases are submitted for approval through several layers of management (Realty Specialists, supervisors, director) to ensure fairness and prevent discrimination.
- ROW brochures have anti-discriminatory language. They are sent to owners and tenants in advance of relocation assistance meetings.
 - The Division staff serve as subject matter experts on Right of Way related matters at Public Information Centers to ensure meaningful access to services. On rare occasions, the Department may be asked to provide services originating with other units. Beyond providing notifications to persons who are directly impacted by a project, or answering questions forwarded by other units or from website inquiries, the Division does not typically participate in advisory groups.
 - ROW ensures that comparable sales and rental properties are not discriminatory by identifying all comparable sales used in the appraisal report with pictures and descriptions. The appraisals are then reviewed by an independent professional licensed appraiser to assure that they are market based, not biased (not discriminatory) and comparable in accordance with USPAP requirements.
 - The Division ensures that every effort is made to negotiate for required property before filing for condemnation by first conducting bona fide negotiations. Any case submitted for condemnation is reviewed by a supervisor and the Director to ensure bona fide negotiations and then reviewed by the DAG before being filed.
 - Relocation advisory assistance is provided equitably and without discrimination to displaced individuals by ensuring that all relocation valuations are based upon market derived data and transactions. These transactions do not specify any characteristics of the

buyers or sellers and the data used is not based on gender, race, etc. Typically three comparable dwellings are used to provide valuation and to present to the owner/tenant as potential rentals or replacement housing. The cases are prepared by a Realty Specialist 2 and reviewed for fairness by Realty Specialist 3 (supervisor), Realty Specialist 4 (team leader), District Program Manager and Director who all sign off. Discrimination is prohibited by the manual. Metrics used for fairness include going to the open market to select comparable sales and reviewing relocation services from multiple providers. There are a series of accountabilities for the appraiser. Data is market driven and not based on race.

- ROW ensures rental amounts are equitable by basing them on appraised values for long term leases and approved by the State Housing Commission. For temporary short term holdovers of acquisitions, rent is based on the original rent and market information.
- The division makes sure that the procurement of bids provides equal opportunity by selecting them from the approved list. This is done based upon the geographic area and level of competency to handle an assignment. Where bids are solicited they are selected based upon qualifications needed for that assignment or lowest price, depending on the service required.
- According to the ROW Director's Office, there is no deviation in methods used to acquire real property in minority communities, such as price, selection, and negotiations. Besides active managerial supervision, all properties are appraised by a licensed appraiser and then reviewed by a licensed appraiser. The owners receive a copy of those reports. All reports are market based. All negotiations must be bona fide negotiations. The outcome of a case is reviewed by management to ensure fair treatment.

Public Involvement/Limited English Proficiency 'LEP':

- ROW ensures that all ROW activities are conducted in a non-discriminatory manner by reviewing and approving all spending activity. Appraisals are reviewed by independent licensed appraisers. The approval system is set up to ensure that there is no fraud or discriminatory activity. Relocation services are based upon market studies where individual comparable sales are used and shared with the relocatee to provide support for relocation. All settlements are justified to and approved by management. If an owner is aggrieved, they are entitled to appeal relocation decisions and to have the courts hear the case in condemnation to ensure bona fide negotiations.
- Site Survey interviews are conducted with each business, individual or family to determine relocation needs. Negotiations are conducted in person whenever possible. ROW attends public information centers (PICS) based upon right of way being acquired. A PIC normally occurs before site surveys. The site survey process is applied to each impacted parcel to determine if a relocation is needed and what the individual needs of each relocatee are, including special needs for disabled persons or persons with specific family needs.

- BLAES staff identify minority, low income and LEP populations during the environmental review process for every project using EPA's EJ Screening Tool. Results are used to determine compliance with Title VI and are provided to the Project Manager for use in appropriate outreach. Community outreach is not a function of BLAES.
- ROW provides any person with questions pamphlets regarding their rights as a property owner, what they can expect, etc. ROW and the PIC host will note any specific concerns to address ROW specific needs. SME ROW staff will actively engage with people referred by others at the PIC.
- Limited English Proficient or low literacy persons are made aware that they can receive translation services at no cost to them. Division staff submit a request for a translator if the person requires one and also if the staff believes that the person cannot understand the process on their own. The Site Survey notes any specific needs, if those are not already known through the PIC or other means. The Division of ROW works with the Division of Civil Rights for translation services when needed, also with Wanda Ortiz, Deputy Attorney General, on getting technical or legal translations. The Site Survey addresses if LEP services are needed.
- ROW has provided documents to property owners in Spanish. At present, they have not been asked to provide translation document services in other languages. If requested, ROW would rely on Civil Rights to obtain help from the Department's Linguistics Pool.
- Requests for interpreters and translators are not made often. However, they are provided if requested or if the Division staff member feels they need more technical help. During the initial contact for relocation survey, if not found earlier from the PIC, ROW becomes aware of special needs or translation requests. When needed, the Division has obtained translations of the documents and has secured an interpreter to help with negotiations.
- Community issues are addressed during the NEPA planning phase and during public outreach where a Division person can explain the right of way process and identify specific relevant concerns. The Division will take into account any issues raised where additional actions will help community members. The Division is not tasked with conducting public outreach, but does respond to any issues brought up from any source. All issues raised at PICs, outside of how to acquire ROW, are given to the Project Manager for resolution.

American's with Disabilities Act 'ADA':

- The process for addressing ADA impacts on ROW projects is initiated during the design phase. Site Surveys are tailored to document individual needs. If a person with a disability is relocated, the Division will add funds necessary through last resort housing to accommodate a disability or special need within the regulatory limits.

Contracting Consultants:

- ROW has separate agreements that are approved by a mini accounting unit and are not processed through the CSC.
- ROW Technical Support has reached out to the appraisal industry to secure the services of minority and female appraisers, to no avail. The Appraisal Board could not provide information about the gender or minority status to allow for targeted invitations. ROW is working to have a mass outreach to alert appraisers of their appraisers' list.
- ROW contracts contain language based on regulations, indicating that the consultant may not discriminate. Although ROW does not allow subcontracting, they do have standard Department language about sub consultants.
- These are a list of individual appraisers from whom ROW procured services during FFY2016:

Branco, Scott

Brodowski, Pamela J.

Cann, James

Chiappetta, Lana

Conover, Patrick K.

Davey, Michael

Gagliano, Robert

Graziano, Anthony S.

Hanrahan II, Daniel

Horner, David

Karali, Steven

Karavolos, Mark

Longo, Bonnie

McHale, Jerome

Musnuff, John J.

Pennoni Associates

Polton, Richard
Rodriguez, Thomas
Ricigliano, Jay R.
Schommer, Richard
Shaiman, Andrew
Sheldon, Richard
Sholk, Bettina
Walsh, Robert

- ROW solicits and awards consultant contracts by selecting the best qualified individual provider from the approved list based on complexity of the proposed assignment. Where there is a tie in qualifications, DBE status is considered.
- Appropriate DOT standard agreement language that goes through the CSC is incorporated into the contract agreements.
- Contracts are given to a single individual to do the work. Their work is reviewed to see that it meets all standards, including that the work is not discriminatory.

Staff Competencies:

- ROW staff have not recently been trained on Title VI/ADA, Limited English Proficiency and Environmental Justice.
- ROW staff utilize geographic information system (GIS) to identify the poverty threshold used in calculating relocation benefits.
- There are some bilingual staff, but where they are not able to communicate the more technical issues due to limited proficiency in the second language, ROW relies on the Department to provide translators.
- ROW has dealt with many groups over the years. Most of the staff have well over 10 years of service. Staff have not had specific training recently in working with disabled and disadvantaged populations. Additional training would be useful.

V. ONSITE/TELEPHONE INTERVIEWS

The On-Site/Telephone Interview Phases of the Review consisted of personal meetings and telephone discussions with ROW staff. Title VI staff met with Victor Akpu, David Kook, Donna Gatens, and John Miksits, along with Joseph Sweger of BLAES. The purpose for conducting these interviews was to determine if ROW and Access Management is in compliance with Federal nondiscrimination laws and regulations in the implementation of its programs.

Interviews with ROW personnel revealed that Title VI/Nondiscrimination is not specifically considered or directly addressed when ROW staff interact with the public. ROW staff need current Title VI training to ensure they know their responsibilities under Title VI.

ROW staff provided an organization chart of the Director's Office and seven (7) programmatic documents to demonstrate how the Division incorporates consideration for Title VI regulations when executing the functions of ROW and Access Management.

- The **organization chart** shows that Director's Office has a staff of eight: Director, Secretarial Assistant II, Administrative Assistant 2, Executive Manager-Major Access Permits, Manager 2-Technical Support, Manager of the Northern District, Manager of the Southern District, and Manager of the Closing Unit.
- **Appraisal Order Contract (appendix A & B)**
 - This is a binding contract signed by the appraiser and the Director of ROW. Along with several clauses, including ethical conduct and contract performance provisions, it has Non-Discrimination provisions on page 1 and on page 3 (appendix B).
- **Site Surveys (2)**
 - Residential Site Survey- This form outlines owner contact and project information. Page 3, section F, G, and H. provides an opportunity to address Title VI/Nondiscrimination concerns such as health problems, preferences and needs, and special community facility needs.
 - Business Site Survey- This form outlines owner contact and project information. Page 1, section B provides an opportunity to address Title VI/Nondiscrimination concerns in the 'nature of operations', 'special purpose requirements' and 'transportation requirements'.
- **Owner Notification Letter**
 - This letter notifies the owner of plans to acquire property for transportation improvement, along with the acquisition process. There is no information regarding the public's rights under Title VI/Nondiscrimination.

- **The Relocation Assistance Program, Your Rights and Benefits, If you Must Move (2)**
 - Residential Occupants- This brochure contains a clause for Fair Housing, the Americans with Disabilities Act, and other relevant regulations:

“NJDOT accommodates disabled persons and may not discriminate against such individuals when providing services, programs, activities or employment.

Federal and State laws provide that replacement housing must be open to all persons regardless of race, color, religion, sex, handicap or national origin. More information regarding fair housing is available from your Right of Way Realty Specialist.

The rules and regulations pertaining to the NJDOT’s Relocation Assistance Program are filed under Title 16 of the New Jersey Administrative Code with the Division of Administrative Procedures, Department of State, State House, Trenton, NJ 08625. Copies of the regulations are available at the State Library.”

- Businesses, Farms and Non-profit Organizations- Business Re-establishment Expenses are described in the following clause:

In addition to payments available under the actual moving cost method described here: a small business (a business with 500 or fewer employees working at the acquired site) may be eligible for actual expenses of \$25,000 or less for costs incurred to relocate and re-establish such business, farm or nonprofit organization at a replacement site.

Eligible expenses include but are not limited to:

1. *Repairs or improvements to the replacement real property as required by Federal, State or local code.*
2. *Modifications to the replacement property to accommodate the operation or to make the replacement structures suitable for conducting the business. (ADA Accessible)*
3. *Construction and installation costs for exterior signing to advertise the business on the replacement site,*
4. *Redecoration or replacement such as painting, wallpapering, paneling, and carpeting when required by the condition of the replacement site.*
5. *Advertisement of the replacement location.*
6. *Estimated increased costs of operation during the first two years at the replacement site.*

Additional items may be eligible under this provision. The NJDOT Specialist will assist you in understanding such eligible expenses.

VI. OPPORTUNITIES FOR IMPROVEMENT and RECOMMENDED ACTION

Based upon documents reviewed and interviews performed, these are the recommended actions:

1. ROW’s vital documents are not available in other languages. The desk audit revealed that some

public materials such as the Appraisal Order Contract and relocation assistance documents incorporate nondiscrimination language. However, these documents, along with all the division's vital documents that are provided to the public have not been translated into Spanish.

Recommendation: It is recommended that ROW's vital documents (Owner Notification Letter, Site Surveys and Relocation Assistance brochures, etc.) be posted on NJDOT's Internet which has Google translate capabilities. These documents will be available to the public in any language they choose. Staff is to provide hard copies of documents to the public, upon request.

2. There is no process in place to recruit minority and female appraisers. ROW Technical Support has made attempts to reach out to the Appraisal Board to secure the services of minority and female appraisers, to no avail. The Appraisal Board could not provide information about the gender or minority status to allow for targeted invitations. ROW is working to have a mass outreach to alert DBE qualified appraisers of their appraisers' list.

Recommendation: It is recommended that ROW work directly with the Division of Civil Rights and Affirmative Action's DBE/ESBE/SBE Certification Unit to develop recruitment material for minority and female appraisers (e.g. brochures, newspaper ads, direct mailing, etc.). The unit may also be able to identify support services to help such firms obtain requisite DBE or SBE certification. Appraisers with the appropriate certification can be added to the relevant directories used by the Department to locate DBE and SBE firms. For Federally-funded projects, ROW staff can perform searches for DBE appraisal firms in the New Jersey Unified Certification Program (UCP) Directory (<https://njucp.dbesystem.com/>) by using key words such as "appraiser" or by searching applicable North American Industry Classification System (NAICS) codes, such as code 531320 for "appraiser". For State-funded projects, SBE certified appraisers may be sought in the NJ SAVI Directory (https://www20.state.nj.us/GYTR_SAVI/vendorSearch.jsp) once appraisal firms are certified and added to that directory.

Recommendation: ROW must develop procedures for tracking/verifying minority and female appraiser's contract awards.

3. There is no system in place to track number of race and gender of property owners impacted by the eminent domain process.

Recommendation: ROW must develop a tracking system to record race/gender of owners at closing.

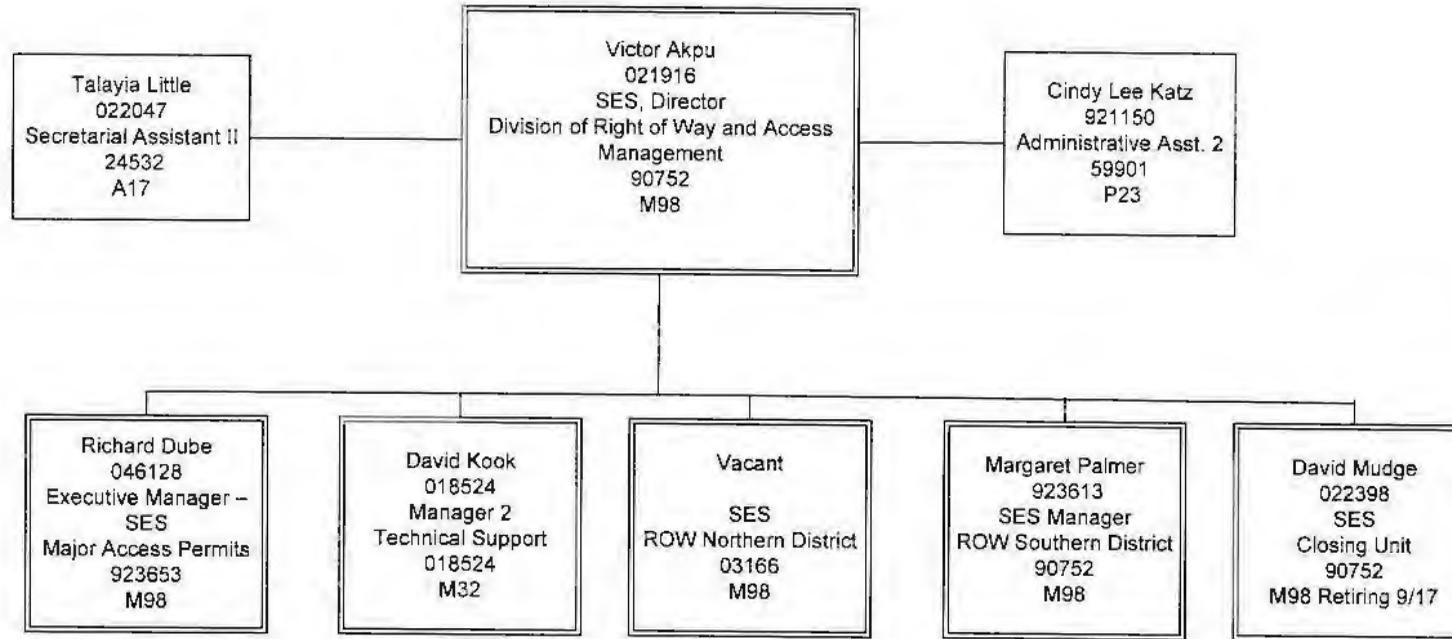
4. Staff have not been recently trained on Title VI, EJ, ADA and LEP.

Recommendation: ROW must coordinate with the DCR/AA Title VI Unit to ensure that ROW staff receive training on Title VI/Nondiscrimination programs in order to understand the public's rights and their own responsibilities to the public under Title VI.

VII. MONITORING OF PROGRESS-Division of Civil Rights/Affirmative Action

The DCR/AA has primary responsibility for providing leadership, direction and policy to ensure NJDOT's overall compliance with Title VI of the Civil Rights Act and other federal law requirements. It also oversees and monitors the corrective actions taken by Right of Way and Access Management to address deficiencies identified and to implement the Corrective Recommended Actions cited in this review. ROW will take necessary corrective action to address the deficiencies documented in this report and provide a specific timetable for the implementation of all tasks necessary to achieve full compliance with Title VI/Nondiscrimination in its programs by November 30, 2017. ROW will submit a quarterly progress report to CR/AA by the end of each quarter stating progress made.

ATTACHMENTS



DIVISION OF RIGHT OF WAY AND ACCESS MANAGEMENT

NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF RIGHT OF WAY AND ACCESS MANAGEMENT

APPRAISAL ORDER

Appraisal
Order No.

Job No.

Federal Aid
Project No.

Date:

Route

Section

FMIS:

County:

Appraiser:

Dear _____

You are authorized to perform an appraisal on the parcel(s) listed below. You may begin immediately upon your written acceptance of the terms hereinafter specified. Your report(s) must be completed by the due date specified below unless extensions are granted for acceptable delays and delivered to _____

This document is a binding contract. Please review all of the provisions including Appendix "A", "B" and "C".

Ethical Conduct: You agree to perform this assignment in a complete and ethical manner in conformance with applicable laws and regulations. Your report(s) must adhere to the Uniform Standards of Professional Appraisal Practice (USPAP).

Contract Performance provisions: *Time is of the essence in the performance of this contract. In accepting this contract you agree to provide your report(s) by the due date. Failure to provide a report by the agreed upon due date without prior approval for the delay may result in the cancellation of this contract without compensation as liquidated damages. Repeated occurrences of lateness can result in your removal from the approved appraiser list.*

Non-Discrimination provision: Discrimination is illegal under both State and Federal laws. You agree that you will not engage in discrimination in the performance of this contract. Violation may result in NJDOT applied penalties up to cancellation of this contract and may subject you to additional penalties under the applicable laws and regulations.

Specialist Reports: You agree to carefully consider specialist reports provided by the State. You must determine the reasonableness of a specialist report before incorporating it by reference into your report. A cost to cure can **only** be used if the cost of the cure is less than the damages that would result if the cure is not implemented.

Additional Services: You agree to attend prehearing conferences, provide condemnation testimony as an expert witness and to provide related services at the following agreed upon per diem rates. Fees for prehearing conferences, additional services (research, appraisal consultation, special preparation, etc.) requested by ROW or the DAG are billable at the rate of \$ _____ per full day and \$ _____ per half day with the concurrence of the ROW appraisal office. Testimony fees are set at \$ _____ per full day and \$ _____ per half day. All additional fees are to reflect actual and necessary work and require the prior approval of ROW or the DAG.

IF A NON REAL ESTATE SPECIALIST'S REPORT IS REQUIRED FOR THIS ASSIGNMENT, A MEETING IS MANDATORY WITH THE SPECIALIST. THE MEETING DATE AND PLACE IS TO BE ENTERED INTO THE BODY OF THE APPRAISAL.

NOTE: Use of Short Form or Detailed Land Only (on improved properties) assumes no significant damages. If you determine otherwise during your analysis you must discuss your concerns with ROW before submitting a report.

PARCEL NO.	OWNER'S NAME / ASSIGNMENT REQUIREMENTS	FEE	DUE DATE

Ordered by _____

APPROVED BY:

Date: _____

James Carr
Real Estate Appraiser 3

Date: _____

Victor Akpu
Director, Right of Way and Access Management

ACCEPTED BY: _____

DATE: _____

This contract VOID if not accepted, signed and returned within seven days of receipt.

Discrimination Pg 1 + 3

APPENDIX "A"

- 1) **Fees:** The fees specified include preparation, analysis, office supplies, mailing expenses, travel, consultations with NJDOT representatives and any required supplemental explanatory addenda. You agree to appear at pre hearing conferences and to testify in Condemnation proceedings at the agreed to per diem rates. All per diem fees must be reasonable and have the prior approval of ROW or the assigned DAG.
- 2) **Report Documentation & Format:** Unless otherwise specified, your report will be prepared in accordance with the Appraisal Standards of the NJDOT Appraisal Manual. Your report must conform to USPAP.
- 3) **Report Submission:** You are to submit an initial PDF version of your report (via email or upload) in accordance with the instructions on the front page of the contract. Following completion of any revisions or corrections, you are to submit a final PDF version of your report (if changes were made), and also to provide the number of complete paper versions of your report shown on the front of the contract. Your reports are to utilize the correct Date of Valuation.
- 4) **Data to be furnished by the State**
 - Individual Parcel Map
 - Interpretation of State laws, rules and regulations affecting the appraisal.
 - Statement of items generally considered as non-compensable (Appraisal manual and consultations)
 - Statement relative to treatment of benefits.
 - Available information on proposed construction.
- 5) **Parcel Cancellations, Revisions:** Design changes may require the cancellation or revision of parcels in this contract. Reports delivered and accepted prior to receiving a written cancellation notice shall be paid for in full and retained by the NJDOT. Payment for reports undelivered by the cancellation notice shall be negotiated based on the amount of work actually completed, with the work product remaining the property of the NJDOT.
In instances of minor revisions, you agree to revise the reports or to provide supplemental addenda addressing the revisions without additional charge. In instances of major revisions you agree to provide a revised report for which a supplemental contract will be prepared.
- 6) **Disputes:** Any disputes concerning a question of fact in connection with the work performed will be submitted in writing to the Director, Right of Way Division and Access Management, Transportation for a determination.
- 7) **Contract solicitation; Conformance with Law; Indemnity:**
 - a) You warrant, covenant and agree that you have not and will not employ, pay, reward or retain any person other than a bonafide employee working solely for you to solicit or secure this contract and that you have not or will not pay or agree to pay any company or person, other than a bonafide employee working solely for you, any fee, percentage, gifts or any other consideration contingent upon or resulting from the award or making of this contract. If you violate this warranty, the State shall have the right to terminate this contract without payment or other liability.
 - b) You further warrant, covenant and agree that you are familiar with and will at all times observe and comply with all Federal, State, and Local laws, ordinances and regulations, including those rules and policies of the NJDOT which implement the Equal Employment Opportunity Program.
 - c) You agree by the acceptance of this contract to defend, indemnify and save harmless the NJDOT from all claims by others resulting from your failure or that of your agents or employees to exercise good faith and such standard of care as is customary in the profession in which you are engaged.
- 8) **Prohibitions: Subcontracting; Conflict of Interest**
 - a) You accept this contract with the express understanding that you are prohibited from subcontracting out any of the work to be performed unless you are specifically authorized to do so. For breach of this covenant the State will have the right to terminate this contract without payment or other liability.
 - b) You warrant and covenant not to employ, hire or engage the services of any individual or firm presently employed or utilized by the NJDOT in connection with the preparation of appraisals, reports or any other phase of right of way acquisition regardless of whether such employment is by salary, fee or contract. Breach of this covenant will result in termination of this contract without payment or other liability.
- 9) **Valuation Issues:** You specifically acknowledge your responsibility to bring any valuation issues or questions to the attention of the NJDOT as soon as they arise to insure timely delivery and a quality report.
- 10) **Additional Provisions:** You specifically agree to be bound by the following provisions
 - a) Title 49, Code of Federal Regulations as detailed on the attached sheet (Appendix "B").
 - b) NJDOT Code of Ethics for Vendors as detailed on the attached sheet (Appendix "C").
 - c) If you are permitted to subcontract this assignment, a copy of Pages 2 & 3 must be part of any subcontract.
- 11) **Contract Definitions:**

Before and After (B & A): An analysis of the property in the before condition and a separate independent analysis of the property in the after condition as if this condition was a different property.

Condemnation proceedings: Commission Hearings and Trials. Expert witness testimony helps to value acquisition.

Date of Valuation: Normally the date of property inspection or for Condemnation, the Date of Complaint.

Discrimination: Act of withholding a privilege or harassing a person because that person is different from you. N.J.S.A. 10:2-1 et. seq. covers discrimination by all holders of State contracts (you) and N.J.S.A. 10:5-3 et. seq., known as the "Law Against Discrimination", covers all aspects of discrimination including employment.

Detailed Report: This type of report requires using ALL of the applicable methods of valuation. This report is normally a before and after format except for entire acquisitions. The Land Only version can only be used if no building damage is found by the appraiser and only site improvements to be acquired are shown in the before value.

Revisions: *Minor revisions* are modest map adjustments that cause only minimal change in value conclusions
Major revisions have the potential to impact on the utility of the property and require reanalysis of the valuation.

Short Form: Report that deals with properties that have minor acquisitions with minimal or no damages. Appraiser must note that in his opinion there are minimal or no damages in order to use this report format.

Specialist Report (NRE): Report that deals with a cure of damages to property or valuation of specialized items.

Update: Bringing an earlier valuation report up to the current date. Normally updates have minor or no revisions.

Notice: If subcontracting is permitted, you must attach a copy of this sheet to any contract associated with your assignment.

APPENDIX "B"

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

1. **Compliance with Regulations:** The contractor shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21 and 27 as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed during this contract, shall not discriminate on the grounds of race, color, sex, national origin or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "B" of those regulations.
3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiations 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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, national origin or disability.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to his/her books, records, accounts, other sources of information and facilities as may be determined by NJDOT or FHWA to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the NJDOT or FHWA as appropriate and shall set forth what efforts he/she has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the non discrimination provisions of this contract, NJDOT and FHWA shall impose such sanctions as are deemed to be appropriate, including but not limited to:
 - a. withholding of payments due under the contract until the contractor complies, and/or
 - b. cancellation, termination or suspension of the contract in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of Paragraphs 1 through 6 in every subcontract, including procurement of materials and lease of equipment, unless exempt by the Regulations or directives issue pursuant thereto, provided however, that in the event the contractor becomes involved, or is threatened with, litigation as a result of such direction, the contractor may request the NJDOT to enter such litigation to protect the interests of the State and in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

APPENDIX "C" NJDOT Code of Ethics for Vendors

You specifically agree to be bound by the NJDOT Code of Ethics for Vendors as set forth below: (Rev 2/02)

Introduction: The New Jersey Department of Transportation considers the maintenance of public trust and confidence essential to its proper functioning and accordingly has adopted this vendors' Code of Ethics. Vendors who do business with the NJDOT must avoid all situations where proprietary or financial interest, or the opportunity for financial gain, could lead to favored treatment for any organization or individual. Vendors must also avoid circumstances and conduct which may not constitute actual wrongdoing, or a conflict of interest, but might nevertheless appear questionable to the general public, thus compromising the integrity of the Department.

This code, originally adopted on December 16, 1987, is based upon the principles established in Executive Order 189 and laws governing the Executive Commission on Ethical Standards, N.J.S.A. 52:13D-12 et seq., which, while not strictly applicable to contractors, provides general guidance in this area. Also, this code has been established pursuant to the authority embodied in N.J.S.A. 27:1A et seq., and for good cause.

1. **No vendor* shall employ any NJDOT officer or employee in the business of the vendor or professional activity in which the vendor is involved with the Department officer or employee.**
2. **No vendor shall offer or provide any interest, financial or otherwise, direct or indirect, in the business of the vendor or professional activity in which the vendor is involved with the Department officer or employee.**
3. **No vendor shall cause or influence, or attempt to cause or influence any NJDOT officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of that NJDOT officer or employee.**
4. **No vendor shall cause or influence, or attempt to cause or influence any NJDOT officer or employee to use or attempt to use his or her official position to secure any unwarranted privileges or advantages for that vendor or for any other person.**
5. **No vendor shall offer any NJDOT officer or employee any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the recipient in the discharge of his or her official duties. In addition officers or employees of the NJDOT will not be permitted to accept breakfasts, lunches, dinners, alcoholic beverages, tickets to entertainment and/or sporting events or any other item which could be construed as having more than nominal value**

Note: This section would permit any NJDOT officer or employee to accept food or refreshments of relatively low monetary value provided during the course of a meeting, conference or other occasion where the employee is properly in attendance (for example – coffee, danish, tea or soda served during a conference break).

Acceptance of unsolicited advertising or promotional materials of nominal value (such as inexpensive pens, pencils or calendars) would also be permitted.

Any question as to what is or is not acceptable or what constitutes proper conduct for a Department officer or employee should be referred to the Department's Ethics Liaison Officer or his or her designee.

6. **This code is intended to augment, not to replace, existing administrative orders and the current Department Code of Ethics.**

*Vendor is defined as any general contractor, subcontractor, consultant, person, firm, corporation or organization engaging in or seeking to do business with the NJDOT.

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY DIVISION
RESIDENTIAL SITE SURVEY**

Block: 153 Lot: 11

ROUTE 206	SECTION 15	PARCEL 210	FEDERAL AID PROJECT CM-0206(313)
NAME OF PROPERTY OWNER Hada M. Rivera and Rigoberto Rivera (DECEASED)		HOME TEL. NO.	BUS. TEL. NO.
ADDRESS OF OWNER 386 TRIANGLE ROAD hillsborough NJ 08844			
NAME OF OCCUPANT Hada M. Rivera and Rigoberto Rivera (DECEASED)		HOME TEL. NO.	BUS. TEL. NO.
ADDRESS OF PROPERTY 386 TRIANGLE ROAD, Hillsborough, NJ 08844		SOCIAL SECURITY NUMBER OF HEAD OF HOUSEHOLD	
APARTMENT OR ROOM LOCATION/NUMBER			

PRESENT HOUSING INFORMATION

A. HOUSEHOLD COMPOSITION					REMARKS AND CURRENT MONTHLY INCOME
NAME	RELATIONSHIP	SEX	AGE	EMPLOYER SCHOOL	
1					
2					
3					
4					
5					
6					
7					
8					

B. TYPE OF OCCUPANCY

TYPE OF STRUCTURE _____ CONDITION _____ DATE OF OCCUPANCY 01/01/2001

TYPE OF HEAT: GAS ELECTRIC OIL OIL STORAGE TANK SURVEY ATTACHED _____

WATER SERVICE: PUBLIC PRIVATE WELL _____

ROOM COUNT FOR MOVING REIMBURSEMENT USE

- | | | |
|-----------------|--------------------|--------------------------|
| BASEMENT | DINING ROOM | GARAGE |
| CELLAR | KITCHEN | OUTBUILDINGS |
| RECREATION ROOM | LAUNDRY ROOM | FOYER |
| LIVING ROOM | ENCLOSED SUN PORCH | ALCOVES |
| LIBRARY | BEDROOMS | COMB., LIV. RM. DIN. RM. |
| STUDIO | ATTIC | COMB. KITCHEN-DINETTE |

TOTAL NO. OF COUNTED ROOMS _____ BASIC ALLOWANCE PER SCHEDULE \$ _____

Route: 206 Section: 15 Parcel:210 Occupant: Hada M. Rivera and Rigoberto Rivera (DECEASED)

OWNER OCCUPANT

PURCHASE DATE _____

MORTGAGE PAYMENT _____ MORTGAGE BALANCE _____

UTILITIES PAYMENTS _____ TAXES _____

TENANT

RENTAL AMOUNT & TERMS _____

LEASE YES NO UTILITIES PAYMENTS _____

C. FAMILY INCOME LAST YEAR

UNDER \$10,000 \$10,000-\$29,999 \$30,000-\$49,999 \$50,000-\$74,999 \$75,000-\$99,999

OVER \$100,000 REFUSED UNKNOWN

MEANS OF TRANSPORTATION TO EMPLOYMENT _____

IF UNEMPLOYED, WHAT IS INCOME SOURCE? _____

WHAT STEPS CURRENTLY UNDERWAY SEEKING EMPLOYMENT? _____

D. WELFARE (IF PRESENTLY ON WELFARE, ASCERTAIN THE LINES OF CONTACT SUCH AS AGENCY, CASE NUMBER, CASE WORKER, PHONE NUMBER OR ADDRESS, ETC.)

REPLACEMENT HOUSING REQUIREMENTS

E. EMPLOYMENT INFORMATION

	NO. 1 HOUSEHOLD HEAD	NO. 2	NO. 3
LOCATION			
DISTANCE			
WALK			

Route: 206 Section: 15 Parcel: 210 Occupant: Hada M. Rivera and Rigoberto Rivera (DECEASED)

PUBLIC TRANSIT		
CAR POOL		
OWN CAR		

F. ARE THERE ANY FAMILY HEALTH PROBLEMS OR SPECIAL SCHOOL NEEDS PERTINENT TO DISLOCATION?

SPECIFY: _____

G. PREFERENCES AND NEEDS

LOCATION DESIRED _____

WHAT TYPE OF HOUSING DESIRED _____

MONTHLY RENT/PURCHASE PRICE _____

H. SPECIAL COMMUNITY FACILITIES NEEDS

TRANSPORTATION _____

SCHOOLS _____

CHURCH _____

SHOPPING _____

OTHER _____

I. ANALYSIS AND RECOMMENDATION

PERSON INTERVIEWED Hada M. Rivera and Rigoberto Rivera DATE July 27, 2017
(DECEASED)

LANGUAGE PROBLEM _____

Route: 206 Section: 15 Parcel: 210 Occupant: Hada M. Rivera and Rigoberto Rivera (DECEASED)

IS PRESENT HOUSING DECENT, SAFE, SANITARY FOR UNIT CONCERNED _____

ROOM REQUIREMENTS AS PER STANDARD CODE: _____

FINANCIAL ABILITY FOR REPLACEMENT HOUSING

OWNER: VALUE OF PRESENT HOUSE _____

APPROXIMATE EQUITY _____

AVAILABLE FOR DOWN PAYMENT _____

WILL PAY MONTHLY _____

MAXIMUM ABILITY - REPLACEMENT HOUSING _____

TENANT: ELIGIBILITY FOR PUBLIC HOUSING _____

MAXIMUM ABILITY - RENTAL HOUSING _____

DOES TENANT HAVE ABILITY TO PURCHASE HOUSING _____

AVAILABLE FOR DOWN PAYMENT _____

WILL PAY MONTHLY _____

July 27, 2017
DATE

OCCUPANCY INTERVIEWER John Miksits Realty Specialist 4

RELOCATION ANALYSIS AND RECOMMENDATION _____

Block: 212 Lot: 3,4 Job Number: 0722521

Tenant

Owner

NEW JERSEY DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY DIVISION
BUSINESS SITE SURVEY

COMMERCIAL FARM NON-PROFIT VACANT LAND RESIDENTIAL

ROUTE: 46	SECTION: 12	PARCEL: UE98A,AE98B	FEDERAL AID PROJECT NHP-0046(330)
NAME OF PROPERTY OWNER: Willowbrook/General Growth		HOME TELEPHONE NO. 973-237-2502	BUS. TELEPHONE NO.
ADDRESS OF PROPERTY OWNER: 110 North Wacker Drive Chicago IL 60606-			
NAME OF OCCUPANT: Willowbrook/General Growth		HOME TELEPHONE NO. 973-237-2502	BUS. TELEPHONE NO.
SOCIAL SECURITY NO. OR FEDERAL IDENTIFICATION NO. OF RELOCATEE			
ADDRESS OF PROPERTY TO BE ACQUIRED: 1400 Willowbrook Mall, Wayne, NJ 07470			

A. VACANT LAND ONLY - SITE IMPROVEMENTS:

BILLBOARD FENCING SHED SEPTIC SYSTEM POOL OIL TANK WELL MISC

DESCRIPTION: Vacant Land

RELOCATION ANALYSIS AND RECOMMENDATION: No Relocation required.

John Miksits

B. BUSINESS PROPRIETORSHIP: SINGLE OWNER PARTNERSHIP CORP. NON-PROFIT

C. TYPE OF OCCUPANCY:

DATE OF OCCUPANCY: 01/01/2001	TYPE OF STRUCTURE:	SQUARE FOOT AREA:
----------------------------------	--------------------	-------------------

NATURE OF OPERATIONS

SPECIAL PURPOSE REQUIREMENTS:

NUMBER OF EMPLOYEES:

TRANSPORTATION REQUIREMENTS:

D. NATURE OF OCCUPANCY:

LEASING AND/OR RENTAL ARRANGEMENTS:

E. GEOGRAPHIC RELATION TO
MARKET:

SUPPLIER:

CLIENT GROUP (NON PROFIT):

F. REMARKS:

DATE: July 27, 2017

OCCUPANCY INTERVIEWER SIGNATURE

RELOCATION ANALYSIS AND RECOMMENDATION



State of New Jersey

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

CHRIS CHRISTIE
Governor

RICHARD T. HAMMER
Commissioner

KIM GUADAGNO
Lt. Governor

July 18, 2017

via USPS

Re: Route: 206 Section: 15
Parcel:
Owner:
Project No.: CM-0206(313)

Dear :

The Department of Transportation is planning to construct a transportation improvement which will require the purchase of your property or a portion of your property and/or easement(s) on your property in the Municipality of **Hillsborough Township**, County of **Somerset** as shown on the enclosed plan. Also enclosed is a copy of the parcel description.

Our property acquisition process includes: (1) a property valuation which we obtain from an appraisal report or an administrative determination of value, (2) an offer of the fair market value for your property and any improvements on it, and (3) personal negotiations. The process is more thoroughly explained in the enclosed brochure entitled "How Property is Purchased for Highway and Public Transit Projects."

As the first step in the process, either an appraisal report or an administrative determination of value will be prepared. Administrative determinations of value will only be prepared when the acquisition is of a minor nature. Appraisal reports will be prepared by persons who are licensed by the New Jersey Board of Real Estate Appraisers. The appraiser will provide you with an opportunity to accompany her/him during the inspection of the property. This will allow you to give the appraiser information that may be of assistance to the appraiser during the development of the appraisal report.

After the valuation process is completed, an acquisition agent will call you to schedule a convenient appointment with you to begin the negotiation process. At that time, the agent will give you (1) a written offer of the fair market value and (2) a copy of the appraisal or administrative determination of value upon which the offer is based. The agent will attempt to answer any questions that you may have, with the goal of reaching a mutually agreeable settlement.

We welcome any input which you might have regarding the valuation of the property or the impact that our acquisition will have on your remaining property. During the negotiation process the acquisition agent will explain any relocation benefits that may be applicable to your situation. The agent will also explain the process that will be followed if a mutually satisfactory agreement cannot be reached.

If a formal appraisal is required, the real estate appraiser should contact you within the next 30 days to arrange for a mutually acceptable time for the property inspection. If the property acquisition is of a minor nature, an agent will be contacting you soon to make an offer based upon an administrative determination of value.

If you have any questions, please feel free to contact me at 973-601-6747.

Very truly yours,

John Miksits
Realty Specialist 4, Transportation

Sent via Certified Mail #:

The Relocation Assistance Program

Your Rights And Benefits, If You Must Move For Residential Occupants



New Jersey Department of Transportation
Division of Right of Way and Access Management



New Jersey Department of Transportation
Right of Way and Access Management Division
1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625-0600

Phone: 609-630-2380
Fax: 609-630-2824

◆ Introduction

This pamphlet explains the rights and benefits provided to you by Federal and State law if you need to move because the New Jersey Department of Transportation purchases the property you occupy for public use. The pamphlet includes answers to the questions most commonly asked about relocation procedures.

The services and payments provided by the State's Relocation Assistance Program are:

- Assistance in finding a replacement dwelling
- Reimbursement of moving expenses
- Replacement housing supplements; mortgage interest rate differentials and closing costs to assist in the purchase of a new home
- Tenant rent supplements, which may be converted to a down payment to enable a tenant to become a homeowner.
- Last resort housing
- Related supporting services and assistance.

◆ Personalized Help

NJDOT provides relocation assistance to occupants of affected properties by assigning individuals specialists.

What shall I expect when an NJDOT Right of Way Realty Specialist contacts me?

When the NJDOT Right of Way Realty Specialist contacts you, s/he will explain the benefits and services that are available to you and will assist you to develop a personalized relocation plan. The specialist will assist you at every stage of your move and will remain in contact with you until you are successfully relocated.

How do I find a new dwelling location?

If you wish, the NJDOT Right of Way Realty Specialist will help you find a home. The specialist assigned will help you with lists of properties offered for sale or rent that are in suitable condition, price or rental range to fit your needs. Pending your relocation to replacement housing you may temporarily occupy the property through a lease arrangement after the State has acquired the property. You will also receive other information about transportation, typical real estate purchase prices and lease costs, public housing and services that other agencies in your area offer.

◆ Questions about Moving

When will I have to move?

You will receive a minimum of 90 days written notice before you are required to move. However, you cannot be required to move until 30 days after the Department has acquired the property. NJDOT does not require you to move unless at least one, and preferably three, comparable replacement dwellings have been made available to you. If construction schedules allow, NJDOT will extend the 30-day period.

What notices will I get about moving?

Through general public information releases and other similar notices, you will learn that the State will purchase the property you occupy to improve the State's transportation network. These notices also provide general information about relocation assistance. After the initiation of negotiations to purchase the property you occupy, a NJDOT Right of Way Realty Specialist will contact you.

Initiations of negotiations means the delivery of the initial written offer of just compensation to purchase the property. Eligibility for relocation assistance shall begin on the date of initiation of negotiations. As a residential occupant, you will also receive a list of comparable available replacement dwellings.

Will I receive moving expenses?

Most residential occupants and farms displaced by a transportation project will be eligible for payment of their actual, reasonable moving expenses.

Moving expenses include:

- Dismantling and disconnecting appliances and other personal property
- Packing and crating
- Loading and unloading
- Temporary storage (when necessary)
- Transporting such items and reinstalling them.

Moving costs do not include any additions, improvements, alterations or other physical changes in or to any structure concerning moving personal property.

Is there a distance limit on moving costs?

Moving payments cover distances of up to 50 miles.

What if I need to store my property?

In emergencies, a person may store personal property and the State will pay reasonable storage charges up to one year with advance NJDOT approval of the temporary storage.

Are there different types of moving payments?

Occupants of a dwelling unit may choose between a payment based on a room count schedule or actual cost plan. You may choose the method best for you. However, all relocation payments are reimbursements, so you must move before you can receive payment.

The up to date room count schedule is available from your relocation specialist.

Instead of the room count schedule, you may choose the actual cost method, that pays for actual, reasonable expenses of moving, including your family's transportation to the new home site.

The State will secure three moving cost estimates from professional licensed movers. You must prepare an inventory of all the personal property that you wish to move.

The NJDOT Right of Way Realty Specialist will give you a letter authorizing the move based on the lower of the three estimates. The specialist will also furnish any necessary forms and help you fill out your application for payment.

How do I claim payment for moving costs?

To receive payment after you have moved, simply submit the forms the specialist gave you that certifies you have relocated. When the specialist verifies your move, the State will process your claim.

Will I be compensated if I live in a mobile home?

An owner-occupant displaced from a mobile home or mobile home site is entitled to the moving costs of his or her mobile home on an actual cost basis. A non-occupant-owner of a rented mobile home is also eligible for actual moving cost reimbursement.

However, if the mobile home is not acquired, but the owner-occupant obtains a replacement housing, the owner is not eligible for reimbursement for moving the mobile home. A tenant-occupant of a mobile home is eligible for moving cost reimbursement on either payment basis.

◆ Housing Payments

What supplemental housing payments are available?

There are several kinds of supplemental housing payments for residential occupants if they buy or rent and occupy a decent, safe and sanitary (DS&S) replacement dwelling unit.

Be Careful!

Before you buy a replacement dwelling and to qualify for the supplement, be aware that the State must certify that the home you purchase an occupy is decent, safe and sanitary.

You should request an inspection by our specialist of any dwelling before you purchase it to be sure that it meets this requirement.

A decent, safe and sanitary dwelling is one that:

- conforms to local building, housing and occupancy codes
- is structurally sound,
- has an adequate and safe electrical service,
- has a heating system that can sustain a temperature of approximately 70 degrees,
- contains unobstructed exits to safe, open space at ground level. If the replacement dwelling unit is on the second story or higher it has access directly from or through a common corridor and the common corridor must have at least two different exits. For a disabled, displaced person the dwelling must have barrier free entrances and exits to fully accommodate that person,
- has enough rooms and living space needed to accommodate the displaced person. There must be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

In a residential dwelling, the kitchen area must have a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

What is an owner replacement housing supplement?

Owner-occupants of residential units, including mobile homes, may be eligible to receive a payment up to \$31,000 representing the difference (if any) between the price the State paid for their dwelling unit and the price of an available comparable replacement unit.

Who is eligible for an owner replacement housing payment?

Persons eligible for owner replacement housing payments

- have actually owned and occupied the displacement dwelling as their principal residence for not less than 90 days immediately before the initiation of negotiations, and
- will purchase and occupy a decent, safe and sanitary replacement dwelling within one year after the date the person receives final payment for the displacement dwelling, or if condemned, the date the full amount of just compensation is deposited into court, or the date a comparable replacement dwelling was made available, whichever is later. When possible three or more comparable replacement dwellings shall be made available.

Criteria for an available comparable replacement dwelling is:

- you are informed of its location, and
- you have sufficient time to negotiate and enter into a purchase agreement or lease of the property; and
- subject to reasonable safeguards, you are assured of receiving your entitlement (the relocation assistance and acquisition payment) in time to complete the purchase or lease of the property.

The one year period may be extended for good cause.

What is a comparable replacement dwelling?

The term comparable replacement dwelling means a dwelling that is:

- decent, safe and sanitary,
- functionally equivalent to the displacement dwelling. This means that it performs the same function, provides the same utility, and contributes to a comparable style of living,
- adequate in size to accommodate the occupants,
- located in a desirable area comparable to the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonable accessible to the person's employment,
- on a site that is typical in size for residential development with normal site improvements including standard landscaping. Special improvements such as swimming pools or greenhouses are not included,
- currently available to the displaced person on the private market. However a comparable replacement dwelling for a person receiving government housing assistance before displacement may mean similar government housing assistance
- within the financial means of the displaced person.

How will NJDOT establish the payment?

The State will conduct a study on the market price of DS&S dwellings functionally comparable to your own. If you receive a lower acquisition price than the price of other comparable houses sold, the State will offer the difference as a supplemental payment. The final payment depends on the actual cost of your replacement dwelling.

If you are eligible for a supplement, you will receive a written statement of this amount when negotiations are started. This amount will be included as a part of the purchase agreement.

What do I do about increased mortgage interest payments?

Residential owner-occupants for 180 days or more are eligible for compensation of increased mortgage interest costs and costs incidental to the purchase of their new dwelling. Our Right of Way Realty Specialist will explain these payments and will supply the required application forms and invoices.

What happens if I owned and occupied my home for 90 days but do not plan to buy again?

If you are displaced homeowner who qualifies for the replacement housing supplement previously described but do not plan to purchase another home, you may qualify for a rental supplemental payment of up to \$7,200.

What are owner rent supplements?

If you did not actually own or occupy your dwelling for at least 90 days but did own or occupy it as your principal home at the initiations of negotiations, you may be eligible for a supplemental payment of up to \$7,200.

What are tenant rent supplements?

Tenants who have occupied a property acquired by the state for at least 90 days prior to initiations of negotiations may be eligible for a rent supplement up to \$7,200 if the actual rent and utility cost for the property purchased by the state is less than the rent and utility cost necessary to lease a comparable replacement dwelling unit, which is decent, safe and sanitary.

Must I rent a comparable dwelling to qualify?

You are not required to rent replacement accommodations comparable to your previous home in order to qualify for this supplement. Comparability is simply the standard to determine the maximum amount of your property entitlement. However, your replacement dwelling must be decent, safe and sanitary. Our Right of Way Realty Specialist will explain the process, furnish you with the required forms and assist you with processing your applications.

When will NJDOT pay a claim for rent supplement?

A rental supplement can be paid after you

- move from your present quarters, and
- occupy decent, safe and sanitary housing

Normally, tenants may file a claim 18 months from the date of displacement. Owners may file a claim 18 months from the date of displacement or after the final payment for acquisition of the real property, whichever is later. This time restriction may be waived for good cause.

NOTE: Owners of mobile homes should check with their assigned Right of Way Realty Specialist for special provisions relating to such dwellings.

◆ Other Help Available

Down payment alternative

An eligible displaced tenant or an owner of at least 90 days, who purchases a replacement dwelling is entitled to down payment assistance identical to the rent of a comparable replacement dwelling. At the State's discretion, the payment may be increased to an amount not to exceed \$7,200. However, the payment to a displaced homeowner may not exceed the amount the owner would have received were s/he an occupant-owner of 90 days or more.

Last resort housing

Last resort housing payments may be provided when comparable replacement housing is not available within your financial means and the computed owner replacement housing payment exceeds the \$31,000 limitation or the computed tenant rent supplement exceeds the \$7,200 limitation.

Occupants at the initiation of negotiations who fail to meet the length of occupancy requirements are eligible for moving cost reimbursement and relocation advisory services; and, under certain circumstances, for a supplemental payment to secure comparable replacement housing within their financial means.

Your NJDOT Right of Way Realty Specialist will explain the specific details. Your specialist is regularly available for additional consultation throughout your move and maintain contact with many public agencies. Should you desire assistance in contacting any of these agencies, your specialist will assist you.

◆ How To Appeal

Can I appeal denials of requests for assistance?

You may file an appeal if you believe that NJDOT has failed to adequately consider your application for assistance.

Assistance may include, but is not limited to, your eligibility for the amount of a payment. You have a right to be represented by legal counsel, but solely at your expense. You are permitted to inspect and copy all materials pertinent to your appeal, except confidential, classified materials.

How is an appeal filed?

To appeal, write to the Right of Way District Program Manager. You must start the appeal within 90 days after you have received written notification of the State's determination of your claim. When a matter is not satisfactorily resolved by the District Program Manager, you can initiate an in-person review by sending a certified letter (state all the facts in your case and the reason you believe your claim should be paid) to the Director of Right of Way and Access Management, New Jersey Department of Transportation, PO Box 500, Trenton, NJ 08625-0500.

If you believe full relief has not been granted, you may appeal the matter to the State's Office of Administrative Law and ultimately the Appellate Court system.

Your Right of Way Realty Specialist can provide you with more information about the appeal process.

◆ Fair Housing, Americans with Disabilities Act and Regulations

NJDOT accommodates disabled persons and may not discriminate against such individuals when providing services, programs, activities or employment.

Federal and State laws provide that replacement housing must be open to all persons regardless of race, color, religion, sex, handicap or national origin. More information regarding fair housing is available from your Right of Way Realty Specialist.

The rules and regulations pertaining to the NJDOT's Relocation Assistance Program are filed under Title 16 of the New Jersey Administrative Code with the Division of Administrative Procedures, Department of State, State House, Trenton, NJ 08625. Copies of the regulations are available at the State Library.

◆ Additional Information

Additional information regarding the relocation process and your rights and benefits may be obtained from your assigned specialist. Additional sources of information include:

Federal Highway Administration-
http://www.fhwa.dot.gov/real_estate/publications/your_rights/sec00.cfm

New Jersey Department of Transportation-
<http://www.state.nj.us/transportation/business/row/>

The Relocation Assistance Program

Your Rights And Benefits, If You Must Move For Businesses, Farms, and Non-profit Organizations



New Jersey Department of Transportation
Division of Right of Way and Access Management



New Jersey Department of Transportation
Right of Way and Access Management Division
1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625-0600

Phone: 609-530-2380
Fax: 609-530-2624

◆ Introduction

This pamphlet explains the rights and benefits provided to you by Federal and State law if you need to move because the New Jersey Department of Transportation purchases for public use the property your business, farm or nonprofit organization occupies. The pamphlet includes answers to the questions most commonly asked about relocation procedures.

The services and payments provided by the State's Relocation Assistance Program are:

- Assistance in finding a replacement location
- Reimbursement of moving expenses
- Fixed payments to farms, businesses and nonprofit organizations in lieu of moving reimbursements
- Business re-establishment expenses
- Related supporting services and assistance

◆ Personalized Help

NJDOT provides relocation assistance to occupants of affected properties through relocation specialists.

What shall I expect when an NJDOT Right of Way Realty Specialist contacts me?

When the NJDOT Right of Way Realty Specialist contacts you, s/he will explain the benefits and services that are available to you and will assist you to develop a personalized relocation plan. The specialist will assist you at every stage of your move and will remain in contact with you until you are successfully relocated.

How do I find a new business location?

If you wish, the NJDOT Right of Way Realty Specialist will help you find a replacement property. The specialist assigned will help you with lists of properties offered for sale or rent that are in suitable condition, price or rental range to fit your needs. Pending your relocation to a replacement commercial site you may temporarily occupy the property through a lease arrangement after the State has acquired the property you occupy. You will also receive other information about transportation, typical real estate purchase prices and lease costs, and services that other agencies in your area offer.

◆ Questions about Moving

When will I have to move?

You will receive a minimum of 90 days written notice before you are required to move. However, you cannot be required to move until 30 days after the Department has acquired the property that you occupy. NJDOT does not require you to move unless at least one, and preferably three, comparable replacement commercial sites have been made available to you. If construction schedules allow, NJDOT will extend the 30 day period.

What notices will I get about moving?

Through general public information releases and other similar notices, you will learn that the State intends to purchase the property you occupy with your business to improve the state's transportation network. These notices also provide general information about relocation assistance. After the initiation of negotiations, a NJDOT Right of Way Realty Specialist will contact you.

Initiations of negotiations means the delivery of the initial written offer of just compensation to purchase the property. Eligibility for relocation assistance shall begin on the date of initiation of negotiations.

Will I receive moving expenses?

Most Farms, businesses and nonprofit organizations displaced by a transportation project will be eligible for payment of their actual, reasonable moving expenses.

Moving expenses include:

- Dismantling, disconnecting machinery and equipment
- Packing and crating
- Loading and unloading
- Insuring
- Temporary storage (when necessary)
- Transporting items
- Reinstalling items

• Modifying commercial personal property only for adaptation to the replacement structure

Moving costs do not include any additions, improvements, alterations or other physical changes in or to any structure concerning moving personal property.

Is there a distance limit on moving costs?

Moving payments cover distances of up to 50 miles.

What if I need to store my property?

In emergencies, a person may store personal property and the State will pay reasonable storage charges up to one year with advance NJDOT approval of the temporary storage.

Farms, businesses and nonprofit organizations are eligible for actual cost method

All Farms, businesses and nonprofit organizations (and similar moves) are only eligible for the actual cost method.

The actual cost method, pays for actual, reasonable expenses of moving, including your business's transportation to the new business site.

The State will secure three moving cost estimates from professional licensed movers. You must prepare an inventory of all the personal property that you wish to move.

The NJDOT agent will give you a letter authorizing the move based on the lower of the three estimates. S/he will also furnish any necessary forms and help you fill out your application for reimbursement.

All relocation payments are reimbursements, so you must move before you can receive payment.

How do I claim payment for moving costs?

To receive payment after you have moved, simply submit the forms provided to you that certify you have relocated. When the specialist verifies your move, the State will process your claim. A business, farm or non-profit operation may be authorized to perform the relocation of its own personal property under the following conditions:

1. The application to the NJDOT must be made in advance of the move and be approved by the Director of Right of Way and Access Management. The NJDOT Right of Way Realty Specialist will assist you in preparing the Self Move Application.

2. Three moving cost estimates shall be required prior to the application being approved. These will be obtained by the NJDOT from licensed movers; or prepared by qualified staff. When estimates cannot be obtained, the occupant may be paid actual, reasonable moving costs supported by receipted bills or other evidence of expenses incurred, at the discretion and approval of the District Program Manager. The amount to be paid for a self move shall not exceed the lower of the three estimates.

3. The self move option relieves the displaced business or farm operator from documenting all moving expenses. Payment may

be made without additional documentation as long as payment is limited to the amount shown on the approved and executed Self-Move Agreement. The NJDOT will require verification from the Right of Way Realty Specialist assigned that the relocation has been completed or if the payment is made in more than one payment that the conditions of the Self Move have been met to warrant payment.

4. Payment shall not be processed until a post-move inspection has been accomplished to verify that the occupant has satisfactorily accomplished the move and vacated the premises

◆ Fixed payment in lieu of moving cost reimbursement

An operator of a farm, business or non-profit organization may be eligible for either the actual cost of moving including expenses up to \$2,500 for finding a new site, or for a Fixed Payment, depending on the circumstances of the case.

The Fixed Payment may not be less than \$1,000 nor more than \$40,000 for farms, businesses and nonprofit organizations, farms or nonprofit organizations. This allowance is a payment (instead of actual cost of moving and re-establishment expenses) based on the average, net earnings of your farm or business for the two taxable years prior to your displacement.

To be eligible for a fixed payment option, all of the six following criteria must apply:

1. Your business may not relocate without a substantial loss of its existing clientele or reduction of net earnings.

2. Your business may not be part of a commercial enterprise with more than three other entities that are not being acquired; are engaged in the same or similar business; and are under the same ownership.

3. Your business may not be operated in a displacement dwelling solely so you can rent the dwelling to others.

4. Your business may not be operated at the displacement site solely so you can rent the site to others.

5. Your business contributed materially to your income for the two taxable years prior to its displacement.

6. Your business cannot continue to achieve equal economic success on the remaining portion of the property, should part of your property be taken.

◆ Business Re-establishment Expenses

In addition to payments available under the actual moving cost method described here: a small business (a business with 500 or fewer employees working at the acquired site) may be eligible for actual expenses of \$25,000 or less for costs incurred to relocate and re-establish such business, farm or nonprofit organization at a replacement site.

Eligible expenses include but are not limited to:

1. Repairs or improvements to the replacement real property as required by Federal, State or local code

2. Modifications to the replacement property to accommodate the operation or to make the replacement structures suitable for conducting the business.

3. Construction and installation costs for exterior signing to advertise the business on the replacement site.

4. Redecoration or replacement such as painting, wallpapering, paneling, and carpeting when required by the condition of the replacement site.

5. Advertisement of the replacement location.

6. Estimated increased costs of operation during the first two years at the replacement site.

Additional items maybe eligible under this provision. The NJDOT Specialist will assist you in understanding such eligible expenses.

Others forms of assistance

It is our intention to cooperate and assist businesses, farms and non-profit organizations in every way possible.

Your NJDOT Right of Way Realty Specialist will explain and help you to secure your benefits, will assist you to develop a personalized relocation plan and will assist you to locate a new business suitable to your needs.

◆ How To Appeal

Can I appeal denials of requests for assistance?

You may file an appeal in any case if you believe that NJDOT has failed to adequately consider your application for assistance.

Assistance may include, but is not limited to, your eligibility for the amount of a payment. You have a right to be represented by legal counsel, but solely at your expense. You are permitted to inspect and copy all materials pertinent to your appeal, except confidential, classified materials.

How is an appeal filed?

To appeal, write to the Right of Way District Program Manager. You must start the appeal within 90 days after you have received written notification of NJDOT's determination on your claim. When a matter is not satisfactorily resolved by the District Program Manager, you can initiate an in-person review by sending a certified letter (state all the facts in your case and the reason you believe your claim should be reconsidered) to the **Director of Right of Way and Access Management, New Jersey Department of Transportation, PO Box 600, Trenton, NJ 08625-0600.**

If you believe full relief has not been granted, you may appeal the matter to the State's Office of Administrative Law and ultimately the Appellate Court system.

◆ Additional Information

Additional information regarding the relocation process and your rights and benefits may be obtained from your assigned specialist. Additional sources of information include:

Federal Highway Administration
http://www.fhwa.dot.gov/real_estate/publications/your_rights/sec00.cfm

New Jersey Department of Transportation
<http://www.state.nj.us/transportation/business/row/>

NEW JERSEY DEPARTMENT OF TRANSPORTATION

Division of Civil Rights & Affirmative Action

MEMORANDUM

TO: Scott Stephens, Director
Community & Constituent Relations

FROM: Linda Legge, Executive Director 
Civil Rights and Affirmative Action

SUBJECT: In Depth Programmatic Title VI Review – Division of Community and
Constituent Relations

DATE: September 25, 2017

Please find attached for your review and action, the Division of Civil Rights/Affirmative In-depth Title VI Review conducted on the Division of Community and Constituent Relations. This review was conducted by Tony Davis and Shivani Patel of our Title VI and ADA Unit.

The attached report contains observations, deficiencies, recommendations for corrective action and reporting requirements.

Should you have questions or concerns regarding this report, please contact Tony Davis at 5-2893 or Shivani Patel, at 5-2336 respectively.

Attachment

C: Joe Bertoni, Deputy Commr.
Matthew McDermott, Asst. Comr.
A. Davis
C. Section
S. Patel

**New Jersey Department of Transportation
Division of Civil Rights/Affirmative Action**

**Title VI Nondiscrimination Programmatic Compliance Review
Division of Community and Constituent Relations**

By: Anthony M. Davis
Shivani D. Patel

INTRODUCTION

The New Jersey Department of Transportation's (NJDOT) Division of Civil Rights and Affirmative Action (DCR/AA), Title VI and ADA Unit conducted a Title VI Nondiscrimination Programmatic Compliance Review on the Division of Community and Constituent Relations under Government and Community Relations. The review was conducted in accordance with the regulatory requirement of 23 CFR Part 200.9

JURISIDCTION AND AUTHORITIES

The New Jersey Department of Transportation's Title VI Unit is required by Federal Highway Administration (FHWA) to conduct Title VI compliance reviews. NJDOT is a recipient of FHWA funding assistance and is therefore subject to Title VI compliance conditions associated with the receipt and use of these funds pursuant to the following:

- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d)
- Civil Rights Restoration Act of 1987
- Executive Order No. 12989, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", February 11, 1994
- Executive Order No. 13166, "Improving Access to services for Persons with Limited English Proficiency", August 11, 2000
- 49 CFR Part 21: Nondiscrimination in Federally-Assisted Program of the Department of Transportation
- 23 CFR Part 200: Title VI Program and Related Statutes-Implementation and Review Procedures

PURPOSE AND OBJECTIVES

The NJDOT, Division of Civil Rights and Affirmative Action's (DCR/AA) Title VI Unit periodically conducts Title VI compliance reviews of NJDOT's Programmatic areas and sub-recipients to determine whether they are complying with the requirements of Title VI, 49 CFR Part 21 and 23 CFR Part 200. In adherence to the regulations and guidelines, NJDOT Title VI Unit determined that a Title VI review of the Division of Community and Constituent Relations was necessary.

The primary purpose of the Title VI Compliance Review was to determine the extent to which the Division of Community and Constituent Relations (DCCR) has met its reporting and program-specific requirements of incorporating and implementing Title VI Nondiscrimination, including Environmental Justice (EJ), and Limited English Proficiency (LEP) in its programs, activities and services. The compliance review was not an investigation to determine the merits of any specific discrimination complaint filed against NJDOT.

The objectives of the Title VI Programmatic Review were:

- To ensure that NJDOT Public Involvement and Community Relations process is delivered in an equitable manner without regard to race, color, or national origin;
- To ensure that the public, particularly minority, low-income and disabled groups have equal access to participate in public information centers, public hearings and stakeholders' meeting.
- To ensure that LEP and ADA are incorporated into notifications to the public (e.g. written notifications and verbal communications)
- To ensure that corrective and remedial action is taken by DCCR staff to prevent discriminatory treatment of any beneficiary based on race, color or national origin.

BACKGROUND AND INFORMATION - DIVISION OF COMMUNITY/ CONSTITUENT RELATIONS

The NJDOT's Division of Community and Constituent Relations is responsible for managing the department's public involvement process for all community related interactions with the public and to ensure full and fair participation by all potentially affected communities in the transportation decision-making process. This includes all areas of the department (e.g. Statewide Planning, Local-Aid, Multimodal, Capital Investment, Project Management, Operations, Transportation Systems Management, etc.).

The Division of Community and Constituent Relations consists of a Director, an Assistant Director and four Regional Managers, one Government Representative and 2 Administrative Assistant II's. The Regional Managers are assigned projects by geographic location and are the center of community involvement at the grass root level (See Attachment 1). The Area Coordinators are the keepers of records for all community involvement assignments from start to finish (e.g. Planning, Design, Construction and Operations) in their respective region (See Attachment 2).

REVIEW METHOD

There were two phases of the Title VI Programmatic Review: Desk Audit and On-Site. The Desk Audit phase consisted of DCCR responses to a questionnaire (See Attachment 3) prepared by DCR/AA Title VI Unit and processes that were in writing (e.g. policy and procedures) which allowed for a qualitative analysis of those practices. Further clarification of certain processes that were not in writing were obtained during the On-Site phase which specifically focused on any unwritten or lack of processes. The On-Site phase consisted of interviews conducted with personnel from DCCR. The purpose of the personnel interviews was to identify staff members from top Management down to the Public Involvement Practitioner in order to determine their knowledge of Title VI requirements and their roles in implementing a viable Title VI Nondiscrimination Program in the public involvement process.

DESK AUDIT –Questions and Responses- See Attached Questionnaire

The Audit phase primarily consisted of a review of DCCR's policies and procedures and responses to DCR/AA's questionnaire. The Desk Audit focused on several areas:

1. DCCR's Policies and Procedures
2. DCCR's Capital Funding, both State and Federal
3. DCCR's Data Collection of Title VI Information
4. General Public Involvement Process
5. Project Specific Public Involvement Process
6. DCCR's Procurement Process
7. Boards, Committees and Commissions (Represented by DCCR's Staff)
8. DCCR's Adequate Staffing and Staff's Title VI Knowledge Level.

A review of DCCR's policies and procedures revealed they were basically non-existent. The only policy document provided by DCCR was their Public Involvement Action Plan which explained their project-specific public involvement.

DCCR produced no documents to establish any Capital funding (Federal –FHWA or State-Transportation Trust Fund) to support NJDOT's public involvement efforts.

Several questions on the DCR/AA questionnaire asked for specific information regarding DCCR's data collection on constituents/citizens who are notified about NJDOT's projects, programs and activities. DCCR indicated that the information was on their S-drive under DCCR. Management indicated that the information was only collected on a project specific basis within 200 – 500 ft. of a proposed project study limit and that residents in the study area were notified of any public involvement for that particular project. However, no specific information was provided to indicate that minorities, low-income, LEP or EJ communities were included in aforementioned notifications.

DCCR was questioned regarding the selection of the locations for their public meetings as well as the selection of times for these meetings. They were also questioned on the ADA accessibility of facilities and whether the facilities were accessible by various modes of transportation (i.e. walking, biking, and public transportation). DCCR indicated that the public officials' meetings are held during normal working hours from 10 am to 4 pm and the public information centers, hearings and public meetings are held from 4 pm to 8 pm and are held at public facilities. However, there was no information provided regarding ADA accessibility or information regarding accessibility of the locations via various modes of transportation (i.e. walking, biking, and public transportation). Their assumption was that all public facilities are ADA accessible and close in proximity to transit locations. Upon review of DCCR's notice of public meetings on the website, we found that it provides no information on the locations' ADA accessibility or accessibility via various modes of transportation. There is also no information regarding special needs accommodations for individuals with hearing impairments or sight disabilities.

When asked whether public feedback suggestions from the public are taken into consideration when selecting project alternatives that mitigate the impact on the community, DCCR indicated

that they do take into consideration feedback from the community about project-preferred alternatives. However, there was no documentation provided to substantiate this practice.

In respect to constituents/citizens inability to attend a public meeting/hearing and the opportunities afforded to them to provide feedback or questions, DCCR indicated that notifications of meetings are posted on NJDOT's website and a contact person is listed on the notice. Individuals who are unable to attend may reach out to the contact person with their input and/or questions. In review of public notices posted on the NJDOT's website, it does provide information regarding a contact person for individuals who are unable to attend a meeting, however, there is no information for individuals with hearing impairments or sight disabilities to access project information (e.g. no TTY number, audio line for the blind, etc.)

In regards to their responsibility in ensuring individuals with LEP have access and information regarding NJDOT's programs, projects and activities, DCCR indicated that when needed, they provide information in languages other than English. They utilize NJDOT's Linguistic pool to be interpreters at public meetings. DCCR provided one example of a notice in Spanish; however, there appears to be no consistency in employing these tools to address LEP.

In response to questions on whether they maintain a database of constituent, advocacy, special interest, minority and other groups by region, county or project basis, DCCR indicated that they do not collect information on a regional or county basis. However, they do collect information on a project level. When questioned on how the list is developed, they responded by explaining that the information is obtained by the Consultant or Project Manager within a 200 to 500 ft. buffer around the proposed project area. They identify the individuals located in the proposed area through the municipal tax office and those individuals make-up their list. Additionally, landlords of rental property are included on the list.

Also, several questions were posed on whether they develop community constraint mapping to determine community boundaries, racial and ethnic make-up, income levels and locations of community facilities prior to public information centers and hearings. DCCR responded that instead of developing community constraint mapping, they rely on the DCCR Regional Managers to be familiar with the demographics of their respective areas.

DCCR responded to questions regarding project specific meetings and how frequently they are held. DCCR indicated that project meetings are held during each phase of project development Concept Design, Preliminary Engineering and Final Design. However, we were unable to substantiate this because there were no meeting matrix established for each phase of the project development process.

DCCR also addressed questions with respect to accommodations made for individuals requiring special needs to participate in any meeting, public information centers and hearings. Again, DCCR response was that they only hold meetings in ADA compliant buildings and that a phone number is provided on the notices sent out for anyone requiring special assistance. Review of several public notices of meetings demonstrated that they do list a contact number and person to call, however, there is no mention of anyone needing special accommodations to that particular number. Additionally, there is no TTY relay number on any of the public notices for the hearing impaired.

DCCR also responded to questions regarding their budget for public involvement translation of documents and interpretation services. Their response was that they utilize the NJDOT's Linguistic Pool.

Also, questions were posed to DCCR about distribution of informational brochures on other NJDOT Programs that constituents/citizens should be aware of regarding their rights. Their response was that they do provide information on other NJDOT programs and provided specific examples of brochures on Title VI, Logo, Access and Right of Way programs (See Attachment 4). However, this appears to be ad-hoc as there are no policies to indicate that this is a standard practice and required for all public meetings.

DCCR addressed questions about procurement activities for their division. They indicated that they do not utilize the services of consultants, contractors or vendors.

DCCR was asked about the Boards, committees and commissions that management or staff serve on, within and without the Department, to ensure that public involvement issues are adequately addressed. DCCR's response was that they do not serve on any Boards, committees or commissions.

Staffing questions were posed to DCCR regarding the competency of their staff on Title VI requirements, community planning, and community impact assessment. DCCR's response was that the only training their staff had in the competencies aforementioned was Title VI training. The staff had no background in any of the other competencies.

ON-SITE

The On-Site phase consisted of several meetings with upper level management, budget personnel and regional managers.

The purpose of the interviews with management and DCCR's budget personnel was to ascertain the Department's financial commitment towards public involvement. These interviews revealed that DCCR has no working knowledge of the cost to prepare and implement a Public Involvement Program for the overall Department or for individual projects. They rely solely on Project Management and Project Management's Consultant to determine the cost and scope of any Public Involvement Action Plan.

Interviews with management were used to ascertain whether we missed any policies and procedures requested during the Desk Audit phase of the review and to provide them with the opportunity to offer additional input or clarification to our findings and observations. Management provided no additional policies or procedures or any clarifications.

Ad-hoc discussions were held with two regional managers to ascertain any unwritten procedures being utilized that were not identified in their Performance Assessment Review (PAR) presented to us by management. Regional managers produced no additional information as it relates to the PARs.

OBSERVATIONS

Based upon the documents reviewed and the interviews performed, the following observations are provided:

Overall Policy and Procedures

- We requested procedures on conducting public hearings, procedures for public involvement, procedures for providing emergency notifications such as road closures, emergency repairs and procedures for other tasks dealing with the public. The only information provided to us was the Public Involvement Action Plan via a webpage link, which only pertains to Capital Project Management Process. DCCR did not provide us with any procedures for Public hearings or Emergency Notices to the public. Additionally, the Division of Community and Constituent Relations should have a Public Involvement Action Plan for every area of the department that interacts with the public, not just one for Capital Project Management. It appears that DCCR relies on the consultants to spearhead the Public Involvement Action Plan process with no oversight on DCCR's part. Additionally, during our meeting with representatives from DCCR, they were unable to explain the overall budget for public involvement for a specific project or a fiscal year and were unable to provide us with a list of constituent, minority, disabled and low-income groups that they engage, for any regional plan, study or project. DCCR should be the public involvement gate keeper from planning through construction and maintenance. There should be an overall Public Involvement Action Plan for each area of the department that interacts with the public.

Funding Sources

- Review of funding information revealed that a procedure needs to be developed in order to determine how much funding is being allocated to public involvement. During our interview with management and budget personnel, we were unable to determine the amount allocated to this effort. We suggested that DCCR meet with Project Management personnel to determine the funding sources for public involvement and provide us with this information. However, to date, we have yet to receive this information.

Data Collection

- Review of data collection efforts revealed that such efforts do not currently exist. A procedure needs to be developed to collect demographics on constituents/citizens who are notified regarding projects, programs and activities and those who participated in meetings and provided feedback to the Department.

Public Involvement - General

- This review revealed that DCCR does not maintain a statewide public involvement database for use on NJDOT programs, projects or activities. Management indicated that they only maintain project specific lists within project study areas. DCCR represents the face of NJDOT for all community outreach efforts and should not be limited to project specific lists or project study areas only. A statewide database should be maintained for their use with all of NJDOT programs, activities and public outreach efforts (e.g. Statewide Planning, Development of the TIP and STIP, Operations, Local-Aid, etc.).
- Review of LEP efforts during the public involvement process indicated limited initiatives to ensure individuals with LEP are included in the public involvement process. The DCR/AA Title VI Unit has developed a statewide language map that should be used for all public involvement outreach in order to inform the Public Involvement Action Plan (PIAP) and to document whether LEP efforts should or should not have been a part of the PIAP.
- During this review, we requested information on how DCCR identifies minority and disadvantaged populations with regard to outreach. They indicated that they rely on local officials to provide them with this information. We also requested data on minority organizations and community leaders with whom DCCR interacts. DCCR stated that they had not kept contact data on such organizations or community leaders given that the project Consultant or Project Manager identified these groups and invited them to attend the public information centers or meetings.
- Review of meeting location selection for ADA accessibility and accessibility via various modes of transportation revealed that DCCR only used public facilities to host their meetings. However, a public facility does not mean that ADA accessibility considerations and coordination for other modes of transportation are evaluated. DCCR provided no specific information as to how facility accessibility and options for modes of transportation to the facility, were taken into consideration when choosing facilities for public meetings. Additionally, a public facility location does not necessarily mean that buildings are ADA accessible. No floor plans or site layouts were provided to determine building access for ADA requirements, bus stop locations or access by other modes of transportation.
- Review of Notice of Public Meetings revealed that pertinent information to ensure that no person is denied participation was missing from the notice. The missing information included: NJDOT's Title VI Policy Statement, transit and bus routes to a meeting location, contact information for people who are unable to attend meetings, where that information can be found on NJDOT website, and information on special needs requirements.

Public Involvement – Project Specific

- A review of how DCCR collects and maintains project specific data (e.g. contact and resident lists, community demographics, etc.) revealed that this process is solely done by CPM's hired consultant. It is clear that DCCR abdicated its responsibility to CPM's consultant to develop and maintain project information. The collection of this information is used to develop the project specific Public Action Involvement Plan (PIAP) and should be the sole responsibility of DCCR. Even if it is prepared by the consultant, DCCR should be the final reviewer and approver of any project PIAP.
- Review of community constraint mapping (e.g. community boundaries, racial and ethnic make-up, income levels, property taxes, emergency services and community facilities, etc.) which informs the PIAP is also completed by CPM's consultant. These functions should be controlled by DCCR's Regional Managers.
- Review of DCCR's distribution of other NJDOT community programs at public meetings revealed that this is being done on an ad-hoc basis and it is not consistent at every project or public meeting.
- We were unable to ascertain whether feedback from the community was being considered in the selection of project alternatives. This process should be documented and maintained as a part of the project community file.

Procurement of Contracts

- DCCR does not directly procure the services of consultants, contractors or vendors.

Boards, Committees and Commissions

- Review of the boards, committees and commissions that DCCR staff serve on revealed that no management or subordinate staff serve on boards, committees or commissions, either internally or externally. We find this extremely unusual by virtue of their services. They should be serving on several boards and committees within NJDOT.

Staffing

- Review of the staffing level and the knowledge and expertise (e.g. urban planning, rural planning, GIS mapping, etc.) required to perform the functions of a good public involvement program reveal that DCCR is lacking in both staffing and expertise necessary to perform at an adequate level.

RECOMMENDATION/CORRECTIVE ACTION

Overall Policy and Procedures

- It is recommended that DCCR develop an overall Department Policy and Procedure for interacting with the public and develop an overall Department-wide PIAP.

Funding Sources

- The Division of Community and Constituent Relations must develop cost estimates associated with public involvement, dealing with general and project-specific expenditures. These cost estimates must be collected and maintained in the Division of Community and Constituent Relations.

Data Collection

- The Division must establish a policy and corresponding procedures for developing constituent lists for public involvement information centers, public meetings and hearings which contain demographics of the population.

Public Involvement - General

- DCCR should develop four constituent/citizen databases: one for State-wide public initiatives, one for Department-wide public initiatives, and one for regional or regional or corridor public initiatives; and one for local or project specific initiatives. Additionally, when developing these databases, DCCR must ensure that minority, women and disabled organizations are sought out and included in the database.
- The Division of Community and Constituent Relations should develop a process to inform the public about new projects and initiatives via the website in addition to information distribution at public information centers and meetings. The Division must utilize the list mentioned above to appropriately inform minority, low-income and disadvantaged populations.
- DCCR needs to develop a Division webpage.
- DCCR needs to develop capability or hire consultants under their control to do community constraint mapping to determine demographics and environmental justice communities statewide as well as regional programs and activities.

- DCCR needs to utilize NJDOT's statewide language map developed by DCR/AA Title VI Unit to determine LEP needs prior to developing the overall PIAP.
- DCCR staff should investigate transportation modes and routes and inspect location spaces before posting a notice. Each public meeting notice should include: bus stop locations for public transportation, a map and directions from major highway and transit stops.

Public Involvement – Project Specific

- DCCR needs to develop capability or hire consultants under their control to do community constraint mapping to determine demographics and environmental justice communities for each project.
- DCCR needs to utilize NJDOT's county language maps developed by DCR/AA Title VI Unit to determine LEP needs prior to developing the project specific PIAP's.
- DCCR should develop or hire a community relations consultant to develop a public information meeting matrix or flow chart for each project. It should consist of local officials' briefings, community meetings, steering committees, stakeholder meetings, agency coordinators' meetings and public information centers.
- DCCR must develop and maintain a database of contacts. The database should include information on what correspondence was sent to whom and on what dates.
- DCCR should prepare a meeting report following every interaction with stakeholders. This will help the Division and project managers track community needs and concerns.
- DCCR should be more proactive and directly engaged with the impacted population during project development in order to identify minorities and disadvantaged residents and be aware of any unique needs.
- The following information needs to be on every Public Meeting Notice:
 1. **Purpose:**
 2. **What:** Project Information
 3. **When:** Date and Time
 4. **Where:** Location

5. **Transit:** Bus & Rail
6. **Can't Make a Meeting?** Materials from this meeting will be made available on NJDOT's webpage within a week of the event.
7. **Do you need assistance to participate?** If you need special accommodations, please contact _____ at _____ or email address days in advance of the meeting. If you need language assistance services (translation or interpretation), please contact _____ at phone # or email ____ days in advance of the meeting. These services will be provided free of charge.
8. *It is NJDOT's policy 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.*

Procurement of Contracts

- DCCR should consider term agreements to hire a consultant to assist regional managers in developing a more viable Public Involvement Program

Boards, Committees and Commission

It is recommended that DCCR be represented on the following NJDOT Committees:

- Capital Program Screening Committee – as a non-voting member – They should be aware of projects considered for approval or disapproval, should the public have concerns of why a project did or did not advance.
- Capital Program Committee – as a non-voting member – They should be aware of all projects approved for advancement for public information purposes.
- Title VI Task Force Committee
- Municipal Aid Program Review Committee
- Bikeways Program Review Committee

- Safe Streets to Transit Review Committee
- Local Bridges Future Needs Review Committee
- Transit Village Review Committee
- Planning & Economic Development Committee
- Project Prioritization Committee
- Freight Initiatives Committee
- Regional Transportation Advisory Committee

Staffing

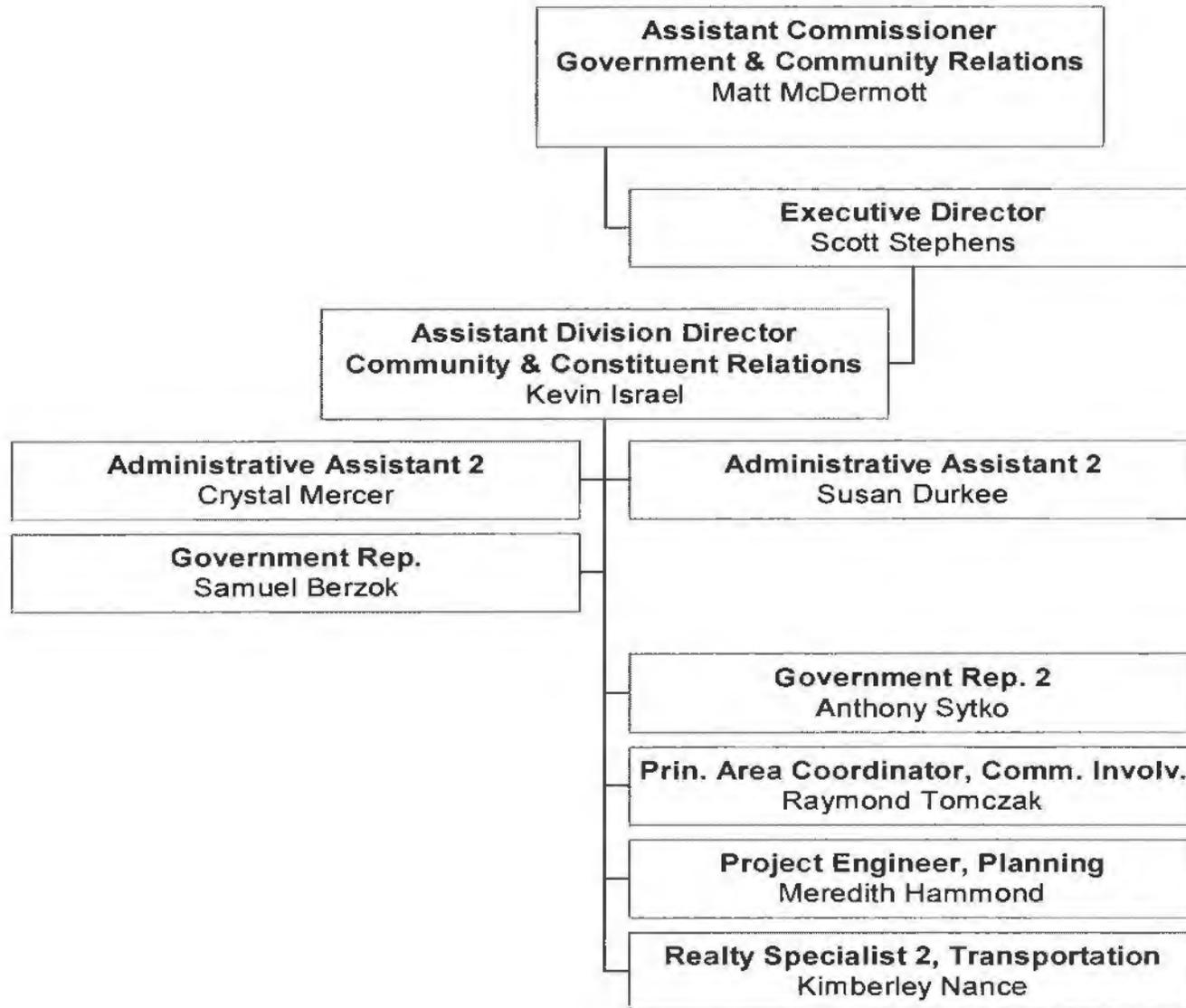
Hire additional staff with expertise in urban and rural planning, ArcView or other GIS capabilities. If unable to hire additional staff, bring on a consultant under a term agreement to acquire needed expertise.

MONITORING AND REPORTING

The Division of Civil Rights and Affirmative Action, Title VI Unit is responsible for monitoring the corrective actions to be taken by the Division of Community and Constituent Relations to address the deficiencies and implement the recommended action. DCCR will take necessary corrective action to address the deficiencies cited in this report and will also, provide a specific timetable for the implementation of all recommendations. DCCR will forward quarterly progress reports to the DCR/AA. The first report is due January 1, 2018 and subsequent reports being due on May 1, 2018; September 1, 2018 and January 1, 2019. Please submit all progress reports directly to Anthony Davis, Manager or Shivani Patel, Affirmative Action Specialist Trainee, of Title VI and ADA Unit, Division of Civil Rights/Affirmative Action, Main Office Building, 2nd Floor, NW Wing.

Attachment 1

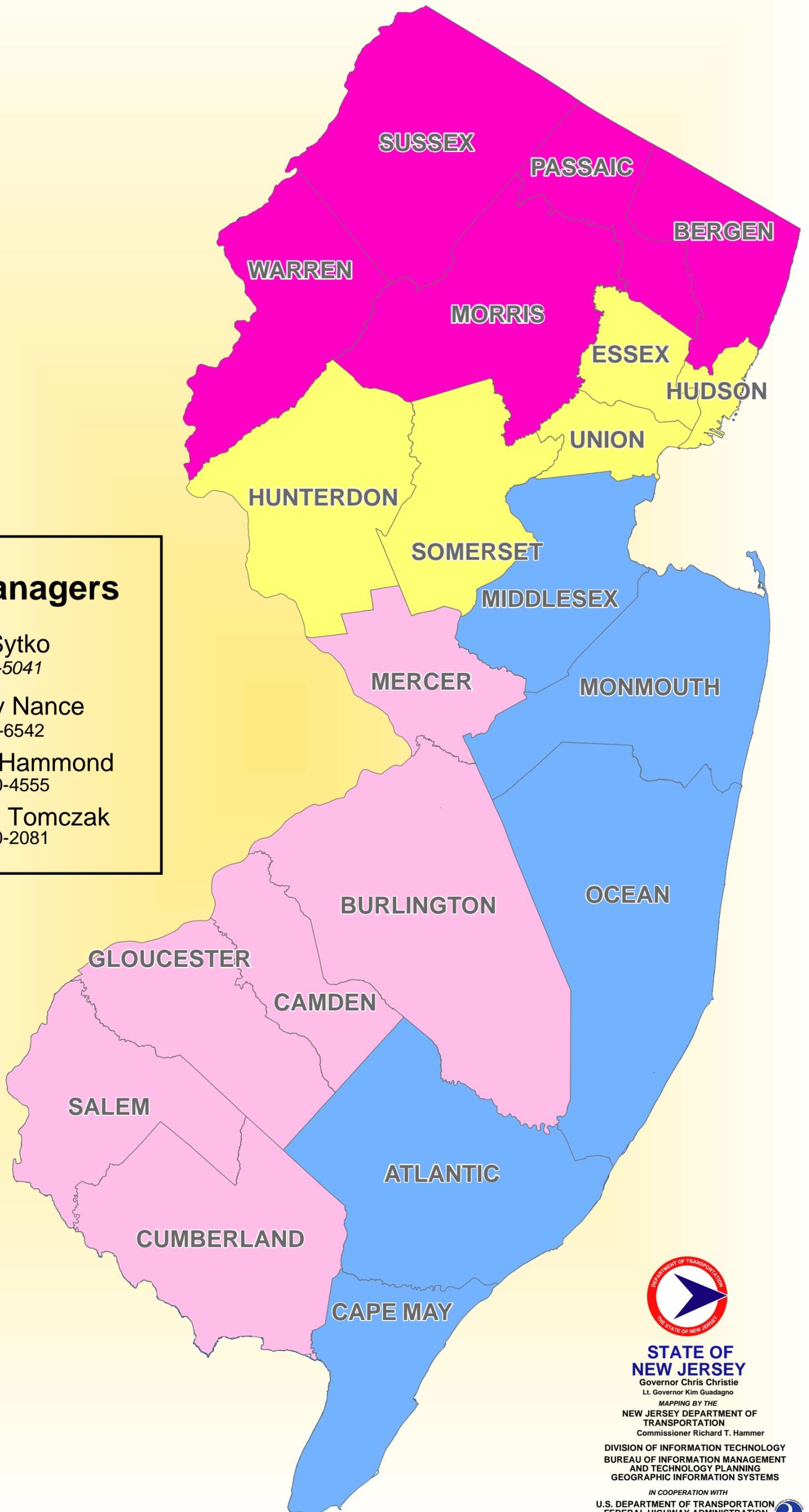
Division of Community and Constituent Relations



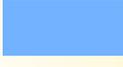
Attachment 2

NJDOT Office of Community Relations

Kevin Israel, Director 609-530-2110



Regional Managers

-  Anthony Sytko
609-530-5041
-  Kimberley Nance
609-530-6542
-  Meredith Hammond
609-530-4555
-  Raymond Tomczak
609-530-2081



Plot Date: September 2017
Update Date: September 2017
Source: Office of Community Relations
File: gisdev01/arc_folders/special_mxd_files/CommunityRelationsMap2017.mxd



STATE OF NEW JERSEY
Governor Chris Christie
Lt. Governor Kim Guadagno

MAPPING BY THE
NEW JERSEY DEPARTMENT OF
TRANSPORTATION
Commissioner Richard T. Hammer
DIVISION OF INFORMATION TECHNOLOGY
BUREAU OF INFORMATION MANAGEMENT
AND TECHNOLOGY PLANNING
GEOGRAPHIC INFORMATION SYSTEMS

IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION 

Attachment 3

2017 Title VI In-depth Review: Division of Community and Constituent Relations Questionnaire

POLICIES AND PROCEDURES

Please provide the following policies and procedures:

- All Division operating policies and procedures (e.g. Procedures for Public Involvement, Procedures for Public Hearing, Procedures for Emergency Notices, etc.)

FUNDING SOURCES

Indicate all funding source(s) utilized by your division along with dollar amount for FFY 2016 (e.g. FHWA and TTF) and the program associated with said funding. If needed, attach addendum sheet(s).

Federal: _____ Amt: _____ State: _____ Amt: _____

Federal: _____ Amt: _____ State: _____ Amt: _____

Federal: _____ Amt: _____ State: _____ Amt: _____

DATA COLLECTION

Data Collection is a required activity of Title VI as it is the key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefitting or harming one group over another is a violation of Title VI.

In the delivery of the services provided, please include any data collected and an analysis, as it relates to demographic surveys/reports conducted by the Division of Community and Constituent Relations during FFY 2016.

PUBLIC INVOLVEMENT- GENERAL

- Do you maintain statewide public involvement contact databases?
 - **A list of residents and businesses within 200 – 500 ft. of the proposed project are notified, consultants prepare a mailing lists. The mailing list are retained in the NJDOT S Drive under OCR.**
- How is the public made aware of new projects and initiatives?
 - **A public information center is scheduled to afford the public an opportunity to review exhibits of the proposed project, ask questions and discuss any concerns NJDOT staff members.**
- How do you identify minority or disadvantaged populations?
 - **Help is enlisted from local officials involved with the project.**
- Are these individuals actively sought out for involvement?
 - **Yes**
- Do you contact or engage community leaders and organizations?
 - **A list of stakeholders are identified by the Consultants or by the Project Manager for the project and are invited to attend the Public Information Center.**
- What formats are documents available?
 - **Word Document & PDF**
- Are documents produced in languages other than English?
 - **Yes, if deemed necessary**
- How and when was data collected to find Limited English Proficiency individuals?
 - **Data is collected from local officials at the earliest stages of their involvement in each project.**
- How are meeting times and locations chosen and scheduled?
 - **Official briefings are held during operational work hours between the hours of 10 a.m. - 4 p.m., and Public Information Centers, Meetings and Hearings are held from 4-8 p.m. The meeting is held at a public location where the project is located.**
- When meeting locations are chosen, is accessibility by different modes of transportation considered?
 - **Yes**
- Approximately how often are meetings held?
 - **During the Project Delivery Process: Concept Design, Preliminary Engineering and Final Design**
- Is a meeting's agenda or specific discussion topic announced on notifications for public meetings?
 - **Yes on DOT Transportation Web Site. A handout contains all the logistic of the project, and are mailed to municipality, county, residents, and businesses within 200-500 ft. of the project.**
- What is the format of meetings?
 - **Presentation of the scope of work to the officials, and before the final design , a resolution of support will be requested by the town, then we will proceed to present**

the proposed project at public information center to receive feedback from the public.

- Do meetings allow substantial opportunities for the public to provide feedback?
 - **Yes. During Public Information Center, the proposed project is presented and public has opportunity to ask questions and answers and voice their concerns This is an on-going throughout duration of the Public Information Center (informal session).**
- Are materials from meetings made available to the public? If yes, in what formats?
 - **Handout/flyer and electronically in Word document and PDF format.**
- What types of formats are these notifications disseminated? In a letter/flyer format and are mailed through the post office.
 - **Mail, municipal & DOT Website, and Robo Calls.**
- If members of the public cannot attend a meeting, what opportunities do they have to provide feedback or ask questions?
 - **The notification of meetings are posted on NJDOT web site and municipal web sites and contain NJDOT contact information for where to provide comments or questions. Members of the public can also comment through local public officials.**
- Do you provide special accommodations for individuals who require assistance in order to participate? If yes, is the opportunity to attain special assistance expressed on public notifications for meetings?
 - **We hold meetings at locations that are ADA compliance. A phone number is on the handout/flyer for those individuals requiring special assistance they may call the Office of Community Relations.**
- If such individuals were identified, how is technical information produced to be conducive for review by visual and/or hearing impaired, minority and low literacy individuals?
 - **The answer depends on the individuals identified.**
- Did your public involvement process budget for translation and/or interpreting services for FFY 2016? If yes, what is the dollar amount and how much was expended?
 - **A linguistic pool list is maintained by Civil Rights. The pool consists of volunteer DOT employees.**

PUBLIC INVOLVEMENT-PROJECT SPECIFIC

- How do you collect and maintain regional or project-specific data?
 - **Through the CPM Project Manager and/or hired consultant.**
- Do you maintain regional or project-specific contact lists?
 - **We maintain project specific but not regional contact lists.**
- How are project-specific community contact lists generated?
 - **Consultants and/or Project Manager obtain a list of residents, businesses within 200-500 ft. of the proposed project through the municipality tax office. Handouts are provided to the landlord of rental properties to disseminate.**
- Prior to public hearings, are community profiles, which include data on community boundaries, racial and ethnic make-up, income levels, property taxes and community services and facilities conducted?

- **No, OCR Regional Managers are familiar with their demographic areas, and can identify.**
- Are Title VI informational brochures (e.g. Environmental Justice, Limited English Proficiency Program, Americans with Disabilities Act, etc.) disseminated at public meetings or public hearings?
 - **Yes**
- With regards to the Limited English Proficiency Program, what steps are taken to ensure “meaningful” access in your programs, activities or services to Limited English Proficiency individuals?
 - **We utilize the NJDOT linguistics pool and print project brochures in multiple languages.**
- How are minorities and disadvantaged populations identified during project development?
 - **We utilize local public official’s knowledge.**
- Are project guidelines reflective of community conditions?
 - **Yes**
- Do you distribute any New Jersey Department of Transportation informational brochures or pamphlets at public meetings, public information sessions and public hearings? If yes, please provide a copy of each.
 - **Yes**
- How do you provide emergency notifications to the public? Please provide an example.
 - **Traffic Impact Notices, Press releases, Variable Message Signs and Twitter.**
- How are minorities, disabled and disadvantaged populations notified?
 - **Traffic Impact Notices, Press releases, Variable Message Signs and Twitter.**
- How are local public officials notified and engaged during project development?
 - **Contact the town administrator (via email or phone call) to schedule multiple officials briefings.**
- How are community issues and concerns documented and addressed in the project delivery process?
 - **Meeting Minutes, and public comment cards.**
- Is communication continuous throughout the project delivery process?
 - **Yes**

PROCUREMENT OF CONTRACTS

- Does the Division procure the services of consultants or vendors? Yes ___ No X
If yes:
- Briefly describe the methods used to solicit certified Disadvantaged Business Enterprises (DBEs) and other small, minority or women-owned businesses.
- How are consultants/vendors monitored for Title VI compliance?
- Provide a sample (1) of any invitations to bid, public meeting/hearing notices, request for proposals and/or any advertisements issued to the public (with nondiscriminatory language).

Also, briefly list media formats used to publish such document(s), e.g. radio, television, magazines, website, newspaper. Highlight any minority advertisers used.

- Are appropriate DBE contract provisions incorporated into the contract agreements?

BOARDS, COMMITTEES AND COMMISSIONS

- List all advisory board(s), committee(s), commission(s) or any transportation decision-making body(ies) and provide a breakdown by race and gender of the membership. (If needed, attach an addendum sheet).
 - **None**
- Briefly describe how members are selected to the listed committee/board, e.g. by title/position, appointment, etc.

STAFFING

- Are staff adequately trained on Title VI, Limited English Proficiency Program and Environmental Justice? **Yes, staff attended a Title VI Training Course once a year.**
- Does staffing have capability or background in community planning or community impact assessment?
 - **Not always provided, but can request through Project Manager.**
- Does staffing have planning and geographic information system (GIS) background capabilities?
 - **No**
- Does staffing have bilingual individuals?
 - **No**
- Does staffing have background or training in dealing with minorities, disabled and disadvantaged populations and sensitive issues?
 - **Staff have background but no training.**

CONCLUSION

Thank you for your time and effort in responding to the above questions. This concludes Part 1 of the Title VI Review process. Please forward your completed responses and related documents directly to Anthony Davis, Manager or Shivani Patel, Affirmative Action Specialist Trainee, of Title VI and ADA Unit, Division of Civil Rights/Affirmative Action, Main Office Building, 2nd Floor, NW Wing. We will be in contact with your Division to schedule Part 2 of the Title VI Review process.

Attachment 4

How do I file a complaint with NJDOT?

Any person or group who believes they have been discriminated against may file a signed, written complaint with the New Jersey Department of Transportation within 180 days of the violation. In addition, a complaint may also be filed within 180 days of the alleged discrimination with an appropriate federal agency.



To file a complaint with NJDOT Division of Civil Rights and Affirmative Action, you may contact them at the following address and number:

NJDOT
Division of Civil Rights/AA
Karen Daoud, Coordinator
Title VI Unit
1035 Parkway Avenue, PO Box 600
Trenton, NJ 08625-0600
(609) 530-3009



To file a complaint with United States Department of Transportation, please contact them at the following address and number:

US Department of Transportation
Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave., SE
8th Floor, E81-314
Washington, DC 20590
Phone: 1-202-366-0693
Fax: 1-202-366-1599

January 2012

Title VI Complaint Form

SECTION I: GENERAL INFORMATION

Name of Complainant: _____

Address: _____

City: _____ State: _____ Zipcode: _____

Contact Person: _____

Phone Number: _____

Fax Number: _____

SECTION II:

AGENCY, CONTRACTOR, INSTITUTION

Please provide the name of the agency, contractor or institution that discriminated against you:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

How were you discriminated against? Please give specific information and the basis of the discrimination, i.e., status as a minority, low income, etc.

When and where did the discrimination take place? _____

Were there any witnesses?

Please provide names and addresses.

Name: _____

Address: _____

Phone: _____

Name: _____

Address: _____

Phone: _____

Please provide any additional information on a separate piece of paper.

YOUR GUIDE to

Title VI Environmental Justice



New Jersey Department of Transportation
Governor: Chris Christie
Commissioner: James S. Simpson
Director: Melanie L. Armstrong, Esq.

What is Title VI?

Title VI of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs and activities supported by Federal funding. It specifically states: **“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.”** 42 USC §2000d

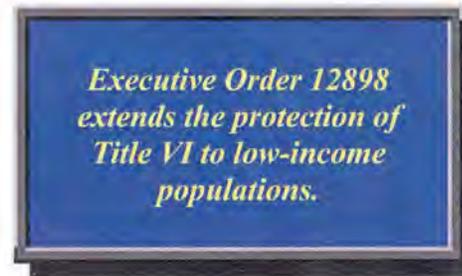


What does Title VI cover?

Title VI of the Civil Right Act of 1964 and supplemental legislation covers all federal aid except those federally funded contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries, or where the purposes of federal assistance is to provide employment. The Act does not apply to discrimination based on age, sex, geographical locale or wealth.

Who is covered under Title VI?

Any person who is discriminated against based on **race, color or national origin**. Minorities are covered, including Black, Hispanic, Asian American and American Indian or Alaskan Native. Undocumented aliens are also covered. The elderly, children, the disabled and other populations (such as female head of household) *may* be covered because of concentrations in certain protected communities.



What is Environmental Justice (Executive Order 12898)?

Executive Order 12898, enacted in 1994 by President Clinton, requires each federal agency and its recipients when implementing programs, policies or activities to the greatest extent practicable by law develop a strategy that prevents **“disproportionately high and adverse human health or environmental effects”** on low-income and minority populations in the United States.

What are examples of “adverse effects” noted in Executive Order 12898?

- The denial of, reduction in, or significant delay in the receipt of or benefits of NJDOT programs, policies, or activities
- Adverse impact on employment
- Air, noise and water pollution or soil contamination
- Destruction of natural resources
- Destruction of community cohesion or its economic vitality
- Destruction or disruption of public and private facilities or services
- Displacement of persons, businesses, farms or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income community from the broader community
- Bodily impairment, infirmity, illness or death



The Relocation Assistance Program



New Jersey Department of Transportation

Relocation Assistance Program

Your rights
and benefits
if you must move

New Jersey Department of Transportation
Division of Right of Way
Bureau of Property and Relocation

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When will I have to move?	
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Is there a distance limit on moving costs?	
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What is an owner replacement housing supplement?	
Who is eligible for an owner replacement housing payment?	
What is a comparable replacement dwelling?	
How will the amount of this payment be established?	
What do I do about increased mortgage interest payments?	

Housing payments, *continued*

What happens if I owned and occupied my home for
180 days but do not plan to buy again?

What are owner rent supplements?

What are tenant rent supplements?

Must I rent a comparable dwelling to qualify?

When can a claim for the rent supplement be paid?

Other help available

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Last resort housing

Other forms of assistance

How to appeal

21

Can I appeal denials of requests for assistance?

How is an appeal made?

Fair Housing and Regulations Statements

22

Introduction

This booklet explains the rights and benefits provided to you by federal and state laws if you must move because the property you occupy is purchased for public use. The booklet also answers the questions most commonly asked about relocation procedures.

Services and payments provided by the state's Relocation Assistance Program

1. Assistance in finding replacement dwellings and business locations.
2. Moving expense reimbursement.
3. Allowance to businesses in lieu of moving reimbursement.
4. Business re-establishment expenses.
5. Replacement housing supplements; mortgage interest rate differentials and closing costs to assist you in the purchase of a new home.
6. Rental supplements, which may be converted to a down payment to enable a tenant to become a homeowner.
7. Last resort housing, if needed.
8. Provision of related supporting services and assistance.

Personalized help

The New Jersey Department of Transportation provides specific relocation assistance to affected properties by assigning individual relocation representatives to each property.

What shall I expect when I am contacted by the relocation representative?

When the relocation representative contacts you, he or she will explain the benefits and services that are available to you and will assist you in developing a personalized relocation plan. The relocation representative will assist you at every stage of your move and will remain in contact with you until your relocation has been successfully completed.

How do I find a new dwelling or business location?

If you desire, the relocation representative will help you find a place in which to live or in which to do business. The representative assigned to assist you will provide you with lists of properties being offered for sale or rent that are in suitable condition, price or rental range to accommodate your needs. Pending your relocation to replacement housing, you may arrange to remain in occupancy after the state has acquired the property, on a temporary basis through a lease arrangement, paying rent to the state. You will also be provided with other information concerning transportation, typical real estate purchase prices and lease costs, public housing and the services offered by other agencies in your area.

Questions about moving

When will I have to move?

You will be given at least 90 days advance written notice before you are required to move. The notice cannot be sent until the Department has acquired the property. You cannot be required to move unless at least one, and preferably three, comparable replacement dwellings have been made available to you. Whenever possible, if construction schedules permit, the 90 day period will be extended.

What notices will I get about moving?

Through general public information releases and other similar notices, you have learned that the property you occupy will be purchased in order to improve the state's transportation network. These notices also provided general information regarding relocation assistance. Following the initiation of negotiations, you will be contacted by a relocation representative of the New Jersey Department of Transportation.

Initiation of negotiations means the delivery of the initial written offer of just compensation to the owner or owner's representative to purchase the real property for the project. Eligibility for relocation assistance shall begin on the date of initiation of negotiations. You will also receive a copy of this booklet.

Will my moving expenses be reimbursed?

Most residential occupants, businesses and farms displaced by a highway project will be eligible for payment of their actual,

not more than one year. However, the NJDOT must approve, in advance, plans for temporary storage.

Are there different types of moving payments?

Occupants of a dwelling unit may choose between a payment based on a “room count” schedule or “actual cost” plan. You may choose the method best for you. However, all relocation payments are reimbursements, so you must move prior to receiving payment.

ROOM COUNT SCHEDULE	
Number of Counted Rooms	Amount
1	\$ 250
2	\$ 400
3	\$ 550
4	\$ 650
5	\$ 750
6	\$ 850
7	\$ 950
8	\$1,050

For each additional room, add \$100.

An occupant who does not own furniture will be entitled to \$225 for the first room and \$35 for each additional room.

If a person is relocated by the state, he or she will receive a maximum of \$50. The same maximum applies to persons occupying a dormitory.

Instead of the “room count” schedule, you may choose the “actual cost” method, which provides for payment of the actual,

reasonable moving and related expenses.

Moving expenses include:

1. Dismantling, disconnecting.
2. Packing, crating.
3. Loading, unloading.
4. Insuring.
5. Temporary storage (when necessary).
6. Transporting.
7. Reinstalling of personal property, including service charges in connection with reinstalling.
8. Modification to personal property (businesses only) to adapt it to the replacement structure.

Moving costs do not include any additions, improvements, alterations or other physical changes in or to any structure in connection with moving personal property.

Is there a distance limit on moving costs?

Payments for moving are limited to moves of up to a distance of 50 miles only.

What if I need to store my property?

In emergencies, if it is necessary for a person to store personal property, the state will pay reasonable storage charges for

reasonable expenses of moving, including your family's transportation to the new home site. All business and commercial or similar moves must be by the "actual cost" method. Residential occupants may choose this method.

The state will secure two moving-cost estimates from professional, licensed movers. Your only obligation is to prepare an inventory of all the personal property that you wish to move.

The relocation representative will give you a letter authorizing the move based on the lesser of the two estimates. He or she will also furnish any necessary forms and assist you with the preparation of your application for payment.

How do I claim payment for moving costs?

To receive payment after you have moved, simply submit the forms furnished you by the state, certifying that you have relocated. Upon verification of the move by a state representative, your claim will be promptly processed for payment.

Will I be compensated if I live in a mobile home?

A homeowner occupant displaced from a mobile home or mobile homesite is entitled to a payment for the cost of moving his or her mobile home on an actual cost basis. A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement.

However, if the mobile home is not acquired, but the homeowner occupant obtains a replacement housing payment, the owner is not eligible for payment for moving the mobile home.

A tenant occupant of a mobile home is eligible for moving cost reimbursement on either payment basis.

Fixed payment allowances to businesses in lieu of moving reimbursement

As an operator of a farm, business or non-profit organization, you may be eligible for either your actual cost of moving, including expenses up to \$1,000 for finding a new site, or, depending on the circumstances of your case, for a fixed payment.

The fixed payment may not be less than \$1,000 nor more than \$20,000 for businesses, farms and non-profit organizations. This allowance is a payment (instead of "actual cost" of moving and re-establishment expenses) of an amount equal to the average, net earnings of your farm or business for the two taxable years prior to your displacement.

For you to be eligible for the fixed payment option, all six of the following criteria must apply:

1. Your business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site.
2. Your business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings).
3. Your business is not part of a commercial enterprise having more than three other entities which are not being acquired and which are engaged in the same or similar business and are under the same ownership.

4. Your business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
5. Your business is not operated at the displacement site solely for the purpose of renting the site to others.
6. Your business contributed materially to your income during the two taxable years prior to displacement.

In the case of a partial taking, for either a business or a farm operation to be eligible to choose this option, the operation must not be capable of continuing to operate with equal economic success on the portion of the property not acquired for the highway.

The relocation representative will explain the details of the fixed payment to you. If you believe you are eligible for this option, the relocation representative will furnish you with the proper forms. The forms will be reviewed to determine if you are eligible and the amount to which you may be entitled. Your relocation representative will inform you of which expenses are eligible for reimbursement.

Business re-establishment expenses

In addition to the payments available under the actual moving cost reimbursement concept, a small business (a business having at least one, but not more than 500, employees working at the site being acquired) may be eligible to receive a payment not to exceed \$10,000 for expenses actually incurred in relocating and re-establishing a small business, farm or non-profit organization at a replacement site.

Housing payments

What supplemental housing payments are available?

There are several kinds of supplemental housing payments to which residential occupants may be entitled if they buy or rent and actually occupy a decent, safe and sanitary replacement dwelling unit.

Be careful!

Before you buy a replacement dwelling, you should be aware that the state is required to certify that the home you purchase and occupy is decent, safe and sanitary in order for you to be eligible for the supplement.

At your request, the state will conduct an inspection of any dwelling that you may wish to purchase to determine whether it qualifies as decent, safe and sanitary.

A decent, safe and sanitary dwelling is one which:

1. Conforms to local building, housing and occupancy codes for existing structures.
2. Is structurally sound.
3. Has an adequate and safe wiring system for lighting and other electrical services.
4. Has a heating system capable of sustaining a healthful temperature of approximately 70 degrees.

5. Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

6. Is adequate in size with respect to the number of rooms and living space needed to accommodate the displaced person. There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

7. For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling by such displaced person.

What is an owner replacement housing supplement?

Owner-occupants of residential units, including mobile homes, may be eligible to receive a payment up to \$22,500 representing the difference (if any) between the price the state paid for their dwelling unit and the price of a functionally comparable unit, available on the market.

Who is eligible for an owner replacement housing payment?

Persons are eligible for owner replacement housing payments who:

1. Have actually owned and occupied the displacement dwelling as their principal residence for not less than 180 days immediately prior to the initiation of negotiations; and
2. Purchase and occupy a decent, safe and sanitary replacement dwelling within one year after the date the person receives final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of just compensation is deposited in the Court, or the date a comparable replacement dwelling was made available, whichever is later. When possible, three or more comparable replacement dwellings shall be made available.

A comparable replacement dwelling will be considered to have been made available if:

- a. You are informed of its location; and
- b. You have sufficient time to negotiate and enter into a purchase agreement or lease for the property; and
- c. Subject to reasonable safeguards, you are assured of receiving the relocation assistance and acquisition payment to which you are entitled in sufficient time to complete the purchase or lease of the property.

The one year period may be extended for good cause.

What is a comparable replacement dwelling?

The term “comparable replacement dwelling” means a dwelling which is:

1. Decent, safe and sanitary.
2. Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
3. Adequate in size to accommodate the occupants.
4. In an area not subject to unreasonable adverse environmental conditions.
5. In a location generally not less desirable than the location of the displaced person’s dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person’s place of employment.
6. On a site that is typical in size for residential development with normal site improvements including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools or greenhouses.
7. Currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance.
8. Within the financial means of the displaced person.

How will the amount of this payment be established?

A study will be made by the state to determine the typical market price of decent, safe and sanitary dwellings functionally comparable to your own. If the price paid to you for your home is lower than the price of comparable houses on the market, you will be offered the difference as a supplemental payment. The final amount you are paid will depend on what you actually pay for your replacement dwelling.

If you are eligible for a supplement, a written statement of the amount of this payment, if any, will be given to you when negotiations are initiated and will be included as a part of the purchase agreement.

What do I do about increased mortgage interest payments?

Owner residential occupants for 180 days or more are eligible for a payment to compensate them for increased mortgage interest costs as well as costs incidental to the purchase of their new dwelling. Our relocation representative will explain these payments and will furnish the required application forms and invoices.

What happens if I owned and occupied my home for 180 days but do not plan to buy again?

If you are a displaced homeowner who qualifies for the replacement housing supplement previously described but do not plan to purchase another home, you may qualify for a rental supplement payment up to \$5,250.

What are owner rent supplements?

If you did not actually own or occupy your dwelling for at

least 180 days but did own or occupy it as your principal residence for at least 90 days prior to the initiation of negotiations, you may be eligible for a supplementary payment up to \$5,250.

What are tenant rent supplements?

Tenants who have occupied a property acquired by the state for at least 90 days prior to the initiation of negotiations, may be eligible for a rent supplement up to \$5,250 if the actual rent and utility cost for the property purchased by the state is less than the rent and utility cost necessary to lease a comparable replacement dwelling unit, which is decent, safe and sanitary.

Must I rent a comparable dwelling to qualify?

You are not required to rent replacement accommodations comparable to your old in order to qualify for this supplement. Comparability is simply the standard to determine the maximum amount to which you may be entitled. However, your replacement dwelling must be decent, safe and sanitary. Our relocation representative will explain the process, furnish you with the required forms and assist you with processing your applications.

When can a claim for the rent supplement be paid?

A rental supplement can be paid as soon as possible after you have:

1. moved from your present quarters, and
2. have occupied decent, safe and sanitary housing.

Normally, the time limit for filing a claim is 18 months after the date of displacement for tenants and for owners the date

of displacement or the final payment for acquisition of the real property, whichever is later. This time period shall be waived for good cause.

NOTE: Owners of mobile homes should check with their assigned relocation representative for special provisions.

Other help available

• Down payment alternatives

An eligible displaced tenant or an owner of at least 90 days, but less than 180 days, who purchases a replacement dwelling is entitled to a down payment assistance payment in the amount the person would receive if the person rented a comparable replacement dwelling. At the state's discretion, the payment may be increased to an amount not to exceed \$5,250. However, the payment to a displaced homeowner may not exceed the amount the owner would have received if he were an occupant owner of 180 days or more.

• Last resort housing

Last resort housing payments may be provided when comparable replacement housing is not available within your financial means and the computed owner replacement housing payment exceeds the \$22,500 limitation or the computed tenant rent supplement exceeds the \$5,250 limitation.

Persons who were in occupancy at the initiation of negotiations and who fail to meet the length of occupancy requirements are eligible for moving cost reimbursement and relocation advisory

services; and, under certain circumstances, for a supplemental payment to enable them to secure comparable replacement housing which is within their financial means.

Your relocation representative will explain the specific details.

• **Other forms of assistance**

It is the intention of the NJDOT to cooperate and assist those persons, families and businesses, displaced by reason of acquisitions for public highway purposes, in every way possible.

Your relocation representative will explain and help you to secure the benefits and payments to which you are entitled and will assist you in the development of a personalized relocation plan and in locating a new home suitable to your needs.

Your relocation representative is also personally available on a continuing basis for additional consultation throughout your move and maintains contact with many public agencies. Should you desire assistance in contacting any of these agencies, your relocation representative will assist you.

How to appeal

Can I appeal denials of requests for assistance?

You may file an appeal in any case in which you believe that the NJDOT has failed to consider your application for assistance. Assistance may include, but is not limited to, your eligibility for or the amount of, a payment. You have a right to be represented by legal counsel, but solely at your expense. You are permitted to inspect and copy all materials pertinent to your appeal, except for materials which are classified as confidential.

How is an appeal made?

The appeal shall first be made, in writing, to the District Right of Way Supervisor. The appeal must be initiated within 90 days after you have received written notification of our determination on your claim. When a matter is not satisfactorily resolved by the District Supervisor, all that is required to initiate an in-person review is sending a certified letter, stating all the facts in your case and the reason you believe your claim should be paid, to the New Jersey Department of Transportation, CN 600, Trenton, NJ 08625, ATTENTION: Director of Right of Way.

If full relief is not granted, you may appeal the matter to the State's Office of Administrative Law and ultimately the Appellate Court system.

Your relocation representative can provide you with further information regarding the appeal process.

Statements

Fair housing

Federal and state law provides that replacement housing is to be open to all persons regardless of race, color, religion, sex, handicap or national origin. Additional information regarding fair housing can be obtained from your relocation representative.

Regulations

The rules and regulations pertaining to the NJDOT's Relocation Assistance Program are filed under Title 16 of the New Jersey Administrative Code with the Division of Administrative Procedures, Department of State, State House, Trenton, New Jersey, 08625. Copies of the regulations are available in the State Library.

Pulaski Skyway Rehabilitation

NORTHBOUND
LANES CLOSED
STARTING
APRIL 12, 2014

Know your options. Plan ahead.



PULASKI SKYWAY
REHABILITATION

Travel smarter.

pulaskiskyway.com @skywayrehab



Starting April 12, 2014, the Pulaski Skyway northbound lanes toward Jersey City and New York will be closed for two years to replace the bridge deck.

WILL THE LANE CLOSURES IMPACT YOU?

Construction will affect motorists in New Jersey who take the Pulaski Skyway from the west and south to destinations in Hudson County—Jersey City and Hoboken—or who use the Skyway to travel on to other points north and into New York City. Detoured Pulaski motorists will be seeking alternatives, so even if you don't travel on the Skyway, your trip may be affected.

If you can avoid driving during the deck construction, please do so. Consider taking public transit, forming a carpool, joining a van pool, sharing a ride, using flexible work hours to avoid traveling during the peak period or telecommuting during the construction period.

TRAVEL OPTIONS

The New Jersey Department of Transportation, in cooperation with The New Jersey Turnpike Authority, NJ TRANSIT, and The Port Authority of New York and New Jersey, has developed a Transportation Management Plan to provide travel options to Pulaski Skyway northbound motorists during the Pulaski Skyway deck replacement. Several of the strategies are outlined here. *Additional information is available at the project website, pulaskiskyway.com.*

EXPANDED TRANSIT SERVICE

Public transit is the best way to avoid the lane closure impacts and increased traffic congestion during the deck reconstruction. In addition to existing bus, rail and ferry service, the following enhancements are planned to encourage and accommodate increased ridership. *(Check njtransit.com for new schedule.)*

ATTENTION COMMUTERS:

- If you work in Jersey City, Hoboken or New York and use the Pulaski Skyway to get there, you will need to plan an alternate route or take mass transit to your workplace.
- If you live in Jersey City or Hoboken and travel to Newark or points south and west for work via the Skyway, you will need to plan an alternate route or an alternate mode of travel as your return northbound trip will be impacted.

Morris & Essex Lines (M&E) will operate two additional train trips from Summit to Hoboken each weekday morning and evening, one in the am and pm peak period and one just outside of the peak period. Commuters heading to Jersey City may continue their trip on PATH or Hudson-Bergen Light Rail (HBLR). New York bound commuters may continue on PATH or Ferry.

Raritan Valley Line will have additional seating capacity, on weekday trains operating to Newark Penn Station during the morning peak and from Newark Penn Station during the evening peak. Jersey City bound commuters may continue their trip on PATH.

North Jersey Coast Line will operate one additional weekday train trip in the morning peak leaving Bay Head 4:49 am and arriving at Hoboken at 6:53 am, and one additional train trip in the evening peak leaving Hoboken at 4:20 pm to Bay Head. Commuters heading to Jersey City may continue their trip on PATH or the HBLR. New York bound commuters may continue on PATH or Ferry.

A New Route 22 Express Bus (No. 95) will operate between Watchung and Newark Penn Station. Eastbound trips will depart from the Sears Park and Ride lot at the corner of Route 22 and Terrill Road between 5:30 am and 9:00 am; westbound return trips depart from Newark between 3:30 pm and 7:00 pm.

PATH will increase capacity at Newark in the morning peak to accommodate increased demand. PATH service at Hoboken will be able to accommodate additional customers for trips to Jersey City and New York City.

ADDITIONAL SERVICE OPTIONS

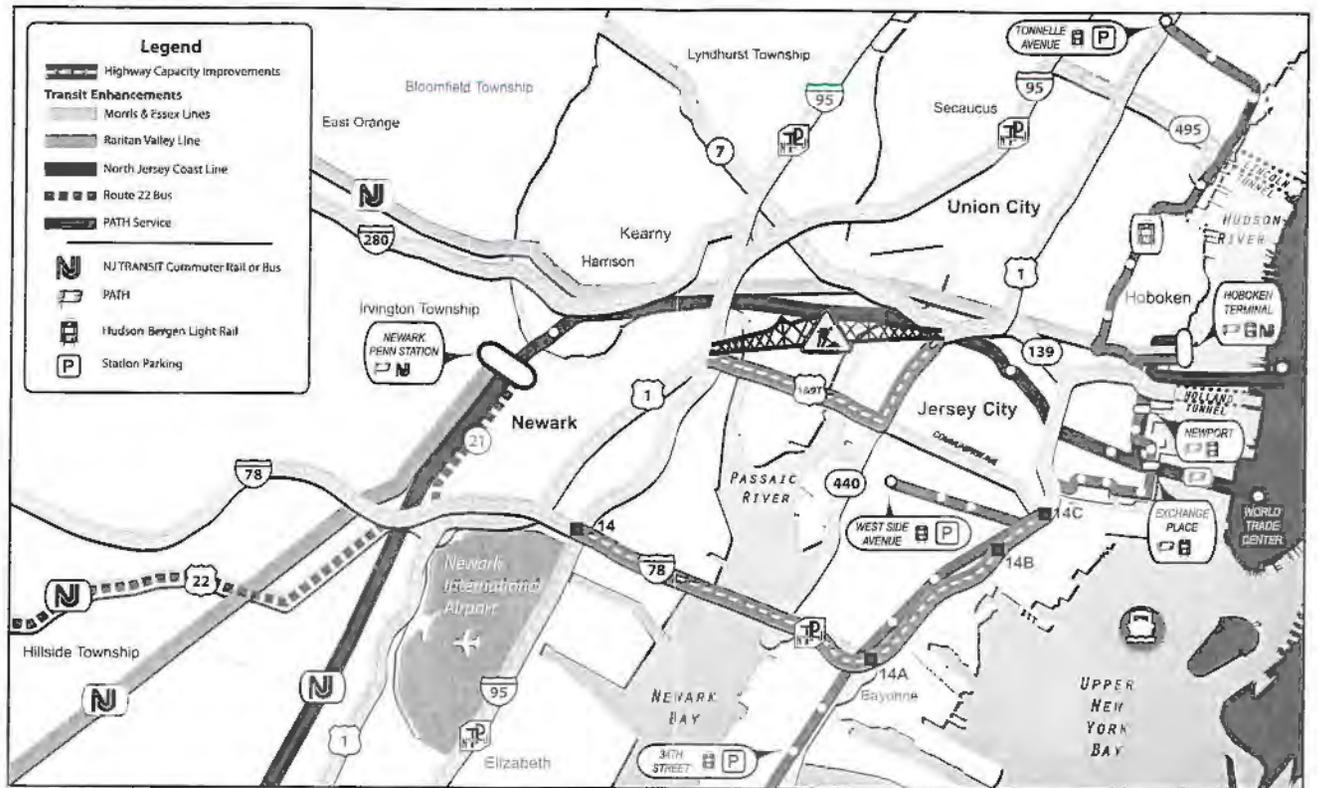
In addition to the new and expanded service, other existing services provide travel options.

Commuters arriving at the Hoboken Terminal via NJ TRANSIT Rail or Bus have multiple options:

(www.njtransit.com/images/stationmaps/63samap.jpg)

- Hudson-Bergen Light Rail to Jersey City
- PATH to WTC and 33rd Street Line
- NY Waterway to Manhattan

Hudson-Bergen Light Rail operates three lines daily from 5:00 am to 1:00 am, running from 8th Street to Hoboken Terminal, West Side Avenue to Tonnelle Avenue, and Tonnelle Avenue to Hoboken Terminal on weekdays only. Visit njtransit.com for more information, schedules and fares.



NY Waterway opera diariamente el servicio de ferry desde las 5:45 am hasta las 8:05 pm, desde Belford/Harbor Way hasta Paulus Hook, Jersey City con conexiones hacia HBLR y PATH y, de Hoboken Pier 11/Wall St. y World Financial Center. Visite nywaterway.com para mayor información.

Seastreak operará un nuevo servicio semanal entre Atlantic Highlands y Jersey City (Paulus Hook) y Hoboken (Terminal de Hoboken) de 5:45 am a 9:45 am y de 3:15 pm a 8:15 pm. El servicio de Seastreak opera servicio diario desde Atlantic Highlands hasta Pier 11 & E 35th Street in Manhattan. Visite seastreak.com para mayor información.

Contacte a TMA para asistencia en la planeación de su viaje.

www.state.nj.us/transportation/commuter/rideshare/tma.shtm

RUTAS ALTERNATIVAS

Si debe conducir, anticipe que vehículos adicionales en estas rutas alargarán su tiempo de traslado.

Incremento de capacidad en la extensión de New Jersey Turnpike I-78. El carril lateral con dirección Este servirá como tercer carril durante las horas pico de la mañana y la tarde (6:00 am a 10:00 am y 3:00 pm a 7:00 pm durante días laborales). Nuevos señalamientos viales indicarán cuando el carril lateral esté abierto al tráfico.

Un nuevo sistema de señales en la **Ruta 1&9 Truck** ayudará a la circulación del tráfico en dirección al Norte al optimizar la duración de la "luz verde" para los vehículos viajando en dirección al Norte.

CIERRE DE RAMPAS

Las rampas centrales sobre el Skyway para Kearny y Broadway permanecerán cerradas. Siga las instrucciones de desvío.

En Newark, las rampas desde Raymond Boulevard hasta NJ Turnpike en la salida 15E y Doremus Avenue permanecerán cerradas. Use el desvío de Foundry Street.

RECURSOS DE INFORMACIÓN DE PULASKI SKYWAY

Para rutas alternativas, planeación de viaje y alertas de viaje durante el cierre de los carriles con dirección Norte:

- Llame 5-1-1 o dirijase a 511nj.org
- Visite pulaskiskyway.com
- Siga NJDOT en Twitter [@skywayrehab](https://twitter.com/skywayrehab)
- Suscríbete a nuestro canal de YouTube:

www.youtube.com/user/NJDeptTransportation

Tiempos de traslado serán indicados en diversos señalamientos a lo largo de su ruta. ¿Aún tiene dudas? Para mayor información, llame al 973.776.7400

Rehabilitación de Pulaski Skyway

CIERRE DE CARRILES
CON DIRECCIÓN NORTE
A COMENZAR EL 12
DE ABRIL DE 2014

Conozca sus opciones.
Planeé con anticipación.



PULASKI SKYWAY
REHABILITATION

Viaje eficiente.

pulaskiskyway.com  @skywayrehab



A partir del 12 de abril de 2014, los carriles de Pulaski Skyway con dirección Norte, hacia Jersey City y New York permanecerán cerrados por dos años debido a la renovación de la plataforma del puente.

¿QUÉ IMPACTO REPRESENTARÁ PARA USTED ÉSTE CIERRE DE CARRILES?

El desarrollo de ésta construcción afectará a los conductores en New Jersey que tomen el Pulaski Skyway desde el Oeste y Sur hacia destinos en Hudson County—como Jersey City y Hoboken—o a quienes usen el Skyway para viajar a otros puntos en el Norte y hacia la Ciudad de New York. Los conductores desviados de ésta ruta deberán buscar alternativas, o aún si usted no utiliza el Skyway, su plan de transportación puede verse afectado.

Si usted puede evitar manejar durante la construcción de la plataforma por favor hágalo. Considere la opción de usar los medios de transporte público urbano, compartir su vehículo, organizar viajes en van, usar horarios flexibles de trabajo para evitar viajar durante las horas pico o trabajar desde casa durante éste periodo de construcción.

OPCIONES DE TRASLADO

“New Jersey Department of Transportation” en cooperación con “New Jersey Turnpike Authority”, NJ TRANSIT y The Port Authority of New York y New Jersey, han desarrollado un Plan de Gestión de Transporte para proveer opciones de traslado a los conductores usuarios de los carriles Norte del Pulaski Skyway durante la renovación de la plataforma del Skyway. Aquí se mencionan varias estrategias. *Información adicional puede encontrarse en el website del proyecto, pulaskiskyway.com.*

EXPANSIÓN DEL SERVICIO DE TRANSPORTE PÚBLICO

El Servicio de Transporte Público es la mejor forma de minimizar el impacto del cierre de carriles e incremento de la congestión de tráfico durante la reconstrucción de la plataforma. Además del existente servicio de autobús, tren y ferry, las siguientes mejoras están planeadas para promover y facilitar la circulación del transporte. *(Visite njtransit.com para horarios actualizados.)*

ATENCIÓN VIAJANTES:

- Si usted trabaja en Jersey City, Hoboken o New York y usa el Pulaski Skyway para llegar, necesitará planear una ruta alternativa o tomar el transporte masivo para trasladarse a su lugar de trabajo.
- Si usted vive en Jersey City o Hoboken y viaja a Newark o lugares al Sur y Oeste para trabajar a través del Skyway, tendrá que planear una ruta alternativa o sistema de transporte alternativo ya que el regreso en dirección al Norte se verá afectado.

Morris & Essex Lines (M&E) operarán con dos viajes adicionales del tren desde Summit hasta Hoboken cada mañana y tarde en días laborales, una para cada periodo de hora pico durante la mañana y la tarde y sólo una más fuera de hora pico. Viajantes con dirección a Jersey City pueden continuar su viaje a través del PATH o Hudson-Bergen Light Rail (HBLR). Personas en traslado hacia New York podrán proseguir en PATH o Ferry.

Raritan Valley Line tendrá capacidad adicional de asientos durante días laborales en los trenes operando hacia Newark Penn Station durante las horas pico de la mañana y, partiendo de Newark Penn Station, durante las horas pico de la tarde. Las personas con destino a Jersey City podrán continuar su viaje en PATH.

North Jersey Coast Line operará con una corrida de tren adicional durante los días laborales en las horas pico de la mañana partiendo de Bay Head a las 4:49 am para llegar a Hoboken a las 6:53 am y una corrida de tren adicional en horas pico de la tarde partiendo de Hoboken a las 4:20 pm con destino hacia Bay Head. Los viajantes con destino hacia Jersey City pueden continuar su camino en PATH o HBLR. Viajantes en ruta hacia New York City podrán continuar en PATH o Ferry.

Un nuevo Bus Express de la Ruta 22 (Numero 95) operará entre Watchung y Newark Penn Station. Los viajes dirección Este partirán de Sears Park y Ride lot en la esquina de la Ruta 22 y Terrill Road entre las 5:30 am y 9:00 am; los viajes de regreso con dirección Oeste parten desde Newark entre las 3:30 pm y 7:00 pm.

El PATH incrementará su capacidad en Newark durante las horas pico de la mañana para cubrir el incremento de la demanda. El servicio de PATH en Hoboken incrementará el espacio para usuarios adicionales en las rutas de Jersey City y New York City.

OPCIONES ADICIONALES DE SERVICIO

Adicionalmente al nuevo y expansivo servicio, otros servicios existentes proveen diferentes alternativas.

Viajantes llegando a La Terminal de Hoboken a través del servicio de autobús o tren de NJ TRANSIT tienen múltiples opciones:

(www.njtransit.com/images/stationmaps/63samap.jpg)

- Hudson-Bergen Light Rail hacia Jersey City
- PATH hacia WTC y Linea 33rd Street
- NY Waterway hacia Manhattan

Hudson-Bergen Light Rail opera diariamente tres líneas de 5:00 am a 1:00 am, partiendo desde 8th Street hasta La Terminal de Hoboken, West Side Avenue a Tonelle Avenue y Tonelle Avenue a La Terminal de Hoboken solamente durante días laborales. *Visite njtransit.com para mayor información, horarios y tarifas.*

DEFINITIONS

Revocation of Access -

termination of direct State highway access in conjunction with a Highway Improvement project and providing access to a street, highway, easement, service road or common driveway other than the State highway. Official Notification is required.

Reasonable Alternative Access -

Commercial Property

access onto a parallel or perpendicular street of sufficient design to support commercial traffic to and from the site and direct, convenient and well marked. The Department must provide the alternative access, if not available, and must either construct or compensate the owner for any on-site improvements necessary to accommodate the change in access.

Industrial Property

access onto any street which is of sufficient design to support the necessary truck and employee traffic.

Residential Property

access onto any improved public street.

Perpendicular Street *is one that intersects the State highway.*

Parallel Street *is one that intersects the perpendicular street described above.*

Sufficient Design *must be able to carry both car and truck traffic (if required).*

Modification of Access -

any change to an access point in conjunction with a Highway Improvement project, which results in changing the number of access points, changing the width of an access point by more than 5 feet or changing the location of an access point by more than 10 feet. Official Notification is required.

DEFINITIONS

Adjustment of Access -

any change to an access point in conjunction with a Highway Improvement project, which results in changing the width of an access point by 5 feet or less, changing the location of an access point by 10 feet or less, or moving an access point away from the centerline of the highway. No official notification for the access change is required unless work is to be performed beyond the State right of way.

Questions ? Please Contact :

State of New Jersey
Department of Transportation

Office of Access Design
Bureau of Major Access Permits
John C. Jones - Project Manager
(609) 530-3638

Engineering & Operations Building
P. O. Box 600
1086 Parkway Avenue
Trenton, N. J. 08625-0600

Telephone: (609) 530-5552 Fax: (609) 530-5294
8:30am to 5pm

The information in this brochure is for guidance only. Statutory requirements can be found in N.J.S.A. 27:7-89 et. sec. Regulatory requirements can be found in N.J.A.C. 16:47.

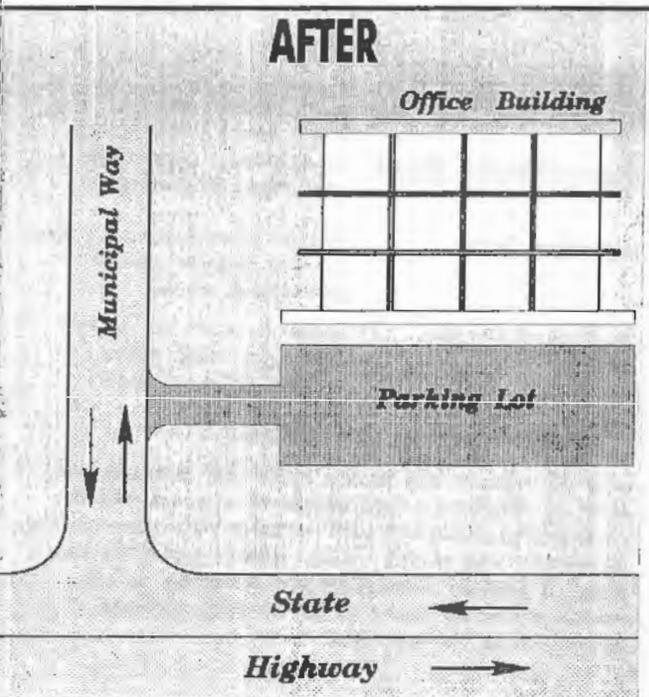
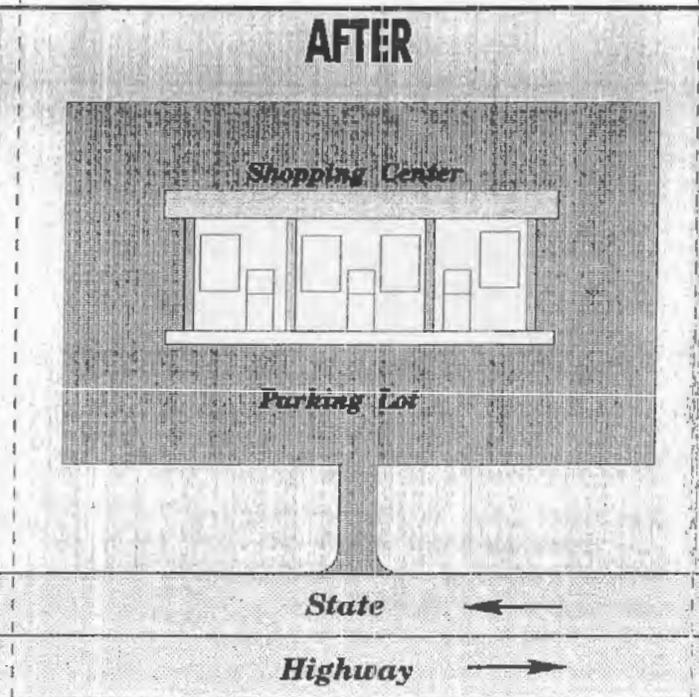
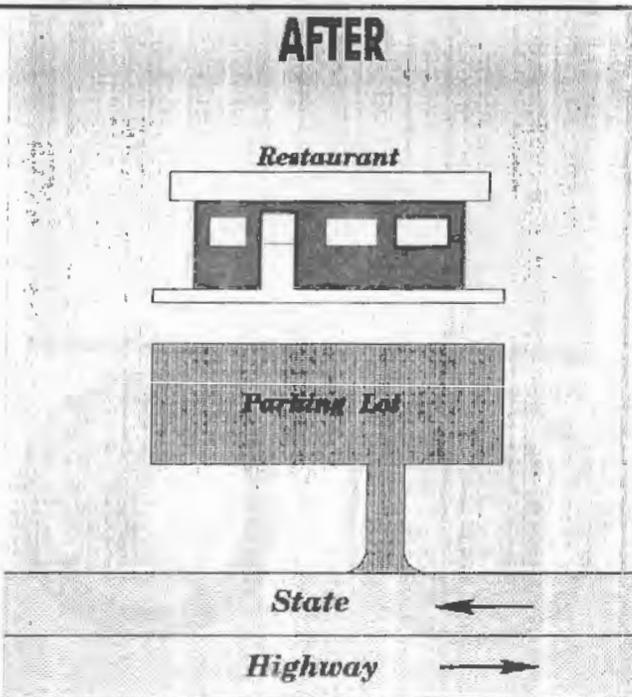
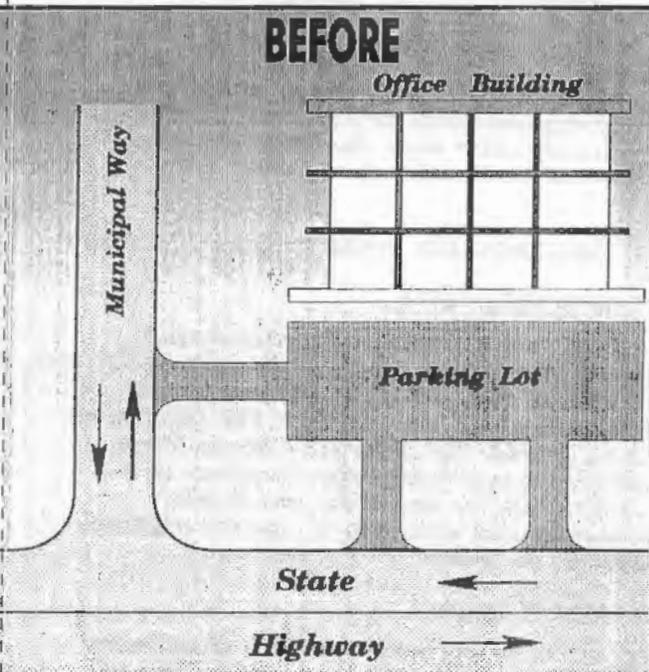
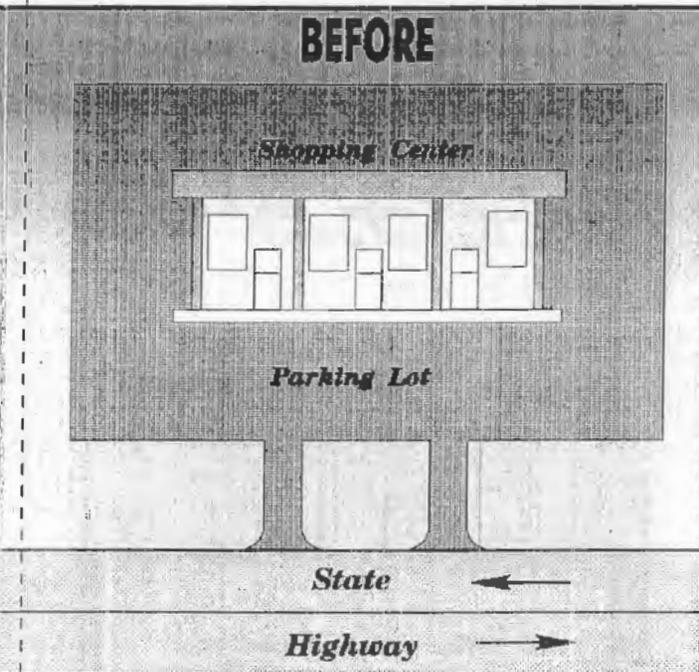
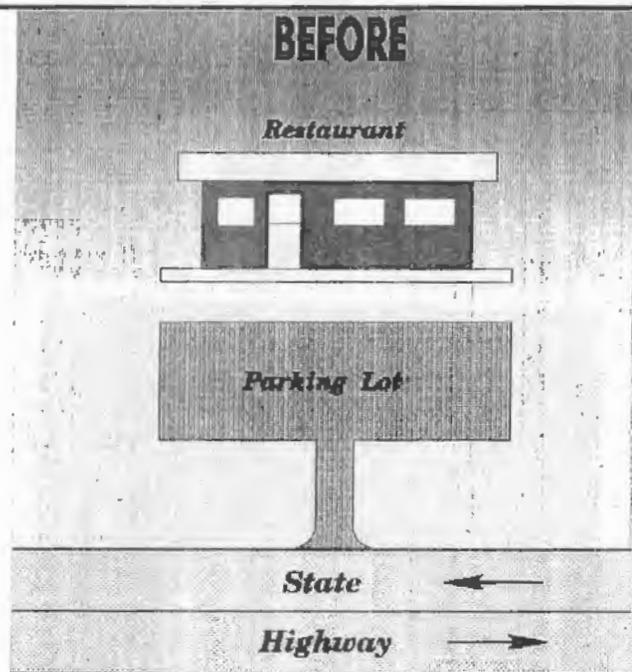
NEW JERSEY DEPARTMENT OF TRANSPORTATION OFFICE OF ACCESS DESIGN INFORMATIONAL GUIDE



ADJUSTMENT OF ACCESS

MODIFICATION OF ACCESS

REVOCATION OF ACCESS



time during the process. You are entitled to this money as soon as the Department deposits it.

Show cause. The Court schedules a “show cause” hearing at which you or your attorney can question the state’s right to buy your property.

The hearing. Three commissioners appointed by the Court hear testimony from you and the Department concerning the value of your property. They will review all of the documents relating to the offer and may render a decision.

The commissioners will notify you of their award. If either you or the Department is not satisfied with their decision, each of us has the right to appeal it and receive a jury trial.

Under the law, you cannot be required to vacate your property unless you sign an agreement with the Department for the sale of your property and receive payment for it, or, the Department files a declaration of taking and deposits the full amount of the offer with the Court.

What will it cost me to sell my property to the state?



There will be few, if any, expenses that you’ll be responsible for in the long term. The Department will pay for recording fees, transfer taxes, deed preparation, mortgage pre-payment charges, any pre-paid real estate taxes and even for reasonable attorney fees in connection with the closing. We make all of the arrangements for the closing.

Since the sale of your property for a

public purpose is considered an “involuntary conversion” by the Internal Revenue Service, you may be exempt from income tax or capital gains tax, depending on how and when you reinvest the profits from the sale of your property. However, you are responsible for getting the correct information from the IRS.

How quickly must I vacate the property?



We know that it’s sometimes difficult to find a new place to live or do business so we try to be reasonable and help you as much as we can. In any case, we can’t ask you to move until we take title to the property and give you 90 days written notice of the need for you to vacate.

Is help available to me during the relocation period?

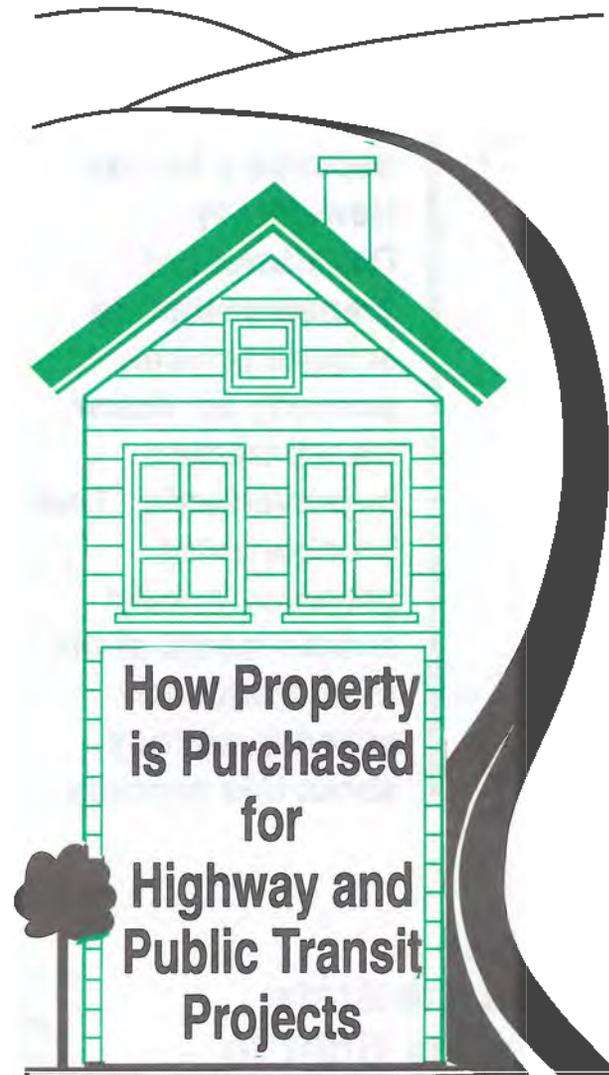


Yes. We will assign a relocation officer to help you with your move and to make sure that you receive all of the benefits, services and payments to which you are legally entitled.

For more information



If you have additional questions about the right-of-way acquisition process, please call your local District Right of Way Office.



New Jersey Department of Transportation

JON S. CORZINE
Governor



KRIS KOLLURI, Esq.
Commissioner



It is sometimes necessary for the New Jersey Department of Transportation to acquire private property for major transportation improvements. This brochure was prepared to help answer some of the most frequently asked questions about this process.

Does the state have the right to purchase my property?



Yes, at a fair price and according to procedures set by state law. The Department of Transportation's representatives work directly with property owners or their designated representative to agree at a fair value for the property in question.



What are the general steps?



1. The appraisal. The first step is an **appraisal** of your property by a qualified real estate professional. You or your representative are welcome to come along on this appraisal visit.

If we're only buying a part of your property, called a "partial taking," the appraiser will also estimate the reduction of value to the remaining property. If a partial taking would leave you with what's called an "uneconomic remnant," we will offer to acquire that piece in addition to the property we need for the transportation project.

2. The offer. A written offer to purchase the property for the full amount established by the appraisal will accompany the appraisal. The offer will include a description of the following:

- the property being purchased and its location;
- any buildings or other improvements that were included in the offer;
- any tenant-owned improvements not

included in the offer;

- a statement of compensation offered for damages, if any, to the rest of the property;

3. The review. A Right of Way negotiator will provide you with a written offer to purchase your property for the full amount established in the appraisal. The negotiator will be able to explain how the rest of the process will work and what goes into the offer we finally make to you.

After you receive the formal written appraisal and attachments, you can review the offer and give us any additional information you think should have been considered when the value of your property was being determined.

4. The acceptance. If you accept our offer, you may be entitled to receive up to 25% of the agreed purchase price.



What if I don't think the offer is fair?



If you don't accept our offer, we begin the "eminent domain process" to make sure that you get just compensation for your property. The state and federal constitution authorize the acquisition of private property for public purpose. The following summarizes the legal steps:

The complaint. The Department takes the first step in the process by filing a "complaint" with the Superior Court. The complaint explains why the

Department needs the property. You will receive a copy of it.

Declaration of taking. In addition, the Department files a "declaration of taking" and deposits the full amount of our offer. Although the state takes title to your property with this filing, the legal process continues in order to arrive at a fair price for the property. You may decide to accept the Department's offer at any

What determines a direct sale or lease?

If there are no other adjoining owners to the property being requested and the property is not a buildable lot, then NJDOT can proceed with a direct sale or lease for the property in question. If there are adjoining owners and the requestor is one of the adjoining owners, a direct sale may still be possible, but it will require that the requestor obtain signoffs (letters of no interest) from the other adjoining owners.

When does an auction take place?

An auction takes place when you have more than one adjoining property owner who may be interested in the excess NJDOT land or when the excess land can be considered as a buildable lot.

Auctions are held at NJDOT Headquarters, 1035 Parkway Avenue, Trenton, four times a year. Prior to the auction, the

**EXCESS LAND
FOR SALE
OR LEASE**

requested property will be posted, advertisements will be taken out in two local newspapers and a copy of the notification posted with the town clerk in the municipality where the requested property is located.

The minimum bid at a public auction is based on NJDOT's estimated value of the property.

**For additional information,
please contact:**

**NJDOT - ROW
Property Management Section
PO Box 614
Trenton, NJ 08625-0614**

609.530.2528

**FREQUENTLY
ASKED
QUESTIONS**

about

**EXCESS LAND
FOR SALE
OR LEASE**



NEW JERSEY DEPARTMENT OF TRANSPORTATION
Right of Way

In acquiring land for public projects, the New Jersey Department of Transportation (NJDOT) sometimes accrues excess land. Here are some of the most frequently asked questions about land for sale or lease.

How does NJDOT land or property become excess?

There are several ways excess land or property is created. Sometimes NJDOT must buy more than just the portion needed for a roadway. For example, on a lot where the state's acquisition would result in an uneconomic remainder, NJDOT often acquires the remainder. Or, after a temporary road is built, the land is no longer needed. Land acquired for special purposes like creating wetlands might also be considered excess.

Are large tracts of excess land available?

No. Typically NJDOT limits its purchases to just the land required for the road or project. The right of way along most highways does not include excess land. Remainders are often unbuildable and uneconomic.

Does the NJDOT have a list of land available for sale or lease?

No. The NJDOT does not currently have a list of all the land and property owned that may be available for sale or lease. However, this may become available in the future.

How much does excess property cost?

In most cases, a fair market value is established. While NJDOT does not charge a fee to process a request, it does charge the cost of the appraisal in any eventual sale or lease. The actual purchase price or monthly

lease rate will be based on the fair market value or on the enhancement value in addition to the cost of the appraisal.

How can I request the availability of NJDOT-owned land?

Send a written request the following information and attachments:

- Requestor's name
- Contact phone number
- The address of the property owned by the NJDOT being requested, including the block, lot and municipality
- The intended use for the requested property
- A note saying whether or not the requestor is an adjoining property owner
- A tax map with the requested area outlined in red

**Send to: NJDOT- ROW
Property Management Section
PO Box 614
Trenton, NJ 08625-0614**

What if there is no lot or block number available?

In some instances the municipality will not have a block and lot designation for the property owned by the NJDOT. In these cases the requestor should reference the adjoining the property block and lot, indicating that it adjoins.

Is an attorney needed?

No. The NJDOT does not require the requestor to have an attorney to inquire about or to complete a sale or lease.

How long does it take?

It generally takes up to one year from the time the request is received, depending on the parcel in question.

How is availability determined?

Here are the steps:

- NJDOT reviews the requestor's letter to determine that all the required information is present.
- NJDOT verifies that it owns the land in question.
- A copy of the general property parcel map and the construction map will be sent to the requestor with a request to confirm that the area marked on the map is the correct area of interest.
- Once this confirmation is received by NJDOT, maps and related information will be circulated throughout the Department to determine if the land requested can be made available for sale or lease.
- If the requested land may be needed for current or future transportation needs, it will not be made available for sale or lease.
- If the requested land is available for sale or lease, NJDOT is required to contact the municipality and the county where the requested property is located to determine if either want the property.
- In instances where NJDOT has owned the land being requested for less than 10 years, the previous owner must also be contacted and provided the opportunity to purchase or lease the property.
- If neither the county or the municipality is interested and the property has been owned by NJDOT for more than 10 years, an appraisal will be obtained and State House Commission approval will be sought. The State House Commission meets four times a year (March, June, September and December).
- Once the State House Commission approves the pending sale or lease, the Department will proceed with either a direct sale to the requestor or with an auction.

**SPECIFIC SERVICE
(LOGO)
SIGN PROGRAM**



 **NEW JERSEY LOGOS, L.L.C.**

Parkway Corporate Center
1230 Parkway Ave., Suite #100
W. Trenton, NJ 08628
(609) 406-9525
(888) 655-6467
Fax (609) 406-9524
lhaddaway@interstatelogos.com

QA

FREQUENTLY ASKED QUESTIONS

1. Q. What services are included on the logo signs?
 - A. Gas, Food, Lodging, Camping, and Attraction services are eligible for participation in the New Jersey Specific Service (Logo) Sign Program.
2. Q. Are all facilities providing these key services eligible to participate?
 - A. There are specific criteria which each type of facility must meet to participate in the Specific Service (Logo) Sign Program. The criteria can be found inside this brochure and will help you to determine if your location qualifies.
3. Q. How will it be determined what facilities have priority if more locations wish to participate in any one category at an interchange than can be accommodated?
 - A. When all of the eligible facilities desiring business logo signs cannot be accommodated, the establishments closest to the interchange which satisfy all requirements shall receive the opportunity to participate. Upon receipt of the Participation Agreement, facilities will have 15 days to submit applications after which priority will be on a first come first serve basis.
4. Q. How will the distance be measured to determine if my location meets the mileage eligibility criteria?
 - A. Business logo signs shall be installed only for a facility located within three (3) miles of the interchange. Distance will be measured from the centerline between the main lines of the highway along the intersecting roadway to the property line of the participating facility.
5. Q. Once I am in the program, can my business logo sign be removed?
 - A. Yes, conditions can result in the removal of your business logo sign. Your business logo sign will be removed if your facility ceases to exist, is temporarily closed for more than 7 days, or does not meet the eligibility criteria and fails to correct the requirements not met within 30 days.
6. Q. Will I be able to make any changes to my sign after installation?
 - A. If you want to change your business logo after initial installation, a \$150.00 per direction per occurrence fee will be charged.

7. Q. How much will it cost to participate in the Specific Service (Logo) Sign Program?

- A. Zone 1- \$2400 per year for one (1) mainline business logo.
Counties: Union, Hudson, Essex, Morris, Bergen, Passaic, Sussex, Warren, Hunterdon, and Somerset
- Zone 2- \$2000 per year for one (1) mainline business logo.
Counties: Middlesex, Mercer, Monmouth, and Ocean
- Zone 3- \$2000 per year for one (1) mainline business logo.
Counties: Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland and Cape May

*All costs include any necessary ramp or trailblazer business logo signs.

Note: The above fees do not include fabrication of the business logo signs.

8. Q. How will the signs be maintained?

- A. All logo sign structure and business logo sign maintenance will be performed by New Jersey Logos, L.L.C. or its contractors.

PARTICIPATION

1. A representative of New Jersey Logos, L.L.C. will call on facilities who meet the eligibility criteria established by the NJDOT. These requirements can be found on the inside of this brochure. A request for additional information can also be made to New Jersey Logos, L.L.C. by calling 1-609-406-9525 or 1-888-655-6467.
2. The New Jersey Logos representative will explain the program and assist all eligible facilities interested in participation with completing an application and other paperwork necessary for their inclusion in the program.
3. Upon submission of the application by the facility, New Jersey Logos, L.L.C. will confirm that the eligibility criteria is met.
4. The New Jersey Logos representative will contact the facility upon approval of the application.
5. If requested, New Jersey Logos, L.L.C. will then assist in the designing of the business logo sign. Creative design assistance is available at no charge.
6. New Jersey Logos, L.L.C. will have your business logo signs installed on the logo sign structures.

Eligibility CRITERIA

There are specific criteria each type of facility must meet to be eligible to participate in the Specific Service (Logo) Sign Program. The following information will help you to determine if your location is eligible. Each business or facility must provide, at a minimum, the following:

	Gas	Food	Lodging	Camping	Attraction
Maximum number of logos per direction	6*	6*	6*	6*	6*
Maximum distance from interchange of facility	3 miles	3 miles	3 miles	7 miles	7 miles
Minimum period of operation	<ul style="list-style-type: none"> Continuous operation 16 hours per day 7 days per week; 360 days per year 	<ul style="list-style-type: none"> Be in continuous operation 12 hours per day; 6 days per week 	<ul style="list-style-type: none"> Continuous operation 7 days per week; 360 days per year 	<ul style="list-style-type: none"> Be open year round. Campground facilities not open year round will have their business logo signs removed at the end of their operating season 	
Required service to be provided & other requirements	<ul style="list-style-type: none"> Possess licensing by all appropriate authorities Provide vehicle services including gas, fuel and oil for cars, trucks and other vehicles Provide restroom facilities Provide public telephone 	<ul style="list-style-type: none"> Possess licensing by all appropriate authorities Possess valid permits from all appropriate health departments Provide restroom facilities Provide public telephone 	<ul style="list-style-type: none"> Possess licensing by all appropriate authorities Possess valid permits from all appropriate health departments Provide a minimum of 10 units, each with a private bath and have off street parking for each unit Provide public telephone 	<ul style="list-style-type: none"> Possess licensing by all appropriate authorities Possess valid permits from all appropriate health departments Provide restroom and shower facilities Provide drinking water Provide public telephone 	<ul style="list-style-type: none"> Have regional significance; and shall include only facilities which have the primary purpose of providing amusement, historical, cultural or leisure activities to the public Provide restrooms and drinking water Provide public telephone Provide a minimum of 5,000 dedicated parking spaces

Note: * A facility may appeal to the NJDOT should they be denied a business logo sign.

* A maximum of 24 business logo signs can be displayed per direction.

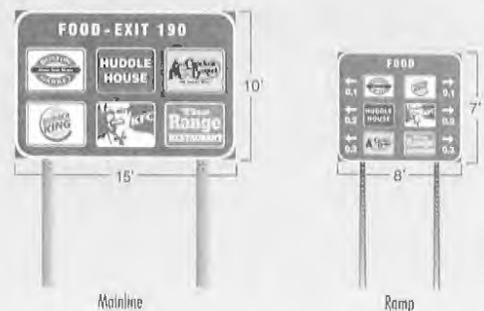
* A maximum of 6 logos per service type per interchange per direction may be displayed.

LOCATION, PLACEMENT AND SIZE

Mainline logo sign structures are placed along the highway within the approach to the exit. Ramp logo sign structures indicating direction and mileage are placed along the exit ramps, space permitting.

The mainline business logo signs are 48" wide by 36" high. The ramp business logo signs are 24" wide by 18" high.

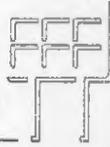
There are a maximum of 6 logos per sign structure placed in the order of priority; gas, food, lodging, camping, and attraction.



SPECIFIC SERVICE

(LOGO)

SIGN PROGRAM



The Specific Service (Logo) Sign Program is a program offered through the New Jersey Department of Transportation (NJDOT) that provides for the installation and maintenance of specific service (logo) signs along certain designated freeways and interstate highways. The logo sign structures are erected to provide identification and directional information to the traveling public for eligible facilities offering services for Gas, Food, Lodging, Camping and Attractions. Facilities can provide this information to the traveling public by contracting to have their business logo sign placed on the logo sign structure.

The New Jersey Department of Transportation has contracted with New Jersey Logos, L.L.C. to administer the New Jersey Specific Service (Logo) Sign program.

ELIGIBLE BUSINESSES

Logo signs are designed for utilization statewide at interchanges along certain designated freeway and interstate highways.

Gas, Food, Lodging, Camping, and Attraction facilities who meet the eligibility criteria and are located at participating interchanges along the routes listed, are eligible for participation.



Appendix 2

TITLE VI NONDISCRIMINATION

Anthony Davis, Manager
Title VI and ADA Programs

Shivani Patel
Affirmative Action Specialist

New Jersey Department of Transportation
Division of Civil Rights & Affirmative Action



Presentation Objectives

- To Provide Liaisons with a Short Background and History of Title VI/Nondiscrimination and Environmental Justice
- Describe the role and responsibilities of NJDOT Programmatic Areas (NJDOT Division) to ensure nondiscrimination in the delivery of their programs
- Describe why we are placing a renewed emphasis of Title VI (T6) compliance
- Request Liaison support in the implementation of NJDOT's T6 Nondiscrimination Program.
- What to expect in a Title VI In-depth Review
- Types of Data Collection Report need from programmatic areas

What is Title VI?

One of the Titles under the Civil Right Act of 1964

- Title I – Voting Rights
- Title II – Public Accommodations
- Title III – Desegregation of Public Facilities
- Title IV – Desegregation of Public Education
- Title V – Commission of Civil Rights
- **Title VI – Nondiscrimination in Federally Assisted Programs & Activities**
- Title VII – Equal Employment Opportunity
- Title VIII – Registration and Voting Statistics
- Title IX – Intervention & Procedure after Removal in Civil Rights Cases
- Title X – Establishment of Community Relations Service
- Title XI - Miscellaneous

What is Title VI? (cont.)

- Federal Law
- The Essence of the Law:

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

What is Title VI? (cont.)

“Program or activity” is defined as:

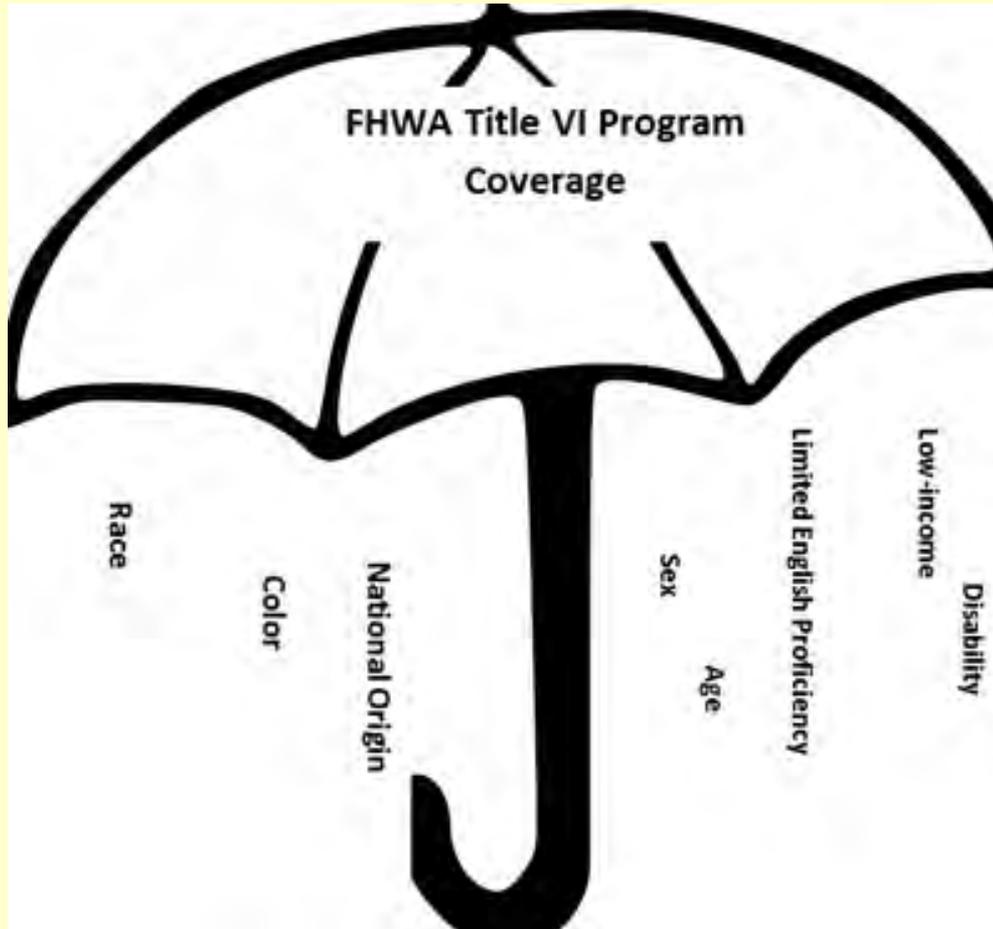
- A department, agency, special purpose district, or other instrumentality of state or local government or;
- The entity of such state or local government that distributes such assistance and each department or agency (and each other state or local government entity) to which the assistance is extended...

“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.

Examples include:

- Property
- Training of employees
- Loan of personnel
- Tax incentives and tax-exempt status
- Technical assistance, etc.

The Umbrella



What is Title VI? (cont.)

- As a condition of receiving federal funds, the NJDOT is required to develop and implement a viable Title VI/Nondiscrimination and Environmental Justice Program.
- Once NJDOT received 1 dollar of federal assistance this requirement applies to all NJDOT Programs whether they are federally funded or not.
- As a result of a recent review by the U.S. Department of Transportation, FHWA Office of Civil Rights, it was acknowledged that the NJDOT has serious deficiencies in training its employees and sub-recipients, monitoring programmatic areas and sub-recipients compliance in the implementation of Title VI/Nondiscrimination Program.

As A Result of FHWA Review

We:

- Have developed a more viable Title VI/Nondiscrimination Program
- Developed training of our employees and sub-recipients. We have trained over 750 NJDOT employees and trained representatives from all 21 counties
- Have developed new State Title VI Assurances that have been signed by the Commissioner
- Conducted Title VI reviews on some of our sub-recipients to ensure that they are in compliance
- Conducted Title VI reviews of NJDOT Core Programmatic Areas (Project Management and Local Aid, Right of Way and Community Relations)

NJDOT Program Areas Affected by Title VI/Nondiscrimination?

All Programs and Activities

- Local-Aid & Economic Development
- Statewide Planning
- Environmental Resources
- Capital Program Support
- Right of Way
- Operations
- Construction Services & Materials
- Highway & Traffic Design
- Community & Constituent Services
- Capital Project Management
- Bridge and Infrastructure Management
- Research
- Etc.

Local Aid Sub-recipients Affected VI/Nondiscrimination?

All Programs and Activities

- County Governments
- Municipal Governments
- Contractors/Subcontractors
- Suppliers
- Colleges and Universities
- Grantees
- MPO's
- Etc.

My Role of Civil Rights T6 Coordinator

Lead Role

- Monitoring of programmatic areas for T6 compliance.
- Provide technical assistance & advice
- Conduct T6 Compliance Reviews
- Outreach/Education/Training
- Update T6 Annual Plan
- Process T6 Complaints
- Work with T6 Liaisons to identify problems or discriminatory practices in programmatic areas
- Work with program officials to correct identified T6 problems or discriminatory practices or policies.

Participatory Role

- Assist Programmatic staff with efforts to develop/improve procedures in order to comply with T6
- Assist in developing T6 information for dissemination to the public, sub-recipients, including languages other than English
- Assist Programmatic areas in ensuring compliance with T6

Role of Liaisons

- Be proactive in implementing T6 in their Department's programs and activities.
- Emphasize public involvement in the delivery of their programs, products and services
- Collect and Report Data on their programmatic areas
- Ensure that employees in each liaisons' programmatic area are aware of T6 policies, procedures and practices
- Assisting with identifying and resolving discriminatory practices and policies in their respective programmatic areas
- Report discrimination and T6 data about their respective programmatic areas
- Attend in-depth T6 training to increase their knowledge base, skill level, and expertise in the implementation, monitoring and enforcement of the T6 Program

Liaisons Cont.

- Reviewing annual reports and compliance plans prepared by the T6 Coordinator to ensure that any issues affecting their respective units have been addressed in the proper manner.
- Providing guidance to the T6 Coordinator when the Coordinator is developing information for dissemination to each liaison's respective programmatic area, the public and, where appropriate, in other languages besides English.
- Providing guidance to T6 Coordinator during the investigation of T6 complaints in each liaison's respective programmatic area, and
- Providing guidance/technical support to T6 Coordinator during the monitoring or reviewing of respective special emphasis areas. This includes the monitoring of T6 compliance for Department initiatives that affect the public, the stages of Planning and Development, the advancement of Capital Projects, highway maintenance, and other program areas that are most important or vulnerable to T6 issues.

Title VI Nondiscrimination Liaisons

- Civil Rights-Anthony Davis
- Bridge Engineering & Infrastructure Management-
- Capital Investment Planning & Development-Amy Polachak
- Community & Constituent Relations-Meredith Hammond
- Construction Management-
- Construction Services & Materials-Snehal Patel
- Environmental Resources & Context Sensitive Solutions-Elkins Green
- Facilities-
- Highway & Traffic Design-
- Human Resources (Recruitment)- Lisa Webber/Janice DeJohn
- Information Technology-Lisa Kaye
- Landscape Architecture & Environmental Solutions (Environmental)-Cecilia Gervasi
- Landscape Architecture & Environmental Solutions (Landscape)-
- Local Aid District 1-Linda Anderson
- Local Aid District 2-Ahmad Ahmad
- Local Aid District 3- George Williams
- Local Aid District 4-Vince Masciandro
- Mobility Systems Engineering-Susan Catlett/Ridwan Ahmed
- Multi-Modal Services Maritime Resources- Genevieve Boehm-Clifton/ Zach Azria
- Multi-Modal Services Freight Planning & Services-Paul Truban
- Multi-Modal Services Aeronautics-Ashwin “Max” Patel
- Multi-Modal Services Fixed Guiderail-Todd Kropilak
- Multi-Modal Services Grants & Programs-
- Operations Bridge Maintenance Engineering & Operations-Atta Najem
- Operations Region Central-Sue Dempsey
- Operations Region North-Richard Christensen
- Operations Region South-Sharon Bird
- Operations Roadway Maintenance Engineering & Operations-Dan Black
- Procurement Construction Services-Quintin Viernes
- Procurement Professional Services-Martin Miller
- Project Management-Veronica Murphy
- Project Management-Evans Marcellus
- Project Management-Zoila Mejia-Aragona
- Project Management-Chris Manz
- Right of Way & Access Management Major Access Permits-Joshua Idowu
- Right of Way & Access Management-Dale Finn
- Statewide Strategies-Monica Etz
- Systems Planning & Research-William Piedra
- Traffic Operations-William Day
- Transportation Systems Management-Maged Gabriel

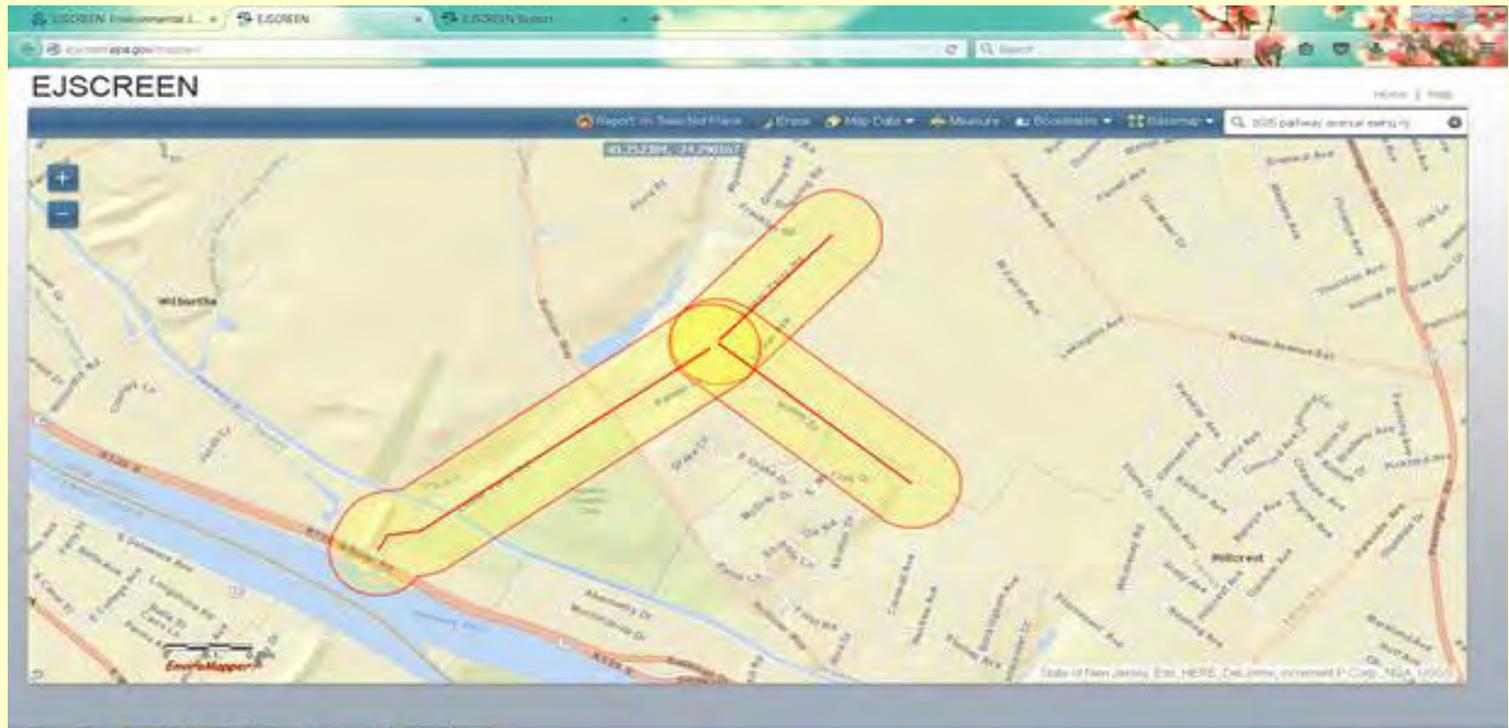
Internal Programmatic Reviews

- As a result of our internal reviews we are recommending changes to procedures to ensure that our programmatic areas are implementing Title VI and monitoring and reporting that information to the division of Civil Rights for inclusion into our Annual Title Program Plan and Update, which is due to the Federal Highway Administration on Oct. 1 of each FFY.

Recommended Procedural Changes for Project Management

- Include Title VI coordinator as a part of core group meetings no matter the project size or scope.
- Revised the project delivery process for all projects **no matter the size and scope** to include **Environmental Justice screening** for all projects and in each phase of the project delivery process. The EJ screening should include demographic data and constraint mapping to adequately address the potential for disproportionate or discriminatory impacts on minority, low-income, disabled and Limited English Proficient (LEP) populations within the project study area.
- Provide an analysis/assessment of demographic data and constraint maps for all proposed alternatives, proposed detours, ROW, and contaminated sites.

EJ Screening. Buffer



EJ Screening Cont.

The Screening describes:

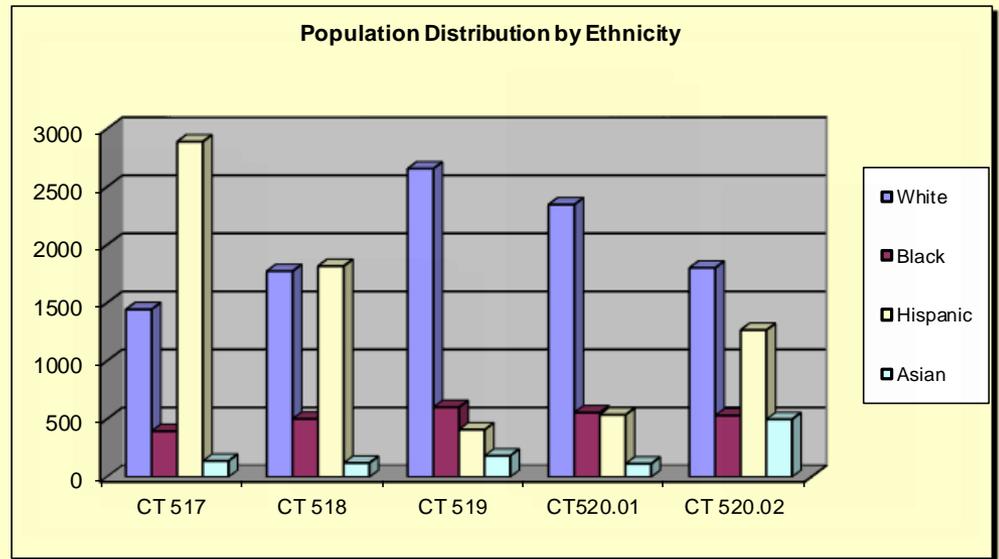
Demographics

Land Use

Housing

Income

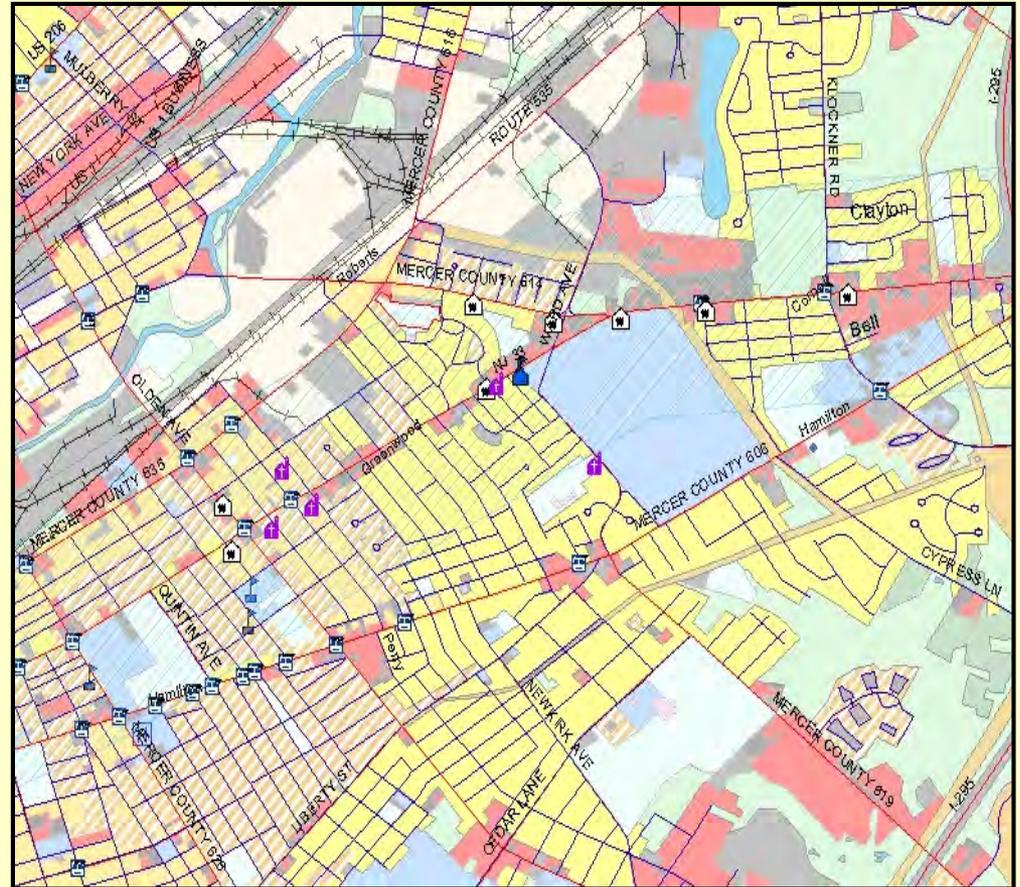
Employment



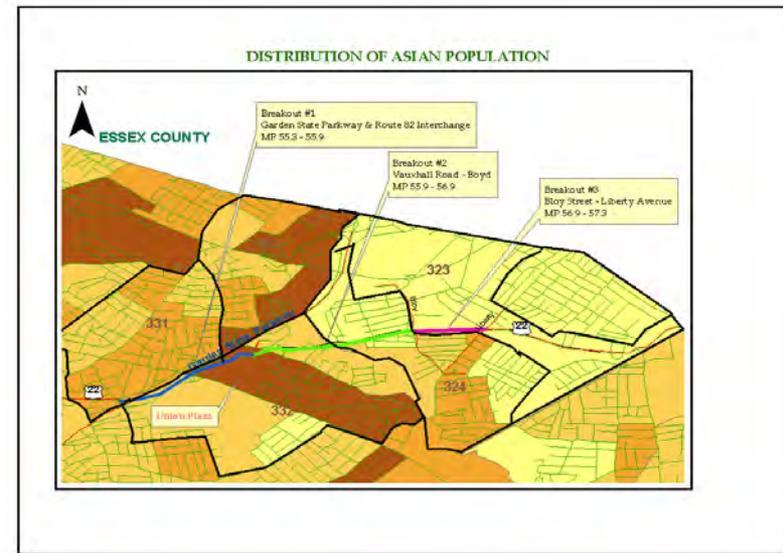
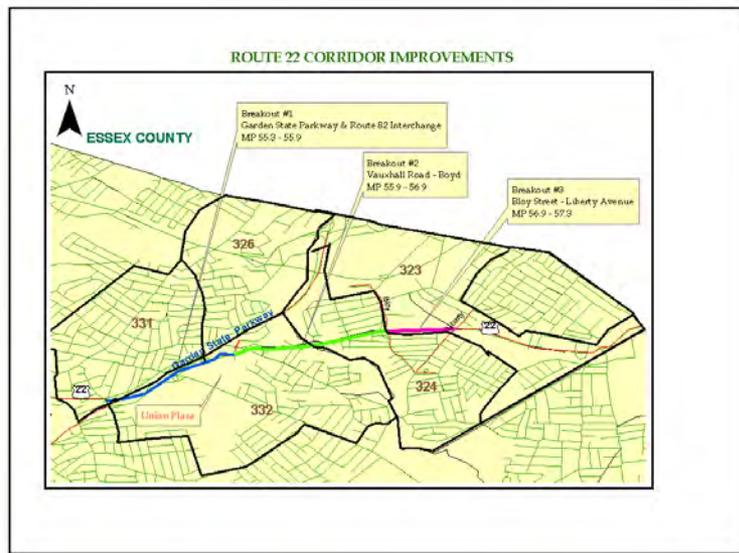
EJ Screen Cont. Community Facilities & Institutions

Facilities such as:

- Houses of Worship
- Community Centers
- Historic Buildings
- Parks & Recreation



EJ Screening Cont. Mapping and Overlays



Doing a EJ screening includes mapping the project study area and inserting an overlay with demographic as well as other information of the study area.

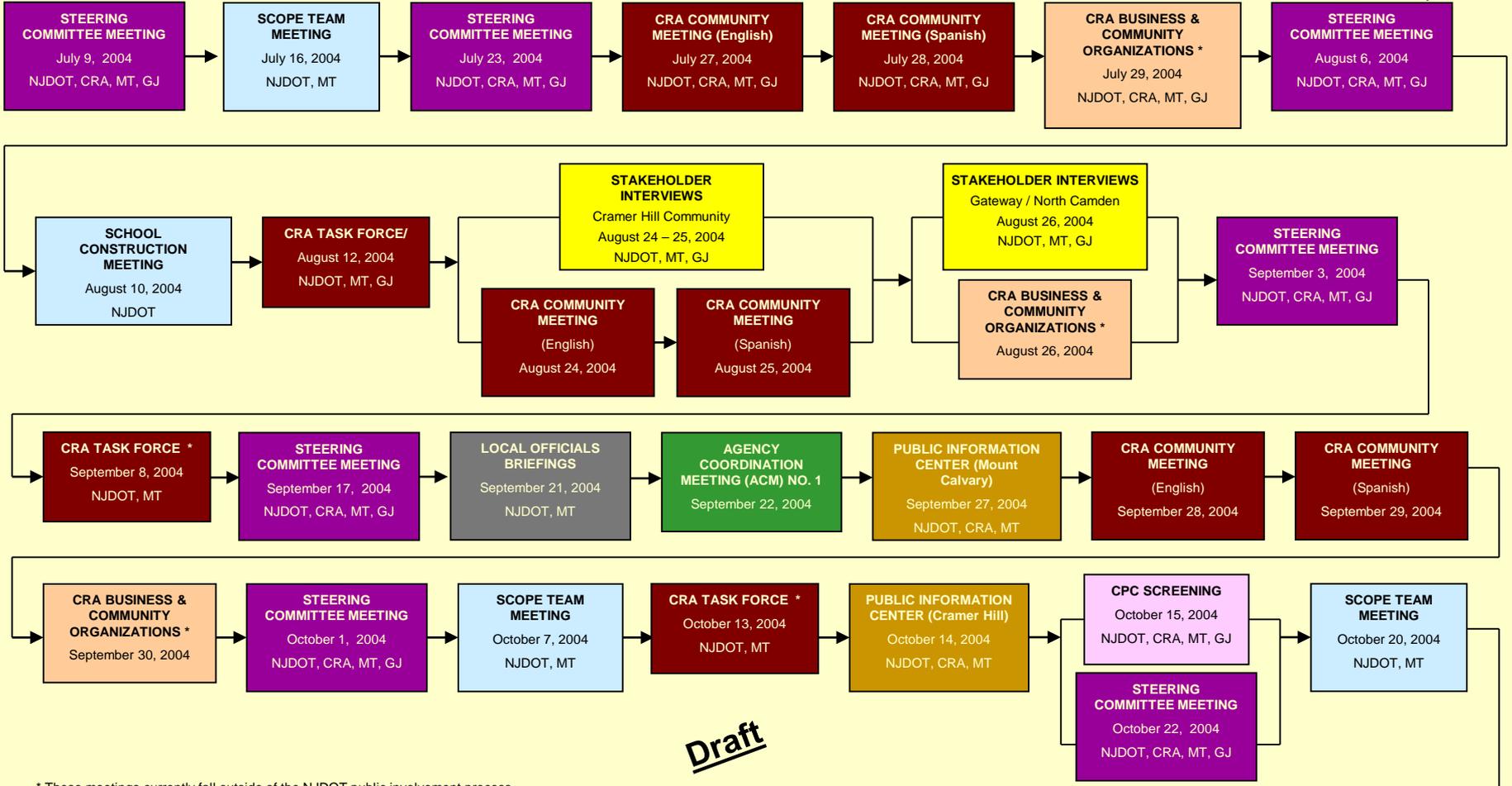
Cramer Hill Access Improvement Project

New Jersey Department of Transportation

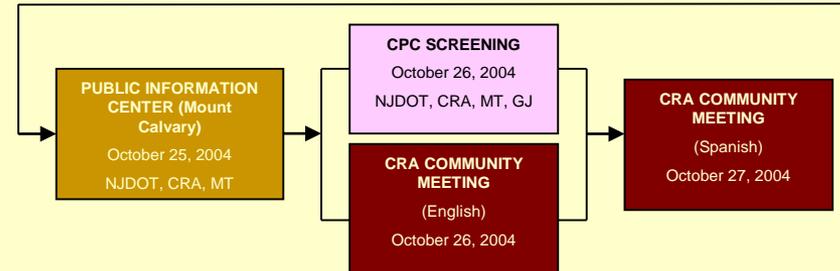
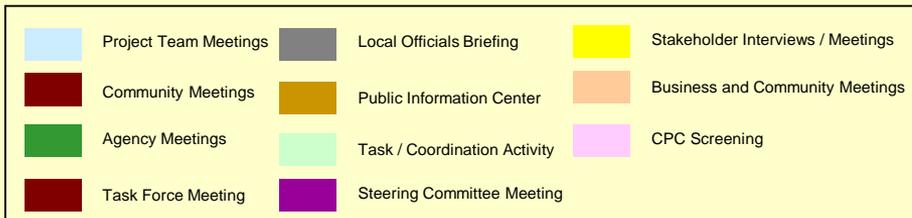
Draft

Public Involvement Flow Chart

Revised: October 14, 2004



* These meetings currently fall outside of the NJDOT public involvement process.



Engaging the Community



Incorporate Community Concerns Into Project Alternatives



Procedural Changes for Local Aid

Require all sub-recipients to submit to NJDOT:

- Signed Title VI Nondiscrimination Policy Statement from their agency
- Signed Standard Title VI Assurance that programs, activities, and facilities will be operated in a nondiscriminatory manner.
- Ensure that all local aid agreements have the Title VI and Civil Rights contract language.
- Develop EEO/Affirmative Action Program for approval by NJDOT–
how the LPA addresses recruiting, hiring and promoting females, minorities, disabled and veterans.
- Develop DBE/Affirmative Action Program for approval by NJDOT–
how the LPA addresses recruiting Disadvantaged Business Enterprises for work as consultants, contractors, etc.

Procedural Changes Local Aid (cont.)

Data Collection

- Identify all decision making committees, both formal and ad-hoc within the division and provide a breakdown by race and gender.
- Report on all local aid distributed to sub-recipients by regions or districts and demographic make-up of each district or region.
- Report on all sub-recipients that have approved AA and DBE Plans on file and those who are delinquent.

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.

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 CHRIS OF
Governor

RICHARD T. HAMMER
Acting Commissioner

KIM GUADAGNO
Lt. Governor

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
Title VI Unit
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

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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 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

Next Programmatic/Division Reviews

- Division of Right-of-Way
- Community Relations

Division of Right-of-Way

Types of procedural changes we may request of ROW for demographic data collection and reporting:

- **Appraisals** – # conducted, # of minorities, # of females, # of LEP issues (e.g. Interpreters, document translations, etc.)
- **Appraisers** - # Qualified, # of DBE's (minority and female owned business) # of contracts awarded and # awarded to DBEs.
- **Acquisitions** - # Acquisitions, # of minorities, # females and LEP issues.

Community & Constituent Relations

Types of procedural changes we may request of CCR for demographic data collection and reporting:

- Develop and Department-wide Public Involvement Action Plan
- Develop demographic lists for public hearings and public meetings.
- Collect demographic data of on who is attending, etc.

Data Collection Templates

- Bureau of Landscape Architecture and Environmental Solutions
- Division of Environmental Resources
- Division of Community and Constituent Relations
- Procurement-Professional Services
- Division of Right-of-Way
- Procurement-Construction Services

Conclusion

Need for collaboration:

- Divisions need to develop, implement, and monitor Title VI Program compliance measures.
- T6 Coordinator should be viewed as playing a supportive role to help divisions achieve compliance (there is only one Title VI Coordinator and one ADA Coordinator)

Conclusion Continued

Need for liaison to foster an understanding within their divisions that:

- Compliance with T6 is a necessary for continued receipt of federal funds
- Collaboration and dedication of each division's resources are necessary
 - T6 Coordinator in Civil Rights plays a supportive role, but divisions are responsible to implement and monitor Title VI compliance measures
 - Need to work together to address issues found in programmatic reviews (And if necessary, develop new policies/procedures)

Questions?

Tony Davis, Manager
Title VI and ADA Programs
Division of Civil Rights/Affirmative Action
609-530-2893
Anthony.Davis@dot.nj.gov

Shivani Patel
Affirmative Action Specialist
Title VI and ADA Program
Division of Civil Rights/Affirmative Action
609-530-2336
Shivani.Patel@dot.nj.gov

Appendix 3



New Jersey Department of Transportation

Americans with Disabilities Act ADA/504

Transition Plan

NEW JERSEY



2017

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1.0 Introduction

The Americans with Disabilities Act (ADA) of 1990 – also referred to as the “Act” or “ADA” – is a federal civil rights law prohibiting discrimination against persons with disabilities through five separate Titles, each of which targets a different aspect of potential discrimination:

- Title I- Employment
- Title II- State and Local Government Services
- Title III- Public Accommodations
- Title IV- Telecommunications
- Title V- Miscellaneous Provision.

Title II (42 U.S.C. §§12131-12164) specifically addresses accessibility to public services and public transportation by persons with disabilities. The Act applies to facilities built before and after 1990, and requires State and local governments and public entities/agencies to perform Self-Evaluations of their current facilities relative to the accessibility requirements of the ADA.

Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. §794) is a federal law that states "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that receives Federal funding.

Together with Title II, the two laws work together to achieve the goal of making public rights-of-way and facilities accessible to persons with disabilities.¹ Agencies are then required to develop a program access plan – otherwise referred to as a Transition Plan – to address deficiencies identified in their Self-Evaluations.

1.1 FRAMEWORK FOR ADA COMPLIANCE

Relative to all public agencies that fall under Title II and Section 504 requirements, State Departments of Transportation (DOTs) face unique challenges in meeting ADA accessibility of the facilities they own or manage. The sheer size and geographic extent of State DOT facilities can easily span thousands of miles of public rights-of-way, magnifying the complexity and cost of efforts to achieve, maintain, and track compliance over time. A recent guide titled “ADA Transition Plans: A Guide to Best Management Practices” (hereafter referred to as the Guide) recognizes these challenges, while laying out a solid

¹ The public right-of-way consists of everything between right-of-way limits, including travel lanes, medians, planting strips, sidewalks, and other facilities.

groundwork for achieving compliance through a phased, step-like approach of demonstrated activities and accomplishments over time.²

In summary, the Guide outlines seven specific steps for achieving an “ideal scenario” for meeting ADA requirements with respect to the accessibility of facilities in the public right-of-way. These steps have been reorganized into the following functional areas:

- Step 1 - Fulfilling the administrative requirements of the ADA program through the designation of a dedicated staff person, provision of ADA notice, and adoption of procedures for resolving complaints in a timely and effective fashion.
- Step 2 - The second step involves the performance of a self-assessment (or “Self-Evaluation”) of areas of compliance in which the agency falls short, including its internal and external ADA processes and the condition of its managed facilities.
- Step 3 - As a follow-up to the self-assessment (or “Self-Evaluation”), Step 3 is the development of a implementation plan (or “Transition Plan”) to improve ADA accessibility and compliance with Title II and Section 504 through several required elements, including the development of a curb ramp installation schedule.
- Step 4 - The last step involves monitoring the progress of the implementation plan, conducting regular updates to ensure the plan and its priorities are valid and that compliance efforts are effective and properly directed.

1.1.1 Fulfilling Administrative Requirements of Program

Each State DOT has a responsibility to establish a basic program that meets the administrative requirements of the ADA. The basic elements of an ADA program include:

Designation of an ADA Coordinator

As a first step, each DOT must designate one responsible staff to coordinate ADA compliance with Title II across the department, to investigate complaints related to Title II, and to serve as a single source for ADA information inside and outside the department. This person would likely interface with local governments, advocacy groups, and the public, and be dedicated full-time to advancing compliance plans within the department.

² NCHRP Report 20-7 (232), *ADA Transition Plans: A Guide to Best Management Practices*, National Academy of Sciences, National Cooperative Highway Research Program, May 2009.

Provision of Notice Regarding ADA Requirements

ADA's assurance of program accessibility dictates that services and programs offered by public entities – including DOTs—should be accessible to individuals with disabilities and ensure that they are not excluded because of limitations on access. Various methods of ensuring program accessibility include redesign, alteration of facilities, relocation of services or programs to an accessible location in a facility or to an accessible facility altogether. An important and related component of accessibility is the provision of information to the public about ADA. The provision of notice about the rights of the public under the ADA is a continuing responsibility of DOTs, which must determine the most effective way to accomplish this goal.

The target audience for public notice is expansive and encompasses anyone who already interacts, or could potentially interact, with the DOT – including applicants, beneficiaries, and other people interested in the DOT's programs, activities, or services. The notice should include information about Title II of the ADA and how it applies to the programs, services, and activities of the DOT. The presented information must be accessible to all, and therefore be provided in alternative formats including: audio tape, large print notice, Braille notice, HTML format in website content, provision of translators, and advertisements in publications with large print versions, etc.

Adoption and Publishing of Grievance Procedures

DOTs are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA so that complaints of disability discrimination are resolved in a prompt and fair manner. Once developed, the grievance procedure should be distributed to all agency heads. Copies should be posted in public spaces of the building and on the DOT's website. The procedure must be available in alternative formats so that it is accessible to all people with disabilities.

While Title II and its implementing regulations do not specify what ADA grievance procedures must include, the Department of Justice (DOJ) has developed a model procedure that includes the following elements:

- A description of how and where a complaint under Title II may be filed with the government entity;
- If a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available for people with disabilities who require such an alternative;
- A description of the timeframes and processes to be followed by the complainant and the government entity;
- Information on how to appeal an adverse decision; and
- A statement of how long complainant files will be retained.

1.1.2 Conducting a Self-Assessment

The development of a Transition Plan first begins with a Self-Evaluation, or inventory, of existing physical barriers in facilities managed by NJDOT, and a listing of all barriers that limit accessibility. Potential approaches for conducting this inventory include on-ground surveys, windshield surveys, aerial photo studies, and drawing reviews.

An Accessibility Barriers Checklist provided in the Guide highlights several areas where deficiencies are likely to be found, as shown in Table 1.1 below:

Table 1.1 Accessibility Barriers Checklist

ISSUE	POSSIBLE BARRIERS
Sidewalk and Pathway Clear Width	Narrow, Below Guidelines
Sidewalk and Pathway Cross Slope	Steepness, Irregularity, Variability, Warping
Landings Along Sidewalks and Pathways	Less Than 4 feet by 4 feet
Sidewalk and Pathway Grade	Steepness, Angle Points
Materials and Finishes	Deterioration of Surfaces, Deterioration of Markings, Appropriateness of material (ex. Cobblestones)
Gratings	Grating Type, Grate Opening Orientation
Discontinuities	Missing Sections, Gaps, Drops, Steps
Detectable Warning System	Missing, Inappropriate Materials, Inadequate Size, Wrong Location
Obstructions	Signs, Mail Boxes, Fire Hydrants, Benches, Telephones, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Tree Grates, Pole Mounted Objects, Standing Water, Snow or Ice
Traffic Signal Systems	Lack of Provision for the Visually Impaired such as APS, Inadequate Time Allowed, Inoperable Buttons, Inaccessible Buttons
Curb Ramp	Missing, Does not Fall within Marked Crosswalk, Doesn't Conform to Guidelines
Curb Ramp Flares	Missing Where Required, Too Steep

Source: NCHRP Report 20-7 (232), *ADA Transition Plans: A Guide to Best Management Practices*, National Academy of Sciences, National Cooperative Highway Research Program, May 2009.

The development of such an inventory is the most challenging part of the Transition Plan process due to a lack of budgetary and staff resources to undertake and complete this time-consuming and complicated task.

As a result, the Best Practices Guide recommends some potential approaches for DOTs to move forward:

- Identifying dedicated funding and staffing prior to undertaking Self-Evaluation activities;
- Dividing the entire effort into two separate inventories— one solely for buildings and the other one for the right-of-way—so that a portion of the compliance effort can occur on a more accelerated schedule;
- Using phasing and prioritization to focus the initial stages of the inventory effort on the areas identified as most important based on criteria such as high pedestrian traffic areas or areas more commonly used by pedestrians with disabilities; and
- Dividing the inventorying tasks across regions or districts, with each region/district responsible for Self-Evaluation and development of an individual Transition Plan specific to its own geographic area.

1.1.3 Developing an Implementation Plan

Once the Self-Evaluation is completed and an inventory of required structural modifications to achieve accessibility is conducted, a plan must be developed for removing the identified barriers where they exist. While there is considerable variation between existing Transition Plans across State DOTs, each plan must cover at least four required elements, in addition to the involvement of the public and availability of the plan for public review. These elements include a) the inventory from the Self-Evaluation, b) discussion of methods to remove barriers and improve accessibility, c) a schedule for taking steps to achieve compliance, and d) an identified individual responsible for the plan's implementation.

Curb ramps receive special consideration in the Transition Plan because they are a vital component to making sidewalks, street crossings, and other pedestrian routes that make the public right-of-way accessible to people with disabilities. Specifically, the Transition Plan requires a separate schedule dealing with remediation of curb ramp issues.

1.1.4 Monitoring Progress

The final key step in achieving improvements in ADA compliance is continuous attention to incremental improvements and whether these are meeting the goals and targets set out in the Transition Plan schedule. As an example, progress can be monitored by ensuring that "x" percent of access ramps are installed every "y" years with the goal of "z" percent completion in a specified number of years. The key for effective monitoring relies on the setting of goals and targets by which to measure progress on an annual basis.

2.0 Transition Plan Requirements

As a key component of ADA compliance, the Transition Plan and its required and related elements - including its context within the transportation planning process and relevant projects covered by Title II/ Section 504, plan stakeholders, the review process, and future updates – are discussed in this section.

2.1 PLAN ELEMENTS

Per 28 CFR §35.150(d)(3)(9-12-06), Title II requires the Transition Plan to accomplish the following tasks, at a minimum:

- Identify physical obstacles in a public agency's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the Transition Plan;
- Include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by Title II, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas;
- Indicate the official responsible for the implementation of the plan; and
- Provide opportunities to interested persons and groups to participate in the development of the plan, including the Self-Evaluation leading to the plan.

2.2 PROJECTS COVERED BY ADA AND SECTION 504

Any project for construction or alteration of a facility that provides access to pedestrians must be made accessible to persons with disabilities. Projects that alter the use of the public right-of-way - by making any changes that affect or could affect access, circulation, or use by affecting the structure, grade, or use of the roadway - must incorporate pedestrian access improvements within the scope of the project to meet the requirements of the ADA and Section 504.

Alterations include reconstruction, major rehabilitation, widening, resurfacing, signal installation and upgrades, and projects of similar scale and effect³.

Maintenance activities are not considered to be alterations, per the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation FHWA. Some examples of the types of treatments that would normally be considered maintenance are: painting or striping lanes, crack filling and sealing, surface sealing, chip seals, slurry seals, fog seals, scrub sealing, joint crack seals, joint repairs, dowel bar retrofit, spot high-friction treatments, diamond grinding, and pavement patching⁴.

2.3 RELATIONSHIP TO THE TRANSPORTATION PLANNING PROCESS

The Transition Plan is intended to identify system needs and integrate them with the State's planning process through the Statewide Transportation Improvement Program (STIP) and metropolitan Transportation Improvement Program (TIP) documents. In order to be effective, a Transition Plan needs to be used in the annual planning of projects and related funding decisions⁵.

Accessibility improvements should be incorporated into the transportation program on an ongoing basis through the following means:

- Any programmed construction projects must meet accessibility requirements when built;
- Accessibility improvements identified in the Transition Plan that are not within the scope of an alteration project should be incorporated into the overall transportation planning process, even as stand-alone projects; and
- During scheduling maintenance activities, agencies should identify ADA accessibility needs and incorporate them into the overall transportation planning process.

³ Source: Federal Highway Administration Office of Civil Rights, "Questions and Answers About ADA/Section 504" accessed at: http://www.fhwa.dot.gov/civilrights/ada_qa.htm

⁴ USDOJ-FHWA Technical Assistance dated 6-28-2013

⁵ Federal Highway Administration, Op cit

2.4 REVIEW PROCESS

Transition Plans should be reviewed by at least three main groups of stakeholders:

- Internal stakeholders that include DOT staff and individuals responsible for the development of the Plan within the agency;
- External stakeholders that include the FHWA, as part of its program, project, and investigative oversight role of its Federal-aid sub-recipients; and
- External groups of interested individuals who represent the public-at-large or are assembled or identified by the DOT for providing input throughout the Self-Evaluation and Transition Plan development process.

2.4.1 Internal Review

Section 504 requires FHWA to monitor compliance of Federal-aid recipients with respect to their Self-Evaluation and Transition Plans. As defined in the stewardship plan, FHWA Division offices are tasked with reviewing pedestrian access compliance with the ADA and Section 504 as part of their routine oversight activities.

A Transition Plan should be periodically reviewed by agency staff through a Self-Evaluation process, which should take place both *prior to* and *following* Transition Plan completion. These Self-Evaluation activities are intended to gauge the level of existing compliance and determine the potential need for additional areas of inclusion for accessibility improvements. Identified deficiencies should be catalogued and included in future Transition Plan updates.

2.4.2 External Review

In addition to agency staff, the public-at-large is a key stakeholder in ADA compliance and the agency's efforts to make steady, incremental improvements through the Self-Evaluation and Transition Plan processes. Opportunities for participation in the Self-Evaluations that lead to the development of a Transition Plan should be actively advertised as part of a more formal public outreach effort to members of the disabled community, interested persons, and other public stakeholders. A more comprehensive list of potential stakeholders for the review process include: activists, advocacy groups, general citizens, organizations that support the rights of the disabled, elected officials, State-designated bodies or committees, or a State Ombudsman.

Potential sources for disseminating information and making requests for comments throughout the Self-Evaluation process include: awareness days, newsletters, and information on the DOT website. Comments can be gathered through various means, including meeting comment forms, meeting transcriptions, a dedicated hotline, e-mail or written correspondence addressed

to the agency. Completed Self-Evaluation and Transition Plan documents are required to be available for public inspection and review.

2.5 FUTURE PLAN UPDATES

NJDOT updates and submits the Transition Plan annually to Federal Highway Administration to ensure that the document is current and meets the needs of disabled persons. Since each plan is required to have an annual schedule that is ideally aligned with annual funding allocations through transportation planning and programming mechanisms, annual milestones should be adjusted regularly to reflect any changes in real world conditions.

3.0 NJDOT Progress to Date

This Section describes the advancement NJDOT has achieved to date on its Title II and Section 504 responsibilities. The department's current program and activities are geared toward making steady progress on its Transition Plan with the required elements, as described in Section 2.0. Its progress includes satisfying the administrative requirements of the program, engaging in interdepartmental coordination efforts to share ADA information across divisions, and the performance of leading activities (e.g. curb ramp inventory, training, outreach and education and assessment of best practices, etc.) to directly support the Transition Plan.

3.1 ADMINISTRATIVE REQUIREMENTS OF ADA

Entities with 50 or more employees must designate at least one employee to coordinate compliance with the respective regulations. NJDOT has met this basic program requirement, which also serves as a key required element of the Transition Plan, by designating a formal ADA Coordinator. NJDOT has also developed several notices related to ADA – including a grievance procedure, among others – and is planning wider dissemination of these documents internally and to the public.

3.1.1 Designation of ADA Coordinator

NJDOT has designated an ADA Coordinator and has made available to all interested individuals the name, office address, and telephone number for contact. The notice, as shown below, is also available in large print or on audio tape.

Chrystal Section
ADA Coordinator
New Jersey Department of Transportation
Division of Civil Rights/Affirmative Action
1035 Parkway Avenue
Trenton, NJ 08625
Main Office Building, 2nd Floor
Voice (609) 530-2939
Fax (609) 530-4030
E-mail: chrystal.section@dot.nj.gov

The ADA/504 Coordinator is charged with the responsibility for implementing, monitoring and ensuring the agency's compliance with Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. The functions performed by the ADA Coordinator are outlined by the department's

“Statement of Responsibility of ADA/504 Coordinator” and include the following:

- Monitoring the department’s current policies and practices for implementing ADA/504.
- Identifying shortcomings in compliance and developing remedies.
- Evaluating remedial steps taken to eliminate the effects of discrimination.
- Monitoring complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complaints filed under ADA/504.
- Ensuring agency compliance with ADA/504.
- Collaborating and coordinating with the heads of major divisions and Departments to enable ADA/504 compliance efforts.
- Establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations.
- Monitoring the agency’s ADA/504 Transition Plan to ensure that all department facilities remain in compliance with applicable accessibility standards.
- Monitoring established procedures to ensure that requested auxiliary aids are provided for persons with disabilities.
- Conducting annual reviews of ADA/504 program areas.
- Conducting ADA/504 training programs for agency managers and employees.
- Preparing a report of ADA/504 accomplishments and problem areas for the Federal Highway Administration Annual Assurance Report.
- Monitoring the preparation of ADA/504 information for dissemination to the general public, including the “Notice to the Public” offer to provide reasonable accommodation upon request.
- Identifying, investigating, and eliminating ADA/504 discrimination when it is found to exist.

3.1.2 Notice of ADA Requirements

There are two notices made available to all interested members of the general public – Notice Under ADA and the Notice of Nondiscrimination.

NJDOT adopted the US Department of Justice model [Notice Under ADA](#), which includes brief statements about:

- Employment;

- Effective communication;
- Making reasonable modifications to policies and programs;
- Not placing surcharges on modifications or auxiliary aids and services; and
- Filing complaints.

Relevant information should be provided through this notice on an ongoing basis. The target audiences for the notice under ADA include applicants, beneficiaries, and other people interested in the state or local government's programs, activities, or services. NJDOT plans to include this notice to reach these audiences by including it in job applications, media outlets like newspapers, television and local radio, public information meetings, NJDOT's website, and public facilities, including NJDOT facility locations.

[The Notice of Nondiscrimination](#) affirms that the department's programs, services, activities, operations, and employment practices comply with all requirements of 49 CFR Part 27, 28 CFR §35 and 42 U.S.C. §12101-12213. The Notice also provides contact information for the ADA Coordinator for questions, complaints, or requests. This document is designed to fulfill the requirement under 28 CFR §35.106, which states that:

“A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.”

This notice is made available at public information meetings and the NJDOT library.

3.1.3 Grievance Procedure

NJDOT has established a grievance procedure for disability-based discrimination entitled [“Grievance Procedure Under the Americans with Disabilities Act”](#). The Grievance procedure includes language identifying the ADA Coordinator as the person responsible for gathering information about the complaint, procedures for resolving the complaint including the right to appeal, the timeframe for keeping complaints on file, language expressly prohibiting retaliation, an assurance of a prompt and full investigation, and an alternate address for filing complaints with FHWA.

All grievances should be in writing and submitted to the ADA Coordinator within 30 days of the alleged violation. The notice also includes language on the availability of alternative means of filing complaints, such as personal interviews or an electronic recording of the complaint. While the use of the NJDOT Discrimination Complaint Form is recommended, it is not required, and

alternative formats may be arranged for those requesting special accommodations.

The Grievance Procedure specifies that the ADA Coordinator or his/her designee will respond in writing (or other means should an accommodation be requested), and will offer a resolution or explain the position of the department with respect to the complaint. A Division office representative will meet with the complainant to discuss the complaint and possible resolutions. Within 45 days, the complainant will receive a response, in writing or other means as requested, detailing the final resolution and potential avenues of appeal, if available.

The NJDOT Discrimination Complaint Form, available from the ADA Coordinator, collects the following information:

- The complainant's name and contact information;
- The cause of alleged discrimination, including the option to select "Disability" from the available choices;
- Details of the party perpetrating the alleged discrimination;
- Details of the "Event" of discrimination;
- The "relief" or "settlement" requested; and
- A request for the complainant's and a witness's signatures, swearing or affirming that the charge is true.

Complaints received are logged in the NJDOT complaint log and shall be kept on file for one year. A record of all such complaints, which may be in summary form, shall be kept for five years.

Complaints are pursued by the ADA Coordinator using an "Investigative Report" form comprised of the following sections:

- Complaint;
- Respondent;
- Applicable Law;
- Basis;
- Issues/Allegations;
- Findings; and
- Conclusion.

3.1.4 Sub-Recipient Assurances to FHWA

There are two sets of assurances for ensuring oversight and compliance of ADA regulations, which should be included with contracts and applications in order to receive federal funding:

- NJDOT's assurance to FHWA as a recipient of Federal financial assistance from FHWA, and;
- Sub-recipients assurances to NJDOT, for contracts through which they receive Federal funding.

NJDOT's [assurances](#) are inserted into any application, contract, or other instrument signed and submitted to the NJDOT and/or the Federal Highway Administration (FHWA) in order to receive Federal financial assistance. As of October of 2009, it is the practice of NJDOT to insert the Notice, or contents thereof, into its Professional Service Agreements and Construction Contracts. NJDOT ensures all sub-recipients programs are not discriminatory regardless of funding.

3.2 INTERDEPARTMENTAL COORDINATION

NJDOT's efforts to address and resolve ADA compliance issues recognize the importance of cross-agency and interdepartmental coordination. Efforts aimed at greater collaboration include the institution of an ADA Working Group, training and awareness within the department, and identification of data and expertise-sharing opportunities across the agency.

3.2.1 ADA Working Group

NJDOT Division of Civil Rights, ADA Unit, engages internal stakeholders on ADA-related issues. Collectively, members of this group span several functions within the department and are considered to be Subject Matter Experts (SMEs) in their respective fields. The purpose of this group is to leverage the skills, experience, and expertise of staff on issues involving ADA compliance and accessibility.

Members of the ADA Working Group currently include representatives from the following areas:

- Civil Rights and Affirmative Action;
- Program Management;
- Design Standards;
- Project Management Office;
- Right of Way;
- Traffic Engineering & Safety;
- Transportation Data Development

3.2.2 NJDOT Web Accessibility

The NJDOT Internet home page is located at <http://www.state.nj.us/transportation/> and provides access for all users. Both the International Symbol of Accessibility and Telecommunications Relays Service

(TRS) icons are located on the bottom right corner of the site. Accessibility to both web sites is obtained by clicking on the icons.

Under Section 508 (29 U.S.C. '794d), agencies must give disabled employees and members of the public access to information that is comparable to the access available to others. Provisions of Section 508 ensure access for people with vision impairments who rely on various assistive products to access computer-based information, such as screen readers, which translate content on a computer screen into automated audible output, and refreshable Braille displays. NJDOT has a comprehensive Web accessibility policy statement⁶ provided at the bottom of the NJDOT home page, and on most other Web pages including various department Web pages. The objective of this policy is "to improve the ease with which all citizens, including those with disabilities, can access and benefit from web-based government services and information." As a part of this policy, the Office of Information Technology (OIT) shall provide Web accessibility consultation, testing, and remediation services to client agencies, while providing Web accessibility training to NJOIT employees as needed.

OIT works closely with the Office of Communications in developing and deploying websites within NJDOT. Communications must provide an approval on the Web content after consultation with the content provider. NJDOT affirms that all of its Web templates are section 508 compliant. These templates are standard "containers" that hold various types of web content. Guidelines—including ADA specific guidelines—for the revision of templates are included in the NJDOT Web Developers Guide, last updated in November of 2007. In order to test Section 508 compliance, a sample set of web pages are tested using the IBM Home Page Reader, an application that reads pages to blind users. To ensure that graphical content is available in an accessible format, text labels or descriptors for graphics and certain format elements are used which can be read with the Home Page Reader are used.

3.3 SELF-EVALUATION

The Americans with Disabilities Act of 1990 (Title II, 28 CFR §35.105) mandates NJDOT, as a public entity, to perform periodic evaluations of its services, policies, and practices relating to accessibility for individuals with disabilities. The goal of the Self-Evaluation process is to review and assess the Department's internal structures and processes for addressing ADA regulations, with particular emphasis placed on State roads, State highways, and State-owned facilities. Insights gained from this self-assessment are intended to serve as a

⁶ NJDOT Web accessibility statement, Accessed at <http://www.state.nj.us/transportation/accessibility/>

baseline from which to develop a plan for improvements and corrections— the Transition Plan.

The Self-Evaluation framework covers three NJDOT functional areas: General Requirements, Program and Facility Accessibility, and Communications. The summarized findings for each area are as follows:

3.3.1 General Requirements

NJDOT has fulfilled general requirements pertaining to ADA, including the designation of an ADA coordinator and publication of that individual's contact information, the existence of a Notice of Nondiscrimination and an internal grievance procedure, the proper filing of complaints, and written assurance to the FHWA that it will not discriminate on the basis of disability. All documents are available on the NJDOT Division of Civil Rights, ADA Unit website at <http://www.state.nj.us/transportation/business/ada/documents.shtm>. These documents are disseminated to sub-recipients and general stakeholders during all training sessions and public meetings.

Copies of both the Self-Evaluation and Transition Plans are made available during ADA training sessions conducted for local counties and municipalities and consultants.

3.3.2 Training, Awareness, and Information Dissemination

Rutgers Center for Advanced Infrastructure Transportation (CAIT) has conducted three trainings for Local Public Agencies (LPAs) in conjunction with NJDOT's Civil Rights ADA Unit and the Division of Local Aid throughout 2015 and 2016:

- Designing of ADA Curb Ramps (4 hour class) Presented 12/16/15, 2/4/16, 3/4/16, 3/30/16, 5/6/16, and 7/12/16.
- Compliance to the Americans with Disabilities Act in the Public Right-of-Way (4 hour class) 11/4/15, 1/29/16, and 4/7/16.
- ADA Self Evaluation and Transition Plans for Public Rights-of-Ways, (2 hour class) 12/8/15 (will be presented 3 times remainder of 2016).

Other classes CAIT conducted:

- ADA Curb Ramps at Signalized Intersections, 6/24/16 (1.5 hour, one time only event with County and Municipal and Traffic Engineers Association).
- ADA Transition Plans, 4/18/16 (1 hour, one time only event with New Jersey State Association of County Engineers).

In addition the following classes, 15 minute modules on ADA in Work Zones were conducted:

- Traffic Control Coordinator (7 session for contractors and 2 sessions for NJDOT employees)
- Traffic Control Coordinator Refresher (7 sessions for contractors, 2 sessions for NJ DOT employees)
- Police Work Zone Safety Train the Trainer (Local police, 3 sessions)
- Work Zone Safety for Municipal and County Public Utilities and Public Works Personnel (Public works personnel and gov't utilities, 3 sessions)

It is NJDOT's goal to monitor sub-recipients in the advancement of ADA. Our initial strategy was to ensure sub-recipients were educated on ADA compliance through training. Counties, municipalities, MPOs, consultants and contractors have received ADA training via NJDOT in conjunction with FHWA and Rutgers University.

During 2016-2017, training sessions on ADA will be presented to all twenty-one counties in New Jersey. As of this date this office has met with 11 counties: Burlington, Camden, Gloucester, Mercer, Essex, Union, Hudson, Salem, Cumberland, Cape May and Atlantic. Counties will submit their ADA Transition Plans to NJDOT for review and filing.

Meetings with the Metropolitan Planning Organizations (MPOs): North Jersey Transportation Planning Authority (NJTPA), Delaware Valley Regional Planning Commission (DVRPC), and South Jersey Transportation Planning Organization (SJTPO) will be scheduled for 2017.

NJDOT's goal is to continue reaching out to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation process by submitting comments. Three major disability advocacy groups in New Jersey: The New Jersey Council on Developmental Disabilities, Disabilities Rights New Jersey, and the Progressive Center for Independent Living-were contacted to gauge potential constituent interest in providing input on accessibility issues on state roadways and public rights-of-way. These agencies were requested to disseminate meeting information to their agency staff, their constituents, and any other member networks they were involved with that may also be interested in the topics covered by NJDOT's public outreach sessions.

The Self-Evaluation will be updated annually. Quarterly reports will be submitted to FHWA regarding timelines to address ADA non-compliance.

As an ongoing goal toward ADA education and awareness, NJDOT's ADA Coordinator served on the American Council of Engineering Companies (ACEC) Design Summit panel May 2013. ADA policy training was administered to 200 transportation professionals including State, local counties and municipalities and the consultant community.

Throughout 2011-2013, Rutgers Center for Advanced Infrastructure Transportation (CAIT) in conjunction with NJDOT Civil Rights, ADA Unit and the Division of Local Aid conducted three trainings: Designing Pedestrian

Facilities for Accessibility; ADA Curb Ramps and ADA Compliance Training to over 820 local counties/ municipalities and transportation professionals.

In 2010, NJDOT Civil Rights, ADA Unit developed an *External ADA Education and Training Program* designed to review external ADA regulations, demonstrate ADA's application in daily work activities, show how ADA has been integrated within departmental actions and protocols, and instruct personnel on the policies and procedures for appropriately managing ADA requests and inquiries on roadways and pedestrian facilities. As of this date, the ADA Unit has conducted 15 training sessions for 500 NJDOT employees throughout the state of NJ.

3.3.3 Program and Facility Accessibility

NJDOT is responsive to complaints regarding existing facilities. The primary deficiency is the lack of systematic prioritization, scheduling, and implementation of accessible features, including curb ramps, for existing facilities.

In 2011, NJDOT procured the services of Michael Baker, Inc. to create a Curb Ramp Replacement Database which incorporates data from the 2012-2021 STIP and the results of the Curb Ramp Prioritization Project. Attributes included in the database are as follows: Route (SRI), Milepost, Intersection ID, County, Latitude/Longitude, Intersection Prioritization Score, Number of Curb Ramps at intersection, Fiscal Year Scheduled Replacement, Date Installed, Maintenance Contract or STIP Project ID.

Of the 1,706 intersections in the curb ramp database, 438 intersections are within STIP project limits. There are 39 intersections that are within the limits of more than one STIP project. Baker assumed that if multiple relevant STIP projects cover an intersection, the project with the earliest timeframe will be used. The DOT agreed with the assumption. There are 1,268 intersections outside of STIP project limits. Baker made the following assumptions regarding the intersections that fall outside of STIP project limits: These non-STIP intersections will be assigned to regional maintenance contracts; there will be 10 maintenance contracts for each region (North/Central/South), for a total of 30. The number of non-STIP intersections will be divided equally over the 10 year maintenance contracts.

NJDOT's Curb Ramp Inventory Database includes detailed reports on curb ramps, such as: their existence, presence of a warning surface, if they're flush with gutter, landing is needed, landing meets width, ramp meets width and ramp aligns with sidewalk.

NJDOT headquarters and regional facilities inventoried in the 2010 Self-Evaluation have been made accessible for all users. Due to inclement weather and the expectation of snow plows damaging detectable warning surfaces (DWS) on curb ramps, new DWS will be installed on curb ramps at all facilities, as needed.

3.3.4 Communications

NJDOT provides auxiliary aids to program participants with disabilities and notifies the public of the availability of these aids. Furthermore, it was reported that the NJDOT website is compatible with software used by the hearing and visually impaired.

In order to identify vital factors for the successful implementation of various elements of a Transition Plan, several resources of best practices have been explored including:

- State DOT Transition Plans;
- FHWA/Maryland State Highway Administration ADA Peer Exchange⁷;
- US Department of Justice ADA Best Practices Tool Kit for State and Local Governments.

3.3.5 Revision of Document for ADA Compliance

Two key documents - the [NJDOT Design Manual-Roadway](#) and the NJDOT Standard Roadway Construction Details - have been revised to integrate ADA requirements and standards into current NJDOT practices. After working with the FHWA, these documents received final approval. NJDOT formally issued these documents to the design community in 2015. In addition, the Department revised its Sample Plans to reflect examples of how to represent ADA design features on its plans for presentation to contractors for construction. These standards will be applied to the design of all appropriate Capital Projects, and Maintenance Roadway Repair Contracts, as well as projects administered through the Department's Local Aid program.

3.3.6 NJDOT Policies and Procedures

The NJDOT maintains policies and procedures for the purposes of providing consistency in operations, conveying management's philosophies, providing guidance in training and improving communications and productivity. Currently, there are two policies which address ensuring safe access to all users within public rights of way:

[Complete Streets Policy \(Policy No. 703\)](#): The New Jersey Department of Transportation shall implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities. This includes all projects funded

⁷ Maryland SHA Americans with Disabilities Act, Outreach Activities, Maryland State Highway ADA Peer Exchange Report, Accessed at:

http://www.sha.maryland.gov/OPR/MDSHA_ADA_Peer_Exchange_Rpt_FINAL.pdf

through the Department's Capital Program. The Department strongly encourages the adoption of similar policies by regional and local jurisdictions who apply for funding through Local Aid programs.

Accommodating Pedestrian and Bicycle Traffic During Construction: The Department is committed to increasing pedestrian and bicycle travel options by routinely integrating bicycle and pedestrian accommodations into transportation systems, and by promoting walking and bicycling as preferred travel modes for short trips. Under the Department's current procedures, bicycle and pedestrian needs and opportunities, (current and future), and the means by which those needs and opportunities are to be incorporated into projects, are identified during the planning and scoping phases of project development.

The Department's general bicycle and pedestrian policy obligates the Department to provide safe access for bicycle and pedestrian traffic during the construction phase of our capital improvements; however, it is recognized that construction related activities present an inconvenience and an impediment to the maintenance of traffic for all modes, including bicycle and pedestrian as well as motor vehicle traffic. It is not possible in all cases to spare the traveling public from such inconveniences and the resulting impediments to the maintenance of traffic during construction. The Department places a priority on the *completion* of permanent capital improvements that meet the needs of all lawful travel modes over the undertaking of costly and extraordinary measures during construction to maintain traffic for all modes. Such extraordinary measures not only consume scarce resources which could be used to implement permanent solutions to other needs, but they also could result in extending the duration of construction which extends construction related travel impacts to the traveling public and local stakeholders. A key means of mitigating construction related impacts for all modes is to lessen the duration of construction.

Decisions regarding the approach to maintain bicycle and pedestrian traffic during construction, as well as motorized traffic, will be made on a case by case basis to respond to the unique circumstances which are present for each and every project. They will be made in cooperation and consultation with affected residents and local public officials. Appropriate means of accommodating bicycle and pedestrian traffic during construction will be developed within the planning, scoping and design phases of project development and will become an integral element of the project construction plans.

4.0 Transition Plan

The Transition Plan further examines and addresses ADA non-compliance issues captured in the Self-Evaluation Plan. NJDOT is taking a strategic approach in assuring state-owned highways and transportation facilities comply with the ADA. The New Jersey Department of Transportation's goal is to provide accessible state-owned transportation facilities for all persons living in, working in or traveling in New Jersey.

4.1 ACCESSIBILITY

In July 2013, a Teletypewriter (TTY) Line/ Telecommunications Relay Service (TRS) ⁸ was launched on NJDOT's internet website. One of the components of Title II focuses on removing barriers to effective communication. For persons who have hearing and speech disabilities, calling NJDOT is easy using TRS provided by NJ Relay. TRS is a free telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals.

4.2 PROJECTS AND COMPLIANCE

Capital Program Support released a Corrective Action Notice (CAN) numbered 082 to its designers on June 28, 2012 updating ADA design requirements. [CAN082](#) outlines revision to the Roadway Design Manual Subsection 5.7.4 Public Sidewalk Curb Ramps General. Many projects that were in design or construction had ADA related work added into the projects when it could not be done within a reasonable time frame and cost. The department has since evaluated all projects that have been substantially completed since July 1, 2012 through March 1, 2014 for ADA compliance. This was accomplished through 3 regionally assigned consultant Task Orders. An evaluation of current site conditions for compliancy was done for every project that meets the criteria. It was determined which projects still did not meet compliancy, projects were grouped into contracts within each region based upon many factors such as limits, number of non-compliant features, and complexity. ROW and Utility

⁸ TTY is the more widely accepted term; however, TTYs are used by many people, including those who are deaf. A TTY is a special device that allows people who are deaf, hard of hearing, or speech-impaired to use the telephone by allowing them to type messages back and forth to one another instead of talking and listening. A TTY is required at both ends of the conversation in order to communicate.

conflicts are still to be determined in Preliminary Engineering. A federally participating group solicitation was posted for preliminary engineering, final design, and construction engineering services for these and future ADA projects. The review process is complete and the Designers have been chosen. The Concept Development phase of work comprised of a regional evaluation (North, Central, and South) of all projects that were substantially complete between July 1, 2012 and March 1, 2014. FHWA was an integral part of the team and has deemed the approach and the final product acceptable.

4.2.1. ADA Contracts

Below are six regional ADA Retro-Fit Compliant Contracts comprising 56 projects which were approved by the Capital Program Committee to move forward:

Region North

DB #15411 / UPC #154110 - ADA North, Contract 1

Projected Completion Date: 12/1/2020

UPC #998500 - Rt I-80 EB Truck Weigh & Inspection Station

UPC #103270 - Rt 46 E of Forest Rd to W of Flanders Rd, Resurfacing

DB #15412 / UPC #154120 - ADA North, Contract 2

Projected Completion Date: 12/1/2020

UPC #123340 - Rt 284 Rt 23 to the New York State Line, Pavement

UPC #950476 - Rt 183 NJ Transit Bridge

UPC #113210 - Weldon Rd - Espanong Rd over Route 15

UPC #960701 - Rt 46 Section 7L & 8K

DB #15413 / UPC #154130 - ADA North, Contract 3

Projected Completion Date: 8/1/2021

UPC #950229 - Rt 15, Bridge over Abandoned Mt. Hope Mineral RR Br (3)

UPC #096460 - Salem Street, Bridge over Route 10, Deck Replacement

UPC #003714 - Rt 80 Bridges over Rt. 287 NB and Smith Road

UPC #123400 - Rt 46 EB Lower Notch Rd to Rock Hill Rd, Pavement

UPC #038050 - Rt 21 Fwy Park Avenue Interchange, Safety Improvements

UPC #009080 - Rt 22 Liberty Avenue & Conrail Bridge

UPC #133490 - Rt 21 Tichenor Park

UPC #103200 - Rt 208, Bridge over CR 665, Passaic County

UPC #123390 - Rt 17 SB Cameron Rd to Airmount Av (CR 83), Pavement

UPC #993880 - James Street over I-287 Deck Replacement

DB #15414 / UPC #154140 - ADA North, Contract 4

Projected Completion Date: 8/1/2020

UPC #123430 - Rt 10 WB Jefferson Rd to West Northfield Ave Pavement

UPC #113900 - Rt 10 EB, W of Harrison Av to E of West Northfield Av

DB #15415 / UPC #154150 - ADA North, Contract 5

Projected Completion Date: 3/1/2021

UPC #113910 - Rt 17, S of Terrace Ave to S of West Saddle River Rd

DB #15416 / UPC #154160 - ADA North, Contract 6

Projected Completion Date: 2/1/2021

UPC #043860 - Rt 17 NB over I-80 Superstructure Replac & Widening

UPC #093720 - South Summit Avenue over I-80, Ramp L and Rt 17 SB

UPC #093230 - Rt 4 over Flat Rock Brook

UPC #994170 - Rt 3 Hackensack River (EB & WB) Rehabilitation (2 structures

UPC #103250 - Rt 3 W of Rt 17 to Rt 1&9, Resurfacing

UPC #103300 - South Marginal St., Bridge over Park Avenue

UPC #970114 - Rt 1&9T(25) St. Pauls Ave Bridge

Region Central

DB #15417 / UPC #154170 - ADA Central, Contract 1

Projected Completion Date: 8/1/2020

UPC #093040 - Rt 71, Sea Girt Avenue to Route 35

UPC #103120 - Rt 9 var locations from S of Alexander Ave to S of Rt 79

UPC #103180 - Rt 34/35 Colts Neck and Wall Twps, Resurfacing

UPC #950216 - Rt 9 Pohatcong Lake Dam

DB #15418 / UPC #154180 - ADA Central, Contract 2

Projected Completion Date: 4/1/2020

UPC #113940 - Rt 36, S of Miller Av to N of Union Av (CR 39), Resurfacing

UPC #103190 - Rt 35, Cherry Tree Lane to Rt. 9, Resurfacing Vari Locations

UPC #123330 - Rt 27 Parillo Dr to Sandford St, Pavement

UPC #113890 - Rt 1, NB, South of CR 514 to Rt 287, Resurfacing

UPC #123100 - Rt 33 Bridge over Rocky Brook, Emergency Repairs

UPC #063680 - Rt 35, Cheesequake Creek Bridge

UPC #093240 - Groveville Road over Rt 130

DB #15419 / UPC #154190 - ADA Central Contract 3

Projected Completion Date: 6/20/2022

UPC #113920 - Rt 28 Branch of Green Brook to Hamilton Ave

UPC #103110 - Rt 1 var locations from N of College Rd to NJ 91 Connector R

UPC #113080 - Rt 206 South of Bridge Point Road to Doctors Way

UPC #123410 - Rt 22 WB I-78 to Oldwick Rd (CR 523), Pavement

UPC #093260 - Rt 31 Bridge over Shabbecong Creek

UPC #113160 - Rt 78 Ramp "C" over Beaver Brook

Region South

DB #15420 / UPC #154200 - ADA South Contract 1

Projected Completion Dates: 5/1/2021 & 3/1/2022

UPC #113930 - Rt 206 Rizzotte Dr to Burlington Co Line, Resurfacing

UPC #048030 - Rt 52 Causeway Replace & Somers Pt Circle Elim Cont B

UPC #950299 - Rt 30 and Pomona Road (CR 575)

UPC #123360 - Rt 322 Eighth St to Watering Race Brook, Pavement

DB #15421 / UPC #154210 - ADA South Contract 2

Projected Completion Date: 1/15/2021

UPC #048033 - Rt 49/55 Interchange Improvements at Rt 55

UPC #103360 - Rt 40 MP 6.0 to 8.0, Resurfacing

UPC #053100 - Rt 45 Carpenter St to Red Bank Ave

UPC #123420 - Rt 45 Reid St to Rt 130, Pavement

DB #15422 / UPC #154220 - ADA South Contract 3

Projected Completion Date: 6/1/2020

UPC #993900 - Rt 168 over I-295, Bridge Deck Replacement

UPC #048005 - Rt 168 Benigno Boulevard

UPC #113200 - Collings Avenue (CR 630) over Route I-676 SB

UPC #113180 - Rt 70 WB over Rt 38

UPC #103350 - Rt 30 E of Brand Ave to E of London Ave Pavement Rehab

DB #15423 / UPC #154230 - ADA South Contract 4

Projected Completion Date: 6/1/2022

UPC #123370 - Rt 30 Grove St to Brand Ave 3

4.2.2 Technically Infeasible Form (TIF-1)

NJDOT's Division of Quality Management Services created an ADA Technically Infeasible Form. In alterations to existing facilities where full compliance with the ADAAG is technically infeasible, the alteration shall comply with these standards to the extent practicable. Designers must document the basis for their non-compliance determination using Form TIF-1 (ADA Technically Infeasible Form). This form shall be completed and submitted to the Department as part of a project's Final Design Submission (FDS) and will be utilized in updating the Department's Transition Plan. Form TIF-1 and its instructions is available on the Department's website. Copies of TIFs are available in the Roadway Standard Unit and Civil Rights/ADA Unit.

4.2.3 ADA with Right-of- Way (ROW) Sequencing

The Department in collaboration with the FHWA worked together to establish a process that allows Limited Scope pavement projects that require Right-Of-Way (ROW) acquisition to proceed utilizing a sequencing approach. Since it is critical to address deteriorating pavements timely and the recognition of the importance of addressing ADA non-compliance within these projects, it was imperative to find a way to achieve all aspects timely and efficiently. Understanding ROW can lengthen the delivery process which could change the scope of a pavement resurfacing project or cause the need for interim preventative maintenance, and recognizing that good pavement is also critical for ADA accessibility, i.e. crosswalks. Allowing sequencing of construction contracts makes the most sense from an efficiency, safety, and public benefit standpoint.

During the Concept Development phase additional tasks will be added to be able identify areas that ROW acquisition may be necessary for curb ramps, sidewalks, etc. Within the first 6 months of Final Design a determination will be made whether or not sequencing would be an appropriate application. Based upon input from our Pavement subject matter experts, if the pavement condition would change or require interim maintenance due to the time it takes to acquire ROW a sequencing approach will be recommended. At that time a determination will be made whether ADA compliance would be met through a standalone capital project, a maintenance work order, or within the existing contract with ROW availability dates in the contract specifications. If the pavement condition will remain unchanged nor require interim maintenance, sequencing will not be utilized.

The Department is currently investigating the use of Job Order Contracting as a mechanism to also address ADA non-compliant locations. This is viewed as a time and cost effective means of contracting that will further enhance the approved sequencing process.

To date, two projects have been approved to proceed with sequencing:
Route 7, Schuyler Ave to Webster Avenue
Route 23, Bloomfield Avenue to Bridge over NJ Transit

4.2.4 ADA Renovations of NJDOT Facilities

In partnership with the division of Facilities, the ADA coordinator served on these working groups to ensure ADA compliance in newly created and upgraded features at NJDOT facilities.

North Region Headquarters- Mount Arlington, NJ

Barrier-Free Access

a. Exterior

- 1) Re-stripe parking and accessible aisles between spaces to meet minimally required sizes of 60" at aisle and 8'-0".
- 2) Re-mount Accessible Entrance directional sign. Add directional signs at north and south sides of building.
- 3) Replace broken sidewalk light
- 4) Correct stair handrail at entrance E-2.

Restrooms: Barrier-Free Modifications

- a) In order to adhere to current ADA requirements, the water closet seat heights need to be raised to a minimum height of 17". This can be accomplished by providing new water closets at higher installation height.

b) In order to adhere to current ADA requirements, the urinal rim heights need to be lowered to a maximum height of 16". This will require relocating the existing urinals (one per restroom for a total of two) or providing new at a lower install height. Because the existing fixtures are in good functioning condition, relocation of the existing fixtures is recommended.

c) Current ADA requirements require all piping below the lavatories be insulated with hard PVC jacketing. The current lavatory installations are missing pipe insulation on some of the piping. It is recommended that the remaining piping be insulated with new fiberglass insulation with PVC covers to comply with current ADA requirements.

Headquarters Restroom Renovations

NJDOT Headquarters, located in Ewing Township, NJ, consists of three buildings: The Main Office Building (MOB), Finance and Administration Building (F&A), and Engineering and Operations Building (E&O). Toilet rooms of each of these buildings were assessed for Barrier Free Accessibility in compliance with the New Jersey Barrier Free Sub-code.

New barrier free compliant signage should be installed. The doors and closers should be replaced and calibrated not to exceed compliant opening and closing forces. The lavatory fixtures and counter tops should be replaced with new lavatory basins, mounted below a solid surface counter top. All faucet fixtures should be replaced with hands free automatic devices. The accessories, including dispensers and dryers, should be replaced with new hands free, accessible accessories. The Men's Room doors should be reconfigured to provide required maneuvering space. The light switches should be replaced. Ensure that toilet paper dispensers' operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds maximum. The pipe insulation should be replaced. New vertical grab bars should be installed and toilet paper dispensers should be replaced. Barrier free compliant urinals should be installed in the Men's Room. The coat hooks should be replaced.

ADA Rooms

ADA Rooms have been installed in all regional locations. They comply with the requirements of the Americans with Disabilities Act by ensuring accessible accommodations for those who have disabilities to administer medication. The room is also designated to serve as a lactation/pumping station for mothers.

NJ Welcome/Rest Areas- Knowlton and Carney's Point

Renovations are in the planning stages.

5.0 Next Steps

This Section includes a series of concrete steps that NJDOT can undertake to support the phased-in approach to compliance discussed at the outset of this Plan. These activities will need to be adjusted or revised as necessary in accordance with known and available resources, which have not been determined as of the writing of this Transition Plan.

5.1 IMMEDIATE ACTIVITIES (CURRENT YEAR)

Some immediate steps that NJDOT is undertaking to ensure ADA compliance in the current year are:

1. Continue to amend the ADA 504/Transition Plan based on existing inventory efforts and continue to identify sources of funding for installing curb ramps.
2. Secure dedicated State and Federal funding to incorporate ADA upgrades into projects in the STIP and Long-Range Transportation Plans.
3. Ensure ADA upgrades on programmed projects.
4. Continue training activities on ADA compliance.
5. Continue conducting site inspections of facilities.
6. Engaging those in the disabled community in the ADA planning process.
7. Continue meeting with and assembling an external advisory group/stakeholder group for involvement in future Self-Evaluation and Transition Plan efforts, as a requirement of the Transition Plan.
8. Continue working with the ADA Working Group on evolving ADA issues.
9. Continue meeting with MPOs and various sub-recipients in local counties and municipalities.

5.2 SHORT-TERM ACTIVITIES (2 TO 3 YEARS)

The following initiatives could potentially be started in the short-term:

1. Continue securing dedicated State and Federal funding for incorporating ADA upgrades into programmed projects in the STIP and Long-Range Transportation Plans.
2. Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
3. Ensure ADA upgrades on programmed projects

4. Update Curb Ramp Database to include projects that are ADA compliant.
5. Amend the ADA 504/Transition Plan based on existing inventory efforts.
6. As requested, prepare vital documents in Braille, large print and on cassette tapes if they are not currently available in alternative formats.

5.3 INTERMEDIATE-TERM ACTIVITIES (4 TO 6 YEARS)

In order to effectively evaluate ADA performance and compliance, the Transition Plan should be updated periodically as the short-term goals are met and facilities are inventoried. Intermediate goals include the following tasks:

1. Update ADA 504/Transition Plan (All sections if applicable).
2. Complete inventory of NJDOT pedestrian facilities.
3. Continue training activities on ADA compliance.
4. Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
5. Ensure ADA upgrades on programmed projects.

5.4 LONG-TERM ACTIVITIES (7 TO 10 YEARS)

Long-term goals aim to achieve the highest level of compliance with ADA regulations and incorporate ADA-related activities into the day-to-day activities of NJDOT. These goals are targeted for accomplishment within a 10-year timeframe, as mentioned in the Self-Evaluation report.

1. Ensure that all NJDOT buildings and facilities built after 1992 comply with ADA standards.
2. Continue public outreach efforts with respect to the Self-Evaluation and Transition Plan processes.
3. Use the ADA inventory database to improve compliance efforts.
4. Incorporate ADA compliance into the day-to-day work of NJDOT.
5. Complete and monitor annual progress of the curb ramp installation schedule.
6. Satisfy all the required elements of the Transition Plan.

6.0 Monitoring and Reporting

The ADA Coordinator will continue to develop, maintain and coordinate the Department's requirements under the Americans with Disabilities Act (ADA) which includes monitoring the curb ramp installation schedule and developing processes and procedures to identify future installations of accessible features for all users. This individual will ensure NJDOT is in compliance with ADA at early stages within the pipeline process by attending Capital Program Screening Committee meetings, Concept Development Core Group meetings, and project field trips. Quarterly progress updates on the department's practices with applicable accessibility standards will be submitted to FHWA, as well as annual Transition Plans. NJDOT's goal is to provide ADA compliance on every project.

7.0 Funding Opportunities

Figure 7.1 Federal Funding Opportunities for Pedestrian Projects and Programs⁹

Funding

30. What sources of funding may be used to comply with ADA and Section 504 requirements?

Federal Funding Opportunities for Pedestrian Projects and Programs

ACTIVITY	NHS	STP	HSIP	RHC	TE	CMAQ	RTP	FTA	TrE	BRI	402	PLA	TCSP	FLH	BYW	SRTS
Pedestrian plan		*	*			*						*	*			
Paved shoulders	*	*	*	*	*	*				*			*	*	*	
Shared-use path/trail	*	*	*		*	*	*			*			*	*	*	*
Recreational trail							*							*		
Spot improvement program		*	*		*	*							*			*
Maps		*			*	*					*		*			*
Trail/highway intersection	*	*	*		*	*	*						*	*	*	*
Sidewalks, new or retrofit	*	*	*	*	*	*		*	*	*			*	*	*	*
Crosswalks, new or retrofit	*	*	*	*	*	*		*	*				*	*	*	*
Signal improvements	*	*	*	*	*	*							*			*
Curb cuts and ramps	*	*	*	*	*	*							*			*
Traffic calming		*	*	*									*			*
Safety brochure/book		*			*	*					*		*			*
Training	*	*	*		*	*	*				*		*			*

NHS National Highway System
STP Surface Transportation Program
HSIP Highway Safety Improvement Program
RHC Railway-Highway Crossing Program
TE Transportation Enhancement Activities
CMAQ Congestion Mitigation/Air Quality Program
RTP Recreational Trails Program
FTA Federal Transit Capital, Urban & Rural Funds

TrE Transit Enhancements
BRI Bridge (HRRP)
402 State and Community Traffic Safety Program
PLA State/Metropolitan Planning Funds
TCSP Transportation and Community and System Preservation Program
FLH Federal Lands Highways Program
BYW Scenic Byways
SRTS Safe Routes to School

Each program has its own specific requirements and provisions. Further details on these sources of funding may be found in the following memo: *Flexible Funding for Highways and Transit and Funding for Bicycle & Pedestrian Programs*, February 6, 2006, at www.fhwa.dot.gov/hep/flexfund.htm. (9-12-06)

⁹ Sources of funding that may be used to comply with ADA and Section 504 requirements, Accessed at http://www.fhwa.dot.gov/civilrights/ada_qa.htm#q30

Appendix 4



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

2017

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 CHRIS OF
Governor

RICHARD T. HAMMER
Acting Commissioner

KIM GUADAGNO
Lt. Governor

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
Title VI Unit
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 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



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 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	Black or African American alone	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

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.



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)



Ed Ahrens, King County Department of Transportation

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



New Jersey Department of Transportation
Division of Civil Rights and Affirmative Action - Title VI Unit
PO Box 600
Trenton, NJ -08625-0600

TitleVI@dot.nj.gov

Tony Davis
Manager, Title VI and ADA Unit
(609)530-2893

Anthony.Davis@dot.nj.gov

Chrystal Section
External ADA Coordinator
(609)530-2893
Chrystal.Section@dot.nj.gov

Shivani Patel
Affirmative Action Specialist
(609)530-2336

Shivani.Patel@dot.nj.gov

Appendix 5



Rowan University

CENTER FOR RESEARCH & EDUCATION IN
ADVANCED TRANSPORTATION ENGINEERING SYSTEMS

National Summer Transportation Institute in the State of New Jersey (NJ) Program Year: 2017

Host Site:

**Center for Research and Education in Advanced
Transportation Engineering Systems
(CREATEs) at Rowan University**

Ayman Ali, Ph.D.

Manager, Center for Research and Education in Advanced
Transportation Engineering Systems (CREATEs)

Kristine Allouchery

Administrative Assistant, Center for Research and Education in
Advanced Transportation Engineering Systems (CREATEs)

&

Yusuf Mehta, Ph.D., P.E.

Professor, Department of Civil & Environmental
Engineering at Rowan University
Director, Center for Research and Education in Advanced
Transportation Engineering Systems (CREATEs)

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INSTITUTE ORGANIZATION

1.1 Introduction

The Center for Research and Education in Advanced Transportation Engineering Systems (CREATEs) at Rowan University hosted the 2017 National Summer Transportation Institute program in the state of New Jersey (NJ), referred to hereafter as NJSTI. The NJSTI was a four-week long non-residential program aimed to fulfill the following objectives:

1. Increase awareness, among minority; female; and underrepresented high school students (grades 9 through 12), of the wide range of transportation modes and potential career opportunities in transportation-related fields;
2. Teach selected high school students Science, Technology, Engineering, and Math (STEM) skills through interactive and fun activities and ultimately improve their STEM skills; and,
3. Strengthen the links between the transportation sector and public/private institutions through employing and creating partnerships.

A comprehensive administrative, implementation, and evaluation plan was prepared and executed to fulfill the objectives of the NJSTI program. This chapter presents information pertaining to the roles of the established Intermodal Advisory Committee and CREATEs staff assembled for the program.

1.2 Intermodal Advisory Board

An Intermodal Advisory Committee (IAC) composed of members from the Federal Highway Administration (FHWA), the New Jersey Department of Transportation (NJDOT), community-based institutions, academic and research institutions, and the local transportation industry was established. The members of the IAC were responsible for assisting the Project's Director (i.e., Dr. Yusuf Mehta) and other supporting staff in reviewing the academic and enhancement curriculum, plan and nominate industry speakers, coordinate field trips, and provide technical assistance. Table 1.1 below presents the names, titles, and affiliations of all members of the IAC committee established for the 2017 NJSTI. As shown in Table 1.1, the IAC was composed of a total of nine members. A meeting with all IAC members was held at 11:30 AM on June 5, 2017 to discuss and finalize NJSTI's academic program.

**Table 1.1: 2017 New Jersey Summer Transportation Institute Intermodal
 Advisory Board Members and their Affiliations**

Board Member	Title	Affiliation
Yusuf Mehta	Professor and Director, Civil Engineering and CREATEs	Rowan University
Ayman Ali	Manager of CREATEs	Rowan University
Shivani Patel	Title VI Nondiscrimination, Americans with Disabilities Act	The New Jersey Department of Transportation
Susan Gresavage	Manager, Pavement Design and Management Bureau	The New Jersey Department of Transportation
Stephen Pindale	Civil Engineer	US Army Corps of Engineers
David Koper	Civil Engineer	US Army Corps of Engineers
Mike Paglione	Manager, Modeling and Simulation Branch	Federal Aviation Administration
Kwincey Brown	Subject Matter Expert/Contractor Compliance	The New Jersey Department of Transportation
Patricia Ott	Managing Member	MBO Engineering, LLC.

1.3 Program Staff

The staff required for managing the NJSTI program at Rowan University/CREATEs was composed of members of the CREATEs team. These members assumed key roles associated with hosting the 2017 NJSTI program at CREATEs. Table 1.2 presents the CREATEs staff members that held positions associated with the NJSTI. The roles of the key members of the NJSTI are briefly described as follows:

- **NJSTI Director:** This role was assumed by Dr. Yusuf Mehta (Director of CREATEs) of Rowan University. Dr. Mehta was responsible for reporting to NJDOT and FHWA representatives and for implementing the day-to-day program activities. Dr. Mehta was also responsible for ensuring that all rules, regulations, NSTI Desk Reference, and all federal and state laws were observed.
- **NJSTI Program Coordinator:** This role was assumed by Dr. Ayman Ali (Manager of CREATEs) of Rowan University. Dr. Ali supervised the program’s faculty and staff; implemented, evaluated, and revised the program’s curriculum; and prepared resource and

promotional materials. Dr. Ali with the help of Ms. Allouchery (Program’s Aide) also worked on coordinating the NJSTI program and preparation of final report.

- **NJSTI Program Aide:** This role was assumed by Ms. Kristine Allouchery (CREATEs’ Administrative Assistant). Ms. Allouchery was instrumental to the success of the program through her efforts in recruiting students, contacting speakers, reserving computer labs and class rooms, scheduling field trips and reserving shuttle busses, arranging for student lunches, among other activities.
- **Faculty Members:** Additional faculty members from the Department of Civil and Environmental Engineering at Rowan University also assisted in the management of the NJSTI. The faculty members were responsible for the instruction of a variety of topics and activities related to the program. The faculty members also interacted with the students and staff.
- **Staff Members:** Additional staff members composed of undergraduate and graduate students working at CREATEs were also instrumental to the success of the 2017 NJSTI. These students were responsible for overseeing activities and chaperoning the NJSTI students throughout the Rowan University campus while also assisting faculty members during field trips.

Table 1.2: 2017 New Jersey Summer Transportation Institute Staff Members.

NJSTI Staff	Affiliation	NJSTI Role
Yusuf Mehta	Rowan University/CREATEs	Director
Ayman Ali	Rowan University/CREATEs	Program Coordinator
Kristine Allouchery	Rowan University/CREATEs	Program Aide
Parth Bhavsar	Rowan University	Faculty
Nidhal Bouaynaya	Rowan University	Faculty
Rouzbeh Nazari	Rowan University	Faculty
Hashim Rizvi	Rowan University/CREATEs	Staff/Post Doc
Eric Dubois	Rowan University	Staff/Technician
Andrae Francois	Rowan University/CREATEs	Staff/Grad. Student
Daniel Offenbacher	Rowan University/CREATEs	Staff/Grad. Student
Darren Weis	Rowan University/CREATEs	Staff/Undergraduate Student
Marcel Bruguglio	Rowan University/CREATEs	Staff/Undergraduate Student
Gabriella Aiello	Rowan University/CREATEs	Staff/Undergraduate Student
Steve Husar	Rowan University/CREATEs	Staff/Undergraduate Student
Charlie White	Rowan University/CREATEs	Staff/Undergraduate Student

2017 NSTI STUDENT PARTICIPANTS

2.1 Student Recruitment and Application Deadline

A standard recruitment application package and a set of promotional materials were prepared to recruit high school students (i.e., entering grades 10 through 12) for the 2017 NJSTI. The prepared recruitment application package contained an overview of the program and the host institution (i.e., Rowan University/CREATEs) as well as an outline of the various program activities. A discussion of “*why is it important to study and become aware of transportation industries and technologies*” was also included as part of the recruitment package. A web page as part of CREATEs current website was also prepared and updated periodically. This web page included the application package and completion instructions about the 2017 NJSTI.

The recruitment effort also included initiating contact with high school principals. Ms. Allouchery (NJSTI Program’s Aide) contacted schools through phone. An overview of the program, the NJSTI minimum requirements, and the overall application process was conveyed to high school principals/representatives through phone conversations. All interested high school principals were also encouraged to nominate a few of their students meeting NJSTI requirements and were sent copies of the 2017 NJSTI recruitment application package (both electronic copies using email and paper copies using traditional mail).

The student recruitment process started late April 2017 and continued until right before the program was about to start (i.e., July 21, 2017). An initial application deadline was set as June 16, 2017 and was then extended two times until July 21, 2017. It is noted that the application deadline was extended because a total of 17 students submitted applications for the program. The NJSTI team also wanted to keep the opportunity open for other students that might have been interested to join the program. Another reason explaining the need to extend the deadline was the delay in funding approval for the program (was approved late April 2017). This delay in funding approval limited the team’s ability to initiate recruitment efforts early during the high school year.

All 17 applications received were initially reviewed internally by the CREATEs team. The internal review was then followed by a discussion with NJDOT project panel and the IAC members. Through this discussion it was decided that all 17 participants meet the requirements of the 2017 NJSTI program. As a result, all 17 students who submitted applications were selected to participate in the program.

2.2 Notification of Selected Students

Students selected to participate in the 2017 NJSTI program were notified through email. An official electronic email was sent on June 16, 2017. The electronic letter included instructions on the specific forms that the participants and their parents/guardians must submit in order to officially enroll in the program. The email also specified June 23, 2017 as the deadline for reviewing, filling, signing, and submitting the requested forms to CREATEs. All forms received were reviewed for completion by CREATEs team and questions by participants or their parents/guardians were answered before the start of the program. Appendix A.1 includes a copy of the electronic selection notification sent to the students.

2.3 NSTI Participants

In spite of our narrow window of time to recruit students for the 2017 NJSTI, we were initially able to approve 17 students as mentioned above. In the week following our sending of electronic acceptance letters to the students and their parents, we were notified of 2 students with conflicts in their schedules and their desire to withdraw from the 2017 NJSTI. From among the submitted applications, a total of 15 students were officially enrolled in the program and three dropped out (two before start of the program and one during the program) due to personal reasons (e.g., could not attend due to pre-scheduled vacations or internship opportunities accepted prior to the start of the NJSTI). Fourteen students successfully completed the 2017 NJSTI program.

The first two students withdrew their intent to participate during the last week of June. One student reported a conflict with a pre-scheduled family vacation that occurred during the NSTI, even though the dates were made clear during the application process. The second student felt that extra-curricular activities taking place in August would create an overwhelming schedule and could not commit to more than 2 weeks of the program.

The last student withdrew on July 10th. She indicated that a pending job opportunity had just been confirmed and she was opting to work through the summer and not participate in the NJSTI. All participating students were hosted at CREATEs (South Jersey Technology Park) and Rowan University's main campus. A complete list of all participating students is provided Table 2.1. The demographics of the participating students are reported in Appendix A.2.

Table 2.1: 2017 National Summer Transportation Institute Student Participants.

Student Participants	
Dylan Adriano	Kayla Grossman
Felix Agosto	Andrew Jarrett
Gordan Bates	Jacob Kulikowski
Victoria Burns	Steven Reid
James Escarilla	Kazim Rizvi
Dylan Fallows	Anahi Santiago
Tyler Grier	Sean Smithson

2017 NJSTI ACADEMIC PROGRAM

3.1 Program Objectives

The 2017 NJSTI at Rowan University/CREATEs involved an academic program that aimed to fulfill the overall goal of acquainting high school students with the transportation industry and potential transportation careers. The specific objectives of the program were:

- Educate students by introducing them to the various transportation modes and the transportation industry;
- Motivate students and encourage them, through practical and academic experiences, to pursue careers in transportation-related fields;
- Expose participating students to STEM topics through a set of pre-designed educational activities;
- Introduce participating students to workings of various agencies serving multiple transportation modes on field trips and on-site seminars; and,
- Enhance students' leadership and professional skills through activities designed to introduce them to university life and the main requirements needed to obtain a college degree.

3.2 Developed Academic Program

The details of the 2017 NJSTI program at Rowan University/CREATEs are presented in Table 3.1 below. As indicated in this table, the program started with a registration, orientation, and welcome session. In this session, the students and their parents were welcomed into the 2017 NJSTI program and were introduced to the goals and objectives of the program. The welcoming session also involved presentations made by NJSTI Director and Mr. Anthony Davis (NJDOT: FHWA Civil Rights Division) discussing the history of the National Summer Transportation Institute program. In addition, the welcoming meeting included discussions revolving around the program's curriculum, program's expectations (e.g., drop off and pickup locations), as well as a review of the forms submitted by participating students. The agenda for the orientation meeting is included in Appendix A.3.

The academic and enhancement curriculum (Table 3.1) also incorporated a series of lecture sessions, hand-on activities, workshops, and field trips to local government and transportation industry facilities in southern New Jersey and the greater Philadelphia area. As can also be seen from Table 3.1, the curriculum covered three modes of transportation (i.e., air, land, and water) including safety concepts. Career paths in each of these modes were discussed by speakers and

experts from the transportation industry. In addition, the program's curriculum included a set of fun activities (such as the Build a Bottle Rocket) that focused on introducing basic but fundamental Science, Technology, Engineering, and Math (STEM) concepts to participating students. The program also included a set of activities to enhance the students' ability to conduct research through critical thinking, learn important computer skills that will prepare them for higher education and ultimately industry jobs, improve their communication skills, and learn more about how to financially plan for the future. The program's curriculum further included a competition in which the students researched a transportation related topic of interest to them and wrote a short paper and presented their findings.

The NJSTI program ended with a graduation ceremony and closing remarks meeting. In this meeting, the Program's Director ended the program by providing the students and ceremony attendees with final remarks on the program's success and lessons learned. In addition, students received all the information shared with them throughout the program. The agenda of the graduation ceremony and closing remarks meeting is provided in Appendix A.4.

Table 3.1: 2017 NJSTI Program Curriculum (Week 1: Air Transportation).

Scheduled Day	Week 1: July 24-28, 2017 (Air Transportation)	Location	Chaperone and/or Students
Monday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Registration, Orientation & Welcome <ul style="list-style-type: none"> o CREATES Team (8:30 – 10:15AM) - Real-World Engineering & Science <ul style="list-style-type: none"> o Mr. Mike Paglione (10:30–12:00 AM) - CREATES and Rowan Tour (1:00–5:00 PM) 	Tech Park Shuttle to ENG	Marcel Bruguglio (All Day) Mehta + Ali
Tuesday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	Departure at 9:30am <ul style="list-style-type: none"> - Tour of the FAA Facilities in Atlantic City (10:30–5:00 PM) 	Charter Bus	Marcel Bruguglio (All Day) Mehta + Ali
Wednesday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Research Skills (Literature Search) <ul style="list-style-type: none"> o Ms. Caitlin Purdy (9:00 – 12:00PM) - GIS and Geo-Visualization Presentation, Exercise and Discussion <ul style="list-style-type: none"> o Dr. Meenar Mahbubur (1:00–5:00 PM) 	ROB 311	Marcel Bruguglio (All Day) Gabriella Aiello at 4pm
Thursday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Aerodynamic & Hybrid Cars <ul style="list-style-type: none"> o Dr. Krishan Bhatia (9:00–10:15 PM) - NJDOT Bureau of Materials: What we do <ul style="list-style-type: none"> o Mr. Paul Hanczaryk (10:30–12:00 PM) - Aerodynamics Laboratory Experiment <ul style="list-style-type: none"> o Dr. Krishan Bhatia (1:00–5:00 PM) 	Tech Park Tech Park ENG	Marcel Bruguglio (All Day) Steve Husar at 4pm
Friday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Build a Bottle Rocket <ul style="list-style-type: none"> o Learn, design, build, test (Rowan Hall) o Mr. Eric Dubois (9:00–12:00 PM) - Intro. to Microsoft Excel <ul style="list-style-type: none"> o Excel and Engineering: An interactive exercise o Dr. Ayman Ali (1:00–5:00 PM) 	REXT 118 ROB 312	Marcel Bruguglio (All Day) Gabriella Aiello at 4pm

Table 3.1 (Continued): 2017 NJSTI Program Curriculum (Week 2: Air Transportation).

Scheduled Day	Week 2: July 31-August 4, 2017 (Land Transportation)	Location	Chaperone and/or Students
Monday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	Early Departure 8AM - NY/NJ Port Authority Visit (9:00–12:00 PM) - Traffic Management Center Visit (1:00-5:00PM)	Tech Park Charter Bus	Mehta + Ali Charlie White (All Day)
Tuesday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- Critical Thinking, Problem Solving & SAT Prep o Mr. Ian Sennstrom (9:00–10:15 AM) - Careers at NJDOT and Local Municipalities o Ms. Jeevanjot Singh (10:30-12:00 PM) - Enhance Students Written Communication Skills o Liz Romeo (1:00–5:00 PM)	Tech Park	Darren Weis (All Day) Marcel Bruguglio at 4pm
Wednesday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- Highway Geometric Design o Dr. Parth Bhavsar (9:00–10:15 AM) - Traffic Engineering Basics o Dr. Parth Bhavsar (10:30–12:00 PM) - History of Roadway Construction o Dr. Yusuf Mehta (1:00–2:15 PM) - Intro to Paving Materials & Building a Model o Dr. Yusuf Mehta (3:00 – 5:00PM)	ROB 312 REXT 321	Darren Weis (All Day) Andrae Francois at 4pm
Thursday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- Intelligent Transportation Systems o Dr. Parth Bhavsar (9:00–10:15 AM) - Pothole Detection Technologies and Applications o Dr. Parth Bhavsar (10:30–12:00 PM) - Basics of Machine Learning in Transportation o Dr. Nidhal Bouaynaya (1:00–5:00 PM)	ROB 325	Darren Weis (All Day) Marcel Bruguglio at 4pm
Friday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- Intro. To “Big Data” Analytics and Technologies o Mr. Anis Omezzine (9:00–10:15 AM) - Roadway & Bridge Construction Careers o Mr. Michael Venuto(10:30–12:00 PM) - Intro. to Microsoft Word & Weekly Evaluations o Mr. Dan Offenbacker (1:00–5:00 PM)	REXT 321 ROB 312	Darren Weis (All Day) Dan to assist at 4pm

Table 3.1 (Continued): 2017 NJSTI Program Curriculum (Week 3: Water Transportation).

Scheduled Day	Week 3: August 7-11, 2017 (Water Transportation)	Location	Chaperone and/or Students
Monday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Basics of Water Based Transportation <ul style="list-style-type: none"> o Dr. Rouzbeh Nazari (9:00–10:15 AM) - Flood Management & Transportation Systems <ul style="list-style-type: none"> o Dr. Rouzbeh Nazari (9:00–10:15 AM) - DE River Port Authority visit (1:00–5:00 PM) 	Tech Park Charter Bus	Darren Weis (All Day) Mehta + Ali
Tuesday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Porous Pavement <ul style="list-style-type: none"> o Mr. Andrae Francois (9:00–10:15 AM) - DE River Port Authority Careers <ul style="list-style-type: none"> o Mr. Michael Venuto (10:30–12:00 PM) - Financial Learning <ul style="list-style-type: none"> o Mr. Dan Armas (1:00 – 5:00 PM) 	Tech Park	Darren Weis (All Day) Andrae Francois at 4pm
Wednesday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Engineering: An Umbrella of Disciplines <ul style="list-style-type: none"> o Mr. Michael Venuto (9:00–10:15 AM) - Engineering & Everyday Life <ul style="list-style-type: none"> o Mr. Michael Venuto (10:30–12:00 PM) - Septa Transit Museum and Railroad Museum in Philadelphia (1:00–5:00 PM) 	Tech Park Charter Bus	Darren Weis (All Day) Mehta + Ali
Thursday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Underwater Controlled Vehicles - Learn, Design, Build, and Test (Rowan Hall) <ul style="list-style-type: none"> o Mr. Eric Dubois (9:00–12:00 PM) - Dredging & Water Transportation <ul style="list-style-type: none"> o Mr. Stephen Pindale (1:00–2:15 PM) - Intro. to Microsoft PowerPoint <ul style="list-style-type: none"> o Dr. Ayman Ali (2:30-5:00 PM) 	REXT 241 REXT 241 ROB 312	Darren Weis (All Day) Steve Husar at 4pm
Friday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	<ul style="list-style-type: none"> - Student Presentation (9:00–10:15 AM) - Careers at the Army Corps of Engineers: Marine District <ul style="list-style-type: none"> o Mr. Stephen Pindale (10:30–11:45 AM) - Buoyancy & Basics of Fluid Mechanics A Laboratory Experiment (Rowan Hall) <ul style="list-style-type: none"> o Mr. Eric Dubois (1:00 – 5:00PM) 	REXT 321 REXT 119	Darren Weis (All Day) Steve Husar at 4pm

Table 3.1 (Continued): 2017 NJSTI Program Curriculum (Week 4: Safety Concepts).

Scheduled Day	Week 4: August 14-18, 2017 (Safety)	Location	Chaperone and/or Students
Monday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- The Science (and Art) of Traffic Safety ○ Ms. Patricia Otts (9:00–12:00 PM)	Tech Park	Darren Weis (All Day)
	- Careers at South Jersey Transportation Authority ○ A Field Visit (1:00-5:00 PM)	Charter Bus	Mehta + Ali
Tuesday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- American Asphalt Paving Plants ○ A Field Visit (9:00–12:00 PM)	Charter Bus	Darren Weis (All Day)
	- Technology Based Career Paths ○ Mr. Anis Omezzine (1:00-2:00PM)	ROB 325	Mehta + Ali
	- Basic and High Performance Programming ○ Dr. Nidhal Bouaynaya (2:00–5:00 PM)	ROB 325	Dan Offenbacker at 4pm
Wednesday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- Transportation Research Competition ○ Dr. Hashim Rizvi (9:00–10:15 AM)	ROB 312	Darren Weis (All Day)
	- Transportation Topic Selection and Paper Outline ○ Dr. Hashim Rizvi (10:30–12:00 PM)	ROB 312	Steve Husar at 4pm
	- Team Research Dr. Hashim Rizvi (1:00–5:00 PM)	ROB 312	
Thursday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- Team Research ○ Dr. Hashim Rizvi (9:00–10:15 AM)	ROB 312	Darren Weis (All Day)
	- Team Research ○ Dr. Hashim Rizvi (10:30–12:00 PM)	ROB 312	Dan Offenbacker at 4pm
	- Team Research ○ Dr. Hashim Rizvi (1:00–5:00 PM)	ROB 312	
Friday: Break: 10:15–10:30 AM Lunch: 12:00–1:00 PM	- Team Research ○ Dr. Hashim Rizvi (9:00–12:00 PM)	ROB 312	Darren Weis (All Day)
	- Student Presentations & Evaluations (1:00–3:00 PM)		Full Staff
	- Graduation Ceremony / Director’s Final Remarks ○ (3:00-5:00PM)	Tech Park	

3.3 Program Evaluation

To evaluate the extent to which the goals of the program were achieved, several evaluation forms were prepared and distributed to the students on daily, weekly, and at the end of the program basis. The daily evaluation forms aimed at gauging the students rating of the speakers and topics

covered in a particular day. The weekly evaluations involved having the students write an information reflection essay describing the topics they enjoyed for a particular week and what improvements suggested for upcoming week(s). Finally, the overall program evaluation form was distributed to the students at the end of the program. This form aimed to gauge the overall execution of the program. The following sections provide a brief discussion of the outcomes of the evaluations conducted as part of the 2017 NJSTI program. A copy of the evaluation form utilized as part of the 2017 NJSTI can be found in Appendix A.5.

3.3.1 On-Campus Sessions and Workshops

In general, the most positive responses from the students came after participating in hands-on exercises led by CREATEs staff and industry professionals. The most common themes of responses included:

- **Aerodynamics and Bottle Rocket Labs:**

- “I enjoyed launching the rockets, it taught me a lot about aerodynamics and how to use materials to create a better rocket. I also found the Excel session to be informative as it taught me some tricks I didn’t know.”
- “I like the hands-on labs concerning aerodynamics.”
- “Today was great, the instructors are vibrant and relatable!”

- **Underwater Controlled Vehicles Lab:**

- “The hands-on workshop is very helpful in applying what we have learned.”
- “The lab was very fun and required a good mix of science and math.”
- “I learned a lot about buoyancy and dredging. I like that today was hands-on and we got to build.”

- **Asphalt Testing Lab:**

- “It was very interesting to test the strength of the asphalts in the morning. It was very hands-on and interactive.”
- “All the instructors were very nice. Lessons were okay – the fact that we had a lab made it more fun and more exciting. More labs next time.”

- **The Science and Art of Traffic Safety:**

- “I like the lesson because it was more interactive.”

-
- “Workshop was extremely fun and very informative. I got to ask many questions to the presenter and I learned a lot. We were able to work with others on the poster and it was a lot of fun.”
 - “Very interactive and informative - I enjoyed it.”

In addition, the evaluation process revealed that certain sessions were not popular among the participating students. For example, the sessions that focused on expanding the students’ knowledge of computer software (i.e., MS Word, Excel and Power Point; GIS Mapping software) were not as popular and most considered the time spent too long. Learning from this feedback in the early program weeks, it was decided to abbreviate the 4 hour computer classes to 3 hours for the last 2 weeks of the program. This adjustment in the program improved the students’ response favorably.

3.3.2 Field Trips

Feedback from participating students regarding the field trips was positive. The students found the field trips informative and the speakers were “great.” As an example, one student reported that the FAA facilities field trip provided him/her with insights into real-life application which made him/her more excited to learn more. The following points present a summary of the comments received from the students with regard to the field trips:

- **FAA Facilities, Atlantic City, NJ:**

- “Gaining insight into real-life applications of engineering made me excited to learn more. The Q&A panel was especially interesting because it showed how you don’t have to be 100% sure of your major to get a fulfilling career. Using the flight simulator was awesome and I hope we do more hands-on activities like that”
- “The thing I found most interesting about this trip was how closely related everything is and how much goes into the aircraft transportation industry. I found the professionals very informative.”

- **Delaware River Port Authority:**

- “Learning about the construction of the bridge was very informative.”
- “It took only 4 years for the bridge to be built because of less strict rules back then. Many engineers had to think of different ways to commute to Philly in a faster way before coming up with the idea for the bridge.”

- **SEPTA Transit Museum and Call Center:**

-
- “I found the tour of the facility enriching and fun. The speaker was great.”
 - “I found it very interesting to be able to go to the control room and see all the bus routes and how they fix things when there is an accident.”
 - **NY/NJ Port Authority:**
 - “This trip was very informative and enjoyable. I felt a new understanding for how the transportation industry was based off a land standpoint.”
 - “I really enjoyed touring the Bayonne Bridge. I like engineering a lot and that’s what I want to pursue as a career. However, I’ve always loved heavy machines and being an operating engineer is a good career. This trip opened my eyes and gave me another perspective.”
 - **Traffic Management Center:**
 - “I learned about the amount of people that are needed to control traffic in very busy highways and bridges is incredible.”
 - “I liked the very descriptive talk in the emergency response room about situations on the roads and how they deal with them.”
 - **Careers at South Jersey Transportation Authority:**
 - “It was really interesting knowing what the engineers do and how they work together to solve problems at the airport.”
 - “I found it interesting to be able to see and hear about how everything runs at the airport, including the FAA, the firehouse, and the airport itself.”
 - **American Asphalt Paving Plants:**
 - “It was cool to see where they keep all the asphalt and how they will the trucks.”
 - “Everybody was really nice today. They were excited to teach people about their profession. It was interesting.”

3.3.3 Speakers and Staff

The students’ feedback with regard to the speakers and staff was also positive. The students indicated that the speakers provided clear and interesting information related to transportation careers. The students also reported that CREATs staff was very helpful. In the completed evaluation forms, the students strongly agreed with the statement that the speakers provided a clear discussion of a sessions objectives and that the sessions were related to transportation.

3.4 Graduation Ceremony and Program Close Out

At the end of the program (i.e., last day), a graduation ceremony was hosted at CREATEs. Parents/guardians of the NJSTI participants, the students, CREATEs faculty and staff, and representatives from FHWA/NJDOT attended the meeting. In this meeting, the participating students presented their findings of a research topic related to transportation; as part of a 2.5-day long research competition. The presentations were ranked and awards were given to the winning students. The students also received a 2017 NJSTI completion certificate certifying that the students have completed the program successfully. Finally, the program ended with final remarks and an open discussion with the parents. Images and pictures taken at the time of program execution are presented in Appendix A.6.

2017 NSTI FINANCIAL REPORT

4.1 Program's Budget

Table 4.1 below presents the budget prepared for the NJSTI program. The expenses of the 2017 NJSTI program and the estimated cost sharing are presented in Table 4.1. As can be seen from this table, the estimated cost sharing percentage (in-kind contribution) is approximately 64.3% of the total project costs.

Table 4.1: 2017 National Summer Transportation Institute Budget.

Budget			
Categories	FHWA Funds Requested	In-Kind Contribution(s)	Total Cost
Personnel	\$19,750.00	\$58,775.00	\$78,525.00
Fringe Benefits	\$1,243.13	\$17,609.09	\$18,852.21
Recruitment	\$2,000.00	\$2,000.00	\$4,000.00
Contractual Services	\$7,500.00	\$0.00	\$7,500.00
Food	\$10,000.00	\$0.00	\$10,000.00
Travel	\$2,404.00	\$1,000.00	\$3,404.00
Supplies	\$2,455.00	\$0.00	\$2,455.00
Room & Board	\$0.00	\$1.00	\$1.00
Student Awards	\$1,000.00	\$0.00	\$1,000.00
Direct Cost	\$46,352.13	\$79,385.09	\$125,737.21
Indirect Cost	\$4,327.82	\$11,907.61	\$16,235.43
Indirect Costs (non-Fed)	\$0.00	\$0.00	\$0.00
Totals	\$50,679.94	\$91,292.70	\$141,972.64

2017 NJSTI RECOMMENDATIONS

5.1 Recommendations and Suggested Improvements

It is believed that the 2017 NJSTI hosted at Rowan University/CREATEs was a success as the program's goal and objectives were met. This is believed to be the case because the students enjoyed the program throughout and provided positive feedback. In fact, some of the students already stated their interest in attending the program next year if offered at CREATEs. The program is also deemed a success due to the fact that all participating students have become interested, to some degree, in the field of transportation.

Despite its success, several improvements can be made to the current program. These improvements include:

- The program's funding approval process has a significant impact on the 2017 NJSTI program hosted at CREATEs. If funding approval was obtained in January 2017, more time would have been allocated for recruiting students. Therefore, it is suggested to provide proposal recipients an early notification or notice to proceed (i.e., in January of the program's year).
- Certain sessions within the program were reported to be long and not necessarily popular among the participating students. To address this concern in future programs, it is recommended to condense the program into two weeks with focus being given more to hands-on transportation activities.
- Time spent in a classroom environment, as opposed to field trips or labs, should be limited to 90 minutes in length. Overall, the students indicated that the day should start later and end earlier (i.e., 10am – 3pm).

5.2 Final Remarks

CREATEs at Rowan University were very excited to host the program in the summer of 2017. It was very satisfying to see the exchange and the question and answer between the students and the speakers in all sessions. The students were very engaged and interested. Our goal is to evaluate both the short-term and long term impact of this program on the students. The CREATEs team reviewed all evaluations very carefully and made modifications, on as needed basis, to enrich student experience. After reviewing the final program evaluations, the overall thoughts from the students and parents was that the curriculum was very effective and impactful, and that students learnt a lot during the four-week program. However, the CREATEs team has also made note of

the suggestions to improve the program and we will include them for future NSTI programs if given an opportunity to host it again.

Appendices

A.1 Selection Notification Email



Dear Student,

Congratulations! You have been selected to participate in the 2017 Rowan University / CREATEs National Summer Transportation Institute (NSTI) Program. This program will prepare you to meet the academic and social challenges during your upcoming academic year. The program dates are July 24 – August 18, 2017.

Rowan University, the New Jersey Department of Transportation and the Federal Highway Administration have agreed to provide educational experience for high school participants like you. The NSTI Program will expose you to a series of academic experiences designed to motivate you toward professions in the transportation industry. You will participate in mathematics, science and transportation-related projects to assist you in selecting a potential career in the transportation industry. There will be a parent/participant orientation at the South Jersey Tech Park on July 24th. Registration will begin at 8:30 and we ask that all attendees arrive no later than 9:00am. Please see enclosed campus map for directions. This is a non-residential program; as such, you will need to make arrangements for transportation to and from campus each day. A preliminary schedule is included for your information.

We are attaching a copy of the Participant/Parent agreement; **this signed form confirms your commitment to participate in the NSTI Program**. We are also attaching 2 Release Forms, a copy of the Rules and Regulations and a Health Certification form. **These forms are to be reviewed, signed and returned by June 16th**. Please mail to or drop off at the CREATEs office at 109 Gilbreth Parkway, Mullica Hill, NJ. We are located adjacent to the main building in the SJ Tech Park.

If you cannot return the forms by that date, please contact the CREATEs office. We will not accept unsigned forms requiring parent(s)/guardian(s) signatures. You may contact Kristine Allouchery in the CREATEs office at 856-256-5395 or allouchery@rowan.edu if you have any questions regarding the NSTI.

We would like to have at least one parent or guardian attend Orientation on the 24th. Please indicate whether or not a parent or guardian can attend on the Parent / Participant Agreement. Lunch will be provided.

Congratulations again, and we look forward to seeing you on July 24th!

Sincerely,

Dr. Yusuf Mehta, PhD
Project Director, CREATEs at Rowan University
NSTI Host

A.2 Student Participants' Demographic Report

Summary of Students' Data

First Name	Last Name	Age	School	GPA	Grade
Dylan	Adriano	17	Washington Township HS	3.90	12th
Felix	Agosto	16	Rancocas Valley Regional	3.70	11th
Gordon	Bates	17	Williamstown HS	4.00	12th
Victoria	Burns	16	Williamstown HS	4.00	12th
James	Escarilla	17	Deptford HS	4.03	12th
Dylan	Fallows	17	Williamstown HS	3.80	12th
Tyler	Grier	15	Deptford HS	102.14	10th
Kayla	Grossman	17	Clearview Regional HS	99.87	12th
Andrew	Jarrett	17	Clearview Regional HS	99.29	12th
Jacob	Kulikowski	16	Washington Township HS	3.80	12th
Reid	Steven	17	Deptford HS	3.59	12th
Kazim	Rizvi	15	Glassboro HS	90.80	11th
Anahi	Santiago	15	Glassboro HS	94.90	10th
Sean	Smithson	16	Washington Township HS	3.70	12th

Demographic Summary

Name of Host Site	Center for Research and Education in Advanced Transportation Engineering Systems (CREATEs) at Rowan University.
Year Reporting	2017
Dates of Institute	July 24 – August 18, 2017
Program Classification	
Age of Students	High School
Type of Residency	Nonresidential Program
Number of Applicants	17
Number Completing Program	14
Ethnicity	
Caucasian	10
Latino/Hispanic	2
African American	1
Asian	1
Gender	
Male	11
Female	3
Geographic Representation	
Number of Cities	1
Number of Towns	7

A.3 Orientation Meeting Agenda

**National Summer Transportation Institute at the Center for Research & Education
in Advanced Transportation Engineering Systems (CREATEs)
NSTI Orientation**

Date: July 24, 2017

Time: 7:30–10:15 AM

Location: South Jersey Technology Park (107 Gilbreth Pkwy, Mullica Hill, NJ 08062)

Agenda

I. Welcome

- a. 8:00–8:10 AM Welcome Message: Dr. Anthony Lowman, College of Engineering Dean
- b. 8:10–8:30 AM Opening Remarks: Dr. Yusuf Mehta, NSTI Director

II. Overview of the National Summer Transportation Institute

- a. 8:30–8:45 AM History and Purpose of the NSTI Program: Mr. Anthony Davis (FHWA/NJDOT)

III. Faculty and Staff Introductions

- a. 8:30–9:00 AM NSTI Faculty and Staff Introductions: Dr. Yusuf Mehta, NSTI Director

IV. Programs Curriculum and Schedule

- a. 9:00–9:15 AM Overview of CREATEs NSTI Program: Dr. Ayman Ali, NSTI Program Coordinator
- b. 9:15–9:30 AM Program Evaluation Forms: Dr. Yusuf Mehta, NSTI Director

V. Students and Parents Orientation

- a. 9:30–10:00 AM Orientation Discussion by Ms. Kristine Allouchery (Administrative Assistant):

- Daily Sign in/Sign out Protocols
- Drop off/Pick up Protocols
- Program's Rules and Expectations
- Injury and Illness Management Protocols

VI. Q & A Session / Closing Remarks

- a. 10:00–10:15 AM

A.4 Program Closeout Meeting Agenda

**National Summer Transportation Institute at the Center for Research & Education
in Advanced Transportation Engineering Systems (CREATEs)
NSTI Closeout Program**

Date: August 18, 2017

Time: 1:00–5:00 PM

Location: South Jersey Technology Park (107 Gilbreth Pkwy, Mullica Hill, NJ 08062)

Agenda

I. Student Presentations

- a. 1:00–3:00 PM Research Papers Presentations: NSTI Students
- b. 3:00–3:15 PM Evaluation of Presentations: NSTI Evaluation Committee.

II. Graduation Ceremony

- a. 3:15–3:30 PM Overview of Student Evaluation Results: Dr. Yusuf Mehta, NSTI Director
- b. 3:30–3:45 PM Award Ceremony and Honoring Winners: Dr. Yusuf Mehta, NSTI Director
- c. 3:45–4:00 PM Overall NSTI Program Evaluation Completed by Students and Parents
- d. 4:00–4:15 PM Distribution of Graduation Certificates: Dr. Yusuf Mehta, NSTI Director
- e. 4:15–4:30 PM Director's and FHWA Final Remarks: Dr. Yusuf Mehta and Mr. Anthony Davis

A.5 Evaluation Forms

**NATIONAL SUMMER TRANSPORTATION INSTITUTE AT THE
 CENTER FOR RESEARCH & EDUCATION IN ADVANCED
 TRANSPORTATION ENGINEERING
 SYSTEMS (CREATES)**

Program Evaluation Form

Rating Scale:

1: Strongly Disagree 2: Disagree 3: Agree 4: Strongly Agree

Using the rating scale provide above, please specify your level of agreement/disagreement with the following statements:

SPEAKERS/PRESENTERS

- | | | | | |
|--|---|---|---|---|
| 1. Overall, information presented was clear and interesting: | 1 | 2 | 3 | 4 |
| 2. I learned new things about transportation careers: | 1 | 2 | 3 | 4 |
| 3. Speakers responded well to questions: | 1 | 2 | 3 | 4 |
| 4. Speakers were excited about the program: | 1 | 2 | 3 | 4 |

FIELD TRIPS

- | | | | | |
|---|---|---|---|---|
| 1. Field trips were informative and interesting: | 1 | 2 | 3 | 4 |
| 2. Field trips added realism to topics covered: | 1 | 2 | 3 | 4 |
| 3. Field trips increased my understanding of topics: | 1 | 2 | 3 | 4 |
| 4. The number of field trips offered was appropriate: | 1 | 2 | 3 | 4 |

SESSIONS & WORKSHOP

- | | | | | |
|---|---|---|---|---|
| 1. Sessions and workshops helped me learn more about transportation: | 1 | 2 | 3 | 4 |
| 2. Sessions and workshops gave practical experiences related to transportation: | 1 | 2 | 3 | 4 |
| 3. Time allocated for activities was adequate: | 1 | 2 | 3 | 4 |
| 4. Activities were informative, interesting, and fun: | 1 | 2 | 3 | 4 |

STAFF

- | | | | | |
|---|---|---|---|---|
| 1. Staff were very interested in me becoming aware of transportation careers: | 1 | 2 | 3 | 4 |
|---|---|---|---|---|

- | | | | | |
|---|---|---|---|---|
| 2. Staff were very helpful when I had problems: | 1 | 2 | 3 | 4 |
| 3. Staff had a good attitude towards academic excellence: | 1 | 2 | 3 | 4 |
| 4. Staff were available when I had questions: | 1 | 2 | 3 | 4 |
| 5. Staff were friendly and encouraging when I had difficulty: | 1 | 2 | 3 | 4 |

GENERAL

- | | | | | |
|---|---------------|----------------|--------------|---|
| 1. The length of the program was | 1 (Too short) | 2 (Just right) | 3 (Too long) | |
| 2. The number of speakers was | 1 (Too few) | 2 (Just right) | 3 (Too many) | |
| 3. The number of projects was | 1 (Too few) | 2 (Just right) | 3 (Too many) | |
| 4. The number of field trips was | 1 (Too few) | 2 (Just right) | 3 (Too many) | |
| 5. The number of hours spent in class was | 1 (Too few) | 2 (Just right) | 3 (Too many) | |
| 6. The program was both educational and fun: | 1 | 2 | 3 | 4 |
| 7. I wish to return to the program next year: | 1 | 2 | 3 | 4 |
- Please elaborate on reasons for selecting answer:

- | | | | | |
|---|---|---|---|---|
| 8. I would prefer to stay in a dormitory for the whole program: | 1 | 2 | 3 | 4 |
|---|---|---|---|---|
- Please elaborate on your reasons why:

- | | | | | |
|--|---|---|---|---|
| 9. The program included field trips to all transportation modes: | 1 | 2 | 3 | 4 |
|--|---|---|---|---|
- Please elaborate on reasons for selecting answer:

- | | | | | |
|---|---|---|---|---|
| 10. The length of the program was just right: | 1 | 2 | 3 | 4 |
|---|---|---|---|---|
- Please elaborate on your reasons why:

- | | | | | |
|--|---|---|---|---|
| 11. The number of speakers at the program was sufficient to achieve NSTI goals (not too many & not too few): | 1 | 2 | 3 | 4 |
|--|---|---|---|---|
- Please elaborate on reasons for selecting answer:

12. The number of field trips was just right (not too many & not too few):

1 2 3 4

Please elaborate on your reasons why:

13. The number of workshops/sessions was just right (not too many & not too few)

1 2 3 4

Please elaborate on reasons for selecting answer:

14. The number of hours in class was appropriate (not too many & and not too few) to accomplish the goals of the NSTI:

1 2 3 4

Please elaborate on your reasons why:

15. When would be the best time to schedule next year's NSTI?

Please share your general comments about the NSTI. Please list any subjects that you would like to see covered in future NSTI programs that was not covered in this one. Were there any questions you have about the program that you haven't had a chance to ask?

**NATIONAL SUMMER TRANSPORTATION INSTITUTE AT THE
CENTER FOR RESEARCH & EDUCATION IN ADVANCED
TRANSPORTATION ENGINEERING
SYSTEMS (CREATES)**

SPEAKER AND SESSION/WORKSHOP EVALUATION FORM

Session / Workshop Topic:

Session / Workshop Topic:

Rating Scale:

1: Strongly Disagree 2: Disagree 3: Agree 4: Strongly Agree

Using the rating scale provide above, please specify your level of agreement/disagreement with the following statements:

- | | | | | |
|--|---|---|---|---|
| 1. Session/Workshop objectives were made clear to me: | 1 | 2 | 3 | 4 |
| 2. Concepts presented were related to the field of transportation: | 1 | 2 | 3 | 4 |
| 3. Material was presented in an organized manner: | 1 | 2 | 3 | 4 |
| 4. I felt free to ask questions in session/workshop: | 1 | 2 | 3 | 4 |

Please describe what you found most informative and interesting about today's sessions and discuss any strengths or weaknesses of how the topics were covered.

**NATIONAL SUMMER TRANSPORTATION INSTITUTE AT THE
 CENTER FOR RESEARCH & EDUCATION IN ADVANCED
 TRANSPORTATION ENGINEERING
 SYSTEMS (CREATES)**

FIELD TRIP EVALUATION FORM

Trip Location:

Rating Scale:

1: Strongly Disagree 2: Disagree 3: Agree 4: Strongly Agree

Using the rating scale provide above, please specify your level of agreement/disagreement with the following statements:

- | | | | | |
|---|---|---|---|---|
| 1. The field trip was informative and interesting: | 1 | 2 | 3 | 4 |
| 2. Presented concepts were related to transportation: | 1 | 2 | 3 | 4 |
| 3. Material was presented in an organized manner: | 1 | 2 | 3 | 4 |
| 4. Good examples were used to clarify the material: | 1 | 2 | 3 | 4 |
| 5. Used examples were helpful in understanding topic: | 1 | 2 | 3 | 4 |
| 6. I enjoyed the trip's activities and the material covered: | 1 | 2 | 3 | 4 |
| 7. Transport to and from the trip location was well planned: | 1 | 2 | 3 | 4 |
| 8. I felt free to ask questions during the tour: | 1 | 2 | 3 | 4 |
| 9. The trip increased my awareness of transportation careers: | 1 | 2 | 3 | 4 |

Please describe what you found most informative and interesting about today's field trip:

A.6 Select Images and Pictures Taken During the 2017 NJSTI

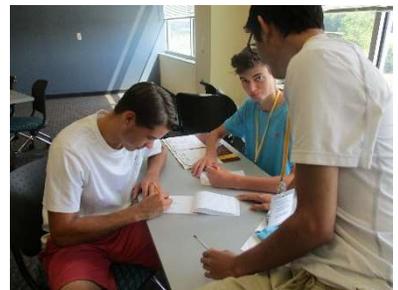


FAA Field Visit and Bottle Rocket Workshop





NJNY Port Authority Field Visit and Asphalt Laboratory Workshop



Appendix 6



New Jersey Department of Transportation

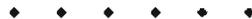
**Civil Rights
Title VI**

**Technical Guidance
Data Collection**



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Chris Christie, Governor
Richard T. Hammer, Acting Commissioner
Linda M. Legge, Director, Civil Rights & Affirmative Action



“Improving Lives by Improving Transportation”

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Civil Rights - Title VI Data Collection



Title VI transportation data collection for ensuring nondiscrimination in the administration of transportation programs, activities and services.

DEFINITIONS

INTRODUCTION

This booklet serves as the New Jersey Department of Transportation's guidance to sub-recipients as part of their obligation to abide by Title VI of the Civil Rights Act of 1964.

Title VI of the Civil Rights Act of 1964 is a federal law outlawing discrimination on the basis of race, color or national origin under any program or activity receiving Federal financial assistance, regardless of whether the individual is a US citizen or lawfully present in the US.

Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations was issued by President William J. Clinton in 1991 to focus on identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

Additional nondiscrimination statutes prohibit discrimination based on income, gender, disability and age. The New Jersey Department of Transportation's Title VI Program is all-encompassing in scope, to include protection for these populations as well.

Sub-recipients are required to collect and analyze statistical data in the administration of their programs, activities and services as required by 23 C.F.R. 200.9(b)(4). Data collected should be maintained for reporting to the New Jersey Department of Transportation, the Federal Highway Administration, or any other entities as required under Title VI.

Data includes: information, statistics, facts, figures, numbers and records.

Accurate data collection is essential. The selection of appropriate data collection methods, and clear instructions on the correct use of such methods will reduce the likelihood of errors occurring.

Qualitative data deals with apparent qualities (subjective properties), not a quantity or measured value.

Quantitative data is based on quantities or measured value.

Adverse Effects - An unfavorable, undesirable or harmful effect.

Applicant - A person who submits an application, request or plan to be approved by the primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request or plan.

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

Bidding - The offer of particular prices for something, or, to perform work.

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

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

Data— Information, statistics, facts, figures, numbers and records.

Deficiency status - The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

Disadvantaged Business Enterprise (DBE) - A small business that is primarily owned and controlled by one or more socially and economically disadvantaged individuals (i.e. African Americans, Hispanics, Native Americans, Asian-Pacific, and sub-continent Asian Americans, and women) whose personal net worth does not exceed \$1.32 million.

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

Disparate Impact - Policies, practices, rules, or other systems that appear to be neutral, but result in a disproportionate impact on protected groups. Disparate treatment is intentional.

Equal Employment Opportunity – An employment practice where employers do not engage in employment activities that are prohibited by law, such as discriminate against an applicant or employee on the basis of race, age, color, sex, religion, or national origin.

Emerging Small Business Enterprise (ESBE) – A small business primarily owned and controlled by one or more economically disadvantaged individuals, irrespective of race, gender and ethnicity, whose personal net worth does not exceed \$1.32 million.

Environmental Justice (EJ) – The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Federal Assistance/Federal Aid - Any federal program, project, service, and activity provided by federal government agencies, that directly assist domestic governments, organizations or individuals in the areas of public safety, public welfare and public works, among others.

Federal Highway Administration (FHWA) – The Federal Highway Administration is a division of the United States Department of Transportation that specializes in highway transportation.

Limited English Proficient (LEP) - Individuals who do not speak English as their primary language and who have a **limited** ability to read, speak, write, or understand English.

Low Income - Poverty is the state of one who lacks a certain amount of material possessions or money. Absolute poverty or destitution refers to the deprivation of basic human needs, which commonly includes food, water, sanitation, clothing, shelter, health care and education. ...

Low Income Population – Refers to the segment of a community having an income level near or below the yearly-defined federal poverty guidelines.

Minority – A person who is a citizen or lawful permanent resident of the United States and who is:

Black-a person having origins in any of the black racial groups of Africa

Hispanic-a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race

Asian or Pacific Islander-a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subconti-

nent, or the Pacific Islands

American Indian or Alaskan Native-a person having origins in any of the original peoples of North American, and who maintain cultural identification through tribal affiliation or community recognition

White- having origins in any of the original peoples of Europe, North Africa, or the Middle East Additional subcategories based on national origin or primary language spoken may be used, where appropriate on either a national or regional

Minority Population – A culturally, ethnically, or racially distinct group that coexists with but is subordinate to a more dominant group.

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

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

RE – The person in charge of construction oversight and coordination of a NJDOT project, or NJDOT sponsored project. This person may be a NJDOT employee, or a consultant, hired by NJDOT.

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

Socially and Economically Disadvantaged Individual – Those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as members of a group, presumably:

Black Americans

Hispanic Americans

Native Americans American Indians, Eskimos, Aleuts, and Native Hawaiians)

Asian Pacific Americans (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands [Republic of Palau], Commonwealth of the Northern Mariana Islands, Laos, Cambodia [Kampuchea], Taiwan; Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Republic of the Marshall Islands, Federated States of Micronesia, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru; Subcontinent Asian Americans (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands or Nepal), and

Members of other groups designated by the Small Business Administration.

Sub-recipient – A not-for-profit entity that expends federal awards received from a pass-through entity to carry out a Federal program.

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-d4 (49 CFR part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3);

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655) (49 CFR part 25; Pub. L. 91-646);

Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601- 3619);

23 U.S.C. 109(h);

23 U.S.C. 324;

Subsequent Federal-Aid Highway Acts and related statutes.

Vendor – A for-profit entity (dealer, distributor, merchant or other seller) providing goods or services that are required for the conduct of a

WHY COLLECT DATA?

Regulations in 23 CFR 200.9(b)(4) require that recipients of federal financial assistance develop procedures for the collection of statistical data (race, color, sex, age, disability and national origin) on potential and actual participants in, and beneficiaries of State highway programs, i.e.: relocates, impacted citizens and affected communities.



This data collection is important, and is used to

- 1) Evaluate the impact of FHWA/FTA/FAA programs and activities to ensure non-discrimination
- 2) Identify LEP populations, low-income, and minority communities affected by transportation decisions.
- 3) Initiate and evaluate the effectiveness of sub-recipient policies and programs to ensure non-discrimination
- 4) Provide a basis for decisions or decision making
- 5) Maintain adequate documentation
- 6) Provide information in the event of complaint or litigation

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TYPES OF DATA COLLECTED

The types of data collected may vary based on the particular project, program, activity or service.

Data collected can be classified as either descriptive information or judgemental information.

Descriptive Information includes:

- Demographic info on program participants & beneficiaries
- Actual benefits paid or realized by beneficiaries

- Characteristics of programs and/or activities
- Results of program or service
- Race, color or national origin of any planning or advisory body



Judgmental Information includes:

- Beneficiaries beliefs and values
- Agency personnel's interpretation of the laws
- Stakeholders perceived priorities
- Interpretation of policy, procedures and guidelines
- Opinions from consultants

Examples of data that you should be collecting includes:

- 1) Race, color and national origin of population served or eligible to be served
- 2) Demographic profile of impacted or potentially affected communities
- 3) Race, color and national origin of any planning or advisory body
- 4) Requirements and procedures to guard against unnecessary impact on persons on the ground of race, color or national origin with respect to relocation
- 5) Allocated funds or other financial assistance, when and to whom
- 6) Owners of property to be taken, and persons or businesses to be relocated or adversely affected by race, color, national origin...;
 - Lawsuits filed (including status) against applicant or recipient alleging discrimination based on protected categories;
 - Brief description (including status) of applications to other federal agencies for assistance, and other federal assistance provided;
- 7) Statements on compliance reviews
- 8) Complaints - How processed and or determined
- 9) Training and technical assistance provided & attendance records

WHAT TYPES OF DATA RELATING TO TITLE VI COMPLIANCE SHOULD BE CAPTURED AND REPORTED?

- Demographics of potential affected population in targeted project area
- Public notification and outreach efforts, including minority media utilized, Limited English Proficiency (LEP) efforts, project websites, web blogs for public comments
- LEP efforts, including data on the use of translation/interpreting services and bilingual employees
- Surveys or documented comments/input from potential affected population
- Efforts made to mitigate adverse effects on minority and low-income populations in affected communities
- Racial and ethnic composition (race, color, national origin) of transportation-related decision making advisory boards or committees
- Environmental Justice analysis,
 
- All Title VI complaints, lawsuits and investigations on a Title VI complaint log, including how they were processed and/or determined.
- Race and gender of contractors and provide an analysis of the selection process
- Training and technical assistance provided, including attendance records. Date of training, employees names (trainees), methods used to train or inform.
- Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin
- Race, color, national origin of owners of property taken, and persons of business relocated or adversely affected.
- Allocated funds or other financial assistance, when and to whom

DATA COLLECTION METHODS



Data collection methods vary, but should best suit the needs of the evaluation project. It is favorable to find the best source of data in order to evaluate a project's viability, feasibility or effectiveness.

Collections methods to consider include:

- Opinion Surveys
- Questionnaires
- Individual Interviews
- Group Interviews
- Document Reviews
- Observations
- Information abstracted from records, files or receipts



- Public Meetings or Web sites where the public posts comments about projects
- Ideas and viewpoints
- Web Blogs
- Case Studies

USES OF DATA

The collection of the data is an extremely important in assisting to identify:

- Impacts to persons and businesses;
- Transportation needs of all persons or groups within a project or project area
- People to include in the decision-making process
- Strategies to disseminate information about projects, programs, services or activities
- Ways of avoiding disparate treatment and impact
- Priorities for investments
- Sources of financing investments

DETERMINING HOW MUCH DATA TO COLLECT

The amount of data to collect is important. Too small a sample will not provide you with enough information, and too large a sample will be overwhelming and is more than you need to make a solid recommendation.

Consider the size of the population, the information to be gained or lost, and the availability of resources.

Sampling is the use of a subset of the population to represent the whole population. There is probability or random sampling and nonprobability sampling

RESOURCES FOR DATA COLLECTION

- Utilize Geographic Information Systems (GIS mapping) to locate and identify low income/minority communities, and LEP populations
- [U.S. Census Bureau](#)
- [American Community Survey](#)
- [American Community Survey CTPP Environmental Justice Profiles](#)
- [American Fact Finder](#)
- [NJ Department of Labor and Workforce Development Labor Market Information](#)
- [New Jersey State Data Center \(NJSDC\)](#)
- [Public Use Microdata Sample \(PUMS\)](#)
- [Census Transportation Planning Products \(CTPP\)](#)
- Department of Education
- U.S. Department of Health & Human Services
- Geographic Information Systems (GIS)
- School district data
- Stakeholders
- Community Based Organizations
- Faith Based Organizations
- Business Organizations
- Citizen advisory groups/community leaders/activists
- Metropolitan Planning Organizations
 - [North Jersey Metropolitan Planning Authority \(NJTPA\)](#)
 - [Delaware Valley Regional Planning Commission \(DVRPC\)](#)
 - [South Jersey Transportation Planning Organization \(SJTPO\)](#)
- Local data collecting Agencies

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The New Jersey Department of Transportation abides by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order for Limited English Proficiency and 23 U.S.C. Section 324, which provides in part, that:

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

Disclaimer: *This booklet is intended to be a guide for sub-recipients. It is not intended to be inclusive of all Title VI and other nondiscrimination authorities or sub-recipient data collection responsibilities. Please contact the respective transportation agency for technical assistance, additional information and other requirements.*



New Jersey Department of Transportation
Division of Civil Rights & Affirmative Action
ADA & title VI Nondiscrimination Unit
1035 Parkway Avenue
Trenton, NJ 08618

Appendix 7



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI - Data Collection Form

Bureau of Landscape Architecture and Environmental Solutions

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/office, which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?

Dissemination of Title VI Information

Are there current copies of the “Title VI of the Civil Rights Act of 1964” Nondiscrimination Statement available and accessible to your Division/Office?

Yes No

Are posters or program brochures available in languages other than English as needed?

Yes No

Is information about Title VI disseminated to your consultants, etc.?

Yes No

Is information about Title VI disseminated to property owners and/or the public impacted by the Good Neighbor Planting Program?

Yes No

Limited English Proficiency (LEP)

What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?



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 Division of Civil Rights & Affirmative Action
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Bureau of Landscape Architecture and Environmental Solutions

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How does the Bureau of Landscape Architecture and Environmental Solutions identify and communicate with persons of Limited English Proficiency?

What specific efforts and methods of outreach were made to promote the active participation of Limited English Proficient (LEP) individuals during the landscape design and/or environmental (NEPA) process of a project?

List specific projects:

Projects that include: LEP Efforts	Project Name / Municipality/ County	Translations (To what Language?)	Interpreting services (To what language?)	Bi-lingual employees

Is an annual assessment conducted to determine:

The current LEP composition of the service area; Yes No

The current communication needs of LEP persons; Yes No

Whether existing assistance meets LEP needs; Yes No

Whether staff is knowledgeable about policies and procedures and how to implement them; Yes No

Whether sources of and arrangements for assistance are still current and viable? Yes No

Yes If yes, provide a copy of the assessment(s)

No If no, please explain why not

Did your Division incur any additional cost during the previous calendar year related to providing LEP assistance?

Yes If "Yes, please provide the dollar amount: \$ _____

No

LEP Requests	Numerical Value
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 Division of Civil Rights & Affirmative Action
 Title VI - Data Collection Form

Bureau of Landscape Architecture and Environmental Solutions

Federal Fiscal Year _____

Total # of LEP related requests related to BLAES services	
---	--

Public Meetings/Info Centers

Public Meetings /Info Centers	Numerical Value
Total # of public meetings held for FFY____	
The total # of complaints	
# of LEP Complaints	
# of Title VI Complaints	
Total # of Public Info Centers held for FFY____	
The total # of complaints	
# of LEP Complaints	
# of Title VI Complaints	

Does BLAES have a policy requiring records to be kept of the demographic data (race & gender) of attendees of public meetings/info centers? Yes No

What specific efforts were made to identify and inform minority and low income populations about the public meetings/ public info centers for projects?

What specific efforts were made to identify and inform Limited English Proficient populations about the public meetings/public info centers for projects?

Are notices of public meetings/info centers, or other project related information made available in languages other than English? Yes No

If "Yes", what other languages?

What specific efforts were made to identify and inform disabled populations about the public meetings/public info centers for projects?

What procedures does the Unit have in place to provide for accommodation of disabled individuals in the delivery of the Unit's activities and services?

What specific methods/types of reasonable accommodations has the unit made for disabled populations in the delivery of the Unit's programs, services or activities?



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Bureau of Landscape Architecture and Environmental Solutions

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List Specific projects that include efforts to involve the disabled:

Project Name / Municipality/ County	Hearing Impairment Accommodation	Vision Impairment Accommodation	Other Type of Impairment Accommodation

What specific efforts and methods of outreach were made to promote the active participation of EJ populations (minorities and low income) during the landscape design or for environmental issues of projects?

List specific projects that include EJ efforts:

Project Name / Municipality/ County	Translations (To what Language?)	Interpreting services (To what language?)	Bi-lingual employees



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Bureau of Landscape Architecture and Environmental Solutions

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Environmental Justice

Environmental Justice Analysis	Yes/ No
Were there any environmental justice analysis performed during the reporting period?	Yes <input type="checkbox"/> No <input type="checkbox"/>

If yes, please provide project names and locations: _____

If none, provide an explanation why none were performed:

Environmental Justice Impacts	Yes/ No
Were there any projects with Environmental Justice impacts?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Please provide a list of the projects:

Project Name	Municipality	County	Type of project

Describe measures taken to **prevent** disproportionately high and adverse effects on the minority and low income populations:

Projects

List projects where measures were taken to mitigate high and adverse effects on the minority and/or low income populations:

Project Name	Municipality	County	Types of mitigation efforts made

List projects where enhancement measures were used to offset high and adverse effects on minority and/or low income populations:



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Project Name	Municipality	County	Types of enhancements provided

List projects that include historic or other preservation efforts in areas with high concentration of minority and/or low income populations

Project Name	Municipality	County	Types of preservation efforts

Hazardous Waste remediation projects located in areas with high concentration of minority and/or low income populations

Project Name	Municipality	County	Types of hazardous waste classification

NEPA

Describe the efforts used to involve minority and low income populations in your programs, activities, and services during the NEPA process of projects:



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Bureau of Landscape Architecture and Environmental Solutions

Federal Fiscal Year _____

Documents

Were there any EIS, EA, CED conducted during the reporting period? If so, how many were conducted:

Environmental Document	Numerical Value
Environmental Impact Statement (EIS)	
Environmental Assessment (EA)	
Categorical Exclusion Document (CED)	

Complaints

Title VI Complaints	Numerical Value
Total # of Title VI complaints forwarded to Civil Rights	
Total # of discrimination complaints forwarded to Civil Rights	
Total # of LEP related complaints	

List any complaints of discrimination filed with your division/office for the reporting period to include the following:

Date of complaint:

Name of person who filed the complaint:

Nature of the complaint (brief statement):

Sub-Recipients

As a recipient of Federal-aid, NJDOT is required to collect data about sub-recipients receiving Federal financial assistance. Identification of these sub-recipients is an important first step in this data collection effort. Please provide the following information for each sub-recipient (consultant, contractor, LPA, MPO, research institution, grantee, vendor/supplier, etc.) of your program(s)/programmatic area.

Complete for all sub-recipients of the Division/Unit/Programmatic Area:

Name of Sub-recipient	Type of Sub-recipient



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Bureau of Landscape Architecture and Environmental Solutions

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ADVISORY BOARDS, COMMITTEE(s), COMMISSION(s)/OR OTHER DECISION MAKING BODIES

NJDOT and any sub-recipient of federal-aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial and gender breakdown of the membership of those committees.

Please provide the following information for each transportation-related advisory boards, committees, commissions or other decision making bodies which are an integral part of your program(s)/programmatic area. (for example, Town Councils, Freeholder Boards, etc.)

Title of Member & Affiliation	Race	Gender

Title of Member & Affiliation	Race	Gender

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:



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- Ensuring equity in the delivery of services without regard to race, color or national origin
- Increasing procurement / contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
- Promoting and providing diversity in the membership of decision-making bodies
- Addressing/mitigating any possible disparate impacts on EJ communities; and
- Ensuring effective communications with persons with Limited English Proficiency

Title VI Liaisons:

Please provide the name(s) of the Title VI Liaison(s):

What are their duties?

Contact: Joe Sweger (609)530-2985



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 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Contract Compliance

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/ office, which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?

Dissemination of Title VI Information

Are there current copies of the “Title VI of the Civil Rights Act of 1964” Nondiscrimination Statement available and accessible to your Division / Office?

Yes No

Are posters or program brochures available in languages other than English as needed?

Yes No

Is Information about Title VI disseminated to your consultants, sub-consultants, etc.?

Yes No

Is information about Title VI disseminated to your consultants, contractor(s), and/or sub-contractor(s)? Yes No

Limited English Proficiency (LEP)

1. What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?



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 Division of Civil Rights & Affirmative Action
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Contract Compliance

Federal Fiscal Year _____

How does Contract Compliance identify and communicate with persons of Limited English Proficiency?

Subcontracting Goals	Numerical Value
# of State Funded construction projects that subcontracting SBE goals were set on.	
# of Federal Funded construction projects that subcontracting DBE goals were set on.	
# of Federal Funded construction projects that subcontracting ESBE goals were set on.	

Project Awards	Numerical / Monetary Value
The # of State funded construction projects awarded	
Total \$ Value of State Funded Projects Awarded	\$
The # of Federally funded construction projects awarded.	
Total \$ value of Federally funded projects awarded	\$
Total \$ Awarded to DBE Prime Contractors	\$
Total \$ Committed to DBE Subcontractors	\$

O-J-Training Assignments Set	Numerical Value
The Total # of Training Assignments set on Federally funded projects.	
Of those, the # set on CPM projects.	
Of those, the # set on Local Aid projects.	

O-J-Training Assignments Made	Numerical Value
The # of Training Assignments made.	
Of those, the # made on CPM projects.	
Of those, the # made on Local Aid projects.	

RE Training/Workshops	Numerical Value



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Contract Compliance

Federal Fiscal Year _____

Compliance Reviews	Numerical Value
The # of <u>Comprehensive</u> Contract Compliance Reviews conducted for the period.	
Deficiencies Identified (Check all applicable): <input type="checkbox"/> Lack of EEO Workforce compliance <input type="checkbox"/> Lack of DBE/ESBE Subcontracting Goal compliance <input type="checkbox"/> Lack of Training Program compliance <input type="checkbox"/> Lack of Wage Rate compliance <input type="checkbox"/> Lack of good faith documentation <input type="checkbox"/> Required posters missing or incomplete. <input type="checkbox"/> Incomplete/unacceptable good faith documentation.	
The # of Checklist Reviews conducted for the period.	
Deficiencies Identified (Check all applicable): <input type="checkbox"/> Lack of EEO Workforce compliance <input type="checkbox"/> Lack of DBE/ESBE Subcontracting Goal compliance <input type="checkbox"/> Lack of Training Program compliance <input type="checkbox"/> Lack of Wage Rate compliance <input type="checkbox"/> Lack of good faith documentation <input type="checkbox"/> Required posters missing or incomplete. <input type="checkbox"/> Incomplete/unacceptable good faith documentation.	
# of RE Training/Workshops held for the period.	

Project Specific EEO Meetings	Numerical Value
# of project specific EEO meetings held for the period.	

Preconstruction Meetings	Numerical Value	
Total # of Preconstruction Meetings participated in during the period.		
	CPM / Other Projects	Local Aid Projects
Region North		
Region Central		
Region South		
Local Aid		

Sub-Recipients

As a recipient of Federal-aid, NJDOT is required to collect data about sub-recipients receiving Federal financial assistance. Identification of these sub-recipients is an important first step in this data collection effort. Please



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Contract Compliance

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provide the following information for each sub-recipient (consultant, contractor, LPA, MPO, research institution, grantee, vendor/supplier, etc.) of your program(s)/programmatic area.

Complete for all sub-recipients of the Division/Unit/Programmatic Area:

Name of Sub-recipient	Type of Sub-recipient

Advisory Boards, Committee(s), Commission(s)/or Other Decision Making Bodies

NJDOT and any sub-recipient of federal-aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial and gender breakdown of the membership of those committees.

Please provide the following information for each transportation-related advisory boards, committees, commissions or other decision making bodies which are an integral part of your program(s)/programmatic area.

Title of Member & Affiliation	Race	Gender



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Division of Civil Rights & Affirmative Action
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Contract Compliance

Federal Fiscal Year _____

List any complaints of discrimination filed with your division/office for the reporting period to include the following:

Complaints		
Date of Complaint	Complainant Name	Nature of Complaint

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:

- Ensuring equity in the delivery of services without regard to race, color or national origin
- Increasing procurement / contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
- Promoting and providing diversity in the membership of decision-making bodies
- Addressing/mitigating any possible disparate impacts on EJ communities; and
- Ensuring effective communications with persons with Limited English Proficiency

Contact: Jeffry Overton (609) 530-3888



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI - Data Collection Form

Disadvantaged & Small Business Program Unit

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/ office which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?

Dissemination of Title VI Information

Are there current copies of the “Title VI of the Civil Rights Act of 1964” Nondiscrimination Statement available and accessible to your Division / Office?

Yes No

Are posters or program brochures available in languages other than English as needed?

Yes No

Is Information about Title VI disseminated to your DBEs, ESBEs, SBE firms, etc.?

Yes No

Limited English Proficiency (LEP)

What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?

How does the Disadvantaged & Small Business Program Unit identify and communicate with persons of Limited English Proficiency?



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Disadvantaged & Small Business Program Unit

Federal Fiscal Year _____

DBE Goal for Federal Fiscal Years 201_ through 201_

- Annual DBE goal: _____%
- Percentage of total federal financial assistance NJDOT will expend on FHWA contracts through race & gender neutral means or methods: _____%
- Percentage of total federal financial assistance NJDOT will expend through race and gender conscious means or methods: _____%
- Actual relative availability of DBEs to perform work NJDOT intends to contract (Step One Base Figure): _____

NJDOT Past Participation:

- Year 201_: _____ Year 201_: _____ Year 201_: _____

DBEs

What efforts were made to increase the number of certified DBEs?

Certifications:

Data	Numerical Value
Current Number of certified DBE's	
Black: _____ Hispanic: _____	
Asian: _____ American Indian/Alaskan Native: _____	
Native Hawaiian/Pacific Islander: _____ Women: _____	

Applications:

Data	Numerical Value
The # of new applications received for DBE Certification (FFY 201_)	
The # that were certified	
The # that were denied	
The # that were withdrawn	

ESBEs

Certifications:

Data	Numerical Value
Current Number of certified ESBE's	



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Disadvantaged & Small Business Program Unit

Federal Fiscal Year _____

Applications:

Data	Numerical Value
The # of new applications received for ESBE Certification (Federal Fiscal Year 201_)	
The # that were certified	
The # that were denied	
The # that were withdrawn	

DBE Supportive Services:

Provide update on status:

Sub-Recipients

As a recipient of Federal-aid, NJDOT is required to collect data about sub-recipients receiving Federal financial assistance. Identification of these sub-recipients is an important first step in this data collection effort. Please provide the following information for each sub-recipient (consultant, contractor, LPA, MPO, research institution, grantee, vendor/supplier, etc.) of your program(s)/programmatic area.

Complete for all sub-recipients of the Division/Unit/Programmatic Area:

Name of Sub-recipient	Type of Sub-recipient

Advisory Boards, Committee(s), Commission(s)/Or Other Decision Making Bodies

NJDOT and any sub-recipient of federal-aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial and gender breakdown of the membership of those committees.

Please provide the following information for each transportation-related advisory boards, committees, commissions or other decision making bodies which are an integral part of your program(s)/programmatic area.



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Disadvantaged & Small Business Program Unit

Federal Fiscal Year _____

Title of Member & Affiliation	Race	Gender

Complaints

Title VI Complaints	Numerical Value
Total # of Title VI complaints forwarded to Civil Rights	
Total # of discrimination complaints forwarded to Civil Rights	
Total # of LEP related complaints	



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Disadvantaged & Small Business Program Unit

Federal Fiscal Year _____

List any complaints of discrimination filed with your division/office for the reporting period to include the following:

Complaints		
Date of Complaint	Complainant Name	Nature of Complaint

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:

- Ensuring equity in the delivery of services without regard to race, color or national origin
- Increasing procurement/contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
- Promoting and providing diversity in the membership of decision-making bodies
- Addressing/mitigating any possible disparate impacts on EJ communities; and
- Ensuring effective communications with persons with Limited English Proficiency

Contacts: Lydia Harper (609) 530-2033 or Cindy Rago (609)530-3882



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 Division of Civil Rights & Affirmative Action
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Internal EEO Unit

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/office, which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?

Data Explanation	Numerical Value
The # of internal EEO complaints	
Of those complaints, the breakdown of the basis of complaints.	Race
	Gender/Sex
	National Origin
	Religion
	Age
	Marital Status
	Ancestry
	Disability
	Sexual Harassment
	Reprisal
	Creed
Affectional/Sexual Orientation	
Other	
The # of “Interview Procedures for Panelists” training sessions held during the time period	



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 Division of Civil Rights & Affirmative Action
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Internal EEO Unit

Federal Fiscal Year _____

The # of <i>Team Ewing</i> meetings attended by CR Staff during the time period.	
The # of interview coaching sessions conducted to assist employees with improving their interview skills.	
The # of “NJ State Policy Prohibiting Discrimination in the Workplace” training orientation sessions held during the time period.	
The # of Monthly Heritage Events held during the time period.	

EEO Advisory Committee: (Provide update on status):

Limited English Proficiency (LEP)

1. What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?
2. How does the Internal EEO Unit identify and communicate with persons of Limited English Proficiency?

Advisory Boards, Committee(s), Commission(s)/Or Other Decision Making Bodies

NJDOT and any sub-recipient of federal-aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial and gender breakdown of the membership of those committees.

Please provide the following information for each transportation-related advisory boards, committees, commissions or other decision making bodies which are an integral part of your program(s)/programmatic area.



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Internal EEO Unit

Federal Fiscal Year _____

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:

- Ensuring equity in the delivery of services without regard to race, color or national origin
- Increasing procurement/contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
- Promoting and providing diversity in the membership of decision-making bodies
- Addressing/mitigating any possible disparate impacts on EJ communities; and
- Ensuring effective communications with persons with Limited English Proficiency.

- In an effort to promote unity and diversity efforts to promote unity and diversity through recognition, the EEO Unit has developed a program that recognizes annually an individual Departmental employee that best demonstrates a commitment to embracing and respecting diversity as well as unifying the workplace at NJDOT. The employee must be friendly, personable and have a positive attitude towards others, regardless of their job, race, culture, or background. They must carry out their job responsibilities with professionalism and be willing to assist others within their work environment. This year's David Lee Unity Award winner was:

Contact: Leslie Megyesy (609) 530-6129



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
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Bureau of Environmental Program Resources & Project Support

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/office, which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?

Dissemination of Title VI Information

Are there current copies of the “Title VI of the Civil Rights Act of 1964” Nondiscrimination Statement available and accessible to your Division/Office?

Yes No

Are posters or program brochures available in languages other than English as needed?

Yes No

Is information about Title VI disseminated to your consultants, etc.?

Yes No

Is information about Title VI disseminated to consultants and MPO’s?

Yes No



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 Division of Civil Rights & Affirmative Action
 Title VI - Data Collection Form

Bureau of Environmental Program Resources & Project Support

Federal Fiscal Year _____

Limited English Proficiency (LEP)

What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?

How does the Bureau of Environmental Program Resources identify and communicate with persons of Limited English Proficiency?

What specific efforts and methods of outreach were made to promote the active participation of Limited English Proficient (LEP) individuals during the environmental (NEPA) process of a project?

List specific projects:

Projects that include: LEP Efforts	Project Name / Municipality/ County	Translations (To what Language?)	Interpreting services (To what language?)	Bi-lingual employees

Is an annual assessment conducted to determine:

The current LEP composition of the service area; Yes No

The current communication needs of LEP persons; Yes No

Whether existing assistance meets LEP needs; Yes No

Whether staff is knowledgeable about policies and procedures and how to implement them; Yes No

Whether sources of and arrangements for assistance are still current and viable? Yes No

Yes If yes, provide a copy of the assessment(s)

No If no, please explain why not

Did your Division incur any additional cost during the previous calendar year related to providing LEP assistance?



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 Division of Civil Rights & Affirmative Action
 Title VI - Data Collection Form

Bureau of Environmental Program Resources & Project Support

Federal Fiscal Year _____

- Yes If "Yes, please provide the dollar amount: \$ _____
- No

LEP Requests	Numerical Value
Total # of LEP related requests related to BEPR services	

Public Meetings/Info Centers

Public Meetings /Info Centers	Numerical Value
Total # of public meetings held for FFY____	
The total # of complaints	
# of LEP Complaints	
# of Title VI Complaints	
Total # of Public Info Centers held for FFY____	
The total # of complaints	
# of LEP Complaints	
# of Title VI Complaints	

Does BEPR have a policy requiring records to be kept of the demographic data (race & gender) of attendees of public meetings/info centers? Yes No

What specific efforts were made to identify and inform minority and low income populations about the public meetings/public info centers for projects?

What specific efforts were made to identify and inform Limited English Proficient populations about the public meetings/public info centers for projects?



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 Division of Civil Rights & Affirmative Action
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Bureau of Environmental Program Resources & Project Support

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Are notices of public meetings/info centers, or other project related information made available in languages other than English? Yes No

If "Yes", what other languages?

What specific efforts were made to identify and inform disabled populations about the public meetings/public info centers for projects?

What procedures does the Unit have in place to provide for accommodation of disabled individuals in the delivery of the Unit's activities and services?

What specific methods/types of reasonable accommodations has the unit made for disabled populations in the delivery of the Unit's programs, services or activities?

List specific projects that include efforts to involve the disabled:

Project Name / Municipality/ County	Hearing Impairment Accommodation	Vision Impairment Accommodation	Other Type of Impairment Accommodation

What specific efforts and methods of outreach were made to promote the active participation of EJ populations (minorities and low income) during the transportation decision making process of projects?



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Bureau of Environmental Program Resources & Project Support

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List specific projects that include LEP efforts:

Project Name / Municipality/ County	Translations (To what Language?)	Interpreting Services (To what language?)	Bi-lingual Employees

Environmental Justice

Describe the efforts used to involve minority and low income populations in your programs, activities, and services during the NEPA process of projects:

Environmental Justice Analysis	Yes/ No
Were there any environmental justice analyses performed during the reporting period?	Yes <input type="checkbox"/> No <input type="checkbox"/>

If yes, please list projects below:

Project Name	Municipality	County	Type of project

If none, provide an explanation why none were performed:

Environmental Justice Impacts	Yes/ No
Were there any projects with Environmental Justice impacts?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Please provide a list of the projects:

Project Name	Municipality	County	Type of project



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Bureau of Environmental Program Resources & Project Support

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Public Involvement

The total # of public info sessions/public meetings where Title VI/Environmental Justice issues were raised, discussed and/or addressed

Of Public information sessions where EJ issues were raised, discussed and/or addressed please provide the following:

Public Information Sessions (Name and Location)	Numerical Value

Projects

List projects where measures were taken to mitigate high and adverse effects on the minority and/or low income populations:

Project Name	Municipality	County	Types of mitigation efforts made

List projects where enhancement measures were used to offset high and adverse effects on minority and/or low income populations:

Project Name	Municipality	County	Types of enhancements provided

List projects that include historic or other preservation efforts in areas with high concentration of minority and/or low income populations

Project Name	Municipality	County	Types of preservation efforts



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Bureau of Environmental Program Resources & Project Support

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Hazardous Waste remediation projects located in areas with high concentration of minority and/or low income populations

Project Name	Municipality	County	Types of hazardous waste classification

Documents

Were there any EIS, EA, CED conducted during the reporting period? If so, how many were conducted:

Environmental Document	Numerical Value
Environmental Impact Statement (EIS)	
Environmental Assessment (EA)	
Categorical Exclusion Document (CED)	

Sub-Recipients

As a recipient of Federal-aid, NJDOT is required to collect data about sub-recipients receiving Federal financial assistance. Identification of these sub-recipients is an important first step in this data collection effort. Please provide the following information for each sub-recipient (consultant, contractor, LPA, MPO, research institution, grantee, vendor/supplier, etc.) of your program(s)/programmatic area.

Complete for all sub-recipients of the Division/Unit/Programmatic Area:

Name of Sub-recipient	Type of Sub-recipient



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Bureau of Environmental Program Resources & Project Support

Federal Fiscal Year _____

ADVISORY BOARDS, COMMITTEE(s), COMMISSION(s)/OR OTHER DECISION MAKING BODIES

NJDOT and any sub-recipient of federal-aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial and gender breakdown of the membership of those committees.

Please provide the following information for each transportation-related advisory boards, committees, commissions or other decision making bodies which are an integral part of your program(s)/programmatic area. (for example, Town Councils, Freeholder Boards, etc.)

Title of Member & Affiliation	Race	Gender

Title of Member & Affiliation	Race	Gender

Title of Member & Affiliation	Race	Gender



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 Division of Civil Rights & Affirmative Action
 Title VI - Data Collection Form

Bureau of Environmental Program Resources & Project Support

Federal Fiscal Year _____

Complaints

Title VI Complaints	Numerical Value
Total # of Title VI complaints forwarded to Civil Rights	
Total # of discrimination complaints forwarded to Civil Rights	
Total # of LEP related complaints	

List any complaints of discrimination filed with your division/office for the reporting period to include the following:

Complaints		
Date of Complaint	Complainant Name	Nature of Complaint

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:

- Ensuring equity in the delivery of services without regard to race, color or national origin
- Increasing procurement/contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
- Promoting and providing diversity in the membership of decision-making bodies
- Addressing/mitigating any possible disparate impacts on EJ communities; and
- Ensuring effective communications with persons with Limited English Proficiency

Title VI Liaisons:

Please provide the name(s) of the Title VI Liaison(s):



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Bureau of Environmental Program Resources & Project Support

Federal Fiscal Year _____

What are their duties?

Contact: Elkins Green (609) 530-8075



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Procurement – Professional Services

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/office, which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not? Click here to enter text.
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not? Click here to enter text.
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not? Click here to enter text.
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not? Click here to enter text.
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not? Click here to enter text.
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not? Click here to enter text.
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not? Click here to enter text.

Dissemination of Title VI Information

Are there current copies of the “Title VI of the Civil Rights Act of 1964” Nondiscrimination Statement available and accessible to your Division / Office?

Yes No

Are posters or program brochures available in languages other than English as needed?

Yes No

Is information about Title VI disseminated to your consultants, sub-consultants, etc.?

Yes No

Is information about Title VI disseminated to your consultants, contractor(s), and/or sub-contractor(s)? Yes No

Limited English Proficiency (LEP)

What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?

[Click here to enter text.](#)



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Procurement – Professional Services

Federal Fiscal Year _____

How does Procurement – Professional Services identify and communicate with persons of Limited English Proficiency? [Click here to enter text.](#)

Prequalification of Professional Service Firms

Describe the methods used to prequalify prime consultants.
[Click here to enter text.](#)

Describe the prequalification process.
[Click here to enter text.](#)

Professional Service Firms	Number Value	
The total # of prequalified professional service firms	DBE	
	Non-DBE	
	Number of Contracts	\$ Value of Contracts
Professional service contracts awarded	DBE:	
	Non-DBE:	

Number of new applications for prequalification: [Click here to enter text.](#)

DBEs: [Click here to enter text.](#)

Non-DBEs: [Click here to enter text.](#)

Number of renewals: [Click here to enter text.](#)

DBEs: [Click here to enter text.](#)

Non-DBEs: [Click here to enter text.](#)

Will any professional service firms lose their qualification because they did not comply with the DBE Program, or other Civil Rights requirements of contracts?
[Click here to enter text.](#)

Are any of the prime consultants a DBE? How is this counted toward the contract DBE goal?
[Click here to enter text.](#)



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Procurement – Professional Services

Federal Fiscal Year _____

Expressions of Interest (EOI)

What were the method and sources used to publish solicitations of Expressions of Interest (EOI)?

[Click here to enter text.](#)

What were the particular methods used to reach minority and women- owned consultant firms?

[Click here to enter text.](#)

Is required nondiscrimination language included solicitations for expressions of interest?

Yes No

If so, where? [Click here to enter text.](#)

Procurement of Contracts

Describe the methods used to solicit certified Disadvantage Business Enterprises and other small, minority and women-owned businesses.

[Click here to enter text.](#)

Describe the methods used to solicit consultants.

[Click here to enter text.](#)

Describe the consultant selection process

[Click here to enter text.](#)

Were any consultants rejected because they did not meet their goals and did not make a good faith effort?

[Click here to enter text.](#)

Were any of the prime consultants a DBE? How is this counted toward the goals?

[Click here to enter text.](#)

Are the consultant contracts advertised at all times?

[Click here to enter text.](#)

How are consultant contracts advertised? Are they always advertised by set procedures?

[Click here to enter text.](#)

Provide the total number of consultants selected during this Fiscal Year? _____

Number of Executed Agreements for FFY____: [Click here to enter text.](#)

Total Number of Active Agreements in FFY____: [Click here to enter text.](#)



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 Title VI- Data Collection Form

Procurement – Professional Services

Federal Fiscal Year _____

Advisory Boards, Committee(s), Commission(s)/or Other Decision Making Bodies

NJDOT and any sub-recipient of federal-aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial and gender breakdown of the membership of those committees.

Please provide the following information for each transportation-related advisory boards, committees, commissions or other decision making bodies which are an integral part of your program(s)/programmatic area.

Click here to enter text.		
Title of Member & Affiliation	Race	Gender
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.
Click here to enter text.	Choose an item.	Choose an item.



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Procurement – Professional Services

Federal Fiscal Year _____

List any complaints of discrimination filed with your division/office for the reporting period to include the following:

Complaints		
Date of Complaint	Complainant Name	Nature of Complaint

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:

- Ensuring equity in the delivery of services without regard to race, color or national origin.
[Click here to enter text.](#)
- Increasing procurement / contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
[Click here to enter text.](#)
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
[Click here to enter text.](#)
- Promoting and providing diversity in the membership of decision-making bodies
[Click here to enter text.](#)
- Addressing/mitigating any possible disparate impacts on EJ communities; and
[Click here to enter text.](#)
- Ensuring effective communications with persons with Limited English Proficiency
[Click here to enter text.](#)

Title VI Liaisons:

Please provide the name(s) of the Title VI Liaison(s): [Click here to enter text.](#)

What are their duties?

[Click here to enter text.](#)

Contact: Karen Abbott 609-530-2452



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Right of Way

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/ office, which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?

Does ROW have a policy requiring records to be kept of parcels having minority and female owners/tenants, including residential and commercial properties? Yes No

What procedures does the Unit have in place to provide for accommodation of disabled individuals in the delivery of the Unit’s activities and services?

What specific methods/types of reasonable accommodations has the unit made for disabled populations in the delivery of the Unit’s programs, services or activities?

Dissemination of Title VI Information

Are there current copies of the “Title VI of the Civil Rights Act of 1964” Nondiscrimination Statement available and accessible to your Division / Office?

Yes No

Are posters or program brochures available in languages other than English as needed?

Yes No

Is Information about Title VI disseminated to your consultants, appraisers(s), etc.?

Yes No



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Right of Way

Federal Fiscal Year _____

Is Information about Title VI disseminated to property owners and/or the public involved in the ROW process?

- Yes No

Limited English Proficiency (LEP)

What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?

How does ROW identify and communicate with persons of Limited English Proficiency?

What specific efforts and methods of outreach were made to promote the active participation of Limited English Proficient (LEP) individuals during the ROW process of projects?

Is an annual assessment conducted to determine:

The current LEP composition of the service area; Yes No

The current communication needs of LEP persons; Yes No

Whether existing assistance meets LEP needs; Yes No

Whether staff is knowledgeable about policies and procedures and how to implement them; Yes No

Whether sources of and arrangements for assistance are still current and viable? Yes No

Yes If yes, provide a copy of the assessment(s)

No If no, please explain why not

What specific efforts were made to notify and involve the LEP population regarding ROW on projects?

List specific projects:

Projects that include: LEP Efforts	Project Name / Municipality/ County	Translations (To what Language?)	Interpreting services (To what language?)	Bi-lingual employees

Did your Division incur any additional cost during the previous calendar year related to providing LEP assistance?



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Right of Way

Federal Fiscal Year _____

Yes (If "Yes, please provide the dollar amount: \$ _____) No

LEP Requests	Numerical Value
Total # of LEP related requests related to ROW services	

Appraisal Data

Property Appraisals	Numerical Value	Demographics
The total # of Property Appraisals		<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown

Acquisition Data

Acquisitions	Numerical Value	Demographics	Average cost of Acquisitions per demographic
The total # of businesses		<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown	\$ \$ \$ \$ \$ \$ \$
The total # of families		<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown	\$ \$ \$ \$ \$ \$ \$

Relocation Data



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 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Right of Way

Federal Fiscal Year _____

Relocations	Numerical Value	Demographics	Average cost of relocation per demographic
The total # of businesses	Click here to enter text. Click here to enter text.	<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown	\$ \$ \$ \$ \$ \$ \$
The total # of households	Click here to enter text. Click here to enter text.	<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown	\$ \$ \$ \$ \$ \$ \$

Eminent Domain Data

Eminent Domain	Numerical Value	Demographics
The total # of properties taken by eminent domain		<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander Other <input type="checkbox"/> Unknown

What were the efforts made in securing the services of minority or female appraisers, incidental to Right-of-Way acquisition?

Appraisers



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Right of Way

Federal Fiscal Year _____

Property Appraisers	Numerical Value	Fee (\$)	Demographics
The total # of Property Appraisers		\$ \$ \$ \$ \$ \$	<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown
The total # of Consultant Appraisers (outside staff)		\$ \$ \$ \$ \$ \$	<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown
The total # of NJDOT Appraisers (internal staff)		N/A	<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown

Sub-Recipients

As a recipient of Federal-aid, NJDOT is required to collect data about sub-recipients receiving Federal financial assistance. Identification of these sub-recipients is an important first step in this data collection effort. Please provide the following information for each sub-recipient (consultant, contractor, LPA, MPO, research institution, grantee, vendor/supplier, etc.) of your program(s)/programmatic area.

Complete for all sub-recipients of the Division/Unit/Programmatic Area:



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Right of Way

Federal Fiscal Year _____

Title VI Data Collection Form		
Title of Member & Affiliation	Race	Gender

Title VI Data Collection Form		
Title of Member & Affiliation	Race	Gender

Complaints

Title VI Complaints	Numerical Value
Total # of Title VI complaints forwarded to Civil Rights	
Total # of discrimination complaints forwarded to Civil Rights	
Total # of LEP complaints	

List any complaints of discrimination filed with your division/office for the reporting period to include the following:

Complaints		
Date of Complaint	Complainant Name	Nature of Complaint



New Jersey Department of Transportation
Division of Civil Rights & Affirmative Action
Title VI- Data Collection Form

Right of Way

Federal Fiscal Year _____

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:

- Ensuring equity in the delivery of services without regard to race, color or national origin
- Increasing procurement / contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
- Promoting and providing diversity in the membership of decision-making bodies
- Addressing/mitigating any possible disparate impacts on EJ communities; and
- Ensuring effective communications with persons with Limited English Proficiency

Title VI Liaisons:

Please provide the name(s) of the Title VI Liaison(s):

What are their duties?

Contact: Victor Akpu (609) 530-2360



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Wage Rate Unit

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/office/unit, which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?

Dissemination of Title VI Information

Are there current copies of the “Title VI of the Civil Rights Act of 1964” Nondiscrimination Statement available and accessible to your Division / Office?

Yes No

Are posters or program brochures available in languages other than English as needed?

Yes No

Is Information about Title VI disseminated to your DBEs, ESBEs, SBE firms, etc.?

Yes No

Limited English Proficiency (LEP)

What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Wage Rate Unit

Federal Fiscal Year _____

How does the Wage Rate Unit identify and communicate with persons of Limited English Proficiency about their rights to be paid prevailing wages as well as convey other wage rate issues?

What specific efforts were made to notify and involve LEP populations working on government funded transportation projects about their right to be paid prevailing wages, and other wage rate issues?

Projects Awarded

Payrolls

Projects Awarded FY	Numerical Value	
Payrolls Reviewed	Numerical Value	
Payrolls Reviewed	# of Prime Contractors Reviewed	
	# of Sub Contractors Reviewed	

Major deficiencies identified during review of payrolls:

Workshops

RE Workshops & Project EEO Meetings	Numerical Value
# of RE Workshops Conducted	
# of Project Specific EEO Meetings Conducted	
Region North	
Region Central	
Region South	



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Wage Rate Unit

Federal Fiscal Year _____

Preconstruction Meetings

Preconstruction Meetings:	Numerical Value
Total # of Preconstruction Conferences attended:	
Region North	
Region Central	
Region South	

Advisory Boards, Committee(s), Commission(s)/Or Other Decision Making Bodies

NJDOT and any sub-recipient of federal-aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial and gender breakdown of the membership of those committees.

Please provide the following information for each transportation-related advisory boards, committees, commissions or other decision making bodies which are an integral part of your program(s)/programmatic area.

Title of Member & Affiliation	Race	Gender

Complaints

Wage Rate Complaints	Numerical Value
The # of Wage Rate complaints	



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Wage Rate Unit

Federal Fiscal Year _____

Title VI Complaints	Numerical Value
Total # of Title VI complaints forwarded to Civil Rights	
Total # of discrimination complaints forwarded to Civil Rights	
Total # of LEP related complaints.	

List any complaints of discrimination filed with your division/office for the reporting period to include the following:

Complaints		
Date of Complaint	Complainant Name	Nature of Complaint

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:

- Ensuring equity in the delivery of services without regard to race, color or national origin.
- Increasing procurement / contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
- Promoting and providing diversity in the membership of decision-making bodies
- Addressing/mitigating any possible disparate impacts on EJ communities; and
- Ensuring effective communications with persons with Limited English Proficiency

Contact: Daniel Stern 609-530-6115



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Procurement – Construction Services

Federal Fiscal Year _____

Data Collection

Title VI Data Collection is required as per 23 CFR 200.9(b)(4) in order to ensure that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e. disproportionately benefiting or harming one group over another.

In the delivery of the services provided by your division/ office, which of the following demographic data is collected? Please check all that apply.

Category	Yes/ No	Comments
Race	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
National Origin	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Language other than English (LEP)	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Gender	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Disabled	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Age	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?
Income Level	Yes <input type="checkbox"/> No <input type="checkbox"/>	If not collected, why not?

Dissemination of Title VI Information

Are there current copies of the “Title VI of the Civil Rights Act of 1964” Nondiscrimination Statement available and accessible to your Division / Office?

Yes No

Are posters or program brochures available in languages other than English as needed?

Yes No

Is Information about Title VI disseminated to your consultants, sub-consultants, etc.?

Yes No

Is information about Title VI disseminated to your consultants, contractor(s), and/or sub-contractor(s)? Yes No

Limited English Proficiency (LEP)

What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP individuals?

How does Procurement Construction Services identify and communicate with persons of Limited English Proficiency?



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Procurement – Construction Services

Federal Fiscal Year _____

Contractors	Number Value	
The total # of prequalified contractors	DBE	
	Non-DBE	
	Number of Contracts	\$ Value of Contracts
Construction contracts awarded (Federally Funded)	DBE:	
	ESBE:	
	Non-DBE or ESBE	
Construction contracts awarded (State Funded)	SBE	
	Non-SBE	

Number of Executed Construction Contracts for FFY____: Click here to enter text.

Total Number of Active Construction Contracts in FFY____: Click here to enter text.

Prequalification of Contractors

Describe the methods used to prequalify prime contractors.

Click here to enter text.

Describe the prequalification process.

Click here to enter text.

Were any contractors lose their qualification because they did not comply with the DBE Program, or other Civil Rights requirements of contracts?

Click here to enter text.

Are any of the prime contractors a DBE? How is this counted toward the contract DBE goal?

Click here to enter text.

Advertisement of Contracts

Are construction projects advertised at all times? Yes No

If not, why not?

How are construction projects advertised?

Provide the total number of contractors selected during this Fiscal Year? _____



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Procurement – Construction Services

Federal Fiscal Year _____

Is required nondiscrimination language included in construction subcontracts? Yes No
 If so, where?

Advisory Boards, Committee(s), Commission(s)/or Other Decision Making Bodies

NJDOT and any sub-recipient of federal-aid 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 their programs. Recipients and sub-recipients having transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the recipient, are required to provide information depicting the racial and gender breakdown of the membership of those committees.

Please provide the following information for each transportation-related advisory boards, committees, commissions or other decision making bodies which are an integral part of your program(s)/programmatic area.

Title of Member & Affiliation	Race	Gender

Title of Member & Affiliation	Race	Gender



New Jersey Department of Transportation
 Division of Civil Rights & Affirmative Action
 Title VI- Data Collection Form

Procurement – Construction Services

Federal Fiscal Year _____

Complaints

Title VI Complaints	Numerical Value
Total # of Title VI complaints forwarded to Civil Rights	
Total # of discrimination complaints forwarded to Civil Rights	
Total # of LEP related complaints	

List any complaints of discrimination filed with your division/office for the reporting period to include the following:

Complaints		
Date of Complaint	Complainant Name	Nature of Complaint



New Jersey Department of Transportation
Division of Civil Rights & Affirmative Action
Title VI- Data Collection Form

Procurement – Construction Services

Federal Fiscal Year _____

Major Accomplishments

Please list and provide a summary of accomplishments within the Division/Office/Unit relative to any or all of the following:

- Ensuring equity in the delivery of services without regard to race, color or national origin
- Increasing procurement / contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority, and women-owned businesses.
- Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods and communities to participate in the decision-making process.
- Promoting and providing diversity in the membership of decision-making bodies
- Addressing/mitigating any possible disparate impacts on EJ communities; and
- Ensuring effective communications with persons with Limited English Proficiency

Title VI Liaisons:

Please provide the name(s) of the Title VI Liaison(s):

What are their duties?

Contact: Keith Daniels: 609-530-4416 and Quintin Viernes: 609-530-2104

Appendix 8

Posters Required on Federal-Aid Projects

Note: Posters are displayed in English & Spanish, at required sizes.

Only the English version is included as part of the Title VI Plan)

TITLE	NUMBER	APPLICABLE REGULATIONS
NOTICE Federal Aid Project	FHWA-1022 (Revised 11/11)	False Statements Notice Required by 18 CFR 1020 and 23 CFR 635.119. Available at FHWA website but does not include contract information.
Equal Employment Opportunity IS THE LAW	EEOC-P/E-1 (Revised 11/09)	Required by Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; 38 U.S.C. 4212 of the Vietnam Era Veteran's Readjustment Assistance Act of 1974, as amended; 41 CFR Chapter 60-I.42; 41 CFR 60-250.4(k); 41 CFR 60-74 1.5(a); and FHWA-1273, §11(3)(d). Available at USDOL website in English, Spanish, and Chinese; by telephone at 1-866-487-2365; or by email at: OFCCP-Public@dol.gov
Employee Rights Under the Davis- Bacon Act	WH-1321 (Revised 04/09)	Davis-Bacon Wage Rate Poster Required by 29 CFR 5:59A) 91) and FHWA-1273, §IV(1)(a). Enforcement by NJDOT and/or USDOL. Available at USDOL website, by telephone at 1-866-487-9243, or by email at: www.dol.gov/dol/contact/contact-emailtopics.htm but does not include contact information.
Job Safety and Health IT'S THE LAW	OSHA-3165 (Revised 02/12 – English; Revised 01/07 – Spanish)	Required by 29 U.S.C. 657©, 29 CFR 1903.2 through FHWA-1273, §VIII(1). Enforcement through OSHA. Available at USDOL website in English and Spanish, by telephone at 1-800-321-6742, or by email at: www.dol.gov/dol/contact/contact-emailtopics.htm
Employee Rights And Responsibilities Under The Family & Medical Leave Act	WHD-1420 Revised 02/13)	Required by 29CFR 825.300 and 825.400 for employees of more than 50 people. Enforcement by USDOL. Available at USDOL website in English and Spanish, by telephone at 1-866-487-9243, or by email at: www.dol.gov/dol/contact/contact-emailtopics.htm
NOTICE Employee Polygraph Protection Act	WH-1462 (Revised 01/12)	Required by 29 CFR 801.6. Enforcement by USDOL. Available at USDOL website in English and Spanish, by telephone at 1-866-487-9243, or by email at: www.dol.gov/dol/contact/contact-emailtopics.htm
Discrimination in Employment	NJ Dept. of Law & Public Safety	Required by N.J.A.C. 13:8-1.2
Labor Rates from U.S. Department Of Labor	Actual Davis- Bacon Wage Rates	Required by both FHWA-1495 and WH-1321. Available from proposal/contract. Include any additional classifications and wage rates conformed after contract award.
Contractor's EEO Policy Statement	Fill in information pertinent to company	Required by 41 CFR 60-741.44 through FHWA-1273, §II(1)(b)
Letter Appointing Contractor's EEO and DBE Officers	Fill in information pertinent to company	Required by 41 CFR 60-74144 through FHWA-1273, §II(1)(b)
Emergency Phone Numbers		Required by 29 CFR 1926.50(f) through FHWA-1273, §VIII(1) except in areas with 911 for emergencies. (*In areas where 911 is not available, the telephone numbers of the physicians, hospitals, and ambulances shall be conspicuously posted.)

Posters Required on Federal-Aid Projects
Note: Posters are displayed in English & Spanish, at required sizes.
Only the English version is included as part of the Title VI Plan)



U.S. Department
of Transportation
**Federal Highway
Administration**

NOTICE

The highway construction underway at this location is a Federal or Federal-aid project and is subject to applicable State and Federal laws, including Title 18, United States Code, Section 1020, which 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 the cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

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 a material fact in any statement, certificate, or report submitted pursuant to the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented,

Shall be fined under this title or imprisoned not more than five years, or both.”

Any person having reason to believe this statute is being violated should report the same to the agency representative(s) named below.

<i>(Federal-aid projects only)</i>
State Highway Department
NJDOT - COMMISSIONER OF TRANSPORTATION
1035 PARKWAY AVE, P.O. BOX 600
TRENTON, NJ 08625-0600 1-609-530-2000
<small>Enter name and address of State Highway Department.</small>

<i>(Both Federal and Federal-aid projects)</i>
Federal Highway Division Administrator
NJ DIVISION OFFICE, 840 BEAR TAVERN ROAD, SUITE 310
WEST TRENTON, NJ 08628-1019
1-609-637-4200
<small>Enter name and address of Federal Highway Division Administrator.</small>

<i>(Both Federal and Federal-aid projects)</i>
Department of Transportation
Office of Inspector General
Toll Free Hotline
1-800-424-9071

Posters Required on Federal-Aid Projects

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Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

Posters Required on Federal-Aid Projects

Note: Posters are displayed in English & Spanish, at required sizes.
Only the English version is included as part of the Title VI Plan)

EMPLOYEE RIGHTS ON GOVERNMENT CONTRACTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

This establishment is performing Government contract work subject to (check one)

- SERVICE CONTRACT ACT (SCA) or**
 PUBLIC CONTRACTS ACT (PCA)

MINIMUM WAGES Your rate must be no less than the Federal minimum wage established by the Fair Labor Standards Act (FLSA).

A higher rate may be required for SCA contracts if a wage determination applies. Such wage determination will be posted as an attachment to this Notice.

FRINGE BENEFITS SCA wage determinations may require fringe benefit payments (or a cash equivalent). PCA contracts do not require fringe benefits.

OVERTIME PAY You must be paid 1.5 times your basic rate of pay for all hours worked over 40 in a week. There are some exceptions.

CHILD LABOR No person under 16 years of age may be employed on a PCA contract.

SAFETY & HEALTH Work must be performed under conditions that are sanitary, and not hazardous or dangerous to employees' health and safety.

ENFORCEMENT Specific DOL agencies are responsible for the administration of these laws. To file a complaint or obtain information for: Contact the Wage and Hour Division by calling its toll-free help line at 1-866-4-USWAGE (1-866-487-9243), or visit its Web site at www.wagehour.dol.gov.

Contact the Occupational Safety and Health Administration (OSHA) by calling 1-800-321-OSHA (1-800-321-6742), or visit its Web site at www.osha.gov.

For additional information:



1-866-4-USWAGE

(1-866-487-9243)

TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1313 (Revised April 2009)
over ▶

Posters Required on Federal-Aid Projects
Note: Posters are displayed in English & Spanish, at required sizes.
Only the English version is included as part of the Title VI Plan)

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

PREVAILING WAGES	You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.
OVERTIME	You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.
ENFORCEMENT	Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.
APPRENTICES	Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.
PROPER PAY	If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

**COMMISSIONER OF TRANSPORTATION
1035 PARKWAY AVENUE
P.O. BOX 600
TRENTON, NJ 08625-0600
1-609-530-2000**

or contact the U.S. Department of Labor's Wage and Hour Division.

For additional information:

1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627

  **WWW.WAGEHOUR.DOL.GOV**

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WH 1321 (Revised April 2009)

Posters Required on Federal-Aid Projects
Note: Posters are displayed in English & Spanish, at required sizes.
Only the English version is included as part of the Title VI Plan)

Job Safety and Health

It's the law!



EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the *OSH Act*.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the *OSH Act* that apply to your own actions and conduct on the job.

EMPLOYERS:

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the *OSH Act*.

This free poster available from OSHA –
The Best Resource for Safety and Health



Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA (6742)

www.osha.gov

OSHA 3195.02 2/12/11



Posters Required on Federal-Aid Projects

Note: Posters are displayed in English & Spanish, at required sizes.
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EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

*Special hours of service eligibility requirements apply to airline flight crew employees.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 - Revised February 2013

Posters Required on Federal-Aid Projects

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EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties up to \$10,000 against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.



Scan your QR phone reader to learn more about the Employee Polygraph Protection Act.

For additional information:

1-866-4-USWAGE 
(1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division

WHD 1462
Rev. Jan 2012

Posters Required on Federal-Aid Projects
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Only the English version is included as part of the Title VI Plan)

New Jersey Law Prohibits **Discrimination in Employment**

- ON THE BASIS OF:** Race, Creed, Color, National Origin, Age, Ancestry, Nationality, Marital or Domestic Partnership or Civil Union Status, Sex, Pregnancy, Gender Identity or Expression, Disability, Liability for Military Service, Affectional or Sexual Orientation, Atypical Cellular or Blood Trait, Genetic Information (including the refusal to submit to genetic testing)
- BY:** Private or State and Local Government Employers, Employment Agencies, or Labor Unions
- WITH RESPECT TO:** Hiring, Promotion, Transfer, Demotion, Termination, Salary, Benefits, Other Privileges, Conditions or Terms of Employment, Layoff, Harassment, Apprenticeship and Training Programs, Job Referrals, or Union Membership
- OR:** In Retaliation for Filing a Complaint, Participating or Testifying in Any Proceedings or for Opposing Any Acts Forbidden under the New Jersey Law Against Discrimination
- REMEDY MAY INCLUDE:** An Order Restraining Unlawful Discrimination, Back Pay, Damages for Pain and Humiliation Experienced as a Result of Unlawful Discrimination, Punitive Damages, and Attorney's Fees

It is also unlawful to publish employment advertisements which discriminate against persons in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

Violations should be reported to the nearest office of the NJ Division on Civil Rights at **866-405-3050 (Toll-Free)** or online **www.NJCivilRights.gov**

Atlantic City Office

1325 Boardwalk, 1st fl.
Tennessee Ave & Boardwalk
Atlantic City, NJ 08401

Camden Office

1 Port Center, 4th Floor
2 Riverside Drive, Ste. 402
Camden, NJ 08103

Newark Office

31 Clinton Street
3rd Floor
Newark, NJ 07102

Trenton Regional Office

140 East Front Street
6th Floor
Trenton, NJ 08625-0090



The regulations of the New Jersey Division on Civil Rights require that all employers, employment agencies and labor organizations who are covered by the New Jersey Law Against Discrimination shall display this official poster in places easily visible to all employees and applicants. N.J.A.C. 13:8-1.2.



rev. 5.27.14

Appendix 9

**NEW JERSEY STATE POLICY
PROHIBITING DISCRIMINATION IN THE WORKPLACE**



***NEW JERSEY STATE
POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE***

I. POLICY

a. Protected Categories

The State of New Jersey is committed to providing every State employee and prospective State employee with a work environment free from prohibited discrimination or harassment. Under this policy, forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

To achieve the goal of maintaining a work environment free from discrimination and harassment, the State of New Jersey strictly prohibits the conduct that is described in this policy. This is a zero tolerance policy. This means that the state and its agencies reserve the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

b. Applicability

Prohibited discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. Thus, this policy applies to all employees and applicants for employment in State departments, commissions, State colleges or universities, agencies, and authorities (hereafter referred to in this section as "State agencies" or "State agency"). The State of New Jersey will not tolerate harassment or

NEW JERSEY STATE POLICY

PROHIBITING DISCRIMINATION IN THE WORKPLACE

discrimination by anyone in the workplace including supervisors, co-workers, or persons doing business with the State. This policy also applies to both conduct that occurs in the workplace and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace (any field location, any off-site business-related social function, or any facility where State business is being conducted and discussed).

This policy also applies to third party harassment. Third party harassment is unwelcome behavior involving any of the protected categories referred to in (a) above that is not directed at an individual but exists in the workplace and interferes with an individual's ability to do his or her job. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

II. PROHIBITED CONDUCT

a. Defined

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories referred to in I(a) above. This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions and career development.

It is also a violation of this policy to use derogatory or demeaning references regarding a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth in I(a) above. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of behaviors that may constitute a violation of this policy include, but are not limited to:

- Discriminating against an individual with regard to terms and conditions of employment because of being in one or more of the protected categories referred to in I(a) above;
- Treating an individual differently because of the individual's race, color, national origin or other protected category, or because an individual has the physical, cultural or linguistic characteristics of a racial, religious, or other protected category;

NEW JERSEY STATE POLICY

PROHIBITING DISCRIMINATION IN THE WORKPLACE

- Treating an individual differently because of marriage to, civil union to, domestic partnership with, or association with persons of a racial, religious or other protected category; or due to the individual's membership in or association with an organization identified with the interests of a certain racial, religious or other protected category; or because an individual's name, domestic partner's name, or spouse's name is associated with a certain racial, religious or other protected category;
- Calling an individual by an unwanted nickname that refers to one or more of the above protected categories, or telling jokes pertaining to one or more protected categories;
- Using derogatory references with regard to any of the protected categories in any communication;
- Engaging in threatening, intimidating, or hostile acts toward another individual in the workplace because that individual belongs to, or is associated with, any of the protected categories; or
- Displaying or distributing material (including electronic communications) in the workplace that contains derogatory or demeaning language or images pertaining to any of the protected categories.

b. Sexual Harassment

It is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

NEW JERSEY STATE POLICY

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Examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

- Generalized gender-based remarks and comments;
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
- Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, text messages, invitations, gestures or inappropriate comments about a person's clothing;
- Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluation or promotional opportunity; or
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

III. EMPLOYEE RESPONSIBILITIES

Any employee who believes that she or he has been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment is encouraged to promptly report the incident(s) to a supervisor or directly to the State agency's Equal Employment Opportunity/Affirmative Action Officer or to any other persons designated by the State agency to receive workplace discrimination complaints.

All employees are expected to cooperate with investigations undertaken pursuant to VI below. Failure to cooperate in an investigation may result in

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administrative and/or disciplinary action, up to and including termination of employment.

IV. SUPERVISOR RESPONSIBILITIES

Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/harassment to the State agency's Equal Employment Opportunity/Affirmative Action Officer, or any other individual designated by the State agency to receive complaints of workplace discrimination/harassment. A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination of employment. For purposes of this section and in the State of New Jersey Model Procedures for Processing Internal Complaints Alleging Discrimination in the Workplace (Model Procedures), a supervisor is defined broadly to include any manager or other individual who has authority to control the work environment of any other staff member (for example, a project leader).

V. DISSEMINATION

Each State agency shall annually distribute the policy described in this section, or a summarized notice of it, to all of its employees, including part-time and seasonal employees. The policy, or summarized notice of it, shall also be posted in conspicuous locations throughout the buildings and grounds of each State agency (that is, on bulletin boards or on the State agency's intranet site). The Department of the Treasury shall distribute the policy to State-wide vendors/contractors, whereas each State agency shall distribute the policy to vendors/contractors with whom the State agency has a direct relationship.

VI. COMPLAINT PROCESS

Each State agency shall follow the Model Procedures with regard to reporting, investigating, and where appropriate, remediating claims of discrimination/harassment. See N.J.A.C. 4A:7-3.2. Each State agency is responsible for designating an individual or individuals to receive complaints of discrimination/harassment, investigating such complaints, and recommending appropriate remediation of such complaints. In addition to the Equal Employment Opportunity/Affirmative Action Officer, each State agency shall designate an alternate person to receive claims of discrimination/harassment.

All investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations shall be conducted in a prompt, thorough and

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PROHIBITING DISCRIMINATION IN THE WORKPLACE

impartial manner. The results of the investigation shall be forwarded to the respective State agency head to make a final decision as to whether a violation of the policy has been substantiated.

Where a violation of this policy is found to have occurred, the State agency shall take prompt and appropriate remedial action to stop the behavior and deter its reoccurrence. The State agency shall also have the authority to take prompt and appropriate remedial action, such as moving two employees apart, before a final determination has been made regarding whether a violation of this policy has occurred.

The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment.

Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate.

VII. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

Following are examples of prohibited actions taken against an employee because the employee has engaged in activity protected by this subsection:

- Termination of an employee;
- Failing to promote an employee;
- Altering an employee's work assignment for reasons other than legitimate business reasons;
- Imposing or threatening to impose disciplinary action on an employee for reasons other than legitimate business reasons; or
- Ostracizing an employee (for example, excluding an employee from an activity or privilege offered or provided to all other employees).

NEW JERSEY STATE POLICY

PROHIBITING DISCRIMINATION IN THE WORKPLACE

VIII. FALSE ACCUSATIONS AND INFORMATION

An employee who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to administrative and/or disciplinary action, up to and including termination of employment. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

IX. CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.

X. ADMINISTRATIVE AND/OR DISCIPLINARY ACTION

Any employee found to have violated any portion or portions of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to: referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

XI. TRAINING

All State agencies shall provide all new employees with training on the policy and procedures set forth in this section within a reasonable period of time after each new employee's appointment date. Refresher training shall be provided to all employees, including supervisors, within a reasonable period of time. All State agencies shall also provide supervisors with training on a regular basis regarding their obligations and duties under the policy and regarding procedures set forth in this section.

Issued: December 16, 1999
Revised: June 3, 2005
Revised: August 20, 2007
See N.J.A.C. 4A:7-3.1

Appendix 10



new jersey
department of transportation

DIVISION OF CIVIL RIGHTS CONTRACT COMPLIANCE UNIT



Overview

Purpose is to review major Civil Rights revisions to:

- Standard Specifications for Road and Bridge Construction
- Contract Special Provisions
- Review reasons for changes
- Present planned changes regarding the:
 - Bid Process
 - Execution of Project
 - Final Goal Attainment at End of Project
- Questions/comments



Reasons for Planned Changes

- Comply with FHWA regulations to ensure continued Federal funding.
- Enable DOT to make informed selections
 - Provide NJDOT information needed at time of bid
 - Maintain a level playing field in bidding process
- Increase the efficiency and success of project
 - Minimize the need for changes (Form CR-266 revisions) & delays that such changes may cause



new jersey
department of transportation

NEW AND REVISED CIVIL RIGHTS FORMS



CR-261 List of All DBE/SBE and Non-DBE/SBE Firms Providing a Bid or Quote for the Contract

- Helps us to comply with 49 CFR Part 26.11 (c)
- Required for Federal and State funded projects
- Lists all firms (DBE/ESBE/SBE and Non-DBE/ESBE/SBE) providing a bid or quote
- Form CR-261 must be submitted at the end of the 2017 Federal Fiscal Year(9/30/2017), and annually thereafter. Submit form in PDF format to the DOT-CR.Verifications@dot.nj.gov e-mail address.



CR-266 Schedule of DBE/ESBE/SBE Participation

- Complies with 49 CFR part 26.53 (b)(2) & 26.55
- Same form will be used for:
 - Both Federal & State funded projects
 - Both original submissions and all post-award revisions
- Form CR-266 will now be required at time of bid as part of electronic bid submission-the form must be ZIPPED & uploaded to Bid-X.
- Only the DBE/ESBE/SBE firms listed on the CR-266 and providing confirmation of intent to participate (Forms CR-273; and CR-272 & CR-274 if applicable) at time of bid or within 5 days of Bid Opening will be counted toward goal commitment



new jersey department of transportation

Example CR-266

Form CR-266 (05/2016)

SCHEDULE OF DISADVANTAGED BUSINESS ENTERPRISE / EMERGING SMALL BUSINESS ENTERPRISE / SMALL BUSINESS ENTERPRISE (DBE/ESBE/SBE) PARTICIPATION

CLASSIFICATIONS	
S	Subcontractor (100% Credit)
T/H	Trucker / Hauler (100% Credit)
EL	Equipment
M	Manufacturer (100% Credit)
RD/I	Regular Dealer / Installer (100% Credit)
RD/S	Regular Dealer / Supplier (60% Credit on Federal Aid Contracts)(100% Credit on Wholly State Funded Contracts) (List total proposed dollar amount of subcontract work. Civil Rights will calculate the applicable percentage.)
B	Broker / Transaction Expediter (Count the entire amount of fees or Commissions charged.)

Under 49C.F.R. 26.107 dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

- NOTES: 1.) Form CR-273 ("Confirmation of DBE/ESBE/SBE Firm"), must be completed by each of the DBE/ESBE/SBE firms listed below.
 2.) Form CR-274 ("DBE/ESBE/DBE Trucking Verification"), must be completed by each DBE/ESBE/SBE Trucker/Hauler listed below.
 3.) A Regular Dealer/Supplier must maintain inventory and/or own or operate distribution equipment.

Signature: _____

Bidder/Prime Contractor: _____

Check One: DBE ESBE SBE

Project Name: _____
(Complete as shown on plans.)

DP Number: _____

Bid Amount: _____ Date: _____

Revision Number: _____

Classification	Firm Status (DBE/ESBE/SBE)	Firm Name	Firm Street Address	City	State	ZIP	Phone Number	E-mail Address	NAICS Code[s]	Type of Work (Electrical, Paving, etc.) & Contract Items or Parts Thereof to be Performed	Proposed Dollar Amount of Subcontract Work	Projected Start Date of Work	Projected Completion Date of Work
	S										\$		
	S										\$		
	S										\$		
	S										\$		
	S										\$		
	S										\$		
	S										\$		
	S										\$		

Add Row



CR-273 Confirmation of DBE/ESBE/SBE Firm

- Complies with 49 CFR part 26.53 (b) (2) (v)
- All bidders must obtain a signed confirmation Form CR-273 from each DBE/ESBE/SBE firm listed on CR-266
- A firm listed on Form CR-266 will not be counted toward DBE/ESBE/SBE goal commitment unless a completed Form CR-273 is also submitted at time of bid or within 5 days of Bid Opening
- **Falsifying the information on forms constitutes fraudulent behavior**
- Same form will be used for:
 - Both Federal & State funded projects
 - Both original submissions and any post-award revisions
- Form CR-273 can be submitted at time of bid as a zipped file or within five (5) days after bid opening as a PDF to:

DOT-CR.Verifications@dot.nj.gov



new jersey department of transportation

Example CR-273

Form CR-273 (12/2016)

New Jersey Department of Transportation Confirmation of DBE/ESBE/SBE Firm

TO BE COMPLETED BY DBE/ESBE/SBE FIRM

Name of DBE/ESBE/SBE Firm: _____

DBE/ESBE/SBE Firm's Contact Information: _____

Address: _____

Phone: _____

E-mail Address: _____

NJDOT Project Name: _____

DP Number (provided by Bidder): _____

Bidder (Prime): _____

Proposed Start Date of DBE/ESBE/SBE Firm's Work: _____

Proposed Dollar Amount of DBE/ESBE/SBE Work if Contract is awarded to Bidder (Prime): _____

Proposed DBE/ESBE/SBE Firm's Work Items: _____

Please answer each question listed below	Yes	No
If this project is awarded to the Bidder/Prime Contractor listed, do you verify your intent to complete the proposed subcontract work items?	<input type="checkbox"/>	<input type="checkbox"/>
Are all of your employees carried on your firm's payroll?	<input type="checkbox"/>	<input type="checkbox"/>
Is your firm's equipment registered in your name?	<input type="checkbox"/>	<input type="checkbox"/>
If not, is it leased from the Bidder/Prime Contractor or any other contractor on the project?	<input type="checkbox"/>	<input type="checkbox"/>
Will the equipment you use display your firm's name or logo?	<input type="checkbox"/>	<input type="checkbox"/>
Is you Superintendent or Foreman working as an employee of any other contractor or subcontractor on the project?	<input type="checkbox"/>	<input type="checkbox"/>
Are any of your firm's employees also working for the Bidder/Prime Contractor?	<input type="checkbox"/>	<input type="checkbox"/>
For Truckers Only: Will you be responsible for the management and supervision of the entire trucking operation for which you are contracted to perform?	<input type="checkbox"/>	<input type="checkbox"/>
For Suppliers Only: Do you own, operate or maintain a store, warehouse, or other establishment in which the materials, supplies or equipment required under the Contract are bought, kept in stock and regularly sold or leased to the public in the usual course of business?	<input type="checkbox"/>	<input type="checkbox"/>

Title: _____

Signature of DBE/ESBE/SBE Firm Representative

Date: _____

I certify that the foregoing statements and information made are true. I am aware that if of the foregoing statements made are willingly false, I am subject to punishment. I further certify that I have full power and authority to execute this certification on behalf of the DBE/ESBE/SBE firm, _____ and that all approvals and other actions necessary in connection with the execution of this certification by the above signed have been obtained and are in full force and effect as to the date of execution of this certification.

Under 49 C.F.R. 26.107 dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.



CR-274 DBE/ESBE/SBE Trucking Verification

- Complies with 49 CFR part 26.55 (d)
- Firm must own and operate at least 1 truck used on Contract
- 100% goal commitment credit for transportation services provided by the 1st tier firm and 2nd tier DBE firm
- Additional credit for 2nd tier Non-DBE firms (not to exceed the value of the credit provided by the 1st tier DBE firm)
- Same form will be used for:
 - Both Federal & State funded projects
 - Both original submissions (5 days after bid opening) and any post-award revisions to: DOT-CR.Verifications@dot.nj.gov

Example CR-274

Form CR-274 (08/2016)

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DBE/ESBE/SBE TRUCKING VERIFICATION**

This commitment is subject to the award and receipt of a signed contract from the New Jersey Department of Transportation for the subject project. Note that copies of all supporting documents must be attached.

Project Name:			
Bidder/Prime Contractor Name:			
Address:		County:	
Telephone Number:	E-mail Address:	DP Number:	
Trucking Firm Name:			
Address:		Telephone Number:	

The DBE/ESBE/SBE Trucking Firm will perform the following described work on the project:

Bid Items	Item Description	Unit	Unit Price	Quantity	Total
			\$		\$
			\$		\$
			\$		\$
			\$		\$
Total Commitment Amount (Amount of DBE/ESBE/SBE Subcontract):					\$

Location(s) material will be transported:

Total number of fully operational DBE/ESBE/SBE owned trucks to be used on contract: _____

First Tier DBE/ESBE/SBE Trucking Firm			
Number of trucks owned: _____			
Specify ALL Vehicle information:			
Vehicle Identification Number (VIN)	Year	Make	Model



CR-272 DBE/ESBE

Regular Dealer/Supplier Verification

- Complies with 49 CFR part 26.55 (e)
- RD/S firm owns, operates or maintains a store warehouse where the materials, supplies, etc. of the type required under the contract are bought, stocked & sold/leased
- Federal aid contracts: bidder gets 60% credit for the cost of materials and supplies purchased from a DBE/ESBE RD/S
- Wholly state-funded contracts: get 100% credit for SBEs
- Same form will be used for:
 - Both Federal & State funded projects
 - Both original submissions and any post-award revisions
 - Form CR-272 is to accompany the CR-273-can be submitted at time of bid as a zipped file or within five days after bid opening as a PDF to: DOT-CR.Verifications@dot.nj.gov

Example CR-272

Form CR-272 (07/2016)

Page 1 of 1

NJ Department of Transportation
Division of Civil Rights & Affirmative Action

DBE/ESBE REGULAR DEALER/SUPPLIER VERIFICATION FORM
(To be completed by DBE/ESBE firm)

Project Name:		DP Number
Bidder/Prime Contractor:		
DBE/ESBE Firm:	Address:	Phone Number
Provide a brief description of the material(s) your firm will be supplying and the Prime is requesting be credited as a regular dealer (include item number and estimate quantities when possible).		
<small>If either question is marked "No", the Bidder/Prime Contractor cannot receive regular dealer credit for the services provided by the DBE/ESBE firm. Instead, the maximum credit that could be received would be the fee or commission the DBE/ESBE firm receives for its services. Before executing this form, read the "Guide for Counting DBE/ESBE Suppliers" on page 2 which includes the official question and answer issued by the United States Department of Transportation.</small>		
Check one for each question		
1. Does your firm 'regularly' engage in the purchase and sale or lease, to the general public in the usual course of its business, of product(s) of the general character which will be involved in this contract and for which DBE/ESBE credit is being sought?	<input type="radio"/> Yes	<input type="radio"/> No
2. Is the role your firm will play on this specific contract be consistent with the regular sale or lease of the product(s) in question, as distinct from a role better understood as that of a broker, packager, manufacturer's representative, or other person who arranges or expedites a transaction?	<input type="radio"/> Yes	<input type="radio"/> No
Authorized Representative of DBE/ESBE Firm		
The undersigned individual hereby verifies that he/she is authorized to make this verification on behalf of the DBE/ESBE firm, that the DBE/ESBE firm 'regularly' engages in the purchase and sale or lease of the items listed herein and is not otherwise a package, broker, manufacturer representative, or other person who arranges or expedites transactions, the the answers and information provided herein are true and correct to the best of her/his knowledge, information and belief and that this verification is made subject to the penalties of 49 CFR Part 26.		
Signature	Date	
Printed Name	Phone Number	
Authorized Representative of Bidder/Prime Contractor		
The undersigned individual hereby verifies the he/she is authorized to make this verification on behalf of the Bidder/Prime Contractor, that, to the best of his/her knowledge, information and belief, the DBE/ESBE firm 'regularly' engages in the purchase and sale or lease of the items listed herein and is not otherwise a packager, broker, manufacturer representative, or other person who arranges or expedites transactions and that this verification is made subject to the penalties of 49 CFR Part 26.		
<small>Under 49 C.F.R. 26.107 dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.</small>		
Signature	Date	
Printed Name	Phone Number	



Adequate Good Faith Effort

- 49 CFR Appendix A to Part 26
- Solicit through all reasonable & available means, the interest of all certified DBE/ESBE/SBE firms capable of performing the contract work
- Select portions of work to be performed by DBE/ESBE/SBE
- Provide interested DBE/ESBE/SBE with adequate information about requirements in a timely manner
- Negotiate in good faith with interested DBE/ESBE/SBE



Evidence of Good Faith Effort:

- CFR part 26.53 & Appendix A to Part 26
- Efforts to assist interested firms in obtaining bonding, lines of credit, or insurance as required by contractor
- Efforts to assist interested firms in obtaining necessary equipment, supplies, materials, or related assistance
- Not rejecting firms as being unqualified without sound reasons based on a thorough investigation of capabilities and documentation
- Effectively using the services of available resources:
 - DBE - <http://njucp.net/>
 - ESBE - http://50.62.131.238/Productions/NJDOT_ESBE/biz_esbe/
 - SBE - https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp



Consideration of Bids:

- 49 CFR part 26.53

Once the test pilot has concluded:

- If Form CR-266 is not submitted with the bid, the bid is rejected as non-responsive
- If CR-273, (and CR-274 & CR-272 if applicable) are not submitted within five (5) days after bid opening, with all other required information, those listed on CR-266 lacking corresponding verification forms will not be counted toward the goal commitment.
- If the department determines that a responsive bidder failed to meet the DBE/ESBE/SBE goal commitment **AND** failed to demonstrate adequate good faith effort to do so, the bid may be rejected.



Administrative Reconsideration

According to 49 CFR 26.53 (d), if the Department deems that the apparent lowest responsive bidder failed to meet the Contract goal at time of bid AND failed to demonstrate adequate good faith effort to do so within 5 days of Bid Opening, and the bid is rejected, the bidder may request Administrative Reconsideration (AR):

- May make written request for AR w/in 1 State business day of being notified by Dept. that bid was rejected
- Request must indicate which type of AR the firm wants, in-person hearing or written review
- Must submit w/in 2 State business days of AR request written documentation or argument proving bidder met Contract goal or submitted adequate GFE at time of bid



Rejected Bidder's Argument

- Opportunity for rejected bidder to demonstrate that at time of bid:
 - it did meet the project goal commitment OR
 - it did make adequate good faith efforts
- Argument must be based on CR-266 submitted at time of bid or good faith effort documentation submitted within 5 days of Bid Opening
- Argument is **NOT** 2nd opportunity to meet goal or provide adequate GFE after the deadline for the documents has passed



AR Hearing Officer

Administrative Reconsideration Hearing Officer (ARHO) will:

- Be appointed by the Department
- Will consider arguments (oral or written) by rejected responsive bidder and by Department decision-maker(s)
- Must not have been part of the original bid process
- Must be trained on adequate Good Faith Effort regulations
- Will render a timely, written decision either upholding the bid rejection or denying the bid rejection
- ARHO decisions are not appealable to U.S. D.O.T.



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NEW PROCEDURES - PROJECT EXECUTION



DBE/ESBE/SBE CHANGE/TERMINATION

Complies with 49 CFR part 26.53 (f) to ensure that DBE/ESBE/SBE firms on CR-266 are not replaced or terminated without following appropriate procedures:

- Prime contractor must notify affected DBE/ESBE/SBE firms, RE, and NJDOT Civil Rights in writing in advance of a proposed change, indicating the reason for termination/change
- DBE/ESBE/SBE firm will have 5 State business days to respond to Civil Rights, RE, and prime contractor of reasons why they object to their services being terminated/changed
- Civil Rights must consider the arguments and decide to approve or deny such changes BEFORE they are made



Commercially Useful Function (CUF)

Complies with 49 CFR part 26.55 (c) to ensure that DBE/ESBE/SBEs are independently managing, supervising & performing their work:

- must have independent supervisor/work scheduler
- must use own staff (not staff of prime or other subs)
- must use equipment obtained on its own (not equipment of prime or other subs on the contract)
- All DBE/ESBE/SBE firms listed on CR-266 are subject to a Commercially Useful Function (CUF) compliance review
- CUF review is the responsibility of Project RE
- DBE/ESBE/SBE firms who are not performing a CUF will not be counted toward DBE/ESBE/SBE goal attainment



Form CR-274 in Use

Complies with 49 CFR part 26.55 (d) about appropriate DBE/ESBE/SBE goal attainment credit for truckers/haulers

DBE/ESBE/SBE trucker/haulers must:

- Have a formal agreement with the Prime Contractor
- Provide proof of ownership or lease agreement to project RE when truck reports to job site (If proof is not provided, truck will not be counted toward goal.)
- Be accountable for Management and Supervision for entire trucking operation for which it is responsible on a contract (No contrived arrangement for the purpose of meeting goals.)
- CR-274 revisions must accompany CR-266 & CR-273 if there are changes to plans for use of DBE/ESBE/SBE trucker/haulers



Form CR-272 in Use

Complies with 49 CFR part 26.55 (e) about appropriate DBE/ESBE/SBE goal attainment credit for regular suppliers/dealers

A DBE/ESBE/SBE regular dealer/supplier must:

- Demonstrate that it owns, operates or maintains a store warehouse where the materials, supplies, etc. of the type required under the contract are bought, stocked & sold/leased
- Federal aid contracts: bidder gets 60% credit for the cost of materials and supplies purchased from a DBE/ESBE RD/S
- Wholly state-funded contracts: get 100% credit for SBEs
- CR-272 revisions must be submitted with CR-266 & CR-273 if there are changes to plans for use of DBE/ESBE/SBE regular dealers/suppliers



Prompt Payment

New clauses approved by Dept. & DAGs for compliance with 49 CFR part 26.29 and with NJSA 52:32-41

“Pay subcontractors and suppliers for satisfactory performance of their work no later than 30 days from receipt of each payment made by the Department.”

“If the Contractor fails to pay the subcontractor or supplier within 30 days after the subcontractor or supplier satisfactorily completes the specified work, the Department may withhold progress payments from the Contractor, until the Contractor pays the subcontractor or supplier all delinquent amounts due, or the Contract is terminated, or the matter is resolved under N.J.S.A. 52:32-40 and N.J.S.A. 52:32-41.”

“If the Department receives an allegation from a subcontractor or supplier that the Contractor has not paid the subcontractor or supplier the amount due from a previous progress payment, the Contractor shall submit to the RE, evidence that payment has been made within 10 days of a request made by the RE.”



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NEW PROCEDURES - CLOSEOUT



Potential Payment Reduction for Not Attaining Goal or Providing GFE

- Complies with 49 CFR part 26.13(b) & 26.53(h)
- If DBE/ESBE/SBE goal is not attained AND adequate documented GFE is not submitted, DOT will make a payment reduction to Contractor:

$$\text{Payment Reduction} = (\text{Contract DBE Goal\%} - \text{Attained DBE Goal \%}) \\ \times \text{Total Adjusted Contract Price}$$



Example of Payment Reduction

DBE Goal Payment Reduction = (CG - AG) x CP

Contract DBE Goal % (CG) = 5%

Attained DBE Goal % (AG) = 3%

Total Adjusted Contract Price (CP) = \$1,000,000

\$20,000 = (.05 - .03) X \$1,000,000

If adequate Good Faith Effort documentation approved by Civil Rights had not been submitted to account for the shortfall, \$20,000 would be withheld from progress payments, final payment, or retainage.



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QUESTIONS/COMMENTS

Appendix 11

Forms – Verification & Monitoring of DBE Firms



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. BOX 600
TRENTON, NJ 08625-0600

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

JAMIE FOX
Commissioner

[Date]

[Insert Name & Address of DBE firm Here]

Dear [Mr./Ms. Insert Last Name of DBE Firm Owner Here]:

Congratulations on being identified by [Insert name of prime contractor here] to meet the [Select one: Disadvantaged Business Enterprise (DBE) or Small Business Enterprise (SBE)] goal on the [Name of Project Here] project. [Insert name of prime contractor] was recently awarded this contracting opportunity and will probably follow up with you at a later date regarding the contract particulars and your subcontracting responsibilities.

The New Jersey Department of Transportation (NJDOT) is committed to ensuring that small and disadvantaged business enterprises have maximum opportunity to participate in our contracting activities. The Division of Civil Rights and Affirmative Action is responsible for implementing and monitoring Disadvantaged and Small Business Program activities in NJDOT's contracting opportunities. Annually we establish a goal to ensure that small, minority and women owned businesses are participating in our contracting opportunities.

Again, congratulations on being identified to fulfill the [Select one: DBE or SBE] subcontracting goal on the above named project. Attached, please find *Form CR-XXX, Disadvantaged Business Enterprise Subcontract Confirmation*, the confirmation form must be completed and returned to the Division of Civil Rights (see bottom of form for mailing address and fax number, form can also be e-mailed). Please feel free to contact our Contractor Compliance Manager, Jeffrey Overton at 609-530-3888, if you have any questions concerning this contracting opportunity or if the Division of Civil Rights/Affirmative Action can be of any assistance to your firm.

Sincerely,

Jeffrey Overton
Manager, Contract Compliance Unit
Division of Civil Rights and Affirmative Action

c: [Insert name of prime contractor here]
Lydia Harper, NJDOT Manager of Disadvantaged and Small Business Programs

Forms – Verification & Monitoring of DBE Firms

Form CR-273 (05/2016)

New Jersey Department of Transportation Confirmation of DBE/ESBE/SBE Firm

TO BE COMPLETED BY DBE/ESBE/SBE FIRM AND SUBMITTED WITH BIDDER'S/PRIME CONTRACTOR'S CR-266

Name of DBE/ESBE/SBE Firm: _____

DBE/ESBE/SBE Firm's Contact Information: _____

Address: _____

Phone: _____

E-mail Address: _____

NJDOT Project Name: _____

DP Number (provided by Bidder): _____

Bidder (Prime): _____

Proposed Start Date of DBE/ESBE/SBE Firm's Work: _____

Proposed Dollar Amount of DBE/ESBE/SBE Work if Contract is awarded to Bidder (Prime):
\$123,456.78

Proposed DBE/ESBE/SBE Firm's Work Items: _____

Please answer each question listed below	Yes	No
If this project is awarded to the Bidder/Prime Contractor listed, do you verify your intent to complete the proposed subcontract work items?	<input type="checkbox"/>	<input type="checkbox"/>
Are all of your employees carried on your firm's payroll?	<input type="checkbox"/>	<input type="checkbox"/>
Is your firm's equipment registered in your name?	<input type="checkbox"/>	<input type="checkbox"/>
If not, is it leased from the Bidder/Prime Contractor or any other contractor on the project?	<input type="checkbox"/>	<input type="checkbox"/>
Will the equipment you use display your firm's name or logo?	<input type="checkbox"/>	<input type="checkbox"/>
Is you Superintendent or Foreman working as an employee of any other contractor or subcontractor on the project?	<input type="checkbox"/>	<input type="checkbox"/>
Are any of your firm's employees also working for the Bidder/Prime Contractor?	<input type="checkbox"/>	<input type="checkbox"/>
For Truckers Only: Will you be responsible for the management and supervision of the entire trucking operation for which you are contracted to perform?	<input type="checkbox"/>	<input type="checkbox"/>
For Suppliers Only: Do you own, operate or maintain a store, warehouse, or other establishment in which the materials, supplies or equipment required under the Contract are bought, kept in stock and regularly sold or leased to the public in the usual course of business?	<input type="checkbox"/>	<input type="checkbox"/>

Title: _____

Signature: _____

Date: _____

I certify that the foregoing statements and information made are true. I am aware that if of the foregoing statements made are willingly false, I am subject to punishment. I further certify that I have full power and authority to execute this certification on behalf of the DBE/ESBE/SBE firm, _____ and that all approvals and other actions necessary in connection with the execution of this certification by the above signed have been obtained and are in full force and effect as to the date of execution of this certification.

Under 49C.F.R. 26.107 dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

Forms – Verification & Monitoring of DBE Firms

NJ Department of Transportation
Division of Civil Rights & Affirmative Action

DBE/ESBE REGULAR DEALER/SUPPLIER VERIFICATION FORM

(To be completed by DBE/ESBE firm)

Project Name:		DP Number
Bidder/Prime Contractor:		
DBE/ESBE Firm:	Address:	Phone Number
Provide a brief description of the material(s) your firm will be supplying and the Prime is requesting be credited as a regular dealer (include item number and estimate quantities when possible).		
If either question is marked "No", the the Bidder/Prime Contractor cannot receive regular dealer credit for the services provided by the DBE/ESBE firm. Instead, the maximum credit that could be received would be the fee or commission the DBE/ESBE firm receives for its services. Before executing this form, read the "Guide for Counting DBE/ESBE Suppliers" on page 2 which includes the official question and answer issued by the United States Department of Transportation.		
1. Does your firm 'regularly' engage in the purchase and sale or lease, to the general public in the usual course of its business, of product(s) of the general character which will be involved in this contract and for which DBE/ESBE credit is being sought?		Check one for each question <input type="radio"/> Yes <input type="radio"/> No
2. Is the role your firm will play on this specific contract be consistent with the regular sale or lease of the product(s) in question, as distinct from a role better understood as that of a broker, packager, manufacturer's representative, or other person who arranges or expedites a transaction?		<input type="radio"/> Yes <input type="radio"/> No
Authorized Representative of DBE/ESBE Firm		
The undersigned individual hereby verifies that he/she is authorized to make this verification on behalf of the DBE/ESBE firm, that the DBE/ESBE firm 'regularly' engages in the purchase and sale or lease of the items listed herein and is not otherwise a package, broker, manufacturer representative, or other person who arranges or expedites transactions, the the answers and information provided herein are true and correct to the best of her/his knowledge, information and belief and that this verification is made subject to the penalties of 49 CFR Part 26.		
Signature	Date	
Printed Name	Phone Number	
Authorized Representative of Bidder/Prime Contractor		
The undersigned individual hereby verifies the he/she is authorized to make this verification on behalf of the Bidder/Prime Contractor, that, to the best of his/her knowledge, information and belief, the DBE/ESBE firm 'regularly' engages in the purchase and sale or lease of the items listed herein and is not otherwise a packager, broker, manufacturer representative, or other person who arranges or expedites transactions and that this verification is made subject to the penalties of 49 CFR Part 26.		
Under 49 C.F.R. 26.107 dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.		
Signature	Date	
Printed Name	Phone Number	

Forms – Verification & Monitoring of DBE Firms

Form CR-272 (07/2016)

GUIDANCE FOR COUNTING DBE/ESBE REGULAR DEALER/SUPPLIERS

- The official question and answer (q and a) issued by the United States Department of Transportation on December 9, 2011 as institutional guidance relative to regular dealers poses two questions that must both be answered 'yes' in order for the DBE/ESBE firm to receive regular dealer credit for materials supplied on federally-assisted transportation projects.
- Following is the official q and a in italics:
- *First, does the firm "regularly" engage in the purchase and sale or lease, to the general public in the usual course of its business, of products of the general character involved in the contract and for which DBE/ESBE credit is sought?*
 - *Answering this question involves attention to the activities of the business over time, both within and outside the context for the DBE/ESBE program.*
 - *The distinction to be drawn is between the regular sale or lease of the products in question and merely occasional or ad hoc involvement with them.*
 - *In answering this question, the New Jersey Department of Transportation will not insist that every single item the DBE/ESBE firm supplies be physically present in the firm's store, warehouse, etc. before it is sold to a contractor. However, the establishment in which the firm keeps items it sells to the general public should be more than a token location.*
 - *For example, a mere showroom, the existence of a hard-copy or on-line catalog, or the presence of small amounts of material that make questionable the ability of the firm to effectively supply quantities typically needed on a contract, are generally not sufficient to demonstrate that a firm regularly deals in the items.*
- *Second, is the role the firm plays on the specific contract in question consistent with the regular sale or lease of the products in question, as distinct from a role better understood as that of a broker, packager, manufacturer's representative, or other person who arranges or expedites a transaction?*
 - *For example, a firm that regularly stocks and sells Product X may, on a particular contract, simply communicate a prime contractor's order for Product Y to the manufacturer, acting in a transaction expediting capacity.*
 - *This means that a firm that acts as a regular dealer on one contract does not necessarily act as a regular dealer on other contracts. For example, a firm that acts as a regular dealer on Contract #1 may act simply as a "transaction expeditor" or "broker" on Contract #2. It would receive DBE/ESBE credit for 60 percent of the value of the goods supplied on Contract #1 while only receiving DBE/ESBE credit for its fee or commission on Contract #2.*
 - *In some circumstances, items are "drop-shipped" directly from a manufacturer's facility to a job site, never being in the physical possession of or transported by a supplier. In many such cases, the supplier's role may involve nothing more than contacting the manufacturer and placing a job-specific order for an item that the manufacturer then causes to be transported to the job site.*
 - *In such a situation, the supplier's role may often be better described as that of a "broker" or "transaction expeditor" (see 26.55(e)(2)(ii)(C) than as a "regular dealer." In such a case, DBE/ESBE credit is limited to the fee or commission the firm receives for its services. If the firm does not prove any commercially useful function (i.e., it is simply inserted as an extra participant in a transaction, then no DBE/ESBE credit can be counted.*
- The Department proposes that primes submit the two questions to DBE/ESBEs in writing. If the DBE/ESBE firm answers 'yes' to both questions, then the written documentation would be taken into account in the Department's good faith effort determination in accordance with Section 26.53 of the federal DBE/ESBE regulation set forth in Title 49 Code of Federal Regulations Part 26.
- If it were later determined that the DBE/ESBE misrepresented itself or erroneously concluded that it was acting as a regular dealer, the Department would strongly consider this documentation in evaluating the actions of the prime and in determining whether the prime exercised reasonable due diligence by obtaining a written regular dealer confirmation from the DBE/ESBE even though it later turned out to be false.
- Participation would still have to be revised, but the Department will fully consider the written documentation in its good faith effort review.
- The Department reserves the right to address any misrepresentation by the DBE/ESBE firm or the prime consistent with the "Contract Special Provisions" and other requirements and procedures for determinations of whether a contractor has acted responsibly.

Forms – Verification & Monitoring of DBE Firms

Form CR-2/4 (08/2016)

NEW JERSEY DEPARTMENT OF TRANSPORTATION DBE/ESBE/SBE TRUCKING VERIFICATION

This commitment is subject to the award and receipt of a signed contract from the New Jersey Department of Transportation for the subject project. Note that copies of all supporting documents must be attached.

Project Name:	
Bidder/Prime Contractor Name:	
Address:	County:
Telephone Number:	E-mail Address:
DP Number:	
Trucking Firm Name:	
Address:	Telephone Number:

The DBE/ESBE/SBE Trucking Firm will perform the following described work on the project:

Bid Items	Item Description	Unit	Unit Price	Quantity	Total	
			\$		\$	+
			\$		\$	-
			\$		\$	+
			\$		\$	-
			\$		\$	+
			\$		\$	-
Total Commitment Amount (Amount of DBE/ESBE/SBE Subcontract): \$						

Location(s) material will be transported:

Total number of fully operational DBE/ESBE/SBE owned trucks to be used on contract:

First Tier DBE/ESBE/SBE Trucking Firm				
Number of trucks owned:				
Specify ALL Vehicle information:				
Vehicle Identification Number (VIN)	Year	Make	Model	
				+
				-
				+
				-
				+
				-

Forms – Verification & Monitoring of DBE Firms

Form CR-274 (07/2016)

Project Name:		
Bidder/Prime Contractor:	Trucking Firm:	DP Number:

If owner/operator or additional trucking firms are to be used, provide the following information:

Vehicle Identification Number (VIN)	Year	Make	Model

Total number of fully operational trucks to be leased from a DBE/ESBE/SBE: _____

*Copies of lease agreements for each trucking firm must be submitted to NJDOT if the contract is awarded.
(Note: Subcontracting if different from leasing as it relates to trucking.)*

DBE/ESBE/SBE TRUCKING FIRM VEHICLE INFORMATION				
Firm Name	Vehicle Identification Number (VIN)	Year	Make	Model

Total number of fully operational trucks to be leased from a non-DBE/ESBE/SBE: _____

*Copies of lease agreements for each trucking firm must be submitted to NJDOT if the contract is awarded.
(Note: Subcontracting if different from leasing as it relates to trucking.)*

NON-DBE/ESBE/SBE TRUCKING FIRM VEHICLE INFORMATION				
Firm Name	Vehicle Identification Number (VIN)	Year	Make	Model

Under 49C.F.R. 26.107 dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

Print Name: _____

First Tier DBE/ESBE/SBE Signature: _____

Date: _____

Forms – Verification & Monitoring of DBE Firms

DBE/ESBE/SBE TRUCKING VERIFICATION

The attached DBE/ESBE/SBE Trucking Firm Verification Form must be completed and signed by the 1st Tier DBE/ESBE/SBE.

Make duplicate copies for additional subcontractors as needed.

- DBE/ESBE/SBE's must provide information for all DBE/ESBE/SBE & Non-DBE/ESBE/SBE trucking firms that it will contract or lease from.
 - Subcontracting to a Non-DBE/ESBE/SBE trucker means that the Non-DBE/ESBE/SBE will perform a portion of the DBE/ESBE/SBE firm's subcontract.
 - 2nd Tier DBE/ESBE/SBE trucking firms must perform 100% of their total subcontract value.
- For Non-DBE/ESBE/SBE leased trucks, credit will only be given for the fee/commission that is received for arranging the transportation services.
 - All DBE/E-leased trucks are required to reflect the DBE/ESBE/SBE firm's company name and identification number.

Copies of the following items must be attached for ALL trucks owned by the DBE/ESBE/SBE:

- Proof of ownership: title(s) or finance agreement(s)
- Registration card(s)
- Insurance card(s)
- Hazardous waste license(s), if applicable
- Apportioned cab card(s), if applicable

Copies of the following items must be attached for all DBE/ESBE/SBE and non-DBE/ESBE/SBE trucks leased by the DBE/ESBE/SBE:

- Lease agreement(s)
- Title(s)
- Registration card(s)
- Insurance card(s)
- Hazardous waste license(s), if applicable
- Apportioned cab card(s), if applicable

Forms – Verification & Monitoring of DBE Firms

NEW JERSEY DEPARTMENT OF TRANSPORTATION

Commercially Useful Function (CUF) Guidelines

to Ensure that DBE/ESBE/SBE Firms are actually Managing, Supervising and Performing Subcontract Work

The attached Commercially Useful Function (CUF) Checklist must be completed for each DBE/ESBE Firm working on NJDOT Federal Highway Construction Contract. **Please refer to the following information for guidance in determining a DBE/ESBE firm's performance of a Commercially Useful Function to satisfy a DBE/ESBE contract goal. (FHWA 49 CFR26.55(c)(1)).** Determination of a SBE firm's performance of a Commercially Useful Function shall be the same as for DBE/ESBE firms.

MANAGE:

- Manage the work themselves.
 - Schedule work operations, order equipment and materials, hire/fire employees, including supervisory employees.

SUPERVISE:

- Supervise daily operations.
 - Can use skilled Superintendent employed by the DBE/ESBE.

PERFORM:

- **Perform the work stated in the contract with their own equipment.**
 - a. The equipment would be used by the DBE/ESBE firm on any other subcontract with any other contractor.
 - b. The equipment would be owned by the DBE/ESBE firm OR
The equipment would be leased/rented from traditional equipment lease/rental sources.
 - c. The DBE/ESBE firm would have a rental/lease agreement for any rented or leased equipment.
 - d. The equipment cannot belong to:
 - (1) Prime Contractor.
 - (2) Another subcontractor on the present project.
 - (3) Supplier of materials being installed by the DBE/ESBE firm.
 - e. The equipment cannot come from another contractor fully operated.
- **Perform the work with their own employees.**
 - AS STATED IN THE DBE/ESBE SPECIAL PROVISIONS:
Regular Employee is a person who:
 - a. Would be working for the DBE/ESBE firm on any other subcontract with any other contractor.
 - b. Is a permanent employee of the DBE/ESBE firm OR
Has been recruited through the traditional recruitment and/or employment centers.
 - c. Has not recently been employed by the prime contractor on the present project, another subcontractor on the present project, or the renter-lessor of equipment being used on the present project.
 - d. Is not a member of a construction crew, which regularly work for non-DBE/ESBE.
 - e. Is not a licensed contractor who is at the time "unemployed" or "between jobs".
 - AS STATED IN THE DBE/ESBE SPECIAL PROVISIONS:
Regular Equipment is owned or leased and operated on a long term agreement and not on an *ad hoc* or contract by contract agreement.
- **Subcontracting part of the work of the contract**
 - When a DBE/ESBE subcontract part of the work of its contract to another firm, the value of the subcontracted work may be counted toward the DBE/ESBE goal only **if the DBE/ESBE subcontractor is itself a DBE/ESBE**. Work that a DBE/ESBE subcontracts to a non-DBE/ESBE firm does not count toward DBE/ESBE goals.
- **Truck/Equipment must display name of DBE/ESBE firm.**
 - Printed name or logo.
 - Leased or rented equipment. A copy of the lease/rental agreement must be submitted to the project office and put in the project file.
- **Supplier - Regular Dealer**
 - A regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. 60% of the cost of materials, supplies and delivery counts to toward the DBE/ESBE goal.

Forms – Verification & Monitoring of DBE Firms

- **Supplier - Service Provider**

- Only the fees or commissions charged by the DBE/ESBE Service Provider count toward DBE/ESBE goals. The Cost of the materials or supplies are not counted toward the DBE/ESBE goal.

TRUCKING CLARIFICATION

The DEPARTMENT shall use the following factors (as stated in the Special Provisions) in determining whether a DBE/ESBE trucking company is performing a commercially useful function.

- A. The DBE/ESBE must itself own and operate at least one fully licensed, insured , and operational truck used on the contract.
- B. The DBE/ESBE must be responsible for the management and supervision of the entire trucking management for the purpose of meeting DBE/ESBE Goals.
- C. The DBE/ESBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
- D. The DBE/ESBE may lease trucks from another DBE/ESBE firm, including an Owner-Operator who is certified as a DBE/ESBE. The DBE/ESBE who leases trucks from another DBE/ESBE receives credit for the total value of the transportation services the lessee DBE/ESBE provides on the contract.
- E. The DBE/ESBE who leases trucks from a non-DBE/ESBE is **entitled to credit for the total value of the transportation services provided by non-DBE/ESBE lessees not to exceed the value of the transportation services by DBE/ESBE-owned trucks on the contract.** Additional participation by non-DBE/ESBE lessees receives credit only for the fee or commission it receives as a result of the lease arrangement.

For purposes of this paragraph (d), a lease must indicate the the DBE/ESBE has exclusive use and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE/ESBE, so long as the lease gives the DBE/ESBE absolute priority fro use of the leased truck.

NEW JERSEY DEPARTMENT OF TRANSPORTATION

Forms – Verification & Monitoring of DBE Firms

Form CR-275 (06/2016)

DBE/ESBE COMMERCIALY USEFUL FUNCTION (CUF) CHECKLIST

(Project Site Review Completed by RE or Staff)

NOTE: USE A SEPARATE CHECKLIST FOR EACH DBE/ESBE FIRM WORKING ON-SITE.

Contract Project No.:		Review Date:	
Project Name:			
Prime Contractor:			
DBE/ESBE Subcontractor:			
DBE/ESBE Foreman/Supt.:			
DBE/ESBE Start Date:		DBE/ESBE Completion Date:	
Work Item Number(s)	Work Item(s) Description	Approximate % Complete as of this date	Subcontracted Dollar Amount
Add Row			
1. REGARDING DBE/ESBE FIRM'S FOREMAN/SUPT.			
Exclusively employed by DBE/ESBE?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Shown on the DBE/ESBE Payroll?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Shown on any other firm's payroll?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, whose: _____			
Directly report to: _____			
2. REGARDING DBE/ESBE FIRM'S EMPLOYEES			
Are DBE/ESBE's employees shown on any other contractor's payrolls?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, whose? _____			
Do the DBE/ESBE's employees receive work assignments from the DBE/ESBE Foreman/Supt.?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If no, who makes the assignments? _____			
3. REGARDING DBE/ESBE FIRM'S EQUIPMENT			
Does the equipment have the DBE/ESBE's name or logo?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If another firm's name or logo is shown, identify: _____			
Does the equipment belong to the DBE/ESBE?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If leased or rented, is there a copy of the lease or rental agreement in the project file?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Who is the equipment leased or rented from? _____			
4. REGARDING DBE/ESBE FIRM'S PERFORMANCE			
Has any other contractor performed work that was to be performed by the DBE/ESBE?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, identify the contractor who performed the work: _____			
What work items did the identified contractor perform? _____			
Were these items on the DBE/ESBE's subcontract?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the DBE/ESBE Owner been present on the job site?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the DBE/ESBE Owner appear to have control over contract work item & employees?		<input type="checkbox"/> Yes	<input type="checkbox"/> No

Forms – Verification & Monitoring of DBE Firms

Form CR-275 (06/2016)

DBE/ESBE COMMERCIALY USEFUL FUNCTION (CUF) CHECKLIST

(Project Site Review Completed by RE or Staff)

NOTE: USE A SEPARATE CHECKLIST FOR EACH DBE/ESBE FIRM WORKING ON-SITE.

Contract Project No.	Review Date:
	Reviewer:
Project Name:	
Prime Contractor:	
DBE/ESBE Subcontractor:	
DBE/ESBE Foreman/Supt.:	
DBE/ESBE Start Date:	DBE/ESBE Completion Date:
If a CUF is not being performed by the DBE/ESBE subcontractor, what action was taken to correct the deficiency?	
Comments (any comments pertaining to the performance or conduct of the DBE/ESBE company)	

Has the Division of Civil Rights been notified of any problem(s) identified in this report?

Yes

No

If no, explain why?

Signature: _____

RE Name: _____

Appendix 12

Title VI/ Nondiscrimination

The Title VI/Nondiscrimination Unit oversees and ensures that all NJDOT programs and activities are implemented in compliance with Title VI of the Civil Rights Act of 1964. Nondiscrimination is guided by Executive Order 12898 and focuses on minority and low-income populations to ensure that they receive the same level of service as non-minority communities.



Americans with Disabilities Act (ADA)/504

The ADA Unit implements and monitors NJDOT's compliance with Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. Our mission is to ensure persons with disabilities have equal access to and enjoyment of New Jersey's roadways and pedestrian facilities and any other NJDOT program, activity, service or benefit provided to the general public.

New Jersey Department of Transportation Mission Statement *"Improving Lives by Improving Transportation"*

Other Programs/Activities

- EEO Advisory Committee
- Interview Preparation Services
- Limited English Proficiency Initiative
- NJ Unified Certification Program (NJUCP)
- Emerging Small Business Enterprise Certification
- DBE Supportive Services
- Youth Corp's Urban Gateway Enhancement

For Additional Information, Contact:

NJDOT
Division of Civil Rights and
Affirmative Action
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625-0600

Phone: 609-530-3009

Fax: 609-530-4030

January 2014

YOUR GUIDE to

Civil Rights



New Jersey Department of Transportation
Governor: Chris Christie
Commissioner: James S. Simpson
Director: Melanie L. Armstrong, Esq.

THE DIVISION

The Division of Civil Rights and Affirmative Action serves the employees and clients of the New Jersey Department of Transportation (NJDOT) through various programs and is responsible for overseeing and ensuring that all NJDOT programs, activities and services are provided in a nondiscriminatory manner and in accordance with State and Federal anti-discrimination mandates. Our primary services include ensuring equal opportunity and diversity in our workforce; making sure that NJDOT contractors actively comply with Equal Employment Opportunity, Affirmative Action, Training and Wage Rate contract provisions; and that small and disadvantaged contractors have an equal opportunity to compete for and participate in NJDOT procurement activities.



Through the Director's Office, the Division develops policies and directs the programs and activities of six distinct units/programs including Equal Employment Opportunity/Affirmative Action, Disadvantaged and Small Business Enterprise Programs, Contractor Compliance, Wage Rate Compliance, Title VI/Nondiscrimination, and the Americans with Disabilities Act.



Division of Civil Rights & Affirmative Action Mission Statement *"Promoting Diversity and Equitable Participation"*

Equal Employment Opportunity and Affirmative Action

The primary mission of the EEO/AA Unit is to prevent employment discrimination. The EEO/AA Unit also advocates for and promotes diversity in all NJDOT job categories through its workforce planning, recruitment strategies, monitoring and training. EEO/AA representatives work to ensure that NJDOT's employment environment is inclusive and provides the necessary supportive services to ensure that all employees have the opportunity to realize their potential. EEO/AA achieves its mission by:

- Supporting managers in their efforts to promote EEO/AA;
- Increasing NJDOT's employees' understanding of EEO/AA and diversity thru training; and
- Identifying tools and strategies to obtain, retain and fully utilize a diverse workforce.

Disadvantaged and Small Business Enterprise Programs

The DSBE Unit serves small, minority and disadvantaged firms seeking to do business with the NJDOT. This unit provides the primary vehicle to ensure that DSBEs have maximum opportunity to compete for NJDOT contracts and achieves its objectives by establishing the annual, overall DBE goal; implementing the State's SBE goal, certifying disadvantaged and emerging small businesses; and maintaining a directory of small, minority and women-owned businesses.

Contractor Compliance

The Contractor Compliance Unit ensures that NJDOT contractors actively comply with the Federal and State Equal Employment Opportunity and Affirmative Action provisions on all NJDOT contracts. This unit also works to ensure nondiscrimination in the award and administration of NJDOT's procurement opportunities.

Wage Rate Compliance

As part of our efforts to ensure contractors' compliance, the Wage Rate Unit ensures that NJDOT construction contractors actively comply with the Davis-Bacon Act and all other Federal and State related wage rate laws, rules and regulations.



How do I file a complaint with NJDOT?

Any person or group who believes they have been discriminated against may file a signed, written complaint with the New Jersey Department of Transportation within 180 days of the violation. In addition, a complaint may also be filed within 180 days of the alleged discrimination with an appropriate federal agency.



To file a complaint with NJDOT Division of Civil Rights and Affirmative Action, you may contact them at the following address and number:

**NJDOT/Division of Civil Rights/AA
Karen M. Doaud, Specialist
Title VI/Nondiscrimination Unit
1035 Parkway Avenue, P.O. Box 600
Trenton, NJ 08625-0600
(609) 530-3009**



To file a complaint with United States Department of Transportation, please contact them at the following address and number:

**US Department of Transportation
Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave., SE
8th Floor, E81-314
Washington, DC 20590
Phone: 1-202-366-0693
Fax: 1-202-366-1599**

Revised 2014

Title VI/Nondiscrimination Unit

SECTION I:

GENERAL INFORMATION

Name of Complainant: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact Person: _____
Phone: _____
Fax Number: _____

SECTION II:

AGENCY, CONTRACTOR, INSTITUTION

Please provide the name of the agency, contractor or institution that discriminated against you:

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____

How were you discriminated against? Please give specific information and the basis of the discrimination, i.e., status as a minority, low income, etc.

When and where did the discrimination take place? _____

Were there any witnesses?

Please provide names and addresses.

Name: _____
Address: _____
Phone: _____

Name: _____
Address: _____
Phone: _____

Please provide any additional information on a separate piece of paper.



What is Title VI?

Title VI of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs and activities supported by Federal funding. It specifically states: "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." 42 USC §2000d

Title VI prohibits discrimination whether the form is intentional or whether the unintended effect is unduly burdensome to the recipient.

What does Title VI cover?

Title VI of the Civil Right Act of 1964 and supplemental legislation covers all federal aid except those federally funded contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries, or where the purposes of federal assistance is to provide employment. The Act does not apply to discrimination based on age, sex, geographical locale or wealth.

Who is covered under Title VI?

Any person who is discriminated against based on **race, color or national origin**. Minorities are covered, including Black, Hispanic, Asian American and American Indian or Alaskan Native. Undocumented aliens are also covered. The elderly, children, the disabled and other populations (such as female head of household) *may* be covered because of concentrations in certain protected communities.

Executive Order 12898 extends the protection of Title VI to low-income populations.

What is Environmental Justice (Executive Order 12898)?

Executive Order 12898, enacted in 1994 by President Clinton, requires each federal agency and its recipients when implementing programs, policies or activities to the greatest extent practicable by law develop a strategy that prevents "*disproportionately high and adverse human health or environmental effects*" on low-income and minority populations in the United States.

What are examples of "adverse effects" noted in Executive Order 12898?

- The denial of, reduction in, or significant delay in the receipt of or benefits of NJDOT programs, policies, or activities
- Adverse impact on employment
- Air, noise and water pollution or soil contamination
- Destruction of natural resources
- Destruction of community cohesion or its economic vitality
- Destruction or disruption of public and private facilities or services
- Displacement of persons, businesses, farms or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income community from the broader community
- Bodily impairment, infirmity, illness or death



Improving Access Under Section 504/ Title II of ADA How the Laws Apply

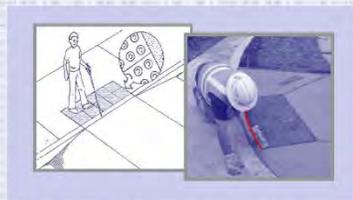
Together, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans With Disabilities Act (ADA) of 1990 **prohibit discrimination against qualified individuals with disabilities in providing access to public services and facilities.**

Section 504 of the Rehabilitation Act states that “no qualified individual with a disability...shall be excluded from, denied the benefits of, or be subjected to discrimination under any program or activity that...receives Federal financial assistance.”

Title II of the Americans with Disabilities Act of 1990 extends this coverage to “public entities”, regardless of whether they received Federal financial assistance. Subpart G of Title II grants the Federal Highway Administration (FHWA) the authority to ensure compliance by State and local governments and their agencies that have responsibility for roads, highways and pedestrian facilities.

To enable persons with disabilities to participate equally in agency programs, services and activities, Title II requires that NJDOT:

- Make reasonable modifications to existing policies and programs
- Make newly constructed facilities and facilities being altered accessible
- Install curb cuts on uneven surfaces



FOR MORE INFORMATION ABOUT SECTION 504/ TITLE II, PLEASE CONTACT:



NJDOT ADA/504 Coordinator
Chrystal Section
1035 Parkway Avenue
Trenton, New Jersey 08625
Main Office Building, 2nd Floor

Phone: (609) 530-2939
Fax: (609) 530-4030
Web: <http://www.njdot.nj.gov/business/ada/>
E-mail: Chrystal.Section@dot.state.nj.us



NEW JERSEY DEPARTMENT OF TRANSPORTATION



ACCESS FOR INDIVIDUALS WITH DISABILITIES

SECTION 504/ TITLE II ADA



Improving Access Under Section 504/ Title II of ADA Program Elements

As a State Department of Transportation with responsibility for roads, highways and pedestrian facilities, **NJDOT must make its programs, services, activities, and facilities accessible for individuals with disabilities in accordance with Section 504 and Title II of the ADA.**

To achieve compliance and improve accessibility for individuals with disabilities, **NJDOT has the following program elements in place:**

- Dedicated Section 504/ ADA Coordinator responsible for compliance, reporting, outreach, and problem resolution.
- Public notice of its Section 504/ ADA obligations.
- Adopted procedures for filing complaints or grievances.
- Inter-departmental coordination on ADA issues.
- Self-evaluation of its programs and services focused on accessibility.
- Transition Plan that addresses structural modifications to facilities.
- Assurances to the Federal Highway Administration (FHWA) that the intended recipients of Federal financial assistance will not discriminate on the basis of disability in any of its programs, services, or activities.
- Accessible facilities for conducting programs, services and activities, or provision of alternative means of accessibility.
- Ongoing efforts to make new and altered buildings accessible in accordance with accessibility guidelines.



Improving Access Under Section 504/ Title II of ADA Commitment to the Public

NJDOT has adopted a Notice Under the Americans With Disabilities Act, which states:

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the New Jersey Department of Transportation "NJDOT" will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Title II focuses on removing barriers to effective communication, barriers that result from existing NJDOT policies / procedures, and physical barriers on facilities which are owned or managed by NJDOT, including buildings and roads.

To remove barriers that result from existing policies/ procedures, **NJDOT will make all reasonable modifications to existing policies and programs** to ensure that persons with disabilities can equally enjoy all of its programs, services, and activities. For instance, service animals are welcomed in NJDOT offices, although pets are generally prohibited.



To remove physical barriers on owned or managed facilities and roads, **NJDOT will take progressive actions to prioritize, schedule, and implement required improvements.**



Improving Access Under Section 504/ Title II of ADA Road Map for the Future

Within NJDOT, **the Civil Rights Division has the lead for implementing compliance activities** with respect to Section 504/ Title II.

The most significant program element to enable NJDOT to monitor and track progress in achieving compliance is the Transition Plan as required by Title II.

The Transition Plan serves as NJDOT's long-term blueprint for making new and altered building accessible. It outlines a framework for incremental improvements in program accessibility and compliance, and contains information that is commensurate with NJDOT's existing data and budgetary resources.

NJDOT is committed to ongoing updates to the Plan's required elements, including:

- Inventory of existing facilities that limit access for persons with disabilities.
- Detailed methods for making the facilities accessible.
- Prioritization schedule for improving facilities.
- Completion milestone for each year of the Plan.
- Curb ramp installation schedule for newly constructed or altered roadways where intersections have curbs or other barriers to entry.

The most recent Plan is available for public review and comment at the following address:

<http://www.state.nj.us/transportation/business/ada/pdf/transitionplan.pdf>

The related Self-Evaluation, which forms the basis of the Plan, can also be found at:

<http://www.state.nj.us/transportation/business/ada/pdf/selfevaluationimplementationplan.pdf>



Mejorando el Acceso Bajo la Sección 504/Título II de ADA

Cómo se aplican las leyes

En conjunto, la Sección 504 del Ley de Rehabilitación de 1973 y el Título II la Ley de Estadounidenses con Discapacidades (ADA por sus siglas en inglés) de 1990 prohíben la discriminación a individuos calificados con discapacidades en el acceso a servicios y facilidades públicas.

La Sección 504 de la Ley de Rehabilitación establece que "ningún individuo calificado con una discapacidad... deberá ser excluido de, o sujeto a discriminación bajo cualquier programa o actividad que... reciba ayuda monetaria federal."

El Título II de la Ley de Estadounidenses con Discapacidades de 1990 extiende esta cobertura a "entidades públicas", independientemente de si han recibido o no fondos federales. La Subparte G del Título II concede a la Administración Federal de Carreteras (FHWA por sus siglas en inglés) la autoridad para garantizar el cumplimiento por el Estado y los gobiernos locales y sus agencias que se encargan de caminos, carreteras y facilidades peatonales.

Para permitir la participación de personas con discapacidades en los programas, servicios y actividades de las agencias, el Título II requiere que NIDOT:

- Realice modificaciones razonables a políticas y programas existentes
- Provea accesibilidad en la construcción de nuevas facilidades o en facilidades renovadas.
- Instale cortes en la banqueta en superficies irregulares



PARA MAS INFORMACION SOBRE SECCION 504/ TITULO II. FAVOR DE CONTACTAR:



Coordinadora NIDOT ADA/504

Chrystal Section
1035 Parkway Avenue
Trenton, New Jersey 08625
Main Office Building, 2nd Floor

Teléfono: (609) 530-2939

Fax: (609) 530-4030

Web:

<http://www.njdot.nj.gov/business/ada/>

E-mail:

Chrystal.Section@dot.state.nj.us



DEPARTAMENTO DE TRANSPORTE DE NEW JERSEY



ACCESO PARA INDIVIDUOS CON DISCAPACIDADES

SECCION 504/ TITULO II ADA



Mejorando el Acceso Bajo la Sección 504/Título II de ADA Elementos del Programa

Como Departamento de Transporte Estatal responsable por los caminos, carreteras y facilidades peatonales, **NJDOT debe hacer accesibles sus programas, servicios, actividades, y facilidades a individuos con discapacidades de acuerdo a la Sección 504 y el Título II del ADA.**

Para lograr el cumplimiento y mejorar la accesibilidad de individuos con discapacidades, **NJDOT ha implementado los siguientes elementos del programa:**

- Un Coordinador de Sección 504/ADA a cargo del cumplimiento, presentación de informes, extender ayuda (outreach), and resolución de problemas.
- Notificación pública de las obligaciones bajo la Sección 504/ ADA.
- Adopción de un proceso para presentar quejas o agravios.
- Coordinación Inter-departmental sobre asuntos de ADA.
- Auto-evaluación de programas y servicios enfocados en accesibilidad.
- Plan de transición que se aplica a la modificación estructural de facilidades.
- Garantías a la Administración Federal de Carreteras (FHWA) que los recipientes de fondos federales no discriminaran en base a discapacidad en cualquiera de sus programas, servicios, o actividades.
- Facilidades accesibles para la realización de programas, servicios y actividades, o provisión de modos alternos de accesibilidad.
- Esfuerzo en curso para hacer accesibles a los edificios nuevos y renovados conforme a las guías de accesibilidad.



Mejorando el Acceso Bajo la Sección 504/Título II de ADA Compromiso al Público

NJDOT ha adoptado un Aviso Bajo la Ley de Estadounidenses con Discapacidades, que establece:

Conforme con los requisitos del Título II de la Ley de Estadounidenses con Discapacidades de 1990 (ADA), el Departamento de Transporte de New Jersey "NJDOT" no discriminará personas calificadas con discapacidades en base a incapacidad en sus servicios, programas, o actividades.

El Título II se enfoca en la eliminación de barreras de comunicación efectiva, barreras que resultan de las políticas/procesos existentes de NJDOT, y barreras físicas en las facilidades que son propiedad o administradas por NJDOT, incluyendo edificios y carreteras.

Para remover las barreras que resultan de las políticas/procedimientos existentes, **NJDOT hará modificaciones razonables a las políticas y programas existentes** para garantizar que las personas con discapacidades puedan disfrutar de todos sus programas, servicios y actividades. Por ejemplo, animales de servicio son permitidos en las oficinas de NJDOT, aunque las mascotas están generalmente prohibidas.



Para remover las barreras físicas en facilidades y carreteras, **NJDOT tomará acción progresiva para establecer prioridad, programar e implementar las mejoras necesarias.**

Mejorando el Acceso Bajo la Sección 504/Título II de ADA Guía Hacia el Futuro

Entro de NJDOT, la **División de Derechos Civiles toma la iniciativa para implementar las actividades en cumplimiento** con la Sección 504/ Título II.

El elemento mas importante del programa para permitir NJDOT a monitorear y seguir el progreso en el cumplimiento de la ley es el Plan de Transición requerido por el Título II.

El Plan de Transición sirve como un plano a largo plazo de NJDOT para proveer accesibilidad en edificios nuevos y renovados. Este provee un marco de mejoras progresivas en la accesibilidad y cumplimiento del programa, y contiene información que es consistente con la data existente y los recursos presupuestarios de NJDOT.

NJDOT esta comprometido a actualizar constantemente los elementos requeridos del Plan, incluyendo:

- Inventario de facilidades existentes que limitan el acceso a personas con discapacidades.
- Métodos detallados para hacer las facilidades accesibles.
- Programa de prioridad para mejoras a facilidades.
- Cumplimiento de metas anuales en el Plan.
- Programa de instalación de rampas para carreteras nuevas o carreteras renovadas donde las intersecciones tienen aceras u otras barreras de entrada.

El Plan más reciente está disponible para revisión y comentario público en la siguiente dirección:

<http://www.state.nj.us/transportation/business/ada/pdf/transitionplan.pdf>

La Auto-evaluación, la cual constituye la base del Plan, tambien se puede encontrar en:

<http://www.state.nj.us/transportation/business/ada/pdf/selfevaluationimplementationplan.pdf>

Appendix 13

Accomplishing Title VI

As a sub-recipient, there are several steps you can take to accomplish Title VI in your programs and activities.

- 1) Identify the project study area.
- 2) Develop a community profile of the study area. Elements of this profile should include: demographics, land use, housing, income, employment, age and gender.
- 3) Analyze potential project impacts using the overlays of the demographic information.
- 4) Utilize public involvement techniques that allow all interested parties, including those that are minority, disabled, having a low-income or of limited English proficiency, the opportunity to provide input about the project, program, or activity.
- 5) Document findings and collect data on potential and actual sub-recipients, sub-grantees, beneficiaries, and affected communities, including demographic information on program participants and beneficiaries, actual benefits paid or realized by beneficiaries, characteristics of programs/activities and results of the program or service.



Public Involvement

Sub-recipients must provide an opportunity for meaningful public involvement and full access to the transportation decision-making process in each stage of the planning and development of a transportation project. It is essential that everyone be afforded the opportunity to understand and articulate their concerns with any project that affects them and their way of life.

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Complaint Procedures

Sub-recipients of federal financial assistance shall follow the recipient's procedure for processing discrimination complaints. Sub-recipients shall forward all Title VI complaints of discrimination to the New Jersey Department of Transportation's Division of Civil Rights and Affirmative Action, for investigation.

Complaints shall include:

- The complainant's name, address and phone number.
- A description of the incident that led the complainant to believe discrimination occurred.
- The basis of the complaint (i.e., race, color, national origin, sex, age, disability, income status or retaliation).
- The date(s) on which the alleged discrimination occurred.
- Name(s) and contact information of individuals who may have knowledge of the alleged discrimination.
- All complaints shall be responded to, recorded, and investigated. The records shall be maintained by the designated Title VI Liaison.

*Note: Sub-recipients cannot investigate themselves.



Disclaimer: This brochure is intended to be a guide for sub-recipients. It is not intended to be inclusive of all Title VI and other nondiscrimination authorities or sub-recipient responsibilities. Please contact the respective transportation agency for technical assistance, additional information and other requirements.



New Jersey Department of Transportation

Division of Civil Rights & Affirmative Action - Title VI Unit

1085 Parkway Avenue
Trenton, NJ 08618

Phone: (609) 530-3009

Fax: (609) 530-4030

Email: TitleVI@dot.nj.gov

April 2016



New Jersey Department of Transportation

Civil Rights Title VI



Sub-Recipient Guide



The New Jersey Department of Transportation abides by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order for Limited English Proficiency, 23 U.S.C. Section 324, and N.J.S.A. 10:5-31 et seq. which provides in part, that:

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



Chris Christie, Governor
Richard T. Hammer, Acting Commissioner
Linda M. Legge, Director, Civil Rights & Affirmative Action

"Improving Lives by Improving Transportation"

What Is Title VI?



Title VI of the Civil Rights Act of 1964 is a federal law outlawing discrimination on the basis of race, color or national origin under any program or activity receiving Federal financial assistance, regardless of whether the individual is a US citizen or lawfully present in the US.

Additional nondiscrimination statutes prohibit discrimination based on income, gender, disability and age. The New Jersey Department of Transportation's Title VI Program is all-encompassing in scope, to include protection for these populations and those with limited English proficiency as well.

"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."

42 U.S.C. §2000d

Applicable Federal Statutes and Authorities

- **Civil Rights Restoration Act of 1987** further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.
- **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of Federal financially assisted programs or activities.
- **Federal Aid Highway Act of 1973 (23 U.S.C. 324)** prohibits discrimination based on sex (gender).
- **The Age Discrimination Act of 1975** prohibits discrimination based on age.
- **The Rehabilitation Act of 1973, Section 504** prohibits discrimination based on a handicap/disability.
- **Americans with Disabilities Act of 1990** prohibits discrimination based on a handicap/disability.
- **Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and**

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Low Income Populations addresses disproportionate and adverse environmental, social and economic impacts that may exist in communities, especially minority and low-income populations.

- **Executive Order 13166—Improving Access to Services for Persons with Limited English Proficiency (LEP)** addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

Who is a Sub-recipient?

A **sub-recipient** is an entity or person that indirectly receives federal financial assistance through a contract, subcontract or a grant in order to implement a program or activity, which obligates them to comply with Title VI responsibilities.

Sub-recipients include, but are not limited to:

- Local public agencies
- Contractors/subcontractors
- Consultants
- Metropolitan Planning Organizations (MPOs)
- Universities/research institutions

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What is the Definition of Federal Financial Assistance?

Federal financial assistance means more than just money. It also includes aid that enhances the ability to improve or expand allocation of a sub-recipient's own resources. Examples include:

- Training of employees
- Technical assistance
- Assistance from federal personnel
- Loan of federal personnel
- Property or land

What Is Your Role as a Sub-Recipient?

As a sub-recipient of Federal funding, you are obligated to comply with Title VI. Your role is to be proactive in implementing Title VI in your programs and activities, emphasize public involvement during all project phases, and ensure proper documentation. You must also ensure that Title VI Nondiscrimination is carried out on a project by project basis.

What are Your Responsibilities as a Sub-Recipient?

As a sub-recipient of Federal funding, you are obligated to comply with Title VI. You are additionally responsible to:

- Maintain a signed Title VI Nondiscrimination Policy Statement indicating your commitment to nondiscrimination in your programs and activities administered by you, or your contractors (whether it is federally funded or not) that, *"No person shall on the grounds of race, color, national origin, gender, age, disability, or income status be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination or retaliation under any program or activity."*
- Submit a signed Standard Title VI Assurance that programs, activities, and facilities will be operated in a nondiscriminatory manner.
- Disseminate Title VI information to your beneficiaries and stakeholders, including employees, subcontractors and the General Public.
- Develop Title VI procedures to ensure nondiscrimination in all services, programs or activities, including involving persons of limited English proficiency (LEP), the public, and other protected groups.
- Ensure Title VI Nondiscrimination provisions are included in all contracts and subcontracts.
- Extend subcontracting opportunities to Disadvantaged Business Enterprises (DBEs).
- Keep accurate and complete records that show Title VI compliance.
- Collect statistical data (race, color, gender, and national origin) of participants in, and beneficiaries of, your programs and activities.
- Produce a Title VI Nondiscrimination Annual Report detailing results of process reviews and an 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.

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Article 49	NJDOT Code of Ethics for Vendors
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Article 51	Computer Aided Drafting and Design (CADD) (last revised 01-2008)
Article 52	Americans with Disabilities Act
Article 53	Notice of All State Vendors of Set-off for State Tax
Article 54	Business Registration for Providers of Goods and Services to the State
Article 55	Public Works Contractor Registration for Work Covered by N.J. Prevailing Wage Act
Article 56	Public Law 2005, Chapter 51 (formerly known as Executive Order 134) Special Provisions 100% State Funded Professional Service Contracts
Article 57	Work to be Performed Within United States (effective 08-03-2005)
Article 58	Revisions to Audit Requirements (effective 04-01-2008, revised 07-01-2008)
Article 59	Certification of Final Indirect Costs (12-8-10)

STANDARD TERMS AND CONDITIONS OF AGREEMENT
BETWEEN
STATE AND CONSULTANT

ARTICLE 1
LEGAL JURISDICTION

This Agreement shall be construed and shall be governed in accordance with the Constitution and laws of the State of New Jersey.

The STATE in entering into this Agreement does not waive its Sovereign Immunity except as provided in the New Jersey Contractual Liability Act, NISA 59:13-1 et seq. ("Act"). The rights or benefits provided the CONSULTANT in this Agreement which exceed those provided under the Act and the obligations established under this Agreement which vary from those under the Act are contractual in nature and shall not be deemed to expand the waiver of Sovereign Immunity as set forth in that Act.

ARTICLE 2
LAWS TO BE OBSERVED

The CONSULTANT shall keep fully informed of all Federal, State, and local laws, ordinances, and regulations, and all orders and decrees of bodies or tribunals having any jurisdiction or authority, which in any manner affect those engaged or employed on the Project, or which in any way affect the conduct of the work. It shall at all times observe and comply with, and shall cause its agents, subcontractors and employees to observe and comply with, all such laws, ordinances, regulations, orders, and decrees; and shall protect and indemnify the STATE and its representatives against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order, or decree, whether by itself or its agents, subcontractors or employees. If any discrepancy or inconsistency is discovered between the Agreement and any such law, ordinance, regulation, order or decree, the CONSULTANT shall immediately report the same to the STATE in writing.

ARTICLE 3
PERMITS, LICENSES AND TAXES

The CONSULTANT shall procure all permits, grants and licenses, pay all charges, fees, and taxes, and give all notices necessary and incidental to the due and lawful performance of the work, except that where the STATE has procured permits, grants or licenses relating to the performance of the work, the CONSULTANT will be relieved of the above obligation to the extent provided by the terms of such permit, grant or license. However, the CONSULTANT shall advise the issuing agency or party of its proposed operations and obtain their cooperation and such supplemental permission as may be necessary. The CONSULTANT shall obtain from the STATE all available information on the permits, grants and licenses it has obtained. Charges for permits, grants and licenses in connection with the work, that are not obtained by the State, shall be paid by the CONSULTANT and shall be included as allowable direct costs for itemized expenses on Cost Plus Fixed Fee agreements. On Fixed Price agreements such costs shall be deemed to be included in the Fixed Price.

ARTICLE 4
PATENTED DEVICES, MATERIALS AND PROCESSES

If the CONSULTANT employs any design, device, material, or process covered by letters of patent or copyright, it shall provide for such use by suitable legal agreement with the patentee or owner. The CONSULTANT shall assume all costs arising from the use of patented materials, equipment, devices, or processes used on or incorporated in the work. The CONSULTANT shall defend, indemnify and save harmless the STATE, any affected third party, or political subdivision from any and all claims for infringement by reason of the use of any such patented design, device, material or process, or any trademark or copyright, and shall indemnify the STATE for any costs, expenses and damages which it may be obliged to pay by reason of an infringement, at any time during the prosecution of or after the acceptance of the work.

ARTICLE 5
INDEPENDENT CONTRACTOR

The relationship of the CONSULTANT to the STATE is that of an independent contractor, and said CONSULTANT, in accordance with its status as an independent contractor, covenants and agrees that it will conduct itself consistent with such status, that it will neither hold itself out as, nor claim to be, an officer or employee of the STATE by reason hereof. The CONSULTANT will not, by

reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the STATE, including but not limited to, workers' compensation coverage, unemployment insurance benefits, social security coverage, or retirement membership or credit.

**ARTICLE 6
THIRD PARTY BENEFICIARY CLAUSE**

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to make the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to the Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of the Agreement.

It is the further intent of the STATE and the CONSULTANT in executing this Agreement that no individual, firm, corporation, or any combination thereof, which supplies materials, labor, services or equipment to the CONSULTANT for the performance of the work becomes thereby a third party beneficiary of this Agreement. The STATE and the CONSULTANT understand that such individual, firm, corporation, or combination thereof, has no right to bring an action in the courts of this State against the STATE, by virtue of its lack of standing and also by virtue of the provisions of the New Jersey Contractual Liability Act, N.J.S.A. 17:27, which allows suit against the STATE in contract only on the basis of express contracts or contracts implied in fact.

**ARTICLE 7
ASSIGNMENT OF FUNDS AND CLAIMS**

The CONSULTANT shall not transfer or assign to any person any funds, due or to become due, under this Agreement, or claims of any nature it has against the STATE, without the written approval of the STATE having first been obtained. The STATE in its sole discretion, considering primarily the interests of the STATE, may grant or deny such approval.

**ARTICLE 8
PERSONAL LIABILITY OF PUBLIC OFFICIALS**

In carrying out any of the provisions of the Agreement, or in exercising any power or authority granted to them by or within the scope of the Agreement, there shall be no liability upon the Commissioner, or other State officers or employees of the STATE, either personally or as officials of the STATE, it being understood that in all such matters they act solely as agents and representatives of the STATE.

**ARTICLE 9
RECOVERY OF MONIES BY THE STATE**

Whenever it is provided that the STATE withhold or deduct money from the monies due or to become due the CONSULTANT, or that the CONSULTANT is to pay or return monies to the STATE for any reason, or that the STATE can charge against the CONSULTANT certain costs, assessments or fines, or that the STATE can recover any sum for any reason from the CONSULTANT, it is understood that the STATE has available to it all monies due or to become due the CONSULTANT under this Agreement as well as under other agreements between the CONSULTANT and the STATE. Such other agreements shall include joint ventures in which the CONSULTANT is a participant, but only to the extent of its participation. The right to recover against the CONSULTANT as herein provided is in addition to and does not affect the right of the STATE to seek recovery against the CONSULTANT as otherwise allowed by law.

**ARTICLE 10
NO WAIVER OF LEGAL RIGHTS**

Notwithstanding any other provision of this Agreement, for a period of 3 years after final acceptance all estimates and payments made pursuant to the Agreement, including the Final Payment, shall be subject to correction and adjustment for clerical or other errors in the calculations involved in the determination of quantities and payments. The CONSULTANT and the STATE agree to pay to the other any sum due under the provisions of this Article, provided, however, if the total sum to be paid is less than \$100, no such payment shall be made.

A waiver on the part of the STATE of any breach of any part of the Agreement shall not be held to be a waiver of any other or subsequent breach.

The CONSULTANT, without prejudice to the terms of the Agreement, shall be liable to the STATE at any time both before and after completion of the work and final payment for latent defects, fraud, or such gross mistakes as may amount to fraud, or as regards the STATE's rights under any warranty or guaranty.

ARTICLE 11
LIMITATIONS OF LIABILITY

In no event, whether under the provisions of this Agreement, as a result of breach hereof, tort (including negligence) or otherwise, shall the STATE be liable to the CONSULTANT for any special, consequential, incidental or penal damages including, but not limited to, loss of profit or revenues, cost of capital, or interest of any nature.

ARTICLE 12
INDEMNIFICATION

The CONSULTANT shall defend, indemnify, protect, and save harmless the STATE, its agents, servants, and employees from and against any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of any negligent act, error, or omission of the CONSULTANT, its agents, servants, employees and subcontractors in the performance of this Agreement. The CONSULTANT shall, at its own expense, appear, defend and pay all charges for attorneys and all costs and other expenses arising from such suit or claim or incurred in connection therewith. If any judgment shall be rendered against the STATE for which indemnification is provided under this paragraph, the CONSULTANT shall at its own expense satisfy and discharge the same.

The STATE shall, as soon as practicable after a claim has been made against it, give written notice thereof to the CONSULTANT along with full and complete particulars of the claim. If suit is brought against the STATE or any of its agents, servants, and employees, the STATE shall expeditiously forward or have forwarded to the CONSULTANT every demand, complaint, notice, summons, pleading, or other process received by the STATE or its representatives.

It is expressly agreed and understood that any approval by the STATE of the services performed and/or reports, plans or specifications provided by the CONSULTANT shall not operate to limit the obligations of the CONSULTANT assumed in this Article or in the other provisions of this Agreement. It is further understood and agreed that the STATE assumes no obligation to indemnify or save harmless the CONSULTANT, its agents, servants, employees and subcontractors from and against any claim which may arise out of their performance of this Agreement. Furthermore, the CONSULTANT expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the CONSULTANT's obligations assumed in this Agreement, nor shall they be construed to relieve the CONSULTANT from any liability, nor preclude the STATE from taking any other actions available to it under any other provisions of this Agreement or otherwise in law.

ARTICLE 13
INSURANCE

The CONSULTANT shall procure and maintain at its own expense, until at least one year after the completion of all work performed under this Agreement and any modification hereto, liability insurance for damages imposed by law and assumed under this Agreement, of the kinds and in the amounts hereinafter provided, from insurance companies admitted or approved to do business in the State of New Jersey. The CONSULTANT expressly understands and agrees that any insurance protection required by this Agreement shall in no way limit the CONSULTANT's obligations assumed in this Agreement, and shall not be construed to relieve the CONSULTANT from liability in excess of such coverage, nor shall it preclude the STATE from taking such other actions as are available to it under any other provisions of this Agreement or otherwise in law.

- 1. The types and minimum amount of insurance are as follows:
 - (a) Comprehensive General Liability Insurance
 - The minimum limits of liability for this insurance shall be as follows:

<u> bodily Injury Liability </u>	
Each Occurrence	Aggregate
\$1,000,000	\$2,000,000

<u> Property Damage Liability </u>	
Each Occurrence	Aggregate

\$1,000,000 \$2,000,000

The above required Comprehensive General Liability Insurance shall name the STATE as an additional insured. The coverage to be provided under this policy shall be at least as broad as the standard, basic unamended and unendorsed comprehensive general liability policy and shall include contractual liability coverage. The aggregate limits may be increased by the STATE, in its sole discretion, in order to provide adequate protection to the STATE.

(b) Comprehensive Automobile Liability Insurance

The Comprehensive Automobile Liability policy shall cover owned, non-owned and hired vehicles with minimum limits as follows:

<u>Bodily Injury Liability</u>	
Each Person	Each Occurrence
\$500,000	\$1,000,000

<u>Property Damage Liability</u>	
Each Occurrence	
\$250,000	

(c) Workers' Compensation and Employers' Liability

Workers' Compensation Insurance shall be provided in accordance with the requirements of the laws of this State and shall include an endorsement to extend coverage to any State which may be interpreted to have legal jurisdiction. Employers' Liability Insurance shall be provided with a limit of liability of not less than \$100,000 for each accident.

(d) Professional Liability Insurance

The CONSULTANT shall carry Errors and Omissions, Professional Liability Insurance and/or Professional Malpractice Insurance sufficient to protect the CONSULTANT from any liability arising out of professional obligations performed pursuant to the requirements of this Agreement. This insurance shall be in the minimum amount of \$1,000,000 and in such policy form as shall be approved by the STATE. Should the Consultant change carriers during the term of this Agreement, the CONSULTANT shall obtain from its new Errors and Omissions, Professional Liability Insurance and/or Professional Malpractice Insurance carrier an endorsement for retroactive coverage.

2. The CONSULTANT shall, prior to commencement of the services required under this Agreement, provide the STATE with valid Certificates of Insurance as evidence of the CONSULTANT's insurance coverage in accordance with the foregoing provisions. Such certificates of insurance shall specify that the insurance provided is of the types and is in the amounts required in 1(a), (b), (c) and (d) above.

The Certificates submitted to the STATE shall clearly set forth all exclusions and deductible clauses. The STATE, in its sole discretion, may allow certain deductible clauses which it does not consider excessive, overly broad or harmful to the interest of the STATE. Standard exclusions will be allowed provided they are not inconsistent with the requirements set forth in 1a., b., c., and d. above. Allowance of any additional exclusions will be in the discretion of the STATE. Regardless of the allowance of exclusions or deductions by the STATE, the CONSULTANT shall be responsible for the deductible limit of the policy and all exclusions consistent with the risks he assumes under this Agreement and as imposed by law.

The Certificates shall provide for thirty (30) days notice in writing to the STATE prior to any cancellation, expiration, or non-renewal during the term the insurance is required in accordance with this Agreement. The CONSULTANT shall further be required to provide the State with valid certificates of renewal of the insurance upon the expiration of the policies. The CONSULTANT shall also, upon request, provide the STATE with copies of each policy required under this Agreement certified by the agent or underwriter to be true copies of the policies provided to the CONSULTANT. All certificates and copies of insurance policies shall be forwarded to the New Jersey Department of Transportation, Division of Procurement, Bureau of Professional Services, F&A Building, PO Box 605, Trenton, NJ 08625-0605.

In the event that the CONSULTANT provides evidence of insurance in the form of certificates of insurance valid for a period of time less than the period during which the CONSULTANT is required by the terms of this Agreement to maintain

insurance, said certificates shall be acceptable, but the CONSULTANT shall be obligated to renew its insurance policies as necessary and to provide new certificates of insurance from time to time, so that the STATE is continuously in possession of evidence of the CONSULTANT's insurance in accordance with the foregoing provisions.

3. In the event the CONSULTANT fails or refuses to renew any of its insurance policies, or any policy is canceled, terminated, or modified so that the insurance does not meet the requirements of this Agreement, the STATE may refuse to make payment of any further monies due under this Agreement or refuse to make payment of monies due or coming due under other agreements between the CONSULTANT and the STATE. The STATE, in its sole discretion, may use monies retained under this paragraph to renew the CONSULTANT's insurance for the periods and amounts referred to above. During any period when the required insurance is not in effect, the STATE may, at its option, either suspend work under this Agreement, or proceed to default the CONSULTANT and thereby terminate this Agreement.

ARTICLE 14
NOTICE

"Written notice" shall be sufficiently given when delivered or sent by United States mail to the CONSULTANT's project representative at his address, as shown in the Agreement, or to the STATE's coordinator, respectively.

ARTICLE 15
TIME OF THE ESSENCE

All time limits as stated in the Agreement are of the essence.

ARTICLE 16
TECHNICAL AND ADMINISTRATIVE CONTROL DIRECTIVES

Copies of all technical and administrative control directives pertaining to services required under this Agreement are in the possession of the CONSULTANT, and the STATE will provide the CONSULTANT with copies of applicable future directives.

ARTICLE 17
CONSULTANT

The term "CONSULTANT" means the person, firm, or corporation which will perform the work. The term is used collectively to include the CONSULTANT and all other persons, firms, or corporations employed or contracted with by the CONSULTANT in connection with this Agreement.

ARTICLE 18
SUBCONTRACTING

When the CONSULTANT intends to subcontract any work under this Agreement, the subcontract must be consented to by the STATE prior to the CONSULTANT entering into the subcontract. It is understood, however, that consent of the STATE for the subcontracting of any work under this Agreement in no way relieves the CONSULTANT from its full obligations under the Agreement. The CONSULTANT shall at all times give personal attention to the fulfillment of this Agreement and shall keep the work under its control. Consent to the subcontracting of any part of the work shall not be construed to be an approval of said subcontract or of any of its terms, but shall operate only as an approval of the CONSULTANT's request for the making of a subcontract between the CONSULTANT and its chosen subcontractor. The CONSULTANT shall be responsible for all work performed by the subcontractor, which shall conform to the provisions of this Agreement. The CONSULTANT may not withhold retainage from Subconsultants

ARTICLE 19
CONSULTANT'S PROJECT REPRESENTATIVE

The CONSULTANT shall assign to the work a competent project representative who shall coordinate all phases of the work, including additions and revisions thereto, until final acceptance of the work. The project representative's educational background and job experience shall be submitted to the STATE for review. The representative shall be approved by the STATE in writing. The representative shall be available to the State at all reasonable times and all correspondence from the STATE to the CONSULTANT relative to the Project shall be directed to him or her.

ARTICLE 20
REMOVAL OF CONSULTANT PERSONNEL

The CONSULTANT shall not remove any project representative, consulting engineer, specialist or other person whose name is submitted to the STATE as part of the CONSULTANT's Expression of Interest or Proposal, without the STATE's prior approval. The CONSULTANT acknowledges that the STATE relied on Project participation by all persons named in the Expression of Interest and Proposal in entering into this Agreement with the CONSULTANT. The STATE reserves the right to have such person replaced if, in the judgment of the STATE, any such person proves unsatisfactory.

ARTICLE 21
STATE'S RIGHT TO WITHHOLD PAYMENTS

The STATE shall have the right to withhold from payments due the CONSULTANT such sums as are necessary to protect the STATE against any loss or damage which may result from negligence or unsatisfactory work by the CONSULTANT, failure by the CONSULTANT to perform its obligations, or claims filed against the CONSULTANT or the STATE relating to the CONSULTANT's work or resulting therefrom.

ARTICLE 22
MONITORING OF WORK BY STATE

The CONSULTANT shall allow representatives of the STATE to visit the office(s) of the CONSULTANT periodically, without notice, in order to monitor work being performed under this Agreement.

ARTICLE 23
OWNERSHIP OF DOCUMENTS
(Revised 4-8-13)

Documents of every nature prepared under or as a result of this Agreement, including, but not limited to, all basic notes, sketches, drawings, specifications, computations, test data, survey results, models, photographs and renderings are the property of the STATE. They shall be delivered to the STATE in good condition and properly indexed prior to final payment. The CONSULTANT assumes the positive obligation of maintaining all such documents until delivery to the STATE. The STATE may use these documents without reservation.

The CONSULTANT may retain and use copies of all such documents. The CONSULTANT will not be responsible for another party's application of the information contained in such documents other than that for which the information was intended. All technical data in regard to this Agreement, whether existing in the office of the CONSULTANT or existing in the offices of the STATE, shall be made available to either party to this Agreement without expense to the other party. **Such records shall be made available to the Office of the State Comptroller upon request.**

ARTICLE 24
MONTHLY REPORTING
(last revised 04-7-2009)

The CONSULTANT shall submit the following on a monthly basis to the STATE for its approval:

1. Monthly Progress Reports are required regardless of billing activity. They shall include the following:
 - a. A narrative description of the work performed during the reporting period and, if necessary, a discussion of any difficulties or delays encountered;
 - b. A comparison, by task, of work performed to the baseline schedule including a narrative which clearly depicts the percentage completed by task;
 - c. A comparison, by task, of costs incurred with amounts budgeted (not applicable to Fixed Price Agreements);
 - d. The percentage of work completed to date;
 - e. A list indicating those submissions for which the CONSULTANT is awaiting a response.

Note: Monthly Progress reports will not be required on Construction Inspection Agreements or when notified by the Department.

2. Invoices:
 - a. The CONSULTANT shall prepare and submit two original company invoices for payment for work performed under this Agreement on Payment Voucher (PV-C) forms supplied by the STATE.
 - b. The CONSULTANT shall submit a separate company invoice for each billing under this Agreement which includes a grand summary and supporting summaries for each Consultant Agreement Modification for Extra Work and sub-consultant work. If the agreement is a Term Agreement, supporting summaries for individual task orders are required, and must also detail sub-consultant work. A grand summary for the overall Term Agreement is not required.
 - c. Each invoice shall contain, but is not limited to, the following:
 - i. The Agreement number and, when applicable, the Consultant Agreement Modification or Task Order number.
 - ii. The Consultant Agreement date and Contract Id#.
 - iii. The billing period covered by the invoice for the prime and Sub-consultant.
 - iv. The amount of the current billing and the amount for the items listed as follows:
 - a. For Cost Plus Fixed Fee Agreements:
 1. Salary Expense
 2. Payroll Burden & Overhead
 3. Non-Salary Direct Expense
 4. Sub-consultant Expense
 5. Proportional amount of Fixed Fee
 - b. For Fixed Price Agreements Plus Direct Non-Salary Expense Agreements:
 1. Fixed Price Prime
 2. Fixed Price- Sub-consultant Expense
 3. Direct Non-Salary Expense (detailed by line item)
 - c. For Fixed Price Agreements
 1. Fixed Price-Prime
 2. Fixed Price-Sub-consultant
 - v. Other items as determined by the State and communicated to the Consultant in writing.
 - d. Receipts are not required to be submitted with an invoice for direct expenses unless noted within the contract, or requested by the contract manager. The consultant is required to retain receipt and supportive documentation for presentation at the time of audit.
 - e. The CONSULTANT shall prepare the Final Invoice in accordance with the Agreement.
 - f. The STATE will not process any invoice for payment without accompanying monthly progress reports for the corresponding reporting periods.
 - g. The STATE will not process for payment any monthly invoice that shows the total amount payable to be less than \$2,000.00 for agreements with maximum project amounts in excess of \$100,000.00 or less than 2% of the maximum project amount for all other agreements, unless the CONSULTANT's written justification for such a payment is approved by the STATE. In no event however, will the CONSULTANT be precluded from submitting an invoice in a lesser amount if there has been no project work performed in at least three months and the STATE has been so notified.
 - h. The Consultant and each subconsultant will be required to provide monthly employment and wage data to the Department via a web based application and on line electronic Form CC-257R, "Monthly Employment Utilization Report". All consultants and subconsultants must file employment and wage data reports no later than 10 calendar days following the end of the reporting month. All employment and wage data must be verified as correct and accurate in corroboration with the certified payroll records. Consultants are responsible for insuring that their subconsultants comply with these reporting requirements. Failure to provide the requested employment and wage data may impact your current Pre-Qualification contract rating with the New Jersey Department of Transportation.

- i. This Contract is funded in whole or in part with funding provided under the American Recovery and Reinvestment Act of 2009 (ARRA). The Consultant is responsible for complying with the applicable provisions of the ARRA which are incorporated herein by reference.

Section 902 of ARRA requires that the U.S. Comptroller General has the authority to:

1. Examine records of the Consultant or its subconsultant, or State or local government agency administering such contract that directly pertain to, and involve transactions relating to, the Contract or subcontract.
2. Interview officers or employees of the Consultant or its subconsultant, or of State or local government agency administering the Contract, regarding such transactions.

Nothing in this section is to be interpreted to limit or restrict the existing authority of the U.S. Comptroller General.

Section 1515(a) of the ARRA requires that the Inspector General has the authority to:

1. Examine records of the Consultant or its subconsultants
2. Interview the Consultant's or its subconsultants's employees or officers working on this Contract.

Nothing in this section is to be interpreted to limit or restrict the existing authority of the Inspector General.

ARTICLE 25 PUBLIC EMPLOYEES

The CONSULTANT shall not engage on this Project, either on a full or part time basis, without written consent from the STATE, any professional or technical personnel who are, or have been at any time during the period of this Agreement, in the employ of the U.S. Department of Transportation or the highway or transportation organization of any state, county, or municipality, except regularly retired employees, unless the written consent of the public employer of such person is obtained first.

ARTICLE 26 CHANGES - CONSULTANT AGREEMENT MODIFICATIONS AND ADDENDA

Modified 5-22-13

The STATE reserves the right to make such alterations, deviations, additions to or omissions from the work to be performed under this Agreement or from the provisions of the Agreement affecting performance of the work including the right to increase or decrease all or any portion of the work or to omit all or any portion of the work, as may be deemed by the STATE to be necessary or advisable. The STATE may also require such Extra Work as the STATE may determine to be necessary for proper completion of the contemplated Project. Such increases or decreases, alterations and omissions shall not invalidate the Agreement, and the CONSULTANT agrees to accept the work as changed, the same as if it had been a part of the original Agreement.

All changes, extensions of time and adjustments to compensation deemed appropriate by the STATE will be formalized by Consultant Agreement Modification. The STATE may direct the CONSULTANT to proceed with a desired change by written notice issued prior to formalization of the change in a Consultant Agreement Modification, and the CONSULTANT shall comply. In such cases, the STATE will, as soon as practicable, issue an appropriate Consultant Agreement Modification.

Extra Work that constitutes a new phase of work as determined under Part II-Compensation in the original agreement will be formalized by Consultant Agreement Addendum. Subject to appropriations and the availability of funds, the STATE, at its sole discretion, may authorize the CONSULTANT to proceed with such work by an Extra Work Consultant Agreement Addendum.

The CONSULTANT shall not proceed with work which it believes or claims involves a change without prior written notice from the STATE authorizing the work. In such event the CONSULTANT shall give written notice to the STATE advising the STATE of its claim. If it is determined pursuant to Article 27 that the work does, in fact, constitute a change, an appropriate Consultant Agreement Modification will be issued. However, if the determination made pursuant to Article 27 is that the work does not constitute a change, then the STATE will give written notice to the CONSULTANT to proceed with the work in accordance with the Agreement.

The CONSULTANT shall not be reimbursed for Consultant Agreement Modifications, Consultant Agreement Addenda or for work of any nature made necessary because of errors or omissions attributable to the CONSULTANT.

ARTICLE 27
DISPUTES

In the event a dispute arises concerning the meaning of any term used in this Agreement, or the work and services required to be performed under this Agreement, or as to compensation under this Agreement, the dispute shall be decided by the Commissioner of Transportation or his duly authorized representative.

ARTICLE 28
ASSIGNMENT

At the option of the STATE, this Agreement shall bind the heirs, representatives, successors, or assigns of the CONSULTANT. Any purported transfer or assignment of this obligation without written approval or consent by the STATE shall be void, unless the STATE subsequently gives written approval or consent.

ARTICLE 29
SPECIAL PROCUREMENTS

If the CONSULTANT desires to procure any goods, services, or documents for which reimbursement will be sought, and which were not specifically itemized in this agreement or in the CONSULTANT's proposal as revised and approved by the STATE, it shall obtain the STATE's written approval prior to the procurement. In addition, the CONSULTANT shall recommend, for the STATE's consideration, the specific requirements or specifications. Upon securing approval for both the reimbursement and the specific requirements or specifications, the CONSULTANT shall proceed with the procurement. No claim for delay shall be made for the time involved in securing the STATE's approval.

ARTICLE 30
SOLICITATION

The CONSULTANT warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this Agreement and that it has not paid or agreed to pay any company or person other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the STATE shall have the right either to annul this Agreement without liability, or to deduct from the Agreement price or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or consideration.

ARTICLE 31
BUY AMERICAN

This Agreement shall comply with N.J.S.A. 52:32-1 and N.J.S.A. 52:33-1 et seq., which, except as expressly provided therein, prohibit on any public work the use of farm products or materials produced or manufactured outside the United States.

ARTICLE 32
WORK BY OTHERS

The STATE reserves the right to employ other architects, engineers, and consultants in connection with the work.

ARTICLE 33
INFORMATION CONCERNING PROJECT

The CONSULTANT will not divulge information concerning this Project to anyone (including, for example, information in applications for permits, variances, etc.) without prior approval or direction of the STATE. It will obtain similar agreements from persons and firms employed by it. The STATE reserves the right to release all information as well as to time its release, form and content. This requirement shall survive the expiration of the Agreement.

ARTICLE 34
EXTENT OF AGREEMENT

This Agreement represents the entire and integrated agreement between the STATE and the CONSULTANT and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written "Consultant Agreement Modification" signed by both STATE and CONSULTANT.

ARTICLE 35
SCOPE REVIEW

The scope of the Project as specified in the Additional Terms and Conditions of the Agreement will be reviewed by the STATE and the CONSULTANT at, as a minimum, three (3) month intervals, beginning three (3) months from the date of the Agreement. The reviews shall be in the form of an exchange of letters initiated by the CONSULTANT. If any change in the scope of the Project is required the CONSULTANT will be notified by the STATE.

ARTICLE 36
SCOPE MODIFICATION

The CONSULTANT shall modify the scope of work to be performed under this Agreement upon written direction from the STATE, and negotiate appropriate increases or decreases in compensation with the STATE based on the increases or decreases of the work involved. A Consultant Agreement Modification will be entered into to incorporate the change in scope into the Agreement.

ARTICLE 37
SCHEDULING

Before beginning the work, the CONSULTANT shall submit for the STATE's approval a schedule setting forth its plan for completing the work in accordance with the Agreement. Following approval by the STATE, the CONSULTANT shall complete all work in accordance with the approved schedule. It shall coordinate and advance all work items in this Agreement and any Consultant Agreement Modification efficiently and economically consonant with the scheduled completion date. If any phase of the work cannot be completed as scheduled, the CONSULTANT shall submit a written request for a reasonable extension of time. All such requests shall include a statement as to the cause of the delay and be provided to the STATE at the time that the need becomes apparent, but at least 15 days prior to the scheduled completion date of that particular phase of the work. A revised schedule shall also be submitted. The CONSULTANT shall make regular submissions to the STATE in accordance with the STATE's scheduling and review procedures and at any other time requested by the STATE.

ARTICLE 38
DEFINITIONS

As used in this Agreement, the term "calendar day" means each and every day shown on the calendar.

As used in this Agreement, the term "work" means the furnishing of all labor, equipment, services, materials, supplies and other incidentals necessary or convenient to the successful completion by the Consultant of the Project described in the Agreement and the carrying out of all duties and obligations imposed by the Agreement on the Consultant.

Task Order - The written authorization issued by the STATE to the CONSULTANT to perform assigned work under this Agreement. A Task Order shall include a proposal, a completion date, funding limits, and further conditions, limitations, and procedures that apply to the work authorized by the Task Order. The Task Order and the underlying Task Order Agreement which it incorporates are the contract between the CONSULTANT and the STATE for the work assigned by the Task Order. More than one Task Order may be executed with reference to the same Task Order Agreement.

ARTICLE 39
REVIEW

The CONSULTANT shall perform its obligation under this Agreement with the understanding that the STATE [and the Federal Government]* has [have]* the right to review, and must find acceptable, the Project and all documents produced by the CONSULTANT pertaining to the Project.

ARTICLE 40
UNACCEPTABLE WORK

If the STATE determines that any document prepared by the CONSULTANT under this Agreement is unacceptable due to errors, omissions or failures to comply with requirements of this Agreement, the CONSULTANT shall correct and revise the unacceptable document in accordance with directions received from the STATE at no cost to the STATE. The corrected and revised document shall be resubmitted for STATE approval.

The STATE shall give written notice to the CONSULTANT as soon as practicable after it becomes aware of a negligent error or omission by the CONSULTANT. CONSULTANT shall be liable to the STATE for all damages to the STATE, caused by CONSULTANT's negligent errors and omissions. The CONSULTANT shall reimburse the STATE for the full costs it has incurred as a result of such negligent errors and omissions, including interest and other expenses.

ARTICLE 41
STOP WORK

The CONSULTANT shall stop all work promptly, if so directed in writing by the STATE.

ARTICLE 42
TERMINATION

The STATE may terminate the CONSULTANT's services under this Agreement upon seven (7) days written notice. In such event, and where the CONSULTANT's performance is satisfactory, the CONSULTANT shall be paid in accordance with the method of compensation under Part II of the Agreement as follows:

Cost Plus Fixed Fee Agreements: 1) allowable direct and indirect costs incurred in the performance of its work up to and including the date that the CONSULTANT receives notice of termination, together with allowable direct costs incurred in closing out the Project in accordance with the notice to terminate; 2) a percentage of the Fixed Fee based on the percentage of the Project completed up to and including the date that the CONSULTANT receives notice of termination.

Fixed Price Agreements: A percentage of the Fixed Price based on the percentage of the Project completed up to and including the date that the CONSULTANT receives notice of termination. A Consultant Agreement Modification shall be negotiated to compensate the CONSULTANT for costs incurred in closing out the Agreement, if any, including work performed following the date on which the CONSULTANT received the notice of termination in order to close out the project.

Cost Times Multiplier Agreement: Allowable direct costs incurred in the performance of its work up to and including the date that the CONSULTANT receives notice of termination, together with allowable direct costs incurred in closing out the Project in accordance with the notice to terminate.

If the STATE has terminated the Agreement due to failure of the CONSULTANT to perform in a satisfactory manner as determined by the STATE, the STATE may, at the option of the STATE, in accordance with the method of compensation under Part II the Agreement, make the following adjustments:

The STATE shall make no further payment to the CONSULTANT under this Agreement and may require the CONSULTANT to repay all or a portion of the monies already paid. In addition, the STATE shall make no payment of any close-out costs which the CONSULTANT may incur at the direction of the STATE.

Nothing herein shall limit the right of the STATE to recover any and all costs and damages resulting from the CONSULTANT's failure to perform the work in a satisfactory manner.

The CONSULTANT shall have no right to, nor shall it make any claim for, damages or additional compensation of any type whatever by reason of termination regardless of fault.

All documents begun or completed as the result of this Agreement shall be immediately turned over to the STATE upon termination consistent with the provisions of Article 23.

ARTICLE 43
SUSPENSION

The STATE may, in its sole discretion, suspend the work. Compensation for a suspension or delay shall be allowed only as provided in this Article.

If the STATE determines that the work of this Agreement has been suspended or delayed for a period cumulatively totaling 365 calendar days, and if the STATE determines that the suspension or delay has resulted from no fault of the CONSULTANT, then a Consultant Agreement Modification covering the remaining work to be done shall be executed. The compensation terms of the Consultant Agreement Modification for that remainder shall be as follows for Cost Plus Fixed Fee agreements:

1. Upon resumption of work by the CONSULTANT, an updated schedule of wage rates, subject to review and approval by the STATE, shall be submitted by the CONSULTANT. These wage rates shall be applied to the unused portion of the work hours developed by the CONSULTANT in the proposal, and approved by the STATE. A revised total amount for allowable direct or indirect costs shall then be established by Consultant Agreement Modification.
2. The new Fixed Fee shall be in the same ratio as the original Fixed Fee to the original estimate of allowable direct and indirect costs, multiplied by the revised amount for allowable direct and indirect costs as determined in 1. above.

For Fixed Price Agreements, a Consultant Agreement Modification shall be executed between the STATE and the CONSULTANT providing an equitable adjustment to the CONSULTANT which the Commissioner deems proper after reviewing submissions by the CONSULTANT relating to increased costs which the CONSULTANT has actually incurred as a direct result of the suspension or delay.

None of the above provisions shall negate any other terms of this Agreement.

For both types of agreements, where such suspension or delay is determined by the STATE to be the fault of the CONSULTANT, the STATE may, at its option, suspend all payments to the CONSULTANT after the established completion date. Payment shall be reinstated by the STATE upon completion of the work in accordance with other provisions stated herein. In the case of such delay by the CONSULTANT, there shall be no upward adjustment in direct or indirect costs or Fixed Fee or in the amount of Fixed Price. Alternately, the STATE may terminate the Agreement consistent with Article 42.

ARTICLE 44
STANDARDS AND PROCEDURES
(As applicable) (last revised 02-18-2010)

Consultants will access information about the Department's activities through the internet. The Department's web page can be found at : <http://www.state.nj.us/transportation>

All services provided to NJDOT shall conform to the procedures located within the Department's Capital Project Delivery website which can be found at: <http://www.state.nj.us/transportation/capital/pd/>

A. SURVEY REPORT

1. A survey report must be submitted for each project that requires survey work.

General :

A. Prior to commencing any field work the Consultant and/ or Sub-Consultant /Designer /Surveyor Must :

- Request geodetic control criteria from NJDOT Geodetic Control Unit. Evaluate the Geodetic Survey information and incorporate into the field survey work. Research and recover the Geodetic survey monumentation.
- Contact the Regional Survey Office(s) for information that is available for existing alignment, monumentation and Right of Way plans and survey information.
- Contact the Engineering Document Unit in the Main Complex in Esring, NJ should be contacted for additional documentation.

- Provide copies of Article 44, NJDOT Policy and Procedure Manual, NJDOT Survey Manual related, BDCs, CANs, NJDOT Photogrammetric Guidelines (if applicable), and materials related to the Survey portion of the work to the Sub-contractor. The Survey Team Leader and crew chief must have a copy of Article 44 and be made aware of the content.
- B. Immediately after collecting field data the Consultant and /or Sub-Consultant /Designer /Surveyor Must :
- Furnish to the NJDOT, before the submission and acceptance of base maps, and survey control schematic plans, a list and description of the location and coordinate values of each control survey point, a copy of the original field notes showing the horizontal distance, angular measurements, and vertical measurements and a copy of the original computations for the adjustment of horizontal distance, angular measurements, and vertical measurements for proper closure of each control survey and level loop or line. This preliminary data submission shall be faxed with cover to Geodetic Survey (609-530-3689) for control reports, and to the appropriate Regional Survey Office (North-973-770-5151; Central-732-431-3335; South-856-486-6777) for general survey reports.
- C. Include all survey control, baseline, and ROW monumentation in the Survey Report that was used. Prior to submittal, it must be field verified by the Consultant, and discrepancies shall be addressed in the report.
- D. Prior written approval needs to be received from the Survey Services Manager in order to utilize the North American Datum of 1927 (NAD27), and the National Geodetic Vertical Datum of 1929 (NGVD29).
- E. All data, supporting data, and final survey report will be provided in a digital format (CD) that will be 100% compatible with NJDOT computer systems. PDF or DOC extensions are suitable for use in a "read only" format.

2. Projects based on the New Jersey State Plane Coordinate System (NJSPCS).

The CONSULTANT shall provide PROJECT SURVEY CONTROL based on the classification standards for Horizontal Control, Second Order, Class II accuracy and Vertical Control, Second Order, Class I accuracy. The standards of accuracy shall meet the requirement of the Federal Geodetic Control Committee publication "Standards and Specifications for geodetic Control Networks (September 1984)" or its most recent revision. Pertinent supplemental publications for GPS related positioning to be used to complement the aforementioned publication are "Geometric Geodetic Accuracy Standards and Specifications for Using GPS Relative Positioning Techniques," Version 5.0, dated May 11, 1988, reprinted with corrections, August 1, 1989 and "Guidelines for Establishing GPS-derived ellipsoid heights (Standards: 2 cm and 5 cm)," NOAA Technical Memorandum NOS NGS-58, version 4.3, November 1997, or most recent revisions.

The horizontal datum will be the New Jersey State Plane Coordinate System of 1983 (NJSPCS 1983), which is based on the North American Datum of 1983 (NAD83) latest adjustment tag. The NJSPCS of 1927, which is based on the North American Datum of 1927 (NAD27), shall no longer be utilized unless prior written approval has been received from the Survey Services Manager.

The vertical datum will be the North American Vertical Datum of 1988 (NAVD88) or its most recent revision. The previous datum, National Geodetic Vertical Datum of 1929 (NGVD29), has been superseded by NAVD88 and shall no longer be utilized unless prior written approval has been received from the Survey Services Manager.

The survey traverse and the level benchmarks shall originate and terminate on existing monuments and/or benchmarks that meet or exceed Second Order, Class I, classifications and were directly established from and/or are part of the National Spatial Reference System (NSRS) formerly known as the National Geodetic Reference System (NGRS) database that is maintained by National Geodetic Survey (NGS). These permanent monuments have been previously established by US Coast and Geodetic Survey, National Geodetic Survey, National Ocean Survey, N.J. Geodetic Survey and other approved agency or private Contractor.

Leveling runs not otherwise specified shall comply with requirements in the Federal Geodetic Control Committee publication for Third Order Geodetic Leveling. The PROJECT SURVEY CONTROL shall be tied to the New Jersey State Plane Coordinate System. The above standards apply to projects which require the establishment, determination or reestablishment of ground control, horizontal and vertical, which are based or tied into the N.J. State Plane Coordinate System.

3. Projects based on other systems.

Projects which do not require the establishment of horizontal and vertical control, such as Safety Improvements, Maintenance projects, Guide Rail Installations, and Street Intersection Improvement, are not required to meet the N.J. State Plane Coordinate System standards. Guide Rail projects may require horizontal and vertical Control. Survey provider should contact the Prime Consultant/Designer to determine if it is required. These projects should eliminate any reference to the N.J. State Plane Coordinate System. In projects such as street improvements, resurfacing, road widening and bridge rehabilitation, a local or assumed system may be used.

The local system shall meet the following requirements:

- | | | |
|----|--------------------|--|
| A. | Position Closure | 1:20,000 Minimum after adjustment |
| B. | Angles Accurate to | 5 Seconds or less |
| C. | Azimuth Closure | (8 Seconds) times (Sqrt of N), where N is the number of angle stations |

The local control survey traverse shall be established and measured by accepted National Geodetic Survey methods with proper consideration of tape calibration, all equipment and instrumentation calibration, and all corrections. The error in position closure after distribution of azimuth errors will not exceed 1:20,000. The bench level runs will not exceed 0.05 of a foot times the square root length of the runs in miles or will not exceed 12 millimeters times the square root length of the run in kilometers. All bench runs should be based on National Geodetic Vertical Datum (NGVD) 1929 or the North American Vertical Datum of 1988 (NAVD88).

4. Survey Report Content and Preparation

A survey report must be submitted for each project that requires survey work. There are **four** times during the project that a report or modification to the existing report may be needed.

- Aerial control portion.
- Project control portion (including how the existing baseline(s) was reestablished),
- Topographic survey portion
- Supplemental survey portion.

The following format shall be used:

- I. Introduction
 - a. Purpose - Describe the purpose for which the survey was conducted.
 - b. Point of Contact - Supply the name, phone number, and mailing address of the point of contact within the submitting organization, and the Professional Licensed Surveyor in responsible charge of the work. Supply the same information for all organizations that participated in the survey.
 - c. Accuracy Standards - Provide the accuracy standards (vertical and horizontal) specified for the project.
 - d. Signature and seal of the surveyor in responsible charge.
 - e. Prime Consultant certifies in writing that the report was reviewed and found to meet project requirements.
- II. Location - Indicate briefly the geographic location and scope of the project in general terms.
- III. Field Work
 - a. The Consultant shall describe the work performed to sufficiently research information to recover the existing monumentation on the highway project. Describe and delineate the existing baseline, right of way

and center line monumentation and how it is tied into the project traverse and adjusted into the project survey network. The Consultant shall describe how the existing right of way line, and baseline were established.

- b. Chronology - Give a brief description of the progression of the project. A narrative detailing the methodology utilized to establish all existing Baselines and ROW lines within the project limits is required.
 - c. Instrumentation - Describe the make, model and serial number of each instrument, and accessory equipment such as tripods, tribrachs, leveling rods, etc., age of all equipment, condition of equipment, and date of last calibration, collimation or repair work used on the project.
 - d. Deviation from instructions - Describe any deviation from the procedures and specifications stated in the project instructions.
- IV. Data Processing Performed - Describe the data processing that was performed. Include tasks such as transferring of data to different storage media, data quality checking, station descriptions, baseline determinations and closure computations.

Complete the following sections as appropriate:

- a. Software Used - Specify all software by program name and version number which was used to acquire, manage, reduce, adjust, and submit field data. If the project data were reduced or acquired with different versions of a program, specify which version was used with which block of data.
 - b. Rejected Data - Specify any data which was rejected and re-surveyed. Include the reasons why the data from a particular field day were rejected.
 - c. Adjustment - Discuss in detail the type of adjustment performed. Indicate weighting technique used, and stations constrained. All analyses shall be reviewed and analyzed by the Licensed Professional Surveyor in responsible charge.
 - d. Closures - Tabulate the results of all loop mis-closure computations performed. Include the baselines used, base line length, maximum closure in each component, and average closure error in each component. Tabulate closure component error in terms of Cartesian coordinates and in terms of the local terrestrial system. Tabulate comparisons of repeat base lines observed indicating base line length, and maximum and average closure for each base line component. Closures will be stated in feet and parts per million including any scale factor applied.
 - e. The above data, supporting data, and final survey report will be provided in a digital format (pdf or doc read only files) on a CD that will be 100% compatible with NHD01 computer systems.
- V. Attachments and Enclosures
- a. The Consultant will provide a survey report including an alignment plan for all projects.
 - b. The Consultant shall include the previously furnished list and description of the location and coordinate values of each control survey point, the original field notes showing the horizontal and angular measurements, and vertical measurements and the original computations for the adjustment of horizontal and angular measurements, and vertical measurements for proper closure of each control survey and level loop or line.
 - c. Station List - Include a table, which lists the station name, coordinates, elevation and station type for all stations surveyed.
 - d. Field Project Sketch - Attach a copy of the project sketch. If there are multiple copies of the sketch

showing different data, attach a copy of each. The project sketch shall include the following:

1. All stations occupied during survey.
2. A border drawn around the edge with grid ticks for latitude and longitude.

In addition to the stations surveyed, the sketch should show other stations of the existing network located within or near the project area. Indicate in the survey report whether any attempt was made to recover these stations. The report and/or recovery notes must indicate why the recovered stations were not surveyed. To indicate a station that was not recovered use "NR" next to that station's symbol.

Survey points will be shown in an inset sketch when they are too closely together to be depicted clearly on the network sketch.

- e. Digital photo/ rubbings of monuments (control stations) shall be included in survey report.
- f. Field Logs - Provide dated copies of field survey notes and record books.
- g. Quality Control Checklists- Geodetic & General Report- (formats in Survey Manual Appendix C)
- h. Quality Assurance Checklist- Geodetic and General Reports- (formats in Survey Manual Appendix C)

5. Right of Inspection.

The STATE reserves the right to inspect at any time during or after the control survey each or any field or office phase of the work and to check each or any operation in the field or the office.

6. Survey Crews.

The CONSULTANT shall perform all field survey work in accordance with the latest NJDOT Safety Manual. Special attention shall be paid to the proper placement of traffic control devices and flag persons and the need for retro reflective vests. Perform all field survey services in accordance with the NJDOT "Design Manual, Roadway", as revised and the NJDOT "Survey Manual".

B. GEOTECHNICAL ENGINEERING

Perform geotechnical engineering services in accordance with the NJDOT Capital Project Procedures.

C. DRAINAGE DESIGN

1. Delineate drainage area tributaries and determine runoff in accordance with the NJDOT "Design Manual Roadway" as revised.
2. Design proposed drainage systems and determine runoff in accordance with NJDOT "Drainage Design Manual", as revised.

D. UTILITY ENGINEERING

Provide utility engineering services in accordance with the NJDOT Capital Project Procedures.

E. RIGHT-OF-WAY DOCUMENTS

Provide services in accordance with the NJDOT Capital Project Procedures and attachments, as revised.

F. CONSTRUCTION CONTRACT DOCUMENTS

Unless otherwise stated in the proposal, construction contract documents shall be complete and accurate and submitted for

review and acceptance by the STATE in accordance with the NJDOT Capital Project Procedures. The construction plans shall be prepared on media for reproduction in accordance with standard STATE practices and accompanied by Special Provisions as directed under "Specifications" on the Department website www.nj.gov/transportation/eng - construction plans shall be prepared in accordance with "Sample Plans, 2007".

G. ELECTRICAL SYSTEMS

Design the lighting and traffic signal systems in accordance with Sections 11 and 12 of the NJDOT "Design Manual Roadway", as revised.

H. JURISDICTIONAL LIMIT MAPS AND AGREEMENTS

Process jurisdictional limit maps and agreements in accordance with the NJDOT Capital Project Procedures.

I. FIELD CONDITION AND APPRAISAL SURVEY REPORTS

Field condition and Appraisal Survey Reports of existing bridges shall be prepared in accordance with Section 8, of the NJDOT "Design Manual for Bridges & Structures".

J. BRIDGE DECK EVALUATION SURVEY REPORTS

Deck Condition Evaluation Survey Reports of existing bridges shall be prepared in accordance with Section 9C of the NJDOT "Design Manual for Bridges & Structures".

K. SOIL EROSION AND SEDIMENT CONTROL DESIGN REPORTS

Soil Erosion Sediment Control Design Reports for land disturbances equal to or greater than 5000 square feet shall be prepared in accordance with All Design Units Memorandums dated June 1, 1990 and November 30, 1992.

L. COMMUNITY RELATIONS

Community relations shall be provided in accordance with the NJDOT Capital Project Procedures.

M. AS-BUILT PLANS

Resident Engineer

1. Forward the following to the appropriate Design Consultant with a copy of the letter of transmittal to the Regional Construction Engineer, Construction Field Manager and Project Manager.
 - a. As-built "white set" of plans
 - b. As-built Summary (DC-104) (Retain a copy)
 - c. Original surveyor's certification of the As-built location of all constructed or reset monuments on the project to the appropriate Regional Survey Office with a copy of the certification to the Design Consultant for the inclusion in the As-built plans.

Design Consultant

2. Contact the Engineering Document Control Unit of Quality Management Services to obtain the original project mylars.
3. Once the project mylars are received, transfer all the information as marked by the Resident Engineer onto the mylars in red ink using lettering boards where possible. When the use of lettering boards is not possible, the Project

Manager may permit the information to be transferred using free hand drafting. The following details shall be observed:

- a. "AS-BUILT" should be inked in large letters to the left of "PLANS OF..." on the Key Sheet.
 - b. The "Certification" statement, signed by the Resident Engineer on the front of the "white set", should be inked onto the Key Sheet mylar.
 - c. The as-built quantities listed on the DC-104 form should be checked against those listed on the "white set" Estimate of Quantities sheet and any discrepancies resolved with the Resident Engineer.
 - d. As-built quantity totals for original plan items and items resulting from change orders will be shown only on the "Estimate of Quantities" sheet(s). The as-built columns on the "Distribution of Quantities" sheet(s) and in the "To be constructed" box on each plan sheet will no longer be completed. (Note: It's not necessary to do these columns even if the "white set" comes through with them filled in).
 - e. All changes made by Construction forces as marked on the "white set" that affect the accuracy of the plans, must be neatly transferred in red-ink to the as-built plan mylars. Some examples of these changes would be the change in location of an item, additional or deleted items, permanent "It and where Directed" items, or geometric changes such as extension of guiderail or driveway revisions.
 - f. Any addendum mylar(s) should be placed in front of the original plan sheet it was made from. Any completely new plan sheet mylar that is part of an addendum should be placed in the final set nearest the plan sheet it pertains to. As-built information should be drafted directly on the addendum mylars.
 - g. Any Change of Plan sheet mylar(s) should be placed directly behind the original plan sheet it pertains to. Any completely new Change of Plan sheet mylar(s) should be placed in the final set nearest the plan sheet it pertains to. As-built information should be drafted directly on the Change of Plan mylars.
 - h. After the plan set is completely assembled, the sheets should then be numbered accordingly. Addendum and Change of Plan sheet mylar(s) that revise existing plan sheets shall be given the same sheet number as originally assigned with a letter suffix. Plan sets containing completely new addendum or Change of Plan sheet mylars shall be numbered sequentially. Incorrect page numbers should be crossed out and corrected and the correct total inserted for the bottom number. The "Index of Sheets" should then be corrected to agree with the final page numbers. (This would be the case if item "f" or "g" applies).
4. Once as-building is completed, a certification statement shall be made attesting that the original project mylars have been as-built in accordance with the established procedure. This statement shall be included on the Key Sheet mylar and shall be signed and dated by the firm's Project Manager. (See sample statement below)

"I CERTIFY THAT THIS PROJECT HAS BEEN AS-BUILT IN ACCORDANCE WITH THE ESTABLISHED PROCEDURES AND THAT THE INFORMATION CONTAINED HEREIN ACCURATELY REFLECTS THE AS-BUILT INFORMATION PROVIDED BY THE RESIDENT ENGINEER."

Firm's Project Manager

Date

5. Forward the Key Sheet mylar to the Resident Engineer for signature.

Resident Engineer

6. Sign and date the "Certification" statement (provided as per step 3b) on the Key Sheet mylar and return it to the Design Consultant with a copy of the letter of transmittal to the Regional Construction Engineer, Field Manager and Project Manager.

Design Consultant

7. Make one quality set of vellum or sepia copies of all as-built plan sheets except the following:
 - a. Distribution of Quantities
 - b. Landscape
 - c. Method of Cross-Section & Cross-Section Sheets
 - d. Construction Details (unless there is a new special detail included in the plans)
 - e. Bridge Plans except the estimates
 - f. Traffic Control Plans & Traffic Signs
8. Return the original As-Built project mylars to the Engineering Document Control Unit with a copy of the letter of transmittal to the Regional Construction Engineer, Field Manager and Project Manager.
9. Forward the marked-up as-built "white set" and the sepia or vellum copies to the appropriate Regional Survey Office with a copy of the letter of transmittal to the Regional Construction Engineer, Field Manager and Project Manager.

N. TRAFFIC COUNT DATA

Upon completion of the work, submit all traffic count data in electronic format to the Bureau of Transportation Data Development. The data can be submitted in any form except binary data. If the traffic count collection time range is 48 hours or longer, comply with the requirements of the guidelines described in the FHWA Traffic Monitoring Guide.

O. SOFTWARE

All software developed shall become the property of the NJDOT. All source code shall be provided in electronic format and include licenses, and any developmental components and libraries necessary to compile the source code into a useable application.

**ARTICLE 45
NONDISCRIMINATION**

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

1. Compliance with Regulations: The CONSULTANT will comply with Regulations of the Department of Transportation relative to nondiscrimination in federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21 through Appendix H, and Title 23CFR Part 710.405(b), hereinafter referred to as the Regulations), which are incorporated herein by reference and made a part of this Agreement.
2. Nondiscrimination: The CONSULTANT, with regard to the work performed by it after award and prior to completion of the work, will not discriminate on the basis of race, color, age, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The CONSULTANT will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Agreement covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the CONSULTANT for work to be performed under a subcontract including procurement of materials or equipment, such potential subcontractor or supplier shall be notified by the CONSULTANT of the CONSULTANT's obligations under this Agreement and the Regulations relative to nondiscrimination on the basis of race, color, age, sex or national origin.

4. Information and Reports: The CONSULTANT will provide all information and reports required by the Regulations, or orders and instructions 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 STATE or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT shall so certify to the State or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the CONSULTANT's noncompliance with the nondiscrimination provisions of this contract, the STATE shall impose such sanctions as are appropriate and available under the laws of the STATE.
6. Incorporation of Provisions: The CONSULTANT will include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, orders or instructions, issued pursuant thereto.
7. This Agreement is subject to all federal, state, and local laws, rules, and regulations, including, but not limited to, those pertaining to non-discrimination in employment and affirmative action for equal employment opportunity.
8. If at any time following the execution of this Agreement, the CONSULTANT intends to sublet any additional portion(s) of the work or intends to purchase materials or lease equipment not contemplated during the original proposal preparation, the CONSULTANT shall:
 - a. Notify the project initiator, in writing, of the type and approximate value of the work which the CONSULTANT intends to accomplish by such subcontract, purchase order or lease.
 - b. Give DBE firms equal consideration with non-minority firms in negotiations for any such subcontracts, purchase orders or leases.

ARTICLE 46
STATE OF NEW JERSEY
AFFIRMATIVE ACTION RULES FOR PROFESSIONAL SERVICE CONTRACTS

The parties to this Agreement understand that the provisions of (L. 1975, C. 127 (N.J. A.C. 17:27), as amended and supplemented) dealing with Affirmative Action Rules on public contracts, and the rules and regulations promulgated pursuant thereto, are a part of this Agreement and are binding on them.

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, up-grading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127 as amended and supplemented from time to time and the Americans with Disabilities Act. The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the treasurer pursuant to p. 1975.c.127, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices. The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions. The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions. The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (NJAC 17:27).

ARTICLE 47
CERTIFICATION OF CONSULTANT

In executing this Agreement the CONSULTANT's signatory certifies on behalf of the CONSULTANT that neither he, nor any other officer, agent or employee of the CONSULTANT has:

1. employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for him or the CONSULTANT) to solicit or secure this Agreement,
2. agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the Agreement, or
3. paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for him or the CONSULTANT) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement; except as expressly stated in a disclosure letter to the STATE which shall accompany the Agreement after execution by the CONSULTANT on submission to the Commissioner or his designee for execution.

The CONSULTANT acknowledges that this certificate furnished to the STATE and the Federal Highway Administration, U.S. Department of Transportation, in connection with this Agreement, is subject to applicable State and Federal laws, both criminal and civil.

ARTICLE 48
CERTIFICATION OF STATE

In executing this Agreement the STATE's signatory certifies that to the best of his knowledge, the CONSULTANT or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this Agreement, to:

1. employ or retain, or agree to employ or retain, any firm or person, or
2. pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as expressly stated in a disclosure letter to the Federal Highway Administration, U.S. Department of Transportation.

The STATE acknowledges that this certificate is to be furnished to the Federal Highway Administration, U.S. Department of Transportation, in connection with agreements involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

ARTICLE 49
NJDOT CODE OF ETHICS FOR VENDORS

1. No vendor* shall employ any NJDOT officer or employee in the business of the Vendor or professional activity in which the vendor is involved with the Department officer or employee.
2. No vendor shall offer or provide any interest, financial or otherwise, direct or indirect, in the business of the vendor or professional activity in which the vendor is involved with the Department officer or employee.
3. No vendor shall cause or influence, or attempt to cause or influence any NJDOT employee or officer in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of that NJDOT officer or employee.
4. No vendor shall cause or influence, or attempt to cause or influence, any NJDOT officer or employee to use or attempt to use his or her official position to secure any unwarranted privileges or advantages for that vendor or for any other person.
5. No vendor shall offer any NJDOT officer or employee any gift, favor, service or other thing of value under circumstances from which it might be reasonable inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the recipient in the discharge of his or her official duties. In addition, employees or officers of NJDOT will not be permitted to accept breakfasts, lunches, dinners, alcoholic beverages, tickets to entertainment and/or sporting events or any other item which could be construed as having more than nominal value.
NOTE: This section would permit an NJDOT employee or officer to accept food or refreshments of relatively low monetary value provided during the course of a meeting, conference or other occasion where the employee is properly in attendance (for example coffee, danish, tea or soda served during a conference break). Acceptance of unsolicited advertising or promotional materials of nominal value (such as inexpensive pens, pencils or calendars) would also be permitted.
Any questions as to what is or is not acceptable or what constitutes proper conduct for a Departmental employee or officer should be referred to the Department's Ethics Liaison Officer or his or her designee.
6. This code is intended to augment, not to replace, existing administrative orders and the current Departmental Code of Ethics.
7. This code shall take effect immediately upon approval of the N.J. Executive Commission on Ethical Standards and adoption by the NJDOT

* Vendor is defined as any general contractor, subcontractor, consultant, person, firm, corporation or organization engaging in or seeking to do business with NJDOT.

ARTICLE 50
CERTIFICATION OF RESTRICTIONS ON LOBBYING

In executing this Agreement, the CONSULTANT's signatory certifies on behalf of the CONSULTANT that to the best of his/her knowledge and belief:

- (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 any 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 influencing or attempting to influence 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.
- (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 is 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 section 1352, title 31, U.S. Code. 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.

ARTICLE 51
COMPUTER AIDED DRAFTING & DESIGN (CADD)
(last revised 01-2008)

This specification addresses the submission of digital CADD files to the NJDOT. When the submission of CADD files is not a

requirement of the Agreement and the Department later determines that such a submission is necessary, then the Consultant's submitted CADD files must comply with the Minimum Requirements and Media Requirements detailed near the end of this Article. If it is specified in the original Agreement that digital CADD files will be exchanged with the NJDOT, then all of the following requirements apply.

I. CADD Deliverables:

Engineering plans (drawings) shall be submitted in .dgn format as produced by Bentley Systems Microstation product, and shall be in accordance with the applicable Metric or English NJDOT CADD STANDARDS MANUAL, as published on the Internet at the NJDOT Web page. This document may be downloaded. The Web page also contains custom portions of the NJDOT CADD system, which may be downloaded. The files will greatly facilitate the provision of CADD files by others in accordance with DOT standards.

All support files will reside in the same directory (without subdirectories), and reference files shall be attached without device or directory specifications. Files shall be compressed using the Microstation "compress design" command before transfer to media, in order to remove deleted elements. All files (graphic and ASCII) necessary for accurate plan presentation shall be included. Hard copies of all electronic files and documentation shall be provided.

Any submitted file that does not conform to the NJDOT CADD Standards will be returned for correction, without additional compensation or schedule allowance. All CADD design files provided to the Department shall be compatible with the latest version of CADD software in use by the Department. Automated translations from a different graphics format are often incomplete, and do not result in fully compatible graphics files. The consultant is responsible to ensure and verify that the required information has been translated correctly and completely for the intended purpose.

II. File Format Requirements

Only files in standard file format(s) for the particular application used by the DOT CADD system (i.e. Microstation 7.x; SelectCAD INROADS 8.2; etc.) currently in use will be accepted. The Bentley format may also include those survey data files that serve as input to the engineering application, which is currently the Bentley Inroads product.

Geometry files for baselines and surfaces will be submitted in the current version in use at the NJDOT. The present formats are in the INROADS .ALG and .DTM formats respectively. Any input files used to produce the final files will also be provided. ASCII files may be provided as approved through consultation with the CADD Development Unit staff of the NJDOT.

The file formats and applications are subject to change as updates to the software are a normal industry occurrence. The consultant is expected to review the CADD pages on the NJDOT Website for any updates to formats and procedures. Contacting the NJDOT CADD Unit at the commencement of work is encouraged and recommended.

III. Survey File Requirements:

Where field survey information is to be submitted for the Department's use, strict adherence to the standards shown in the following formats as required by project scope of work is expected:

Metric Projects - Adherence to DOT CADD Metric Standards Manual is mandatory.

When Metric survey data is required, it will be collected electronically utilizing:

The Control Codes for the Bentley Systems SelectCAD Survey product and the NJDOT Metric Feature/Preference Codes.

The deliverables will be the files produced by the SelectCAD Survey product (.FWD) resulting from input from RW5 format field files.

The original and edited field files (RW5 format) will be provided to the Department as records of the survey.

English Projects - Adherence to DOT CADD English Standards is mandatory.

When English survey data is required, it will be collected electronically utilizing:

The Control Codes for the current Survey application in use at the NJDOT and the NJDOT English Feature/Preference Codes.

The deliverables will be the files produced by the current Survey application in use at the NJDOT resulting from data capture from Field Surveys.

The original and edited field files will be provided to the Department as records of the survey.

In the event that some other software is used to produce the engineering or survey data for a project, the Department may choose to accept data in ASCII format. The NJDOT CADD Development Unit should be contacted for direction and approval in this regard. Responsibility for correcting any file errors rests with the file provider.

IV. Aerial Photogrammetry Requirements:

When base mapping for engineering is produced from aerial photogrammetry, any survey information will be provided to the Department in the specified formats previously mentioned. This includes all control points, traverses, baselines, or other information that is used in conjunction with producing the photogrammetric information.

A detailed survey report shall also be submitted to the Project Manager, with copies to the NJDOT Geodetic Survey Office or appropriate Regional Survey Office. This report shall document the ground control used, the method of determining GPS coordinates, and the data reduction/software processes used. The design files with this information will be separate from the actual mapping files. The mapping files themselves will be drawn to the standards of the particular discipline requesting the mapping.

Standard Rules for Digitized Mapping:

- 1) No stream digitizing is allowed.
- 2) There will be no scale associated with elements in the design file (scale = 1:1).
- 3) There will be no rotation associated with views.
- 4) Contour lines and their corresponding elevations shall be placed in a design file separate from the rest of the topography. The contour lines and the elevation text are to be placed on different levels as per NJDOT CADD Standards. The contours and their elevations shall be drawn in a weight and size that meets the Department's standards when the design file is plotted at 1:300 for Metric or 1:30 for English.
- 5) All existing baseline data and traverse information with ground ties shall each be placed in separate files. Stationing, bearings and curve data must be supplied for all baseline alignments. Monument information, if included, should also be in the traverse file.
- 6) The coordinate system for all supplied files shall be an exact overlay to allow direct attachment of any reference file without manipulation.
- 7) If a graphically depicted grid system is supplied, it must be placed on a unique level or in a separate file.
- 8) All existing topographic features shall be placed in a separate design file as per NJDOT CADD standards.

NOTE:

The Digital Terrain Models (.dtm) files produced from aerial surveys **MUST** be free of any holes in the surface (except for large bodies of water or interiors of buildings). Additional ground survey may be required in obscured areas such as woods, or heavily shaded areas in order to provide a complete surface. The surveyed surfaces will be merged into the aerial survey surface as needed.

In the event that some other software is used to produce the engineering or survey data for a project, the Department may choose to accept data in ASCII format. The NJDOT CADD Development Unit should be contacted for direction and approval in this regard. Responsibility for correcting any file errors rests with the file provider.

V. Minimum CADD File Requirements: (updated 01-2008)

- 1) Graphics files must be Microstation (.dgn) format
- 2) Metric Working Units:
 - Master Units = m
 - Sub-Units = mm
 - 1000 sub-units/master unit

- 10 positional Units/sub-unit
 English Standard Working Units:
 (Microstation Version 7 format)
 Master Units = '
 Sub-Units = ''
 12 sub-units/master unit
 254 positional units/sub-unit
 (Microstation Version 8 Format files)
 The "Units.def" file is set to US Survey Feet
 Master Unit: Survey Feet Label: '
 Sub Unit: Custom Label: ''
 Custom Units:
 3.93700000' = 3.93700787 Feet
 And
 47.24400000' = 47.24409449 Inches
- 3) The global origin of all files should be set as follows:
 Metric or English 2D file: 0, 0
 Metric 3D file: 0, 0, -214000
 English 3D file: 0, 0, -700,000
 - 4) All drawings should be done at full scale (i.e. 1 meter or 1 foot in the design file equals 1 meter or 1 foot in the field.)
 - 5) Supply written documentation of level structure, element symbology, cell names etc.
 - 6) Supply plotting instructions and pen tables

The information depicted in the above table is current at the time of the writing of this article. The consultant is expected to review the NJDOT website for revisions to the Minimum CADD File requirements at the beginning of work for the contract. A meeting with the Department's CADD unit is encouraged and recommended as a kick-off to the preparation of the CADD files.

VI. Media Requirements:

The accepted media for file exchange are: 650Mh CD ROM, standard 3-1/2 diskettes, or the Internet thru Email or FTP site. Media will have a label indicating the contents and how the files were loaded, and should be accompanied with a supporting letter of documentation, which describes the contents and downloading procedure. Emailed files will contain the above information. If a FTP site is used, an email or mailed documentation of the above information will be sent in conjunction with the file delivery.

NJDOT encourages the consultant community to use the Internet as the simplest and quickest option for delivering/receiving electronic files. Attaching files to E-mail and forwarding them to the appropriate addressee could accomplish this. Files that are to be transferred via the Internet should be in PKZIP compressed format, not to exceed 100 MB in size.

The delivery of the files to the NJDOT does not preclude the consultant from delivering a set of mylars as the final deliverable for a project. The deliverables as outlined in this article are for specific use of the electronic information for In-House design activities.

ARTICLE 52 AMERICANS WITH DISABILITIES ACT

Equal Opportunity For Individuals With Disabilities.

The CONSULTANT and the STATE do hereby agree that the provisions of Title II of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. Sec. 12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the STATE pursuant to this contract, the CONSULTANT agrees that the performance shall be in strict compliance with the Act. In the event that the CONSULTANT, its agents, servants, employees, or subconsultants violate or are alleged to have violated the Act during the performance of this contract, the CONSULTANT shall defend the STATE in any action or administrative proceeding commenced pursuant to this Act. The CONSULTANT shall indemnify, protect, and save harmless the STATE, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation.

The CONSULTANT shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith.

In any and all complaints brought pursuant to the STATE'S grievance procedure, the CONSULTANT agrees to abide by any decision of the STATE which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the STATE or if the STATE incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the CONSULTANT shall satisfy and discharge the same at its own expense.

The STATE shall, as soon as practicable after a claim has been made against it, give written notice thereof to the CONSULTANT along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the STATE or any of its agents, servants, and employees, the STATE shall expeditiously forward or have forwarded to the CONSULTANT every demand, complaint, notice, summons, pleading, or other process received by the STATE or its representatives.

It is expressly agreed and understood that any approval by the STATE of the services provided by the CONSULTANT pursuant to this contract will not relieve the CONSULTANT of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the STATE pursuant to this paragraph.

It is further agreed and understood that the STATE assumes no obligation to indemnify or save harmless the CONSULTANT, its agents, servants, employees and subconsultants for any claim which may arise out of their performance of this Agreement. Furthermore, the CONSULTANT expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the CONSULTANT's obligations assumed in this Agreement, nor shall they be construed to relieve the CONSULTANT from any liability, nor preclude the STATE from taking any other actions available to it under any other provisions of this Agreement or otherwise at law.

ARTICLE 53

NOTICE OF ALL STATE VENDORS OF SET-OFF FOR STATE TAX

Please be advised that pursuant to P.L. 1995, c. 159, effective January 1, 1996, and notwithstanding any provision of the law to the contrary, whenever any taxpayer, partnership or S corporation under contract to provide goods or services or construction projects to the State of New Jersey or its agencies or instrumentalities, including the legislative and judicial branches of State government, is entitled to payment for those goods or services at the same time a taxpayer, partner or shareholder of that entity is indebted for any State tax, the Director of the Division of Taxation shall seek to set off so much of that payment as shall be necessary to satisfy the indebtedness. The amount set-off shall not allow for the deduction of any expense or other deductions which might be attributable to the taxpayer, partner, or shareholder subject to set-off under this Act.

The Director of the Division of Taxation shall give notice of the set-off to the taxpayer, partner or shareholder and provide an opportunity for a hearing within 30 days of such notice under the procedures for protests established under R.S. 54:49-18. No request for conference, protest, or subsequent appeal to the Tax Court from any protest shall stay the collection of the indebtedness. Interest that may be payable by the State, pursuant to P.L. 1987, c. 184 (c. 52:32-32 et seq.) to the taxpayer shall be stayed.

ARTICLE 54

BUSINESS REGISTRATION FOR PROVIDERS OF GOODS AND SERVICES TO THE STATE

The Consultant shall provide to the NJDOT, within fifteen (15) State business days of receiving notice of its selection, proof of its and all subconsultants' valid business registration with the Division of Revenue in the New Jersey Department of Treasury. The Consultant Agreement will not be entered into by the NJDOT unless the Consultant first provides proof of valid business registration in compliance with P.L. 2001, c.134 (N.J.S. 52:32-44).

A copy of the Business Registration Certificate (BRC) must be submitted by the firm at the time of technical proposal submittal for 100% State funded solicitations. A copy of the BRC need not be provided with the technical proposal for Federally funded projects, but shall continue to be provided by the selected firm prior to agreement execution. Failure by a firm to submit a copy of a valid BRC with its proposal for any solicitation which is 100% State funded will result in the proposal not being evaluated by the Department.

Pursuant to the above law, the Consultant is further notified that no subcontract shall be entered into by any consultant under any contract with the NJDOT unless the subconsultant first provides proof of valid business registration. The NJDOT will not consent to

any proposed subconsultant unless the Consultant forwards the required proof of the subconsultant's valid business registration, which is required prior to agreement execution.

ARTICLE 55
PUBLIC WORKS CONTRACTOR REGISTRATION FOR WORK
COVERED BY N.J. PREVAILING WAGE ACT

To the extent that work performed by the Consultant or any subconsultant is governed by the New Jersey Prevailing Wage Act, N.J.S. 34:11-56.25 et seq., then pursuant to P.L. 2003, c. 91 (N.J.S. 34:11-56.48 et seq.), the Consultant shall provide to the NJDOT proof of the Consultant's and/or subconsultant's valid, current registration with the New Jersey Department of Labor as a "Public Works Contractor" prior to the start of such work.

ARTICLE 56
PUBLIC LAW 2005, CHAPTER 51
(FORMERLY KNOWN AS EXECUTIVE ORDER 134)
SPECIAL PROVISIONS
100% STATE FUNDED PROFESSIONAL SERVICE CONTRACTS

A. PURPOSE OF PUBLIC LAW 2005, CHAPTER 51 (EXECUTIVE ORDER 134)

Executive Order 134 ("EO 134") was signed on September 22, 2004, in order to safeguard the integrity of State government procurement by imposing restrictions to insulate that process from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof. Pursuant to the requirements of EO 134, the terms and conditions set forth in this section are material terms of this contract.

B. DEFINITIONS

For the purpose of this section, the following shall be defined as follows:

1) Contributions means a contribution reportable by the recipient under of "New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 173, c. 83 (C.10:44A-1 et seq.), and implementing regulations set forth at N.J.A.C. 19-25-7 and N.J.A.C. 19:25-10.1 et seq. Currently, contributions in excess of \$400.00 during a reporting period are deemed "reportable" under these laws.

2) Business Entity means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other state or foreign jurisdiction. It also includes (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under 26 U.S.C.A. 527 that is directly or indirectly controlled by the business entity other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person's spouse or child, residing therewith.

C. PROHIBITED CONDUCT

The DEPARTMENT will not enter into a contract for professional services with any Business Entity where the value of the contract exceeds \$17,500, if the Business Entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions, to a candidate committee and/or election fund of any candidate for or holder of the public office of Governor, or to any State or county political party committee during certain time periods as specified in EO 134 and the EO 134 Certification form provided by the DEPARTMENT.

D. CERTIFICATION AND DISCLOSURE REQUIREMENTS

1) Requirements Prior to Contract Execution

Prior to the execution of the contract by the DEPARTMENT, a Business Entity shall submit to the DEPARTMENT an EO 134 Certification and an EO 134 Disclosure of Political Contributions on forms provided by the

DEPARTMENT. Separate forms must be submitted for each Business Entity as defined in paragraph B.2 above. The forms shall be signed by a duly authorized representative of the Business Entity and shall certify that the Business entity has made no contributions prohibited by EO 134 and shall report all contributions made by the Business Entity since October 15, 2004, to any political organization organized under 26 U.S.C. 527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the mean of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. The DEPARTMENT will not enter into a contract with any Business Entity which fails to submit the required Certification and Disclosure.

2). Continuing Obligations of the Business Entity After Contract Execution to Comply with EO 134.

The Business Entity shall on a continuing basis disclose and report to the DEPARTMENT any contributions made during the term of the contract by the Business Entity on forms provided by the DEPARTMENT at the time it makes the contribution.

F. STATE TREASURER REVIEW

The State Treasurer or his designee shall review the Disclosures submitted by the Business Entity pursuant to these Special Provisions as well as any other pertinent information concerning the contributions or reports thereof prior to contract execution and on a continuing basis during the term of the contract. If the State Treasurer determines that any contribution or action of the Business Entity constitutes a breach of contract or conflict of interest pursuant to these special provisions or the terms EO134, the State Treasurer shall disqualify the business entity from entering into this contract or future contracts pursuant to the terms of EO 134.

F. BREACH OF CONTRACT

It shall be a breach of the terms of the contract for the Business Entity to (i) make or solicit a contribution in violation of EO 134; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or to any State or county party committee; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself would subject that entity to the restrictions of EO 134; (vi) fund contributions made by third parties including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of EO 134; or (viii) directly or indirectly through or by any other person or means, do any action which would subject that entity to the restrictions of EO 134.

ARTICLE 57

WORK TO BE PERFORMED WITHIN UNITED STATES
(Effective 08-03-2005, for 100% State-funded Contracts)

Pursuant to P.L. 2005, c.92, all services performed under this contract or performed under any subcontract awarded under this contract shall be performed within the United States.

ARTICLE 58

REVISIONS TO AUDIT REQUIREMENTS
(effective 04-01-2008, revised 07-01-2008)

All Consultants and Sub-consultants **not classified** as "Exempt": Consultants registered as an NJDOT Emerging Small Business Enterprise (less than \$6.5 Million in annual Gross Revenues), or State of New Jersey Small Business Enterprise Categories 1 & 2 (less than \$5 Million in annual Gross Revenues), **shall engage** a qualified auditor to conduct Overhead and Direct Cost Audits (O/D) for those prior years unaudited contract costs, if there is \$50,000.00 or more of NJDOT related Direct Labor in any one fiscal year on Cost Plus Fixed Fee contracts. A qualified auditor is defined as an independent CPA, an agency of the Federal government, and/or State Transportation Agency. The Consultant's auditors should have knowledge of the following regulations applicable to the audit of a consulting engineer's indirect cost rates:

- Generally Accepted Government Auditing Standards (GAGAS referred to as "Yellow Book" revised 2007) for financial and compliance audits.

- Code of Federal Regulations, Title 48, Federal Acquisition Regulations (FAR) Part 31.0, 31.1, 31.2.
- State of New Jersey Current Circular Letters regarding Travel Regulations and Automobile Mileage Reimbursement.
- Department Policy 336 for Travel Regulations.

All Consultants and Sub-Consultants **classified** as "Exempt"; Consultants registered as an NJDOT Emerging Small Business Enterprise (less than \$6.5 Million in annual Gross Revenues), or State of New Jersey Small Business Enterprise Categories 1 & 2 (less than \$5 Million in annual Gross Revenues), **will not** be required to engage a qualified independent CPA firm to conduct the necessary Overhead and Direct Cost audits for those prior years' unaudited costs. Exempted firms will be required to prepare and submit annual overhead schedules adjusted in accordance with the regulations noted herein, along with a signed Compliance Certification Form. NJDOT-hired CPA firms may continue to audit companies that are classified as "Exempt", or those Non-Exempt firms that have incurred less than \$50,000.00 in Direct Labor for any one fiscal year on a Cost Plus Fixed Fee contract, based on a review of the submitted firm adjusted Overhead Rate, unless these firms voluntarily choose to hire a CPA firm themselves. NJDOT-hired CPA firms may also continue to audit any contracted Utility and Rail firms.

The Department **will accept** an independent CPA firm's **combined package** of the submitted Overhead, Direct Cost Audit and "Settle-Up Schedule" **at one time**, subject to a subsequent Quality Assurance Review.

Those "Exempt" Consultants, and those non-exempt Consultants with less than \$50,000.00 of Direct Labor in any one fiscal year, **that do not hire an independent CPA firm to prepare their Overhead Rate**, must submit their firm adjusted and prepared Overhead Rate for Bureau of Auditing review and acceptance **prior to submission** of the Direct Cost audit and "Settle-Up Schedule". In addition, a **Compliance Certification Form must accompany** the overhead statement **certifying** that all required audit criteria were met.

The Consultant is responsible for the final calculation of the amount due the Consultant and/or any payment due the Department from the Consultant as a result of any audit findings. The Consultant shall submit a completed "Settle-Up Schedule" (Exhibit A) detailing the basis for its final payment determinations and adjustments. A payment must be enclosed with the "Settle-Up Schedule" for amounts due to the Department, and a payment voucher submitted for amounts due to the Consultant.

The Department requires submission of an O/D Audit within 9 months following the close of the Consultant's fiscal year. The Overhead rate will be effective the month following receipt by the Department.

The Department reserves the right to perform or engage independent CPA firms to conduct Quality Assurance reviews of all consultant-hired CPA firms to ensure compliance with the Department's requirements.

Oversight of Quality Assurance reviews conducted by the Department and hired CPA firms shall include evaluating the completed work program and corresponding supporting documentation. The Department's Bureau of Auditing (BOA) will retain final authority to approve or disapprove all Overhead Audit reports. BOA staff will then authorize its concurrence with the CPA firm's final determination as to the overall acceptability of the audit. Audits will not be accepted when standards involving independence and external quality control as mandated by GAGAS are not met. Oversight of audits performed by NJDOT-hired CPA firms of companies which fall under the thresholds noted herein will continue to include the detailed review and approval of all working papers and reports to assure compliance with the applicable regulations.

In lieu of consultant hired CPA audits, the Department will accept overhead audits which have been approved by the cognizant home State agency in accordance with Federal regulations. The cognizant home State agency refers to a Federal or State government agency located in the State where the company's headquarters and corporate accounting records reside. For consultant firms with headquarters and corporate accounting records located in New Jersey, but operations in other States, the Department can act as the cognizant agency in approving Overhead rate audits. FHWA guidance defines a cognizant audit for the indirect cost rates as follows:

- A Cognizant Agency performs or directs the work of a CPA who performs the indirect cost audit.
- A Non-Home State auditor, or CPA working under the Non-Home State's direction, issues an audit report and the Home State issues a letter of concurrence.

- C. An indirect cost audit performed by a CPA hired by the firm will become a cognizant, if one of the following conditions is met:
1. The Home State reviews the CPA's working papers and the Home State issues a letter of concurrence with the audit report.
 2. A Non-Home State reviews the CPA's audit work papers and issues a letter of concurrence with the CPA's report, which is then accepted by the Home State. If the Home State does not accept the Non-Home State review, the Home State has 180 days from the receipt to complete a review of the CPA audit report and either concur with it, modify it, or reject it due to a material error requiring resubmittal; otherwise, the CPA audit report with which the Non-Home State has concurred will be cognizant for the one year applicable accounting period.

The cost of Overhead Audits is an eligible overhead cost and therefore billable through increased overhead billing across all contracts. The cost of Direct Cost Audits is eligible for reimbursement against the individual contracts being audited. In those instances where a direct cost audit engagement includes the audit of more than one consultant agreement, the CPA audit costs will be distributed amongst the audited agreements proportional to the total agreement expenditures to date. The Department will agree to modify consultant agreements to reflect the actual auditing cost allocable to each project.

ARTICLE 59
CERTIFICATION OF FINAL INDIRECT COSTS
(effective 01-01-2011)

New policy regarding indirect costs has been issued as Federal Highway Administration (FHWA) Order 4470.1A dated October 27, 2010. This policy requires contractors to certify that costs in accordance with the applicable cost principles contained in the Federal Acquisition Regulations Title 48, Code of Federal Regulations Part 31 were used to establish indirect cost rates for application to Federal-aid engineering and design-related services contracts (as defined in 23 U.S.C. 112(b) (2) (A), 23 CFR 172.3, and State/Local laws and regulations). The FHWA has directed that engineering and design-related consultant services contracts procured, awarded, or modified after January 1, 2011, should have a contractor certification of the allowability of costs used to establish the final indirect cost rate in accordance with FAR cost principles for the applicable term of the contract, or verification that this certification was previously submitted and accepted by the contracting agency. This rate will also be used for contract estimation, negotiation, administration, reporting and payment purposes.

The enclosed Certification of Final Indirect Costs Form must be submitted by each Consultant firm with each yearly or interim Overhead Rate submission whether it is prepared by an independent CPA firm, or as a "firm-prepared" indirect cost rate.

A contractor found to have knowingly charged unallowable costs to a Federal-aid funded agreement is subject to suspension and debarment actions by the FHWA (as specified in FHWA Order 2000.2A, FHWA Nonprocurement Suspension and Debarment Process (Federal-Aid Program) dated June 19, 2000, and 2 CFR 180). Failure to provide the completed Certification form with the annual indirect cost rate submissions will also place the firm in a non-compliant status with NJDOT.

The Order is available on FHWA's Consultant Services web site at <http://www.fhwa.dot.gov/programadmin/consultant.cfm>.

ARTICLE 59
CERTIFICATION OF FINAL INDIRECT COSTS

Firm Name: _____

Indirect Cost Rate Proposal: _____

Date of Proposal Preparation (mm/dd/yyyy): _____

Fiscal Period Covered (mm/dd/yyyy to mm/dd/yyyy): _____

I, the undersigned, certify that I have reviewed the proposal to establish final indirect costs rates for the fiscal period as specified above and to the best of my knowledge and belief:

- 1.) All costs included in this proposal to establish final indirect cost rates are allowable in accordance with the cost principals of the Federal Acquisition Regulations (FAR) of title 48, Code of Federal Regulations (CFR), part 31.

- 2.) This proposal does not include any costs which are expressly unallowable under the cost principals of the FAR of 48 CFR 31.

All known material transactions or events that have occurred affecting the firm's ownership, organization and indirect cost rates have been disclosed.

I understand that this rate is: 1) subject to review and concurrence by the NJDOT Bureau of Auditing prior to application and use, 2) subject to further audit verification based on the risk assessment performed (a 'cognizant audit' would satisfy our needs and preclude any type of a risk assessment from having to be performed), and 3) any acceptance of this rate does not extend beyond contracts with the New Jersey Department of Transportation.

Signature: _____

Name of Certifying Official (Print): _____

Title: _____

Date of Certification (mm/dd/yyyy): _____

Appendix 15

New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction 2007

Division 100 – General Information

107.02 Discrimination in Employment on Public Works

Pursuant to N.J.S.A. 10:2-1, the Contractor agrees that in the hiring of persons for the performance of work under the Contract or any subcontract, or for the procurement, manufacture, assembling, or furnishing of materials, equipment, supplies, or services to be acquired under the Contract, the Contractor, subcontractor, or any person acting on their behalf shall not discriminate against any person who is qualified and available to perform the work to which the employment relates by reason of race, creed, color, national origin, age, ancestry, marital status, gender, or affectional or sexual orientation.

The Contractor, subcontractor, or any person acting on their behalf shall not, in any manner, discriminate against or intimidate any employee engaged in the performance of the Work under the Contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling, or furnishing of any such materials, equipment, supplies, or services to be acquired under such Contract, by reason of race, creed, color, national origin, age, ancestry, marital status, gender, or affectional or sexual orientation.

The Department has the right to deduct a penalty of \$50.00 for each person for each day that the person is discriminated against or intimidated in violation of the provisions of the Contract pursuant to N.J.S.A. 10:2-1. The Department has the right to terminate the Contract, and any monies due the Contractor under the Contract may be forfeited, for any violation of this Subsection occurring after notice to the Contractor from the Department of any prior violation of this Subsection.

107.03 Affirmative Action, Disadvantaged Business Enterprises, or Emerging Small Business Enterprise

It is the public policy of the State and of the United States that no individual, group, firm, or corporation working on or seeking to work on a Public Works Project should be discriminated against on the basis of race, creed, color, national origin, age, ancestry, nationality, marital or domestic partnership status, gender, disability, liability for military service, affectional or sexual orientation, atypical cellular or blood trait, or genetic information (including the refusal to submit to genetic testing). The Department has developed Affirmative Action, Disadvantaged Business Enterprise, or Emerging Small Business Enterprise Programs to implement this policy, and the regulations and requirements applicable to the Contract are contained in the Special Provisions. The Department will resolve conflicts between these regulations and requirements and the other provisions of the Contract to further the above stated public policy.

Appendix 16



LANGUAGE IDENTIFICATION FLASHCARD

املأ هذا المربع إذا كنت تقرأ أو تتحدث العربية.

Arabic

Խոսողո՞ւմ ե՞սք նշո՞ւմ կատարեք այս քանակությունը,
կթիխասունը կամ կարողո՞ւմ եք հարկերն:

Armenian

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

Bengali

សូមញាតក្នុងប្រអប់នេះ បើអ្នកអាន ឬចិញ្ចាញភាសា ខ្មែរ ។

Cambodian

Matka i kahhon komu un taitai pat un sang i Chamorro.

Chamorro

如果您具有中文閱讀和會話能力，請在本空格內標上X記號。

Chinese

Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen.

Creole

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

Croatian (Serbo-Croatian)

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

Czech

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

Dutch

Mark this box if you read or speak English.

English

اگر خواندن و نوشتن فارسی بدرهستین، این مربع را علامت بگذارید.

Farsi

<input type="checkbox"/> Cocher ici si vous lisez ou parlez le français.	French
<input type="checkbox"/> Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	German
<input type="checkbox"/> Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	Greek
<input type="checkbox"/> अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस गोले पर चिह्न लगाएँ।	Hindi
<input type="checkbox"/> Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	Hmong
<input type="checkbox"/> Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	Hungarian
<input type="checkbox"/> Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	Ilocano
<input type="checkbox"/> Marchi questa casella se legge o parla italiano.	Italian
<input type="checkbox"/> 日本語を読んだり、話せる場合はここに印を付けてください。	Japanese
<input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	Korean
<input type="checkbox"/> ໃຫ້ທ່ານເລືອກຖິ້ງ ຕື່ນທີ່ກ່ຽວກັບພາສາລາວ.	Laotian
<input type="checkbox"/> Zaznacz tę kratkę jeżeli czyta Pan/Pani lub mówi po polsku.	Polish
<input type="checkbox"/> Assinale este quadrado se voce lê ou fala Português.	Portuguese

<input type="checkbox"/> Însemnați această casuță dacă citiți sau vorbiți Românește.	Romanian
<input type="checkbox"/> Пометьте этот квадратик, если вы читаете или говорите по-русски.	Russian
<input type="checkbox"/> Maka pe fa'ailoga le pusa lea pe afai e te faitau pe tusitusi i le gagana Samoa.	Samoan
<input type="checkbox"/> Обележите овај квадратик уколико читате или говорите српски језик.	Serbian (Serbo-Croatian)
<input type="checkbox"/> Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	Slovak
<input type="checkbox"/> Marque esta casilla si lee o habla español.	Spanish
<input type="checkbox"/> Markahan ang kahon na ito kung ikaw ay nagsasalita o nagbabasa ng Tagalog.	Tagalog
<input type="checkbox"/> ให้ทำเครื่องหมายลงในช่องว่างที่กำหนดไว้ด้วย.	Thai
<input type="checkbox"/> Faka'ilonga'i 'ae puha ko'eni kapau 'oku te lau pe lea 'ae lea fakatonga.	Tongan
<input type="checkbox"/> Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	Ukrainian
<input type="checkbox"/> اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانہ میں نشان لگائیں.	Urdu
<input type="checkbox"/> Xin đánh dấu vào ô này nếu quý biết đọc và nói được Việt Ngữ.	Vietnamese
<input type="checkbox"/> צייכנט דעם קעסטל אויב איר שרייבט אדער ליינט אידיש.	Yiddish

WHAT DO YOU NEED ?

¿Qué necesita usted ?
(Por favor apunte al dibujo)

GASOLINE



Gasolina

WATER FOR
YOUR VEHICLE



Agua para el
vehículo

WHAT DO YOU NEED ?

¿Qué necesita usted ?
(Por favor apunte al dibujo)

FLAT



Arreglar una llanta

TIRE
REPAIR

(o goma) desinflada

A DOCTOR



Un médico

WHAT DO YOU NEED ?

¿Qué necesita usted ?
(Por favor apunte al dibujo)

A ROAD MAP



Un mapa de las
carreteras

A TELEPHONE



Un teléfono

WHAT DO YOU NEED ?

¿Qué necesita usted ?
(Por favor apunte al dibujo)

A TOW TRUCK



Una grúa

THE POLICE



La Policía

Appendix 17



New Jersey Department of Transportation Project Delivery Process



	Problem Solving	Concept Development	Preliminary Engineering	Final Design	Construction
Funding	<p>Planning Funds</p>	<p>Planning Funds</p>	<p>Preliminary Engineering Authorization</p>	<p>Final Design Authorization ROW/Utility Authorizations</p>	<p>Construction Authorization</p>
Key Tasks	<p>Conduct Tier 1 Screening Subject Matter Expert Review Check NIDOT Management Systems Prioritize Problem Statements Conduct Tier 2 Screening Validate Problem Recommend Preliminary Project Scope CPO Approval and Assignment</p>	<p>Conduct Data Collection Evaluate Deficiencies and Identify Fatal Flaws Evaluate Planning Alternatives Coordinate with Stakeholders Complete Environmental Screening Assess Right of Way (ROW) and Access Impacts Determine Preliminary Preferred Alternative (PPA) Identify Subcontracted Design Elements Determine Environmental Document Prepare Construction Cost Estimate Select Designer</p>	<p>Coordinate with Stakeholders Conduct Environmental Analysis for EPA Initiate Roadway Engineering Initiate Structural Engineering Initiate ROW and Access Initiate Utility Engineering Prepare Final Design and Construction Cost Estimates Manage Project Contracts</p>	<p>Manage Project Communications Complete Roadway Engineering Complete Structural Engineering Complete ROW and Access Complete Utility Engineering Complete Environmental Process Prepare Final Design Submission Certify Construction Contract Documents Manage Project Contracts</p>	<p>Advertise for Bids Award Project Conduct Construction Meeting Conduct Mobilization Manage Construction Changes Conduct Construction Operations Complete Construction Closeout Project</p>
Public Involvement	<p>Obtain MPD Approval and Public Input</p>	<p>Execute Public Involvement Action Plan</p>	<p>Execute Public Involvement Action Plan</p>	<p>Execute Public Involvement Action Plan</p>	<p>Keep Public Informed Maintain Community Support</p>
Key Products	<p>Problem Statement Validation Tier 1 Documentation Tier 2 Screening Report Cluster Proposed Project Assignment</p>	<p>Design Communications Report Concept Development Report Purpose and Need Statement Preliminary Preferred Alternative Environmental Document Classification Preliminary Engineering Scope Statement</p>	<p>Design Communications Report Preliminary Engineering Report Approved Environmental Document Approved Design Exception Report Cost Estimates (Final Design & Construction) Approved Project Plan Final Design Scope Statement</p>	<p>Design Communications Report Environmental Resolutions and Permits Access Permits Acquisition of ROW Construction Contract Documents Supporting Agreements</p>	<p>Design Communications Report Completed Project As-Builts Closeout Documentation</p>
	<p>Division of Capital Investment and Planning Division of Project Management</p>	<p>Division of Project Management</p>	<p>Division of Project Management</p>	<p>Division of Project Management</p>	<p>Division of Project Management and Division of Construction Services and Materials Operations</p>

Appendix 18

CONSTRUCTION PROCEDURES HANDBOOK



CONSTRUCTION PROCEDURES HANDBOOK



CONSTRUCTION PROCEDURES HANDBOOK



CONSTRUCTION PROCEDURES HANDBOOK



- k) United States Department of Labor,s "Job Safety and Health" poster in English (Federal Projects Only)
- l) United States Department of Transportation's "Wage Rate Information" poster (Federal Projects Only)
- m) Davis Bacon Wage Rate Poster (Federal Projects Only)
- n) United States Department of Transportation's "Notice of False Statement" poster (Federal Projects Only)
- o) United States Department of Labor,s "Employee Polygraph Protection Act" poster in English and Spanish (Federal Projects Only)

2. Wage Rate Inspections (Form DC-126)

To ensure contractors' compliance with prevailing wage rates on all projects, the RE and/or designated staff must conduct wage rate inspections based on a representative sampling of the Contractor and each subcontractor's workforce. A representative sampling is defined as a wage rate inspection and interview for each craft employed by each contractor on the project. The inspections are to include an examination of payroll data and confidential interviews with employees (see 29 CFR § 5.6(a)(3)). Payroll inspections and interviews are to be conducted on at least one employee per craft for the Contractor and each subcontractor's employees, at least once for the duration of the project. Employee interviews are intended to be private from their employer. Each employee should be informed that the information given is confidential, and that his/her identity will not be disclosed to the employer without the employee's written permission (see 29 CFR § 5.6(a)(5)). Complaints of alleged violations are to be investigated by the RE by performing inspections and confidential interviews with the complainant employee(s) or with employee(s) with whom an allegation of a wage rate violation is alleged.

If a wage rate inspection interview is conducted with an individual that does not speak English, or has difficulty communicating in English, the RE should attempt to have another employee act as an interpreter. If an interpreter is used, the interviewer will note it on the wage rate inspection. If an interpreter is unavailable at the time of the interview, the interview should be suspended and rescheduled for a later date. The RE will consult with Civil Rights concerning interpreter services when necessary.

Information on Davis-Bacon and Related Acts (DBA/DBRA) Compliance Principles can be found in the US Department of Labor (USDOL) Prevailing Wage Resource Book at:

<http://www.dol.gov/whd/recovery/pwrb/Tab16DBCompliance.pdf>

Prevailing Wage Rates

The DBA/DBRA provide laborers and mechanics on covered federally financed or assisted construction contracts the right to receive no less than the State prevailing wage rate and fringe benefits for the type of work performed (see 29 CFR § 1, 29 CFR § 5, The Davis-Bacon Act WH-1246 (see, <http://www.dol.gov/whd/reg/statutes/dbra.htm>) and 23 USC § 113).

For Federal wage rates, a "general wage determination" (GWD) (see <http://www.dol.gov/whd/programs/dbra/faqs/wd-gen.htm>) reflects those rates determined to be prevailing in a specific geographic area for the type of construction described. A GWD contains no expiration dates and are effective from their date of publication on the Wage Determination On Line (WDOL) website at <http://www.wdol.gov> (see 29 CFR 1.6(a)(2)). The published GWD can be obtained in the WDOL website. Select the appropriate county, selecting construction type: HIGHWAY.

State wage rates may be obtained from the New Jersey Department of Labor (NJDOL) & Workforce Development by accessing the Department of Labor & Workforce Development's web site at

http://lwd.dol.state.nj.us/labor/wagehour/wagehour_index.html

If the prevailing wage rate prescribed for any craft by the United States Secretary of Labor is not the same as the prevailing wage rate prescribed for that craft by the NJDOL, pay the higher rate. (Typically the New Jersey wage rate is higher than the Federal rate)

Wage Rate Inspection [Form DC-126](#) must be completed as indicated on the form instructions.

The RE will ensure copies of the completed Wage Rate Inspections, Form DC-126 are submitted to the Division of Civil Rights/Affirmative Action's (DCR/AA) Wage Rate Unit. This submission is to be accompanied by submission of the [Form DC-127](#) Monthly Certification of Contractors' Payrolls discussed below. The original completed Wage Rate Inspection forms are to remain in the project's files.

Prevailing wage requirements do not apply to truck drivers for the following situations:

- a) Dropping off material from a material source not considered adjacent to the project (however prevailing wages do apply when deliveries are between two work sites covered by prevailing wage requirements)
- b) Making deliveries from a commercial supplier off "the site of the work".
- c) Removing material from the project and taking it to a commercial facility

However, if a truck driver delivering material performs work on the project other than normal methods of unloading the material, that work is subject to prevailing wage rate requirements. Similarly, if a truck driver picking up or removing material from the project site, performs work on the project other than normal methods of loading the material, that work is subject to prevailing wage requirements.

Truck Owner-Operators are independent contractors and not employees of a contractor or any other company. Truck owner-operators are not subject to prevailing wage requirements. However, if the truck owner-operator is performing work on the project site, the individual must appear on the contractor's payrolls and be identified as an owner-operator, but need not list hours or wage rates. It is important to note that the exemption only applies to the actual truck owner, and employees of truck owner-

operators are subject to prevailing wage requirements.

Conversely, equipment owner-operators are not exempt from prevailing wage requirements, and the operators must be shown on contractor's payrolls.

Payroll Discrepancies - If the RE's review indicates that there may be discrepancies or violations of the labor regulations, the RE is to attempt to resolve the matter with or through the Contractor. If the matter still remains unresolved after ten working days, the RE is to notify the DCR/AA's Wage Rate Unit by memorandum and present any pertinent documents for their determination regarding the appropriate withholding to be made on the monthly estimate (see 40 USC § 3142(c)(3) and 29 CFR § 5.5(a)(2)). The RE is not required to withhold payment from the monthly estimates for unresolved labor discrepancies or violations. This is handled by the NJDOT Accounting Unit in conjunction with the Department of Labor. In addition to withholdings and liquidated damages, as provided in FHWA 1273 IV.9, termination of the Contract may be considered for continued violations. For more serious violations, debarment from future contracts for up to three years maybe pursued by the USDOL.

3. Certified Payrolls and Statements of Compliance

Contractor Submissions - The Contractor is required to submit weekly Certified Payrolls and Statements of Compliance for itself and each subcontractor on the project (FHWA 1273 § V.2(c)) (see <http://www.fhwa.dot.gov/programadmin/contracts/1273.cfm#V>). The Contractor must furnish the RE with an original (to be maintained in the project files) and one copy of the payrolls and weekly statements of compliance to the RE within **ten (10) days** of the date of the payment covered therein. If the Contractor is not up to date with the submission of his and subcontractor payrolls, the RE will send the Contractor a written notice detailing the outstanding payrolls. If the Contractor has not submitted the outstanding payrolls detailed in the notice by the following estimate, the RE will not process an estimate until the Contractor is in compliance (see 2011 CPH Section VI Subsection N).

Because, the NJDOL has the authority to sanction contractors for the late submission of certified payrolls, the RE is required to maintain a RE Late Payroll log [Form DC-129](#) for payrolls that are not submitted on a timely basis. If the Contractor or subcontractor is habitually late in submitting payrolls, the RE is to notify the DCR/AA's Wage Rate Unit by memorandum and include a copy of all pertinent documentation (including the RE Payroll Log Form DC-129).

Payroll Review - The RE or designated staff member will review each payroll and its supplemental sheets to verify that (see 29 CFR § 5.5(a)(3)(ii)):

- a) The project name or other description, federal project and/or DP numbers are correct;
- b) The number of employees on the payroll appears to be correct;
- c) The number of employees being paid overtime appears to be correct;
- d) The basic hourly rate and overtime rate for each classification are not less than the NJDOL's prevailing wage rate and, where applicable, the USDOL's minimum wage rate for the project. (Note: If codes are used for work

- classifications or deductions, a code key must be attached to each payroll);
- e) The name, ethnicity, gender and last four digits of employee's social security number are shown on the payroll;
 - f) The daily and weekly hours are shown for each employee;
 - g) The deductions are itemized and properly identified (by name, not amount);
 - h) Specific work classifications are used.

Weekly Statement of Compliance - Certified Payrolls must use [Form CR-347](#) Payroll or a form with the exact information and statement of compliance (see 29 CFR § 5.5(a)(3)(ii)(b)). The RE or staff will review the Weekly Statement of Compliance to determine if the required information has been entered on the form by the contractor, and particularly that:

- a) Payroll deductions are identified (by name, not amount);
- b) The method for paying fringe benefits (either fringe benefits are paid to approved plans, funds or programs or paid in cash) is indicated and;
- c) The form is signed by the individual whose name appears in the first paragraph.

Corrected Payrolls and Corrected Weekly Statement of Compliance - If the review of a payroll or Statement of Compliance indicates that there are errors or discrepancies, the RE will inform the Contractor of the errors or discrepancies and request a corrected or supplemental payroll and/or a corrected Weekly Statement of Compliance, which the RE will then attach to the original documents. The RE should not return the original payroll to the Contractor.

Violations - If the review of a payroll indicates that there may be violations of the labor regulations, the RE will attempt to resolve the matter with the Contractor. If the matter remains unresolved after ten working days, the RE will notify the DCR/AA's Wage Rate Unit by memorandum and present any pertinent documents. The following are some of the typical violations of the DBRA requirements:

- Misclassification of laborers and mechanics;
- Failure to pay full prevailing wage, including fringe benefits, for all hours worked (including overtime hours);
- Inadequate recordkeeping, such as not counting all hours worked or not recording hours worked by an individual in two or more classifications during a day;
- Failure to maintain a copy of bona fide apprenticeship program and individual registration documents for apprentices;
- Failure to submit certified payrolls weekly; and
- Failure to post the Davis-Bacon poster and applicable wage determination.

Recordkeeping - Contractors and subcontractors are required to retain employee records, including payroll records, during the course of the Contract and preserve them for three years after final payments and all other pending matters are closed; i.e. FHWA's final acceptance of the project (see 29 CFR § 5.5(a)(3)(i), 23 CFR 635.118, and 49 CFR § 18.36(i)(11)).

4. Monthly Certification of Contractor's Payroll (Form DC-127)

Each month, a Monthly Certification of Contractor's Payrolls Form DC-127 is to be completed and signed by the RE to verify that all Contractor and subcontractor payrolls have been received and reviewed as required.

Within **15 days** after the end of the month (certification period), a copy of the completed Form DC-127 will be forwarded to the DCR/AA's Wage Rate Unit, along with a copy of all Wage Rate Inspections Form DC-126 conducted during the month (certification period).

5. Quarterly Summary of Contractor's Payroll (Form DC-128)

Within **30 days** after the calendar quarter ends, a Quarterly Summary of Contractors Payrolls Form DC-128 is to be completed by the RE and forwarded to the DCR/AA's Wage Rate Unit along with one copy of all payrolls, supplemental sheets and Weekly Statements of Compliance that were reviewed and accepted for the quarter.

The RE will provide an attachment/memorandum to the DC-128 detailing any payroll discrepancies.

6. Project Completion Notification to DCR/AA

The RE will send a memorandum of notification to the supervisor of the DCR/AA's Wage Rate Unit immediately following Completion of the project. This notification is to include the following:

- 1) The date of Completion as specified in 101.03 of the 2007 Specifications.
- 2) If applicable, a statement to the effect that there are unresolved labor violations at the field level.
- 3) If applicable, a list of approved subcontractors that were not utilized on the project.

7. Equal Employment Opportunity

EEO compliance is a set of ongoing processes that, if effectively implemented, will help ensure nondiscrimination and equal opportunity on all Federal Aid and State funded NJDOT contracts. A contractor is considered to be in compliance when the equal opportunity requirements have been effectively implemented, or there is evidence that every good faith effort has been made toward achieving this end. Efforts to achieve this goal will be result oriented, initiated and maintained in good faith, and emphasized as any other vital management function (see 23 CFR § 230.409(g)(4))

RE's EEO File - The RE will maintain a separate Equal Employment Opportunity File for the Contractor and each subcontractor whose subcontract value is over \$10,000 (for Federal-Aid contracts) or \$2,500 (for State contracts). The file will contain all instructions/letters to the Contractor and supporting documentation about the contractor's compliance with the EEO requirements, as outlined in the RE's EEO Checklist Form DC-130 and the Project's Special Provisions. The RE will keep entries up to date on the Checklist to determine each contractor's EEO compliance status.

Contractors and subcontractors are required to submit the companies EEO and Affirmative Action policies to DCR annually, and if acceptable, DCR will issue each contractor an approval letter. The approval letter is good for 1 year from its issue date.

The Recommendation to Award memorandum received from DCR is the Contractor's approval for its EEO and Affirmative Action Program. Enter this date on the DC-130.

Subcontractors must submit their EEO and Affirmative Action approval letter to the RE prior to starting work. The date of the approval letter is to be entered on the DC-130.

Contractors are required to keep and provide NJDOT with such records as are necessary to determine compliance with the contractor's EEO obligations. Such records must be retained by the Contractor and the NJDOT for a period of three years following completion of the Contract work and will be available at reasonable times and places for inspection by NJDOT and FHWA (see 23 CFR § 230, Subpart A, Appendix A)

Contractor Employment Goals - Contractors are required to attempt a good faith effort to attain the minority and female work force employment goals for the Contract. The employment goals for a Contract are listed in FHWA Attachment No. 5 Part IV to the Special Provisions on federally funded projects, and are listed in Attachment 5 Part V on state funded projects.

Contractors must attempt to meet the respective goals for each construction trade utilized on the project. The Contractor will be considered to be in compliance if the Contractor has demonstrated a good faith effort to attain the applicable goals.

Submissions by Contractor - The Contractor must ensure EEO compliance in their workforce by demonstrating a reasonable representation of females and minorities in each job classification (see 23 CFR 230.409(e)(6)). The Contractor must provide the RE documentation of its good faith effort to comply with the EEO workforce requirements. Such documentation includes efforts to comply with the Federal EEO Construction Contract Specifications (Number 6 a-p.) on Federal contracts or the 8 steps outlined in Section VI Part D of EEO Special Provisions for State funded contracts.

The Contractor and each subcontractor must submit monthly employment and wage rate data to the Department using the on-line, Form CC-257R. Instructions to the contractor for registering and receiving the authentication code to access the web based application can be found at the Contract Compliance section of the Civil Rights/Affirmative Action website at:

<http://www.state.nj.us/transportation/business/civilrights/pdf/cc257.pdf>

The RE is to remind contractors that they must submit Form CC-257R through the web based application within 10 days following the end of the reporting month, except reports for the month of July which must be submitted within 5 days. It should be noted that because the information provided for the July report is used to provide the information required by the FHWA, the RE must ensure that on Federally funded projects, **all** contractors must submit the July CC-257R Report no later than August 5th. The Contractor will be assessed \$100 per day fine for each day after August 5th the report has not been submitted. The RE must ensure that all contractors accurately report all EEO workforce and wage rate data through the NJ Portal utilizing the electronic Form CC-257R Report.

RE's Monitoring and Enforcement - All employment and labor cost data must be accurate and consistent with each contractor's certified payroll records. The Contractor is responsible for ensuring that its subcontractors comply with these reporting requirements. To verify and ensure contractors' compliance with these reporting requirements, each month the Contractor and each subcontractor must submit a printed "hard copy" of the electronic CC-257R report to the RE. It is the responsibility of the RE to ensure that each report is submitted by the Contractor. The RE must review the CC-257Rs and if the Contractor has not attained the minority or female employment goal for any individual construction craft, the RE will notify the Contractor in writing regarding the deficiency, and request the Contractor to respond as to why it has not attained the employment goal(s), and to demonstrate what efforts the company is making to meet the obligation. If the Contractor fails to comply with the EEO workforce requirements after a reasonable period of time, the RE will notify the DCR/AA by memorandum presenting pertinent documents for review and determination as to the appropriate withholding to be made on the monthly estimate. The DCR/AA is to be copied on all documentation relative to the Contractor's compliance with its EEO requirements.

8. Training Program

The On-the-Job (OJT) Program was created by FHWA and NJDOT to fulfill the Training Special Provisions requirements of Federal-aid construction contracts (see 23 CFR § 230, Appendix B to Subpart A). The purpose of the provisions is to address the under-representation of minority and female workers in the construction trades through the assignment of OJT training goals; therefore, the training and upgrading of minorities and females toward journey level status on NJDOT Federal-aid contracts is the primary objective of NJDOT's Training Special Provisions.

Contractors are to make every effort to meet their OJT Program goals by enrolling minority and women trainees (i.e. by conducting systematic and direct recruitment through public and private sources likely to yield minority and female trainees) to the extent that such persons are available within a reasonable area of recruitment.

The TRAINING SPECIAL PROVISIONS, Federal Attachment #6, of the Special Provisions state the number of trainees to be trained under the Contract. The Item TRAINEES provides the estimated training hours. It is intended that the number of trainees stated will be the number of trainees to complete an approved training program or receive maximum training on the project. A Training Certificate For Reporting Hours To NJDOT Form CR-3 will be provided by the Contractor upon a trainee's completion of an approved training program or receipt of maximum available training on a project.

At the Preconstruction Conference or prior to the start of work, the RE will require the Contractor to submit a proposed training program for the specific number of trainees specified in the Contract. The Initial Training Program must delineate specific information under the following headings:

- a) Training Positions
- b) Standard Program Hours per Position
- c) Minimum Available Hours per Position
- d) Estimated Starting Date per Position
- e) Training to be provided by subcontractor(s)
- f) Training Guidelines for all Positions.

Prior to the start of work in the training positions identified by the Contractor, the RE will review the Contractor's proposed training program to ascertain if it is realistic and consistent with the scope of the project work.

The RE will forward the program, with appropriate comments, to the DCR/AA for review and approval. The DCR/AA will advise both the RE and the Contractor, in writing, of the training program approval and provide appropriate Instructions for Implementing the Training Special Provisions.

Once the Training Program is approved, it cannot be changed without notification to and approval by the DCR/AA. This includes termination of a trainee by the Contractor.

The Contractor will not receive credit for any trainee until such trainee has been approved by the DCR/AA. The Contractor must provide the RE with an accurate and complete Apprentice/Trainee Approval Memorandum Form CR-1.

The RE will submit the above information to the DCR/AA by fax/email and receive approval or disapproval of the proposed trainee. Written confirmation of each decision will be forwarded to the RE by the DCR/AA.

The RE will use a Daily Work Report to provide on-site monitoring of the type of training being provided to each trainee.

The Daily Work Reports will be cross-checked with the Contractor's NJDOT DCR/AA Biweekly Training Report Biweekly Report [Form CR-2](#) and a notation made on the Biweekly Reports that this cross check was made and by whom.

The following reporting procedure for the NJDOT DCR/AA Contractor's 1409 Quarterly Training Report [Form CR-1409](#) will be utilized by the RE on projects which contain a training requirement:

- a) The DCR/AA's website provides the Quarterly Training Report Form CR-1409.
- b) The Contractor's EEO Officer is required to complete quarterly one (1) copy of Form CR-1409 for each trainee who has received training during the quarters ending March 31, June 30, September 30, and December 31. Each original CR-1409 report is to be furnished to the trainee and one (1) copy be submitted to the RE in accordance with the specifications by April 10, July 10, October 10, and January 10.
- c) The RE will review each report for accuracy and completion and forward one (1) copy of each report to the Regional Construction Coordinator within five (5) days of receipt.
- d) After review, the Regional Coordinator will transmit each CR-1409 report to the DCR/AA within five (5) days of receipt.

The Contractor is also required to submit to the RE an "NJDOT DCR/AA Biweekly Training Report Form CR-2 documenting training provided to each trainee in accordance with the approved training guideline.

The RE will notify the Contractor in writing of any violations of the training requirements and will direct the Contractor to comply with these requirements. Failure of the Contractor to comply after a reasonable period of time will result in the RE notifying the DCR/AA by memorandum and presenting pertinent documents for their review and action. The DCR/AA is to be copied on all documentation relative to compliance by the Contractor.

The RE will monitor the estimated start dates for trainees, and if the Contractor has not started a trainee by the indicated date, the RE will require the Contractor to submit a revised Training Program.

Where a Contractor does not or cannot achieve its Contract training goal with female or minority trainees, it is responsible for demonstrating adequate Good Faith Efforts documentation. Good Faith Efforts are those designed to achieve equal opportunity through positive, aggressive, and continuous result oriented measures (see 23 CFR § 230.409.(g)(4)).

CONSTRUCTION PROCEDURES HANDBOOK

SECTION V	SUBSECTION B	DATE
CONSTRUCTION AFFIRMATIVE ACTION	ESBE/DBE and SBE PROGRAM IMPLEMENTATION	02/02/2012

1. For Federal funded Contracts, FHWA Attachments NO. 4 and NO. 5 of the Special Provisions contain requirements for Emerging Small Business Enterprises (ESBE) or Disadvantaged Business Enterprises (DBE) utilization. The Attachments specify the numerical ESBE or DBE Contract goals.

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For 100% State funded Contracts State Attachment NO. 4 of the Special Provisions contains requirements for Small Business Enterprise (SBE) utilization. The Attachment specifies the numerical SBE Contract goals.

RE MONITORING

- 1At the Preconstruction Conference or prior to it, the RE will receive a copy of the Division of Civil Rights memorandum sent to the Bureau of Construction Services, Procurement, recommending the award of the Contract to the low bidder. This Recommendation To Award is also the memorandum of approval for the Project's ESBE/DBE or SBE Program. During the course of the Contract, the RE will monitor the Contractor's ongoing goal attainment by comparing ESBE/DBE Goal or SBE Goal commitments against each Request for Approval to Sublet Form DC-18. In addition, the RE will cross check the Daily Work Reports DC-144 with each affected Form DC-18, the Recommendation To Award memorandum and the Utilization of Emerging Small Business Enterprise (ESBE)/Disadvantaged Business Enterprises (DBE) or SBE Monthly Report Form CR-267. The RE and Civil Rights should conduct a joint review the Contractor's DBE/ESBE/SBE goal attainment every four (4) months and request a written plan of action from the Contractor addressing DBE/ESBE/SBE goal attainment deficiencies if they exist.

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- 2 The RE and/or staff will use the DC-144Daily Work Report to provide on-site monitoring of the type of Items performed by each ESBE/DBE or SBE.

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- 3 The RE and/or staff will perform Commercially Useful Function (CUF) reviews on all DBE subcontractors utilizing the CUF Review Form CR-270. The CUF review should be conducted the first day the DBE firm starts work at the project site. (the CUF Review Form CR-270 and Instructional Guidelines can be found on the Civil Rights web page under Contract Compliance Unit, forms). As outlined in 49CFR part 26.55(c) (1), a DBE firm performs a commercially useful function when it is responsible for the execution of the work of the contract and is carrying out its responsibilities by actually performing, managing and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and

supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material and installing and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work and other relevant factors.

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4. All DBE trucking firms must also be reviewed to ensure they are performing a commercially useful function (CUF) as outlined in 49CFR part 26.55(d). For purposes of determining commercially useful function (CUF), a DBE Trucking Firm Commitment Agreement Form (CR-274) must be filled out and signed by the DBE Trucking Firms being utilized on the contract. The signed DBE Trucking Commitment is forward to the Contractor for his signature. The Contractor will forward a copy of the DBE Trucking Firm Agreement to the RE, the RE will review and forward a copy of the Agreement Form to the Division of Civil Rights, (Form CR-274 and Instructional Guidelines can be found on the Civil Rights web page under Contract Compliance Unit, Forms). The DBE trucking company must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals. The DBE must itself own and operate at least one fully licensed, insured and operational truck used on the contract. The DBE receives credit for the total value of the transportation services it provides on the contract using trucks its own, insures and operates using drivers it employs.

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5. A DBE may also lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE lessees not to exceed the value of transportation services provided by DBE owned trucks on the contract. Leased trucks must display the name and identification number of the DBE.

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6. The CR-266 F/S (formerly the Form "A"), is the Contractor's initial DBE participation program. In accordance with new procedures per 108.01 of the Standard Specifications, the CR-266 is submitted by all bidders via an Electronic Bid File (EBF) to the Procurement Department as a bid requirement. The CR-266 is forward to the Division of Civil Rights by Procurement for review and approval. The Recommendation to Award Memo and a copy of the Form CR-266 are forward to the Region by the Division of Civil Rights, the Region will forward a copy of the Recommendation to Award Memo and the Form CR-266 to the appropriate RE. Written confirmation of their participation on the contract is required from the DBE firms listed on the CR-266 Form. DBE participation is confirmed via the DBE

Subcontract Confirmation Form (CR-273), this confirmation is submitted to Civil Rights by the DBE subcontractor. Once approved, revisions can only be made in the ESBE/DBE or SBE Program when the Contractor submits a revised Schedule of Participation ESBE/DBE Form CR-266F (former "Form A") or Schedule of Participation SBE Form CR-266S (former "Form A"). The revision must also include a written explanation of reason for the changes. The revisions are to be submitted through the RE, who submits the form request and documentation with a recommendation to the Division of Civil Rights and Affirmative Action (DCR/AA) for approval prior to implementation. No termination or substitution of an ESBE/DBE or SBE subcontractor will be made without the written consent of the DCR/AA and acknowledgment from the DBE firm of its termination or substitution (see 49 CFR § 26.53(f)(1)). The Contractor will make a good faith effort to replace an ESBE/DBE or SBE subcontractor that is unable to perform work with another ESBE/DBE or SBE (see 49 CFR § 26.53(g)).

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7. The Contractor must prepare, sign and submit with the CR-267, a Monthly Trucking Verification Form CR-271, identifying each truck owner DBE and non DBE, DBE Certification number, company name and address, truck number, commission or amount paid, date paid and type of lease or contract arrangement for all trucks performing work on the project. Failure to submit the Monthly Trucking Verification Form may result in denial or limit of credit toward the DBE contract goal, payment being delayed or withheld as specified in 105.01. The Monthly Trucking Verification Form (CR-271) can be found on The Division of Civil Rights web page.

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8. Upon completion of the project, the Contractor's DBE/ESBE or SBE Liaison Officer will complete the Final ESBE/DBE or SBE Report Form CR-268 and submit it to the RE for review. The report will reflect all ESBE/DBE or SBE activity on the project. After review by the RE, the RE will forward the report to the DCR/AA.

9. If the ESBE/DBE goal or SBE goal was not met, documentation supporting adequate good faith effort must be submitted by the Contractor with Form CR-268 (see 49 CFR § 26.53(b)(2)). This means that the Contractor must show that it took all necessary and reasonable steps to achieve goal or other requirements of 49 CFR § 26 which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient participation, even if they were not fully successful. Good faith efforts will be reviewed by DCR/AA based on the guidance set forth in 49 CFR Part 26 Appendix A. Adequate good faith efforts include but are not limited to the following:

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- a. Written quotes from certified ESBE/DBE OR SBE firms
- b. Soliciting through all reasonable and available means, the bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up on initial solicitations.
- c. Selecting portions of the work to be performed by DBE's in order to increase

the likelihood that the DBE goals will be achieved.

- d. All written (and emailed) communications between the contractor and ESBE/DBE OR SBE firms
- e. Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation.
- f. Written pre-bid solicitations to ESBE/DBE or SBE firms, even if unsuccessful
- g. Phone logs

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10. During the course of the Contract, the RE will notify the Contractor in writing of all violations of the ESBE/DBE or SBE Program requirements and will direct the Contractor to comply with these requirements. Failure of the Contractor to comply after a reasonable period of time will result in the RE notifying the DCR/AA by memorandum and presenting pertinent documents for their review and action. The DCR/AA is to be copied on all documentation relative to compliance by the Contractor.

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11. Failure by the Contractor to meet the D/ESBE goal requirement or provide the necessary verifiable "good faith" documentation may be just cause for progress payments being delayed or withheld as outlined in 109.05 of the Standard Specifications.

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12. Contractors are required to pay all subcontractors within ten (10) business days of receipt of payment by NJDOT (see 49 CFR § 26.29). The RE will cooperate with the DCR/AA in resolving written prompt payment complaints filed by ESBE/DBE or SBE subcontractors. DCR/AA is the lead unit in the resolution process. Failure to comply with the Contract's prompt payment provisions constitute a material breach of the Contract and may result in sanctions under the Contract. Failure of the Contractor to pay subcontractors promptly may be just cause for progress payments to the Contractor being delayed or withheld.

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IMPLEMENTATION OF ESBE/DBE or SBE PROGRAM

1. The DCR/AA is responsible for forwarding a copy of the memorandum of Recommendation To Award with an executed Schedule of Participation ESBE/DBE Form CR-266F (former "Form A") or Schedule of Participation SBE Form CR-266S (former "Form A") to the Bureau of Construction Services, Procurement, Regional Construction Engineer, Project Manager and the RE indicating the ESBE/DBE Goal commitments or SBE Goal commitments.

2. Regional Construction Engineer

- a. At the Preconstruction Conference or prior to it, advises the Contractor that all changes to the approved ESBE/DBE or SBE Program must be accompanied by a revised Schedule of Participation ESBE/DBE Form CR-266F (former "Form A") or Schedule of Participation SBE Form CR-266S (former "Form A").
- b. Process Request for Approval to Sublet Form DC-18 according to 2011 CPH Section III Subsection I.

3. RE

- a. Check Recommendation To Award and the Schedule of Participation ESBE/DBE Form CR-266F or Schedule of Participation SBE Form CR-266S to determine status of subcontractors to monitor for compliance.
- b. Subcontractors should not perform any work on the project until the notification of approval has been received.

Appendix 19

State of New Jersey
 DEPARTMENT OF TRANSPORTATION
 1035 PARKWAY AVENUE
 P.O. BOX 600
 TRENTON, NEW JERSEY 08625

RE's EEO, TRAINING AND DBE/ESBE AND SBE CHECKLIST (FHWA and 100% STATE PROJECTS)

The following checklist is a supplement to EEO information contained in the Construction Procedures Handbook. This checklist is applicable to Federal funded and 100% State funded projects. It is designed to assist REs in obtaining appropriate documentation to assure Contractors' compliance with the contract specifications. REs should review this checklist with their respective Contractors before the start of work.

The Office of Contract Compliance will perform reviews to evaluate Contractors' compliance with the contract EEO, DBE/ESBE or SBE and Training Provisions.

The RE shall maintain a file of required documentation. All such documentation is to be supplied by Contractor and each subcontractor holding a subcontract of \$10,000 or more for Federally funded projects and \$2,500 for State funded projects. This file should include all applicable items below with date received recorded.

PROJECT:

FED. PROJ.#

MINOR GOAL _____%

FEMALE GOAL _____% (Work Hours)

1. A copy of each Contractor's annual Affirmative Action Program approval letter (the approval letter also covers company EEO policy statement and designation of company EEO Officer). Also for each subcontractor holding a contract of \$2,500/\$10,000 or more.
2. A copy of the Contractor's Affirmative Action Program for Disadvantaged/Emerging/Small Business Enterprise annual approval letter.

Dates
 Rec'd.
 Prime

Subcontractors

	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>

E's EEO, TRAINING AND DBE/ESBE OR SBE CHECKLIST

**Dates
Rec'd.
Prime**

Subcontractors

- 3. Copies of letter formally appointing EEO Assistant (s) for each specific project and DBE/ESBE liaison officer. Their names, addresses and telephone numbers must be included. The above may be incorporated in one notice which must be posted on the project site and where applicants for employment apply.

- 4. Copies of EEO policy commitment letters dated and referenced to the specific project to employment referral agencies such as: public and private employment agencies, State employment services, minority-oriented organizations, educational and vocational institutions, and other recruitment sources in the project locale.

- 5. Copies of EEO policy commitment letters to unions must be posted in area (s) readily accessible to employees and applicants for employment. Also these letters must include request for unions' cooperation and a reply.
 - A. Unions reply.
(Also to be posted as in 5.)

	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>

RE's EEO, TRAINING AND DBE/ESBE OR SBE CHECKLIST

Dates
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Prime

Subcontractors

6. Documents which indicate that the Contractor is an "Equal Opportunity Employer" e.g., employee applications, advertisements, payroll checks or envelopes showing the "Equal Opportunity Employer" legend. Other literature may include employee handbooks, bulletin board displays, and other appropriate communication media.

7. Record of minutes or letter indicating Contractor provided EEO orientation to all project supervisory and office personnel at the start of construction and at least every six months thereafter. (The Contractor should invite the RE and all subcontractors to these meetings. If a subcontractor does not attend s/he is to hold his/her own meeting and document it.)

8. Document or record indicating that the EEO officer or his representative has made periodic EEO on-site inspections of general working conditions; including employee interviews to uncover complaints of discrimination, wage disparity or other unfair treatment of site personnel. (The EEO officer should make EEO inspections during the 1st month of construction and every month thereafter and submit a memo of record to the RE. On short-duration jobs of less than six months, such inspections should be held at least once during the 1st month of construction and at the 50% stage.)

	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>
	<u>Start</u> 6 months					

RE's EEO, TRAINING AND DBE/ESBE OR SBE CHECKLIST

Dates
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Prime

Subcontractors

9. A "running-log" of all minorities and females who perform work during the course of the project must be submitted monthly. (The names, addresses, job classifications, sex, ethnic group, dates started and the date and cause for termination must be included.)

10. A log of "walk-in applicants" is to be submitted monthly. (This must include names, addresses, telephone numbers, ethnic group, sex, type of work sought, date of application and disposition.)

11. Appropriate EEO and Wage Rate Posters must be prominently displayed on the project site and where applicants for employment and all project workers will see them.

	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>	<u>Name</u>

14. TRAINING PROGRAM

DATE SUBMITTED:

DATE APPROVED:

Name	Ethnic Group	M/F	Class.	Train. Contr.	DATES				TRAINING HOURS			Dates 1409s Rec'd.	Cert. of Compl. Date	Remark
					Guidelines to Trainees	Est. Start.	Actual Start.	Term. or Compl.	Program	Proposed	Compl.			

EEO, DBE/ESBE OR SBE & TRAINING DATA DUE CHART
DOCUMENT ALL EFFORTS BY CONTRACTOR AND EACH SUBCONTRACTOR

<u>NUMBERS REFER TO RE 'S CHECKLIST</u>	<u>At Start</u>	<u>Monthly</u>	<u>Every 6 Months</u>	<u>Each Quarter</u>	<u>At Compl.</u>	<u>*KEEP CURRENT</u>
1. Contractor(s) Comprehensive AAPs (Approval Letter)	*					
2. Contractor(s) DBE/ESBE AAP (Approval Letter)	*					
3. EEO & D/ESBE Liaison Officer Notice	*					Keep current for each project
4. Letters Referral Agencies	*					Dated and referenced to project
5. Letters to Unions and Reply	*					Dated and referenced to project
6. "Equal Opportunity Employer" Legend	*					Second meeting required at 50% stage on short duration projects
7. Record of EEO Meetings(s)	*		*			
8. Record of EEO On-site Inspections		*				*
9. Running Log of Minorities - Females		*				*
10. Log of Walk-in Applicants		*				
11. EEO & Wage-Rate Posters	*					
12. Monthly Project Manning Report/Electronic CC-257R		*				1 copy to be sent to Compliance Office by 5 th of the month following month reported
13. DBE/ESBE or SBE Form CR-267/268		*			*	Update as changes, additions, deletions occur and record dates, documentation received
14. Training Program Submittal	*					All changes must be approved
A. Guidelines to Trainee						<u>When Trainee begins training</u>
B. Bi-Weekly Training Report				*		
C. FHWA Form 1409				*		
D. Certificate of Completion					*	

Appendix 20

Agreement No.: _____

Contract ID: _____

CFDA Name and No.: Highway Planning and Construction 20.205

DUNS Number (Sponsor): _____

Contact Name and Phone Number: _____

FEDERAL AID AGREEMENT

Project:

Municipality: _____ County: _____

Federal Project No.: _____

This Cost Reimbursement Agreement is made as of the _____ day of _____, by and between the _____, having its offices at _____, NJ ("Recipient") and the State of New Jersey, Department of Transportation, Division of Local Aid and Economic Development, having its offices at 1035 Parkway Avenue, Trenton, NJ 08625 ("State");

WITNESSETH:

WHEREAS, Recipient proposes to be the sponsor of a Project eligible for funding pursuant to the terms and conditions of this Agreement; and

WHEREAS, the Project may be included in the Metropolitan Planning Organization's Transportation Improvement Program and the State Transportation Improvement Program; and

WHEREAS, the State may award Recipient funds to finance the Project ("Project Fund"); and

WHEREAS, Recipient and the State desire to specify the conditions applicable to the financing of the costs of the Project out of the Project Fund and the obligations of Recipient and the State with respect to the Project; and

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, and pursuant to all federal, state, and local laws and ordinances, Recipient and the State hereby agree as follows:

1. Description of Project – Scope of Work

A detailed Project description is included in the Project Scope of Work and Cost Estimate attached to this Agreement.

2. Agreement Contract Term

2.1. This Agreement shall be effective upon proper execution by the State and the Recipient and shall continue in effect until the project is completed and all vouchers have been paid subject to Section 7 below. Allowable costs incurred for the performance of work in the attached Scope of Work in this Cost Reimbursement Agreement shall be eligible for reimbursement from the effective date of _____. All such work shall be completed by _____, unless either terminated or extended by written authorization of the State.

2.2. This Agreement may be terminated by either party upon thirty (30) days written notice to the other party in which case compensation shall be made for the costs of the work actually performed, subject to FHWA and or FTA concurrence. Costs incurred by the Recipient as a result of a termination by the State may be included in the Recipient's claim for compensation. Costs incurred by the State as a result of a termination by the Recipient may be set off against the Recipient's claim for compensation under the terms of this Agreement or any other Agreement between the State and Recipient until the costs have been fully repaid.

2.3 The Project shall not be sold, assigned or ownership transferred without the consent of the State and FHWA. In the event the Project is sold to a non-public entity for a non-public use or any use inconsistent with the terms of this Agreement, compensation according to termination of this Agreement by the Recipient shall be in effect.

3. Plans and Specifications

3.1 Recipient shall prepare, or have prepared, environmental documents, engineering documents, plans, specifications and estimates for the Project and shall submit them to the State for the State's review. A Professional Engineer licensed to practice in New Jersey must prepare the plans and specifications. The State shall review the engineering documents, plans and specifications for conformance to program requirements and design standards. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria, the current Manual on Uniform Traffic Control Devices (MUTCD), and the New Jersey Department of Transportation Bicycle Compatible Roadway and Bikeways Planning and Design Guideline. However, the design of traffic barriers and drainage systems shall conform to the New Jersey Department of Transportation Roadway Design Manual. All workmanship and materials shall conform to the current New Jersey Department of Transportation Standard Specification for Road and Bridge Construction as amended for Federal Aid. The Recipient shall notify the State in writing of any deviation from the standards. If there is a deviation from the standards, the Recipient shall accept any and all responsibility for any injury and damage by such deviation to any person or property and shall indemnify the State as outlined in the Agreement. If the design cannot conform to the minimum standards as set forth, a design exception will be required. The State shall notify Recipient when the project is acceptable for bidding.

3.2 Project limits cannot be exceeded, plans and specifications altered, construction change orders issued, or items added or deleted from Project without prior written approval of the State.

3.3 The Recipient shall designate a resident engineer who shall be empowered to represent the Recipient in connection with the administration of the Project, and shall be responsible for the monitoring and inspection of all work performed by its contractors.

4. Project Work

4.1 Recipient shall use its best efforts to complete or cause the completion of work on the Project ("Project Work") in accordance with the plans and specifications approved by the State.

4.2 Recipient covenants that Project Work will comply with all applicable laws and other requirements of federal, state and local governmental bodies. Recipient shall obtain all permits and licenses necessary to Project Work.

4.3 The Recipient shall not proceed with any Project work for which reimbursement shall be sought without the specific written authorization of the State. It is agreed that any and all project costs incurred by the Recipient prior to FHWA authorization of any Project phase shall be non-participating by the State and FHWA.

4.4 Recipient shall solicit bids for the work in accordance with all federal and state laws, rules and regulations applicable to public bidding. Upon receipt of bids from responsible contractors, Recipient shall select the contractor submitting the lowest responsive bid and shall furnish the name of such contractor to the State for concurrence. Recipient agrees not to contract with any contractor to whom the State or the Federal Highway Administration ("FHWA") has made a reasonable and timely objection. Professional services should be competitively selected based upon qualifications.

4.5 Recipient agrees that the monies requisitioned from the Project Fund will be used only to reimburse actual Project costs and for no other purpose. Recipient agrees that it shall provide to the State and the FHWA such documentation as will enable the State and the FHWA to determine that the proceeds of the Project Fund have been applied solely to the costs of the Project.

4.6 Upon written request of the State, the Recipient shall cause its contractor to provide payment and performance bonds in an amount equal to 100% of the cost of the Project Work. A surety company satisfactory to the State and qualified to do business in the State of New Jersey shall execute such bonds. Copies of all bonds shall be delivered to the State upon request. Only those sureties listed in the US Treasury Department Circular 570 and authorized to do business in the State shall furnish the surety bonds.

4.7 When Recipient considers the Project to be finally complete, Recipient shall request that the State's representative make a final inspection of the Project. If it is determined, after such inspection, that the Project has been completed in accordance with the plans and specifications, Recipient shall prepare and submit to the State a certification that the final inspection has been made and the cost of the Project has actually been incurred in accordance with the provisions of the Agreement. Upon receipt, the State shall disburse an amount equal to the approved final payment. Upon payment of the amount approved for final payment, the State shall be released from any further responsibility in connection with the Project Fund and the Project. The New Jersey Department of Transportation, Division of Local Aid and Economic Development will monitor maintenance of completed Project by the Recipient. Failure to maintain Project will result in the withholding of funds payable to the Recipient on other State funded programs.

5. Insurance

5.1 Recipient shall maintain or cause to be maintained:

(a) General Comprehensive Liability Insurance in the minimum amount of \$1,000,000 combined single limit plus \$1,000,000 in an umbrella policy. This insurance shall specifically provide for coverage of the State as an additional insured and shall provide for coverage at least as broad as the standard, basic unamended commercial general liability policy and shall be endorsed to include broad form contractual liability coverage, independent contractor's coverage and completed operations coverage.

(b) Automobile Liability Insurance in the minimum amount of \$1,000,000.

(c) Workers Compensation Insurance in the amount required by law.

5.2 A copy of each insurance policy shall be made available to the State upon request.

5.3 The RECIPIENT shall cause to be maintained Errors and Omissions, Professional Liability Insurance and/or Professional Malpractice Insurance sufficient to protect against liabilities arising out of professional obligations performed pursuant to the requirements of this Agreement. This insurance shall be in the minimum amount of \$1,000,000.00.

5.4 Recipient expressly understands and agrees that any insurance protection required by this Agreement shall in no way limit the obligations assumed by Recipient pursuant to this Agreement and shall not be construed to relieve Recipient of liability in excess of such coverage, nor shall it preclude the State from taking such other actions as are available to it under any other provision of this Agreement or otherwise in law.

6. Disbursement of Project Fund

6.1 (a) The State shall disburse monies from the Project Fund to Recipient in order to reimburse costs associated with Project Work in accordance with the terms and conditions of this Agreement. Only those costs specifically enumerated in the Project Scope of Work and Cost Estimate attached to this Agreement and outlined below will be eligible for reimbursement. Nothing contained herein shall impose upon the State any obligation to ensure the proper application of the monies paid to Recipient from the Project Fund. Furthermore, nothing contained herein shall impose any obligation upon the State to pay to Recipient any monies in excess of the Project Fund. The Recipient shall reimburse the Consultant/Contractor for allowable expenses after the receipt of properly prepared payment vouchers.

6.1 (b) The total cost of the project by the Recipient for completion of the Project Scope of Work in this Agreement shall not exceed \$ _____, with an approved budget as follows:

<u>Federal Project #</u>	<u>Project Sponsor</u>	<u>Contract</u>	<u>Sponsor In-House</u>	<u>Total</u>	<u>Date Authorized</u>	<u>Date for Completion</u>
_____	_____	_____	_____	_____	_____	_____

6.2 (a) Recipient shall prepare and submit payment vouchers for payment for approval by the State. Payment vouchers may be submitted as frequently as every month at most but are required at least quarterly. The payment vouchers for payment shall state, with proper documentation, the amounts due Recipient for actual allowable costs incurred in connection with the Project. The Recipient shall maintain a complete set of time sheets, records and accounts to identify eligible salaries, fringe benefits, leave, and non-salary direct expenses incurred in support of the Project, as well as material records, certifications, and as-built quantities.

(b) Progress Reports will accompany all vouchers for payment and shall include:

- A narrative description of work performed during the calendar month and any difficulties or delays encountered;
- A comparison of actual accomplishments to the goals established for the period;
- A comparison, by tasks, of costs incurred with amounts budgeted, and;
- A comparison, by task, of work performed compared to the schedule, including a percentage of the total work completed. This requirement can be met by including a bar chart showing schedule timing and actual progress.
- Copies of federal contract compliance documents as completed for the voucher payment period by the resident engineer that is designated by the Recipient, a complete set of which shall be furnished by State staff at kickoff and or preconstruction meetings.

(c) The State shall review and verify such payment vouchers for payment and remunerate the Recipient for direct and indirect costs incurred up to a maximum Project approved budget of \$ _____ stated in this Agreement for satisfactorily completing the Project.

(d) "Actual allowable costs" and "direct and indirect costs" will be determined by the STATE based on the federal regulations applicable to the RECIPIENT:

Cost principles for State & Local Governments – OMB Circular A-87
 Cost Principles for Nonprofit Organizations - OMB Circular A-122
 Commercial Entities - FAR Subpart 31.2

(e) The administrative requirements include:

Grants and Cooperative Agreements with State & Local Governments - OMB Circular A-102
 Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations - OMB Circular A-110

6.3 (a) The State shall make partial payments to the Recipient toward the Fixed Price of each Project work assignment upon the receipt of properly drawn monthly or quarterly payment vouchers for a percentage of work completed on the Project during the period as shown on the accompanying progress report. Where there is a

disagreement between the State and the Recipient concerning the percentage of work completed during any given period that dispute shall be resolved in accordance with Paragraph 20.3 of this Agreement.

(b) The Sponsor may submit vouchers for reimbursement totaling up to 90% of the lesser of either the authorized amount or the amount eligible for State funding participation. The Sponsor shall submit a final payment voucher, along with any necessary close out documents, for reimbursement of the remaining 10%, following receipt of written final acceptance of the project by the Department of Transportation.

6.4 (a) All work performed by contractors and subcontractors on the Project shall be treated as being performed by the Recipient. The Recipient shall remain responsible for satisfactory performance of all work.

(b) The Recipient will be paid a Fixed Price for the work of each contractor and consultant. The Fixed Price shall be considered full compensation for all costs incurred by the Recipient relative to the work performed by each contractor and consultant. Payment of the Fixed Price shall be made on monthly or quarterly payment vouchers submitted by the Recipient based upon the percentage of the contracted work completed as shown in the Recipient's monthly progress reports.

(c) Recipient shall require its contractors and consultants to comply with the applicable cost principles set forth in Section 6.2 above and the requirements of Section 8 below by placing equivalent provisions in their contracts.

7. Audit Requirements

7.1 The Recipient shall provide the State with a fiscal year, organization-wide audit that has been conducted in accordance with the requirements of OMB Circular Letter A-133, Audits of States, Local Governments, and Non-Profit Organizations, and State Circular Letter 04-04-OMB, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid. If the Recipient is to contract with a commercial organization they must follow 48 CFR Part 31, Subpart 31.2, "Contracts with Commercial Organizations." The Recipient shall ensure that the State receives the audit within the prescribed submission period and that this Agreement is listed on the appropriate Schedule of Financial Assistance.

7.2 The State, and the FHWA, or their agents, shall be entitled to perform an audit at the following times:

(a) At any time during the performance of work set forth in this Agreement.

(b) During a period of up to three (3) years after either the date of payment of the applicable Final Invoice or a date mutually agreed to by the parties.

7.3 This agreement may be funded in whole or in part with funding provided under the American Recovery and Reinvestment Act of 2009 (ARRA). The Recipient is responsible for complying with the applicable provisions of the ARRA which are incorporated herein by reference.

Section 902 of ARRA requires that the U.S. Comptroller General has the authority to:

1. Examine records of the Recipient or its subconsultant, or State or local government agency administering such contract that directly pertain to, and involve transactions relating to, the Contract or subcontract.
2. Interview officers or employees of the Recipient or its subconsultant, or of State or local government agency administering the Contract, regarding such transactions.

Nothing in this section is to be interpreted to limit or restrict the existing authority of the U.S. Comptroller General.

Section 1515(a) of the ARRA requires that the Inspector General has the authority to:

1. Examine records of the Recipient or its subconsultants
2. Interview the Recipient's or its subconsultants's employees or officers working on this Contract.

Nothing in this section is to be interpreted to limit or restrict the existing authority of the Inspector General

7.4 The Recipient acknowledges that changes in payment due the Recipient resulting from audits performed by the State shall be made as follows:

- In the event of overpayment by the State, the Recipient shall refund the amount of such overpayment within thirty days of the request by the State. In the event the Recipient fails to comply with said request, the State is hereby authorized to deduct such overpayment from other monies due the Recipient under the terms of this Agreement or any other agreement between the State and the Recipient. Furthermore, the Recipient expressly understands and agrees that the provisions of this section shall in no way be construed to relieve the Recipient from any liability, or preclude the State from taking any other actions as are available to it under any other provisions of this Agreement or otherwise at law. The terms of this section shall survive the expiration or termination of the Agreement.
- In the event of underpayment by the State, the State shall pay sufficient funds to the Recipient to correct the underpayment as soon is practicable.

(a) The Recipient shall include in the Final Invoice the following release clause:

(b) "In consideration of the requested payment of this Final Invoice, the (Recipient) hereby releases the State of New Jersey and the New Jersey Department of Transportation, their agents, officers and employees, from all claims and liabilities arising from work done or services performed under this Agreement"

(c) Payment to the Recipient for a Final Invoice does not waive either the right of the State to establish adjustments and to collect overpayments that are disclosed by audits performed subsequent to payment of the Final Invoice, or the right of the Recipient to underpayments based upon adjustments disclosed by said audits.

8. Inspections

Recipient shall permit the State and FHWA, or any authorized representative of either of them, free access to the Project with the right to examine, visit and inspect, at any reasonable time, all work completed or in progress, labor performed and materials furnished in connection with the Project as well as Recipient's accounts, books and records, including its receipts, disbursements, contracts and any other matters relating thereto. Recipient shall supply such reports and information as the State or FHWA shall reasonably request. All accounts, books, records and other documents related to the Project shall be retained by Recipient for a period of three years after final payment is received from the State.

9. Indemnification

Recipient shall indemnify, defend, protect and hold harmless the State of New Jersey and its agents, servants and employees from and against any and all liability, fines, suits, claims, demands and actions, costs and reasonable expenses of any kind or nature or by anyone whomsoever, including, but not limited to, claims for personal injury, wrongful death, property damage and contractual liability due to or arising in any way out of the performance of any services, actions or operations in connection with the Project or any breach of this Agreement unless caused solely by the gross negligence or default of the State or its agents, servants or employees; provided, however, that the State shall give Recipient prompt notice thereof. If Recipient shall be required to defend in any action or proceeding pursuant to this Section 6 to which action or proceeding the State is made a party, the State shall be entitled to participate in the

matter, at its election and sole cost; provided, however, that any such action by the State does not limit or make void any liability of Recipient in respect to the claim or matter in question.

10. Abandonment of Project

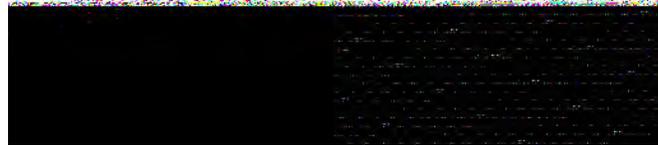
It is understood and agreed by and between the parties hereto that Recipient shall complete the Project to provide a safe and usable unit and shall not be entitled to abandon the Project. If the Recipient abandons the project during any phase (planning, design, construction, etc.) all funds expended by the State and the FHWA, will be reimbursed by the Recipient to said parties.

11. No Personal Liability

Notwithstanding anything to the contrary contained herein, the parties hereto specifically understand and agree that there shall be no personal liability imposed on the officers, employees or agents of Recipient or the State with respect to any of the covenants or conditions of this Agreement.

12. Equal Opportunity

12.1 Recipient hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the United States Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part, directly or indirectly, with proceeds from the Project Fund the



work to be performed by DBE's in or



(a) To assist and cooperate actively with the FHWA and the United States Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the United States Secretary of Labor.

(b) To furnish the FHWA and the United States Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the FHWA in the discharge of its primary responsibility for securing compliance.

(c) To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order.

(d) To carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the FHWA or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

12.4 In addition, Recipient agrees that if it fails or refuses to comply with these undertakings, the State may take any or all of the following actions:

(a) Cancel, terminate, or suspend this Agreement in whole or in part;

(b) Refrain from extending any further assistance to Recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from Recipient; and

(c) Initiate appropriate legal proceedings.

13.

Nondiscrimination

Recipient hereby agrees that it will comply with Title VI of the 1964 Civil Rights Act (the "Act") and related statutes and implementing regulations to the end that no person shall on the grounds of race, color, national origin, handicap, age, sex, or religion be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Project covered by this Agreement and, further Recipient agrees that:

(a) It will insert the nondiscrimination notice required by the Standard Department of Transportation Title VI Assurance (DOT Order 1050.2) in all solicitations for bids for work or material, and, in adapted form, in all proposals for negotiated agreements.

(b) It will insert the clauses in Appendixes A, B or C of DOT Order 1050.2 as appropriate, in all contracts, deeds transferring real property, structures, or improvements thereon or interest therein (as a covenant running with the land) and in future deeds, leases, permits, licenses, and similar agreements, related to this Project, entered into by Recipient with other parties.

(c) It will comply with, and cooperate with, FHWA in ensuring compliance with the terms of the standard Title VI Assurance, the act and related statutes, and implementing regulations.

14.

Disadvantaged Business Enterprises

Recipient hereby agrees to the following statements and agrees that these statements shall be included in all subsequent agreements between Recipient and any contractor:

(a) "Policy. It is the policy of the United States Department of Transportation that emerging small business enterprises (ESBE's), as they are defined in 49 CFR Part 26 shall have the maximum opportunity to

participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. NJDOT's ESBE program runs concurrently with the Disadvantaged Business Enterprise (DBE) program for small and disadvantaged businesses on federally-funded projects. Consequently, all applicable requirements of 49 CFR Part 26 shall apply to this agreement.

(b) **Obligation.** The contractor agrees to ensure that ESBE's, as defined in 49 CFR Part 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with the applicable section of 49 CFR Part 26 to ensure that ESBE's have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, handicap, religion, age, or sex, as provided in Federal and state law, in the award and performance of DOT-assisted contracts."

15. No Oral Modifications

(1) This agreement may not be changed orally, but only by an agreement in writing and signed by the party against whom enforcement of any waiver, change, modification or discharge is sought.

(2) The Recipient shall request approval by the State of any task or line item budget revision deemed necessary to carry out the project in this Agreement. This request shall be submitted in writing by the Recipient to the State. If approved by the State and the applicable Federal funding agency, the State shall provide written authorization to Recipient to proceed with the revision.

16. Notices and Demands

16.1 All notices, demands, requests or other communications required or permitted to be given pursuant to this Agreement must be in writing.

16.2 All notices, demands, requests or other communications required or permitted to be given pursuant to this Agreement shall be deemed to have been properly given or served by depositing the same in the United States mail, postpaid and registered or certified, return receipt requested, or by Federal Express or similar service providing receipt against delivery, as follows:

If to the State:

Michael Russo
Director
Division of Local Aid and Economic Development
State of New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

Or the designated District Office, Bureau of Local Aid, serving the area of the Recipient:

District 1 -
Roxbury Corporate Center
200 Stierli Court
Mount Arlington, NJ 07856
Phone: (973) 770-5070/5068
Fax: (973) 770-5172
Morris, Passaic,
Sussex and Warren

District 2 -
153 Halsey Street - 5th floor
Newark, NJ 07102
Phone: (973) 877-1500
Fax: (973) 877-1556
Bergen, Essex, Hudson,
and Union

District 3 -
100 Daniels Way
Freehold, NJ 07728
Phone: (732) 308-4002
Fax (732) 308-4003
Hunterdon, Middlesex,
Monmouth, Ocean and Somerset

District 4 -
1 Executive Campus
Route 70 West, 3rd Floor
Cherry Hill, NJ 08002
Phone: (856) 486-6618
Fax (856) 486-6771
Atlantic, Burlington, Camden, CapeMay,
Cumberland, Gloucester, Mercer and Salem

Excepting Legal Notices
Telephone:

Fax:

If to Recipient:

(Engineer)
of

, NJ

17. Partial Invalidity

To the extent that the intent and underlying purpose of this Agreement are not compromised, the invalidity or unenforceability of any term, covenant, condition or provision of this Agreement, or its application to any persons, entities or circumstances shall not render invalid or unenforceable the remainder of this Agreement, or the application of such term, covenant, condition or provision to persons, entities or circumstances other than those as to which it is held invalid or unenforceable, and each term, covenant, condition and provision of this Agreement shall remain valid and enforceable to the fullest extent permitted by applicable law.

18. Further Assurances

The parties agree to cooperate with each other and to execute and deliver such further documents and assurances as may be necessary to carry out the purpose of this Agreement.

19. Subject to FHWA Regulations

(1) Notwithstanding anything contained herein to the contrary, so long as the Project is being financed out of proceeds from the Project Fund, this Agreement and the obligations of the parties hereunder are subject to the rules and regulations promulgated by the FHWA.

(2) Section 319 of the FY 1990 Department of the Interior and Related Agencies Appropriations Act, Public Law 101-121, contains a prohibition on the use of appropriated funds for "influencing or attempting to influence" Federal officials in connection with grants, contracts or cooperative agreements. The new law became effective December 23, 1989 and contains two specific requirements that prospective FTD or FHWA contractors must be aware of and comply with prior to execution of this Agreement in order to remain eligible for Federal funds.

20. Entire Agreement; Counterparts; Disputes

20.1 This Agreement contains the entire agreement between the parties hereto and supersedes any and all prior understandings and agreements, oral or written, between the parties respecting the subject matter hereof.

20.2. This Agreement may be executed in two or more counterparts, each of which shall be deemed a duplicate original and all of which together shall constitute one and the same Agreement.

20.3 In the event a dispute arises concerning the meaning of any term used in this Agreement, or the work and services required to be performed under this Agreement, or as to compensation under this Agreement, the dispute shall be decided by the Commissioner of Transportation or his duly authorized representative.

21. APPENDIX A - Regulations of the Department of Transportation relative to nondiscrimination in federally assisted Projects of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21) attached hereto are made a part of this Agreement.

22. APPENDIX B - Certification of Restrictions on Lobbying is attached hereto and made part of this Agreement in accordance with 31 U.S.C. Sec. 1352 and 40 CFR Part 20. Each Recipient, Consultant and Contractor awarded a contract exceeding \$100,000 shall submit to the State a Disclosure of Lobbying Activity Form-LLL at the end of each calendar quarter in which a reportable event occurs. All completed forms shall be sent to:

New Jersey Department of Transportation
Manager Professional Services
Procurement Division
1035 Parkway Avenue
Trenton, New Jersey 08625

23. APPENDIX C - Certification of Recipient is attached hereto and made a part of this Agreement.

24. APPENDIX D - Certification of New Jersey Department of Transportation is attached hereto and made a part of this Agreement.

25. APPENDIX E - NJDOT Code of Ethics for Vendors is attached hereto and made a part of this Agreement.

26. APPENDIX F - Certification of Recipient Eligibility is attached hereto and made a part of this Agreement.

27. APPENDIX G - Americans with Disabilities Act is attached hereto and made part of this agreement.

28. APPENDIX H - State of New Jersey Equal Employment Opportunity for Contracts Funded by FHWA is attached hereto and made part of this agreement.

29. APPENDIX I – Project Scope of Work

30. APPENDIX J – Project Cost Estimate

31. Resolution

The Recipient shall supply the necessary resolution authorizing the Recipient to enter into this Agreement and this Agreement shall not become binding on either party until it is executed by the Commissioner of Transportation or the Commissioner's designee.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to duly execute this Agreement on and as of the day and year first above written.

Project:
Municipality: County:
Federal Project No.:
Agreement No.:

ATTEST/WITNESSED/AFFIX SEAL:

RECIPIENT

Date
Name:
Title

By: _____
Date
Name
Title

ATTEST/WITNESSED/AFFIX SEAL:

NEW JERSEY DEPARTMENT OF TRANSPORTATION

Date
Jacqueline Trausi
Department Secretary,
New Jersey Department of Transportation

By: _____
Date
Michael Russo, Director,
Division of Local Aid & Economic
Development

THIS DOCUMENT HAS BEEN REVIEWED AND APPROVED AS TO FORM

ATTORNEY GENERAL OF NEW JERSEY

Paula T. Dow

By: _____
Deputy Attorney General
Date

APPENDIX A

NONDISCRIMINATION

During the performance of this Agreement, the RECIPIENT, for itself, its assignees and successors in interest hereinafter referred to as the RECIPIENT, agrees as follows:

1. **Compliance with Regulations:** The RECIPIENT will comply with Regulations of the United States Department of Transportation relative to nondiscrimination in federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21 through Appendix H, and Title 23CFR Part 710.405(b), hereinafter referred to as the Regulations), which are incorporated herein by reference and made a part of this Agreement.
2. **Nondiscrimination:** The RECIPIENT, with regard to the work performed by it after award and prior to completion of the work, will not discriminate on the basis of race, color, age, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The RECIPIENT will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Agreement covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, including Procurement of Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the RECIPIENT for work to be performed under a subcontract, including procurement of materials or equipment, such potential subcontractor or supplier shall be notified by the RECIPIENT of the RECIPIENT'S obligations under this Agreement and the Regulations relative to nondiscrimination on the basis of race, color, age, sex or national origin.
4. **Information and Reports:** The RECIPIENT will provide all information and reports required by the Requisitions, or orders and instructions 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 STATE or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the RECIPIENT is in the exclusive possession of another who fails or refuses to furnish this information, the RECIPIENT shall so certify to the STATE or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the RECIPIENT'S noncompliance with the nondiscrimination provisions of this contract, the STATE shall impose such sanctions as are appropriate and available under the laws of the STATE.
 - (a) Withholding of payments to the RECIPIENT under the contract until the RECIPIENT complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. This Agreement is subject to all federal, State, and local laws, rules, and regulations, including, but not limited to, those pertaining to nondiscrimination in employment and affirmative action for equal employment opportunity.
7. The RECIPIENT agrees to ensure that Disadvantaged Business Enterprises (DBE's) as defined in 49 CFR, Part 23 and FTA Circular 4716.1A, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. Failure to make a good faith effort to meet the established DBE goal may result in sanctions as defined under paragraph 5 of this Appendix.
8. If at any time following the execution of this Agreement, the RECIPIENT intends to sublet any additional portion(s) of the work or intends to purchase materials or lease equipment not contemplated during the original proposal preparation, the RECIPIENT shall:
 - (a) Notify the Project initiator, in writing, of the type and approximate value of the work which the RECIPIENT intends to accomplish by such subcontract, purchase order or lease.
 - (b) Give DBE firms equal consideration with non-minority firms in negotiations for any such subcontracts, purchase orders or leases.
9. **Incorporation of Provisions:** The RECIPIENT will include the provisions of paragraph (1) through (9) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, orders or instructions, issued pursuant thereto.

APPENDIX B

CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, _____, hereby certify on behalf of RECIPIENT, that:
(Name and Title of Grantee Official)

- (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 any 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 influencing or attempting to influence 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.
- (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 subRECIPIENT'S shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is 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 section 1352, title 31, U.S.Code. 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.

Executed this _____ day of _____, 2_____.

By: _____

(Signature and Title of Authorized Official)

APPENDIX C

CERTIFICATION OF RECIPIENT

In executing the Agreement the RECIPIENT'S signatory certifies on behalf of the RECIPIENT that neither he, nor any other officer, agent or employee of the RECIPIENT has:

1. employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bonafide employee working solely for him or the RECIPIENT) to solicit or secure this Agreement.
2. agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the Agreement, or
3. paid, or agreed to pay, to any firm, organization or person (other than a bonafide employee working solely for him or the RECIPIENT) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement;

except as expressly Stated in a disclosure letter to the STATE which shall accompany the Agreement after execution by the RECIPIENT on submission to the Commissioner or his designee for execution.

The RECIPIENT acknowledges that this certificate furnished to the STATE and the Federal Highway Administration, U.S. Department of Transportation, in connection with this Agreement, is subject to applicable State and Federal laws, both criminal and civil.

APPENDIX D

CERTIFICATION OF NEW JERSEY DEPARTMENT OF TRANSPORTATION

In executing the Agreement the STATE'S signatory certifies that to the best of his knowledge, the RECIPIENT or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this Agreement, to:

1. employ or retain, or agree to employ or retain, any firm or person, or
2. pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind;

except as expressly Stated in a disclosure letter to the Federal Highway Administration and/or Federal Transportation Administration, U.S. Department of Transportation.

The STATE acknowledges that this certificate is to be furnished to the Federal Highway Administration, U.S. Department of Transportation, in connection with agreements involving participation of Federal-aid highway funds, and the Federal Transportation Administration, in connection with agreements involving participation of FTA Metropolitan Planning (PL) funds, and is subject to applicable State and Federal laws, both criminal and civil.

APPENDIX E

NJDOT CODE OF ETHICS FOR VENDORS

1. No vendor* shall employ any NJDOT officer or employee in the business of the vendor or professional activity in which the vendor is involved with Department officer or employee.
2. No vendor shall offer or provide any interest, financial or otherwise, direct or indirect, in the business of the vendor or professional activity in which the vendor is involved with the Department officer or employee.
3. No vendor shall cause or influence or attempt to cause or influence any NJDOT employee or officer in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of that NJDOT officer or employee.
4. No vendor shall cause or influence, or attempt to cause or influence, any NJDOT officer or employee to use or attempt to use his or her official position to secure any unwarranted privileges or advantages for that vendor or for any other person.
5. No vendor shall offer any NJDOT officer or employee any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the RECIPIENT in the discharge of his or her official duties. In addition, employees or officers of NJDOT will not be permitted to accept breakfasts, lunches, dinners, alcoholic beverages, tickets to entertainment and/or sporting events or any other item which could be construed as having more than nominal value.

NOTE: This section would permit an NJDOT employee or officer to accept food or refreshments of relatively low monetary value provided during the course of a meeting, conference or other occasion where the employee is properly in attendance (for example - coffee, danish, tea or soda served during a conference break). Acceptance of unsolicited advertising or promotional materials of nominal value (such as inexpensive pens, pencils or calendars) would also be permitted.

Any questions as to what is or is not acceptable or what constitutes proper conduct for a Departmental employee or officer should be referred to the Department's Ethics Liaison Officer or his or her designee.

6. This code is intended to augment, not to replace existing administrative orders and the current Departmental Code of Ethics.
7. This code shall take effect immediately upon approval of the NJ Executive Commission on Ethical Standards and adoption by the NJDOT.

*Vendor is defined as any general contractor, subcontractor, consultant, person, firm, corporation or organization engaging in or seeking to do business with NJDOT.

Adopted on the 16th day of December, 1987

APPENDIX F

CERTIFICATION OF RECIPIENT ELIGIBILITY

I _____ hereby certify under penalty of perjury under the laws of the United States, that except as noted below, the company or any person associated therewith in the capacity of owner, partner, director, officer, principal, Project director, manager, auditor, or any position involving the administration of federal or State funds:

is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal, State or local government agency;

has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal, State or local government agency within the past 3 years;

does not have a proposed debarment pending; and

has not been indicted, convicted, or had a civil judgment rendered against (it) by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

(Insert exceptions - for any exception noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions. If no exceptions, insert "None".)

Attest:

RECIPIENT

Name/Title

Name/Title

Date: _____

APPENDIX G

AMERICANS WITH DISABILITIES ACT

Equal Opportunity For Individuals With Disabilities.

The RECIPIENT and the STATE do hereby agree that the provisions of Title II of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. Sec. 12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the STATE pursuant to this contract, the RECIPIENT agrees that the performance shall be in strict compliance with the Act. In the event that the RECIPIENT, its agents, servants, employees, or sub consultants violate or are alleged to have violated the Act during the performance of this contract, the RECIPIENT shall defend the STATE in any action or administrative proceeding commenced pursuant to this Act. The RECIPIENT shall indemnify, protect, and save harmless the STATE, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The RECIPIENT shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith.

In any and all complaints brought pursuant to the STATE'S grievance procedure, the RECIPIENT agrees to abide by any decision of the STATE which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the STATE or if the STATE incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the RECIPIENT shall satisfy and discharge the same at its own expense.

The STATE shall, as soon as practicable after a claim has been made against it, give written notice thereof to the RECIPIENT along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the STATE or any of its agents, servants, and employees, the STATE shall expeditiously forward or have forwarded to the RECIPIENT every demand, complaint, notice, summons, pleading, or other process received by the STATE or its representatives.

It is expressly agreed and understood that any approval by the STATE of the services provided by the RECIPIENT pursuant to this contract will not relieve the RECIPIENT of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the STATE pursuant to this paragraph.

It is further agreed and understood that the STATE assumes no obligation to indemnify or save harmless the RECIPIENT, its agents, servants, employees and sub consultants for any claim which may arise out of their performance of this Agreement. Furthermore, the RECIPIENT expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the RECIPIENT'S obligations assumed in this Agreement, nor shall they be construed to relieve the RECIPIENT from any liability, nor preclude the STATE from taking any other actions available to it under any other provisions of this Agreement or otherwise at law.

APPENDIX H

STATE OF NEW JERSEY EQUAL EMPLOYMENT OPPORTUNITY FOR CONTRACTS FUNDED BY FHWA

The parties to this Agreement do hereby agree that the provisions of NJSA 10:2-1 through 10:2-4 and NJSA 10:5-31 et seq (PL 1975, c 127, as amended and supplemented) dealing with discrimination in employment on public contracts, and the rules and regulations promulgated pursuant thereto, are hereby made a part of this Agreement and are binding upon them.

During the performance of this Agreement, the RECIPIENT agrees as follows:

- a. The RECIPIENT, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. The RECIPIENT will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status or sex. 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. The RECIPIENT agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Department of Transportation's Compliance Officer setting forth provisions of this nondiscrimination clause;
- b. The RECIPIENT will, in all solicitations or advertisements for employees placed by or on behalf of the RECIPIENT, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status or sex;
- c. The RECIPIENT, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Department of Transportation's Compliance Officer, advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The notices referred to in paragraphs a and c may be obtained at the preconstruction conference.

Appendix 21

New Jersey Department of Transportation
Division of Local Aid and Economic Development
Federal Aid Highway Program Administrative Questionnaire
State, Local and Indian Tribal Governments
Universities and Non-Profits

The New Jersey Department of Transportation Division of Local Aid and Economic Development uses the standards set forth in the Code of Federal Regulations 49 CFR Part 18, 49 CFR Part 19, 2CFR Part 225, 2 CFR Part 230 [Office of Management and Budget (OMB) 87] and the OMB Circular A-133 to assess the adequacy of a potential Federal-aid recipient's accounting controls and administrative and project management systems.

To be awarded Federal-aid funds an organization must have accounting controls and administrative and project management systems that fully comply with the requirements identified in this questionnaire. Corrective action may be necessary to comply with the Federal requirements as a condition for receipt of Federal-aid funds.

The regulations cited in this document can be found at <http://www.dot.gov/ost/m60/grant/49cfr18.htm>;
<http://www.dot.gov/ost/m60/grant/49cfr19.htm>; www.gpoaccess.gov/cfr/index.html;
http://www.whitehouse.gov/omb/circulars_default.

I. General

1.	Name of Organization	
2.	DUNS Number	
3.	If your organization has expended more than \$500,000 in federal grant funds within a year, has an A-133 audit been performed?	

4.	If yes, were there any major findings and please provide the electronic link to the report?	
5.	Does your organization have an approved indirect cost rate with the Federal Government?	

II. Administrative Capability

Financial Management Systems				
	Standard	Citation	Yes	No (Please provide explanation)
1.	Does your organization's accounting and financial management systems follow generally accepted administrative rules, cost principals, and audit requirements?	OMB Circular A-102 2 CFR, Part 225 OMB Circular A-133	<input type="checkbox"/>	
2.	Do your systems permit the preparation of reports required by applicable statutes and regulations?	49 CFR 18.20(a)(1)	<input type="checkbox"/>	
3.	Do your systems permit the tracing of funds to a level of expenditures adequate to establish that funds have not been used in violation of applicable statutes?	49 CFR 18.20(a)(2)	<input type="checkbox"/>	
4.	Do your systems produce accurate, current, and complete disclosure of the financial results of financially assisted activities in accordance with the financial reporting requirements of the grant?	49 CFR 18.20(b)(1) 49 CFR 19.21(b)(1)	<input type="checkbox"/>	
5.	Does your system contain information which adequately identifies the source and application of funds provided for financially assisted activities? These records must contain information pertaining to grant or subgrant and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.	49 CFR 18.20(b)(2) 49 CFR 19.21(b)(2)	<input type="checkbox"/>	
6.	Does your system provide effective control over and accountability for all funds, property, and other assets?	49 CFR 18.20(b)(3) 49 CFR 19.21(b)3	<input type="checkbox"/>	

7.	Does your system adequately safeguard all property and assure that it is used solely for authorized purposes?	49 CFR 18.20(b)(3) 49 CFR 19.21(b)(3)	<input type="checkbox"/>	
8.	Does your system allow for comparison of actual expenditures or outlays with budgeted amounts of each grant?	49 CFR 18.20(b)(4) 49 CFR 19.21(b)(4)	<input type="checkbox"/>	
9.	Does your system relate financial information to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant agreement?	49 CFR 18.20(b)(4) 49 CFR 19.21(b)(4)	<input type="checkbox"/>	
10.	Does your system provide procedures for determining the reasonableness, allocability and allowability of costs in accordance with 2 CFR Part 225, "Cost Principals for State, Local, and Indian Tribal Governments"?	49 CFR 18.20(b)(5) 49 CFR 19.21(b)(6)	<input type="checkbox"/>	
11.	For recipients paid in advance, do you maintain written procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement? Are draw downs requested as close as possible to the time of disbursement?	49 CFR 18.20(b)(7) 49 CFR 19.21(b)(5)	<input type="checkbox"/>	

	Procurement	Citation	Yes	No (Please provide explanation)
1.	Do your contract administration systems ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders?	49 CFR 18.36(b)(2) 49 CFR 19.47	<input type="checkbox"/>	
2.	Do you maintain a written code of conduct governing the performance of your employees engaged in awarding and administering contracts?	49 CFR 18.36(b)(3) 49 CFR 19.42	<input type="checkbox"/>	
3.	Do your procedures require review of proposed procurements to avoid purchasing unnecessary or duplicative items?	49 CFR 18.36(b)(4) 49 CFR 19.44(a)(2)	<input type="checkbox"/>	

4.	Do your procedures require lease vs. purchase analysis?	49 CFR 18.36(b)(4) 49 CFR 19.44(a)(2)	<input type="checkbox"/>	
5.	For governmental recipients, do you enter into state and local intergovernmental agreements for procurement of common goods and services?	49 CFR 18.36(b)(5)	<input type="checkbox"/>	
6.	For governmental recipients, do you use federal excess and surplus property rather than purchasing new property?	49 CFR 18.36(b)(6)	<input type="checkbox"/>	
7.	For governmental recipients, do you use value engineering on large construction projects?	49 CFR 18.36(b)(7)	<input type="checkbox"/>	
8.	Are contract awards made only to responsible contractors?	49 CFR 18.36(b)(8) 49 CFR 19.44(d)	<input type="checkbox"/>	
9.	Do you conduct a cost and price analysis in connection with every procurement action?	49 CFR 18.36(f) 49 CFR 19.45	<input type="checkbox"/>	
10.	For governmental recipients, do your procurement records include rationale for procurement method, contract type selection, contractor selection or rejection, and contract price basis?	49 CFR 18.36(b)(9)	<input type="checkbox"/>	
11.	Do nonprofit/university recipient records for purchases in excess of their small purchase threshold include basis for contractor selection, justification for lack of competition when competitive bids or offers were not obtained, and basis for award cost or price.	49 CFR 19.46	<input type="checkbox"/>	
12.	Do you take the necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible?	49 CFR 18.36(e) 49 CFR 19.44(b)	<input type="checkbox"/>	
13.	Do your procedures meet the requirements laid out in 49 CFR 18.36(d) for small purchases, sealed bids, competitive proposals, and noncompetitive proposals?	49 CFR 18.36(d) 49 CFR 19.44(c)	<input type="checkbox"/>	
14.	To the maximum extent practical, are your procurement actions conducted in a manner providing full and open competition?	49 CFR 18.36(c) 49 CFR 19.43	<input type="checkbox"/>	

15.	Do your contracts contain the required provisions in 49 CFR 18.36(i) and Appendix A, as applicable?	49 CFR 18.36(i) 49 CFR 19.48	<input type="checkbox"/>	
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	Personnel Systems	Citation	Yes	No (Please provide explanation)
1.	Do you maintain an employee handbook or personnel manual	2 CFR 225, Appendix B, 8(a)(d)(h) 2 CFR 230, Appendix B, 8(a)(g)(m)	<input type="checkbox"/>	
2.	Do you have written, current position descriptions	2 CFR 225, Appendix B, 8(a)(b)(h) 2 CFR 230, Appendix B, 8(a)(c)(m)	<input type="checkbox"/>	
3.	Are staff in each position qualified, based on position description?	2 CFR 225, Appendix B, 8(a)(b) 2 CFR 230, Appendix B, 8(a)(c)	<input type="checkbox"/>	
4.	Do you have a written recruiting and hiring procedure that ensures fairness and compliance with all applicable federal and state requirements?	2 CFR 225, Appendix B, 8(a) 2 CFR 230, Appendix B, 8(a)	<input type="checkbox"/>	
5.	Is your compensation system reasonably tied to position descriptions and regular performance evaluations? Is it consistently applied, e.g., same pay scale regardless of funding source?	2 CFR 225, Appendix B, 8(b) 2 CFR 225, Appendix B, 8(c)	<input type="checkbox"/>	
6.	Are your fringe benefits reasonable and consistently applied, e.g., same benefits regardless of funding source for the person's position?	2 CFR 225, Appendix B, 8(h) 2 CFR 230, Appendix B, 8(m)	<input type="checkbox"/>	
7.	Does your timekeeping system meet the requirements of the applicable cost principal?	2 CFR 225, Appendix B, 8(h) 2 CFR 230, Appendix B, 8(m)	<input type="checkbox"/>	

	Property Management Systems	Citation	Yes	No (Please provide explanation)
1.	Do you maintain equipment records that include: <ul style="list-style-type: none"> • Property description • Serial or identification number • Title holder • Acquisition date • Cost • Percentage of federal participation in cost • Location and condition, including date information was reported • Disposition date, including disposal date and sales price 	49 CFR 18.32(d)(1) 49 CFR 19.34(f)91)	<input type="checkbox"/>	
2.	Do you conduct a physical inventory of equipment at least once every two years, including reconciliation with property records?	49 CFR 18.32(d)(2) 49 CFR 19.43(f)(3)	<input type="checkbox"/>	
3.	Do you have a control system to ensure property is safeguarded to prevent loss, damage, and theft?	49 CFR 18.32(d)(3) 49 CFR 19.34(f)(4)	<input type="checkbox"/>	
4.	Do you have adequate maintenance procedures to keep the property in good condition?	49 CFR 18.32(d)(4) 49 CFR 19.34(f)(5)	<input type="checkbox"/>	
5.	For federally owned equipment, do governmental recipients manage it according to federal agency requirements?	49 CFR 18.32(f)(2)	<input type="checkbox"/>	
6.	For federally owned equipment, do you submit annual inventory listings?	49 CFR 18.32(f)(3) 49 CFR 19.33(a)	<input type="checkbox"/>	
7.	For nonprofit/university recipients, do you maintain insurance on equipment and real property acquired with federal funds equivalent to insurance on their own property?	49 CFR 19.31	<input type="checkbox"/>	
8.	Do your procedures cover requesting disposition instructions from the federal agency when real property is no longer needed on the project?	49 CFR 18.31(c) 49 CFR 19.32	<input type="checkbox"/>	
9.	Do your procedures for equipment disposition require valuation when equipment is no longer needed on federally supported projects?	49 CFR 18.31(e) 49 CFR 18.32(e)	<input type="checkbox"/>	

10.	Do your procedures require compensation to the federal agency when disposing of equipment with a current fair market value exceeding \$5,000?	49 CFR 18.32(c) 49 CFR 19.34(g)	<input type="checkbox"/>	
11.	Do your procedures cover calculating the residual value of supplies at closeout?	49 CFR 18.33 49 CFR 19.35(a)	<input type="checkbox"/>	
12.	For governmental recipients, do your procedures require that disposition instructions are requested where the value of supplies exceeds \$5,000?	49 CFR 18.33	<input type="checkbox"/>	

PART III - CERTIFICATION AND SUBMISSION

CERTIFICATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE (REQUIRED):

I hereby certify that the statements I have made on this form and all attachments thereto are true, accurate and complete .

(Signature)

(Name of Official)

(Title)

(Date)

Appendix 22



New Jersey Department
of Transportation

New Jersey Department of Transportation Division of Local Aid and Economic Development

I. Policy/Procedure No. 011

II. Supersedes: Directive dated July 13, 2012

III. Subject: Construction Oversight and Inspections for Federal-Aid Highway Projects

IV. Effective Date: October 7, 2013

V. Purpose:

To establish a process for the NJDOT Division of Local Aid and Economic Development (Division) and ensure compliance with applicable federal laws and regulations governing the oversight of federally funded locally administered construction projects.

VI. Discussion

The New Jersey Department of Transportation provides funds to Local Public Agencies (LPA's) for construction projects on the federal-aid system through the Federal Highway Administration's (FHWA's) Federal-aid Highway Program. LPA's receiving federal-aid funds are responsible for administering their projects and meeting all federal-aid requirements. The NJDOT, through its Stewardship Agreement with FHWA, is responsible for ensuring that each LPA receiving FHWA funds is adequately staffed and suitably equipped to undertake the federal-aid projects; to provide the supervision and inspection required to complete each project in conformance with the approved plans and specifications; and to ensure that all federal requirements are met. Generally speaking these requirements are set forth in Title 23 - Highways; 48 CFR - Federal Acquisition Regulation; and 49 CFR 18 - the Common Grant Rule.

VII. Authority

23 CFR 635; Title 49 CFR 18 and 26; 23 CFR 630 and 635; 23 USC 112, 114 and 302

VIII. Definitions

Adequate Staffing: (23 CFR 635.105) Requires the LPA to be adequately staffed and suitably equipped to undertake and satisfactorily complete the work.

Buy America Certifications-Steel/Iron Thresholds: (23 CFR 635.410(b)(4), 23 CFR 635.410(c)(1), 23 CFR 635.410 requires that all steel or iron products permanently incorporated into a federal-aid project must be manufactured in the United States. This includes application of coatings.

Buy America requirements apply to the entire federal-aid project. Steel or iron products purchased with non federal funds are not exempt from this requirement. Waivers are permissible in rare cases as specified in 23 CFR 635.410 (c) (1). Minimal use of foreign steel or iron is permissible if the costs of such materials does not exceed one-tenth of one percent (0.10%) of the total cost or \$2,500, whichever is greater, as specified in 23 CFR 635.410 (b)(4). The LPA responsible charge is responsible for ensuring the Buy America certification is received at the time of delivery and prior to the steel or iron product being incorporated into the project. The Buy America certification from the manufacturer must state the country where the steel or iron product was melted and manufactured including application of coatings which enhance the value of the material. The certification must include a materials description, quantity of material represented by the certification, country of manufacture and notarized signature of a person having legal authority to bind the supplier.

Contract Manager: The Local Aid representative assigned to conduct the construction oversight/inspection review of a project.

Corrective Action(s): Specific written comments detailing the steps to be taken by the LPA to correct the identified deficiency. Corrective actions must have completion dates; specify the documentation to be provided, and provide the consequences for failing to complete the action. (ie., recovery of reimbursements, withdrawal of Federal funding; restrictions on future authorizations, etc.).

Finding(s): Written comments identifying non-compliance, non-adherence to the laws, regulations, contract provisions, grant agreements, standards, measures, expected performance, defined business practices, and benchmarks against which the review is based upon and evaluated against. Failure to document evidence of cost incurred resulting in questionable costs are not eligible for Federal-Aid. Written findings should include the deficiency, criteria/standard, and corrective actions required with specific time frames for implementation.

Inspection: (23 CFR 635.105) The process of visual examination or physical measurement of an item for comparison against applicable requirements. The characteristics of a product or item are assessed using both visual observations and measurements.

Inspector: The LPA's authorized representative assigned to inspect the work for conformance to the contract as per the contract and as defined by the NJDOT 2007 Standard Specifications for Road and Bridge Construction.

Resident Engineer (RE): (23 CFR 635.105)The NJDOT Construction Management Handbook defines the duties of a resident engineer (RE) to include supervision to ensure the proper on-site fulfillment of the contract by working with the contractor and taking required action to correct

problems that may arise. The RE will provide proper coverage at all times to ensure compliance of the contract. Additional duties are described in the NJDOT Construction Handbook.

Observation(s): A written comment on a condition identifying a deficiency in internal control, or combination of deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria or framework. This deficiency, will adversely affect the required, or desired state, or expectation, with respect to the program or operation being reviewed. Observations should include the deficiency, criteria/standard and recommendations. Observations may require follow up by the LPA. If the LPA fails to follow up within the specified timeframe the deficiency, if warranted, may then be considered a Finding.

Oversight: The act of ensuring that the Federal-Aid Highway Program is delivered consistent with applicable laws, codes, regulations and policies; as defined in the FHWA/NJDOT Stewardship Agreement. FHWA and NJDOT are required to enter into a Stewardship Agreement pursuant to Title 23, USC. The Stewardship Agreement identifies the roles of FHWA and NJDOT in the accomplishment of these goals and objectives.

Responsible Charge: [23 CFR 635.105(a) (4)] requires LPA's to provide a full-time employee to be in responsible charge of Federal-aid construction projects. The person in responsible charge of LPA administered projects need not be an engineer. The "responsible charge" requirement applies even when a consultant is providing construction engineering services. The regulations do not restrict an agency's organizational authority over the person designated in "responsible charge," and the regulations do not preclude sharing of these duties and functions among a number of public agency employees. The regulations also do not preclude one employee from having responsible charge of several projects and directing project managers assigned to specific projects. The LPA must designate the employee in responsible charge prior to the preconstruction meeting. Duties include: Administering inherently governmental activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects; maintains familiarity of day to day project operations including project safety issues; makes or participates in decisions about changed conditions or scope changes that require change orders; directs project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; is aware of the qualifications, assignments and on the job performance of the agency and consultant staff at all stages of the project; visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project; on the jobsite for the time needed to verify and insure that the project receives adequate supervision and inspection to ensure that work is accomplished in conformance with approved plans and specifications.

Source Document: (23 CFR 635.123) requires each LPA to adopt procedures that provide adequate assurance that the quantities of completed work on federal-aid construction projects will be determined accurately and on a uniform basis. All such determinations and all related source documents upon which payment is based must be a matter of record.

The source documents can consist of notes (documentation) of the following: counts; measurements; (length, width, depth, and slope); calculations of area; volume; weights; sketches; compliance with contract plans and specifications; field changes; comments; and delivery tickets collected and initialed by the inspector at the point of unloading. Source documentation establishes the quantities for payment. Source documentation provides backup and serves as proof of eligibility for pay quantities. Lack of source documents in support of pay items will result in the loss of funding participation.

IX. Procedures

The procedures are divided into the following sections: Section A - Construction Inspection; Section B - Report Preparation; and Section C - Final Inspection/Project Closeout.

Preconstruction meetings are required for all Federal-Aid projects prior to construction work commencing. It is the responsibility of the LPA to arrange and conduct a preconstruction meeting. The Contract Manager shall notify the LPA in the authorization letter of this requirement.

A. Construction Inspection

An initial and final inspection shall be conducted on each construction project. An initial inspection shall be conducted when the project is no more than 10% to 15% complete. Additional interim inspections should occur at least monthly or more frequently if warranted due to the size and complexity of a project, or to ensure previously identified deficiencies were remedied.

Construction Oversight Inspections will consist of four major activities:

1. Review of Project Files Prior to Inspection
2. Field Inspection-Invoice Review
3. Field Inspection-Office Review
4. Field Inspection-Site Review

The Construction Oversight Inspection Project Data Sheet (Attachment 1), the Invoice Review Form (Attachment 2), and Inspection Checklist (Attachment 3) will be used to conduct the inspections. The outcome of the inspections will be summarized on the Local Aid Construction Oversight Inspection Summary Report (Attachment 4). The Contract Manager shall use the Inspection Checklist each time an inspection is conducted. The Federal-aid Construction Oversight Checklist will be filled out in its entirety. Sections not applicable to the inspection will be so noted on the checklist. The completed checklist will be signed and dated by the Contract Manager at the time of inspection. Copies of all materials reviewed during the inspection will be attached to the checklist and included in the project file.

Findings, Observations, Corrective Actions, Recommendations, and overall Quality of Work will be summarized in the Inspection Summary Report (Attachment 4).

1. Review of Project Files Prior to Inspection

The District Office will contact the LPA in writing prior to the Oversight Inspection. A copy of this correspondence shall be placed in the project file.

Prior to any field inspection, the Contract Manager shall review and verify if the following documentation is complete and in the project files:

- a) Notice of federal authorization to LPA (listing any conditions to authorization).
- b) Executed Federal-Aid Agreement.
- c) **Civil Rights requirements.**
 1. **DBE – approved Form A CR266F-Schedule of ESBE/DBE Participation or CR266S-Schedule of SBE Participation (formerly Form A).**
 2. **Trainees – approved memorandum-follow up may be needed as this may not be completed prior to the initial inspection.**
- d) Pre-construction Meeting Minutes.
- e) Notice to Proceed.
- f) Material records [(Material Questionnaire Form DC-2891- (Attachment 7)], mix design reports
- g) Contacts (including Resident Engineer and Responsible Charge)
- h) Schedule including - notice to proceed, duration, start date, substantial completion, and end date.
- i) **Wage rates (in effect).**
- j) Change Order(s) submitted on project.
- k) Previous inspection reports -outstanding issues from previous inspections; resolutions to problems previously reported; and corrective actions taken to eliminate unsatisfactory work.

2. Field Inspection–Payment Voucher

The following billing requirements have been established for locally administered federal-aid projects.

- a) LPA's must award a construction contract within four months of receiving a Notice-to-Proceed from NJDOT. The Notice-to-Proceed is issued by NJDOT after FHWA authorizes the funding.
- b) NJDOT must receive an initial billing (payment voucher) no later than three months after the initial billing after NJDOT has concurred in the award of the construction contract.

- c) NJDOT must receive subsequent billings (payment vouchers) no later than three months after the initial billing and every three months thereafter.

At least one review of a payment voucher shall be completed by the Contract Manager prior to substantial completion of the contract. Additional payment vouchers may be reviewed at the discretion of the District Manager as needed, but must occur prior to project close-out.

A payment voucher review may be conducted along with a construction field inspection using the Invoice Review Form (Attachment 2). The review will be completed as follows:

- a) After the latest LPA construction payment voucher has been received, the Contract Manager will assemble the following documents prior to review of the voucher:

1. Fully executed copy of the latest payment voucher
2. Detailed copy of construction contract estimate
3. Copy of bid items and prices for awarded contract.
4. All materials or equivalent summary sheet(s) in support of the contract estimate selected for the voucher review.
5. All daily inspection reports (NJDOT DC-29A Forms or equivalent for the voucher time period). If needed, copies should be requested from the LPA.

- b) Examine the LPA's Payment Voucher to ensure:

1. Amount authorized and approved for payment is in agreement with the payment amount. Verify authorized signatures.
2. Payment Voucher is properly authorized and approved by state officials, if the voucher has been paid.
3. Invoice is coded to the correct Federal project
4. Invoice payment amount is in agreement with the approved contract progress estimate. Date of cost incurrence (construction work performance) is subsequent to the Federal Agreement project authorization date.
5. Review the payment voucher to ensure all quantities submitted to date DO NOT exceed the contract amount for each contract line item.

- c) Identify and document the sample pay items within the payment voucher that will be tracked for project documentation and note the items as samples on the Invoice Review Form in the first table. The samples shall include the first three, as applicable, and include two major quantity items (not lump sum) based on costs incurred (not including asphalt, concrete, steel / iron).

d) For each sample item per the time period specified in the payment voucher, obtain the below information and organize copies of the information in the assigned Exhibit (copy of the sampled material numbered) by the first table:

1. Manufacturer invoices.
2. Material delivery documentation.
3. Inspection reports with supporting field notes (include a copy of representative inspection report).
4. Material Certifications.
5. Buy America Certification with step verification (include copies).

e) For sample #1 in Table 1, check to ensure:

1. The inspection reports are signed and dated (note by whom).
2. The unit of measurement on the payment voucher is the same unit of measurement documented in the inspection reports.
3. The unit price in the payment voucher is the same as the contract unit price.

f) Using the Table 2, for each sample and for the time period of the payment voucher, add up the quantities documented by the inspection reports and compare the number to item quantity within the summary of pay items and on the payment voucher. Provide explanation for any differences.

g) Using the Table 3, for each sample item, ensure the items are in accordance with the contract documents and are consistent. Entries should be either Yes, No, or N/A. Provide explanation for any No responses.

All exhibits used during the review shall be marked and attached to the Invoice Documentation Review Form. The final version shall be signed by the Contract Manager preparing the form. Any discrepancies, Observations, Findings or Recommendations will be noted on the Inspection Summary Report.

3. Field Inspection - Office Review

An initial field inspection shall be scheduled prior to the project construction being 10% to 15% complete. This will aid in identifying issues early and will ensure they will be minimized as the project is advanced. Construction activities and source documentation will be inspected to ensure the project is constructed in accordance with approved plans and specifications, and standard construction techniques. Additional inspections may be less comprehensive and focus on a particular aspect of the project.

checked while reviewing all project documentation. If any work has been completed prior to the date of Federal-Aid authorization and/or notice to proceed, including change orders, then all of the work prior to authorization or the contract notice to proceed will be considered ineligible for payment with federal funds. Work occurring after the completion date is also considered ineligible for payment. Therefore, any costs associated with work occurring prior to authorization or after contract completion will be recorded as a non-participating project cost. Cost incurred for activities occurring before the Federal Project authorization date, contract notice to proceed date and/or change order date are also ineligible for federal reimbursement.

- b) Review of Project Diary/Daily Inspection Reports: (23 USC 114 & 302 and 23 CFR 635.105 Project Supervision and Staffing) The Contract Manager shall examine the project diary, inspector's daily reports, progress charts, and other data compiled in the field office to facilitate project control. Diaries and inspectors daily reports must be complete yet concise, accurate, and factual. The diary entries shall be signed and dated by the person/inspector preparing the document. During review, verify discussions with the contractor were documented in writing and included in the project file. Review and confirm that there is a complete audit trail for work performed, measured, and paid.

Project diaries should provide a day to day record including the following:

- 1) Contractors/Subcontractors onsite.
- 2) Weather conditions.
- 3) Rejected material or work, work shutdowns or resumption of operations.
- 4) Work conducted on the jobsite that day including equipment on the project.
- 5) Materials certifications and testing on the project materials-*ie.* concrete core sample taken.
- 6) Important decisions made that day or project related discussions.
- 7) Any visitors and/or inspectors visiting the jobsite.
- 8) Documentation of accidents occurring within the project limits.
- 9) Maintenance and Protection of Traffic Plans including detours or any Work Zone Safety Issues

- c) DC-29a or Equivalent Daily Inspector's Report: A DC-29a Daily Inspector's report shall be completed by LPA's inspector on a daily basis. The DC-29a must contain the following as a minimum:
- 1) Description and location of item of work completed.
 - 2) Date, time, weather conditions, name of contractor/subcontractor(s) or their crew, including the number and type of personnel on the jobsite at the time of inspections.
 - 3) Trainee documentation (if applicable).
 - 4) Type of work performed, a sketched diagram of work completed, and measurements (note length, width, and height) taken if applicable (example: ADA Handicap accessible ramp).
 - 5) Verification of compliance to Traffic control plan.
 - 6) Materials testing, ie slump test result for concrete batch.
 - 7) Asphalt/Concrete tickets have been collected and on file with the DC-29a.
 - 8) Inspection, verification and approval of forms prior to pouring of concrete (refer to Sec. 504.03.02 of 2007 NJDOT Standard Specifications for Road and Bridge Construction.) A note on the inspector's form should say "Authorization to pour...". This is assurance that the inspector approves of the material to be placed.
 - 9) Detailed documentation of Placing of Hot Mix Asphalt (refer to Sec. 401.03.03 – of 2007 NJDOT Standard Specifications for Road and Bridge Construction).
 - 10) Daily reports should be signed by inspector and dated.
 - 11) Equipment and number of workers onsite; subcontractor workers are onsite. Appropriate supervision is being provided.
 - 12) Inspector's signature.
- d) Measurement of Quantities: (23 CFR 635.123)The Contract Manager shall verify the measurements and the methods used in the measurement of quantities meet contract requirements.

Recommended inspection techniques include:

- 1) Verify the items reviewed were measured in the units called for in the contract provisions and the methods of measurement prescribed in the contract documents, specifications, plans, etc. were followed.

- 2) Examine project records to insure all materials measured for payment were delivered and incorporated into the project or stockpiled for future incorporation.
 - 3) Where area methods of measurement are specified, make dimensional checks to the extent necessary to verify the actual work was performed. Ensure measurements were made at the proper time and prior to the subsequent placement of other courses of materials.
 - 4) Where final quantities are determined by volume computations, verify the method of measurement and documentation of calculations.
- e) **Monthly Item Summary Sheet:** The Resident Engineer or Responsible Charge (person overseeing the project on a daily basis) must keep a daily tally (either via spreadsheet or handwritten notes) of each material brought and placed on the jobsite on a daily basis. At the end of the month, a complete summary of all of the materials (based on daily quantity tallies) shall be tallied and used as a basis of payment to the contractor. Materials summary sheets can be written or computer generated, but must provide an accurate record of work completed to date.

Review for accuracy of the material summary sheets can be accomplished by cross checking the materials summary sheet with monthly summaries on file. Unit and unit prices should accurately reflect the bid price or adjusted price if adjusted. A field check of the completed item quantity may also be applicable.

- f) **Civil Rights Documentation review for Labor, Wage Rate, and EEO Compliance:** During construction inspections, a review shall be conducted to determine if the following information has been submitted and/or is being kept on file:
- 1) DC-126 Wage Rate Inspection-Reports submitted to Local Aid monthly by the Person in Responsible Charge, and then a copy to the District Office.
 - 2) DC-127 Monthly Summary of Contractor's Payroll -Reports submitted monthly to Local Aid by the Person in Responsible Charge, and then a copy to the District Office.
 - 3) CR347-2-Payroll Certification Form Statement of Compliance - Completed by contractor each week and submitted to person in Responsible Charge must be submitted with CR-347.

- 4) CR347 -Payroll Form WH-347 U.S. Department of Labor Attachment - Prepared by contractor each week and submitted to person in Responsible Charge, and then a copy to the District Office. Submitted with each certified payroll. If back of this form is filled out the FA-7 can be omitted.
- 5) CC-257R - Monthly Employment Utilization Report - Prepared by the contractor and by any sub-contractors. This must be filled out and submitted on-line through the State of New Jersey portal.
- 6) CR-267- Monthly Report, Utilization of Disadvantaged Business Enterprise/Monthly Report, Utilization of Emerging Small Business Enterprise - Prepared by the contractor and reviewed by the person in Responsible charge. Submitted to the District and forwarded to the NJDOT Division of Civil Rights each month.
- 7) CR-268 Final DBE (or ESBE) Report/Final Emerging Small Business Enterprise Report - Completed by the contractor and reviewed by the resident engineer, signed by the contractor and notarized. Submitted to the District and forwarded to the NJDOT Division of Civil Rights [Note: DBE (or ESBE)'s must be approved by the LPA and submitted to Local Aid before award of contract. Any changes to DBE (or ESBE)'s after construction must be approved by the LPA and submitted to the District Office.
- 8) Proposed Training Program - At or just after the Pre-construction meeting, the contractor will submit a proposed training program (per Section V, Subsection A of the Construction Procedures Handbook) which includes the proposed training positions, standard program hours per position, minimum available hours per position, estimated start date per position, which training to be provided by the contractor or sub-contractor. The proposal is to be reviewed and recommended by the LPA's person in Responsible charge prior to forwarding to District. This will be forwarded to Civil Rights for review and approval. The signed and submitted Training Guidelines for all positions and the Part A Memorandum for all candidate trainees will be submitted by the contractor, to the LPA for submission to Local Aid for submission to NJDOT Civil Rights for review and acceptance of the proposal. The Training Guidelines and Part A Memorandum require concurrence by the NJDOT-DCR/AA.

- 9) CR-2 Bi-Weekly Training Report - Prepared by the contractor and submitted to the person in Responsible Charge for review and acceptance based on agreement with form DC-29 or alternate field reports. This must be submitted to the District monthly.
 - 10) CR - 1409 Contractor's Quarterly Training Report - Prepared by the contractor and submitted to the sponsor's person in Responsible Charge for review and acceptance. The last 1409 is to be marked as Final. This is to be submitted to the District each quarter.
 - 11) CR- 3 Training Certificate For Reporting Hours to NJDOT Certificate - Prepared by the contractor, it is to be signed by the Contractor, Trainee, and the LPA's Resident Engineer. This must be submitted to the District.
 - 12) CR266F-Schedule of ESBE/DBE Participation or CR266S-Schedule of SBE Participation (formerly Form A).
- g) The Contract Manager shall document the following if applicable on the project:
- 1) DBE/ESBE/SBE: Goal; Contractor Commitment; and DBE Payment. Provide the dollar values and percentages identified on the project. Explain any discrepancies identified.
 - 2) Trainees: Review the proposed Trainee Program and note and explain: the minimum program goal versus the actual hours worked; review field checks and interviews and cite any conformance issues identified.
 - 3) Review Wage Rate Checks to determine if any were completed. Document amount completed to date, any findings and/or discrepancies identified.
- h) Buy America Certifications-Steel/Iron Thresholds: [23 CFR 635.410 Buy America, Project Waivers 23 CFR 635.410(c)(1)] The Buy America certification must be available at the time of delivery, which shall be prior to incorporating the steel/iron product in the project. Typically, a certification states: "**All manufacturing processes for these steel and iron materials, including the application of coatings, have occurred in the United States.**" The Buy America certification from the manufacturer must state the country where the steel or iron product was melted and manufactured including application of

coatings which enhance the value of the material. The certification must include a materials description, quantity of material represented by the certification, country of manufacture, and notarized signature of a person having the legal authority to bind the supplier. The certification must be current, and be specific to the material and project at hand. Step certification is encouraged when manufacturing occurs at different locations. This involves separate, self-supporting, certifications that are prepared at each location and accompany the product to the job site, providing a documentation trail confirming all manufacturing has occurred in the United States.

The Contract Manager will confirm and assure manufacturers certifications have been received for all pay items requiring a certification per the contract documents with emphasis on the requirements of the NJDOT Standard Specification. Sample material will be selected and reviewed to determine if the material provided satisfies the requirements of the contract. The Contract Manager will review source documentation to confirm placement of the material on the project through delivery tickets, inspection reports with supporting field notes, calculations, measurements and photographs. If the Buy America Certifications are not on file, then the Contract Manager shall note on the checklist and/or the invoice the material is missing. This will be considered a Finding and the LPA will then be requested to immediately provide the certification for the materials.

Buy America requirements apply to all utility relocation work (regardless of funding) that is part of a FHWA funded contract, and to all federally funded standalone utility work. Standalone, non-FHWA funded, contracts are not covered.

The LPA must determine the aggregate cost of the materials and ensure the threshold allowances for foreign steel or iron materials, 0.1% or \$2500 (whichever is greater), is not exceeded. The Contract Manager shall review the LPA records of all foreign steel placed on the project to determine if the regulatory thresholds for foreign steel/iron have been exceeded.

If the threshold limits have been exceeded, then the LPA must replace the foreign steel/iron with domestically produce steel/iron. If the steel/iron cannot be replaced, then the LPA must be notified the entire project cost is not eligible to receive federal funding. If the limits have not been exceeded, the LPA shall be reminded to continue to track the placement of foreign steel/iron items on the project.

- i) **Materials-Quality Assurance Testing and Acceptance:** (*23 USC 112 & 23 CFR 635.411 Patented / Proprietary Products*) The Contract Manager shall review the contract documents to identify any required material testing prior to conducting the field inspection. The LPA resident engineer/inspector will keep copies of the materials testing (typically, asphalt and concrete) on file must supply the results of all the material tests. During the office inspection, the Contract Manager will review the test results on file to determine if that all required material testing has occurred as defined in the contract documents, plans and specifications and that the frequency of such testing was achieved. The testing must adhere to contract documents, which includes NJDOT standard specifications. If the material tests are all available, then it shall be noted in the checklist. If they are not, then the LPA resident engineer/inspector must be informed that copies of the testing must be made available to NJDOT once they receive them. Failure to conduct the required material testing will result in the LPA to be considered non compliant with the terms and conditions of the contract and the cost for that item shall be questioned for Federal-aid participation.

Guidance on materials Quality Assurance and Acceptance Testing is included in the:

NJDOT 2007 Standard Road and Bridge Specification located at:

<http://www.state.nj.us/transportation/eng/specs/2007/Division.shtml>

Supplemental specifications provide guidance for federally funded LPA projects at:

<http://www.state.nj.us/transportation/business/localaid/fedaid.shtm>

This location provides a link to the 2011 Supplemental Specifications.

The latest versions of these documents will apply.

Specifications noted below are in the 2007 edition. They provide guidance on materials compliance and Proprietary Items.

- j) **Project Schedule:** (*23 CFR 635.121 Contract Time*) The project schedule will be reviewed to determine if it is based on critical path methodology, and is current. There should be evidence the LPA is monitoring the schedule contract progress and evaluating any impacts on project time. Any schedule revisions must be supported by change orders, which should be on file. Failure to monitor the schedule shall

be considered a failure by the LPA to provide a critical project control. A corrective action shall be issued to the LPA requiring an up to date and accurate progress schedule be provided within a certain timeframe. The schedule shall be reviewed by the Contract Manager for accuracy and conformance to the NJDOT Standard Specifications.

The Contract Manager shall monitor the LPA oversight over the contract to determine if the project progress, contractor payment, and contract completion are in sync with the project schedule. If not, the Contract Manager will identify the discrepancies and contact the LPA with a request to provide a corrective action with a definitive timeframe. The Quality of Work will be noted as Unsatisfactory if this results in a Finding. Follow up on corrective actions will be done with the LPA by the Contract Manager. The Contract Manager will inform the LPA of the consequences of failing to complete the action. (ie., Recovery of reimbursements, withdrawal of Federal funding; restrictions on future authorizations, etc.).

- k) **Change Orders:** *(23 CFR 635.102, 635.120, 635.121 Change Orders (Extra Time and Work Extensions))* The Contract Manager will review the resident engineer's files to determine if the LPA has generated changes to contract quantities or plans and specifications. Changes of plan or quantities will be made in accordance with the contract provisions and NJDOT 2007 Standard Specifications for Road and Bridge Construction (104.03 Changes To The Contract) which require the issuance of a field order directing the contractor to overrun contract quantities or perform supplemental work with timely processing of a change order to occur prior to contractor reimbursement. The price of supplemental items of work must be negotiated with the contractor. Evidence must be in the file the LPA developed an independent estimate of cost to be used in negotiations with the contractor. The change order should have been formally adopted and approved by the governing body and the Local Aid District Office before payment for the supplemental or overrun items is made.

Extension to the contract completion date will be made in accordance with NJDOT 2007 Standard Specifications for Road and Bridge Construction (108.11 Extensions to Contract Time) which specifies the conditions and documentation required to allow an extension to contract time. The Contract Manager will review the LPA file and document evidence of LPA compliance with extension of contract time requirements and timely processing before approving a Change Order allowing the extension to contract time. Change Orders should

be documented and on file and there should also be a field order issued by the LPA person in responsible charge to direct the contractor to perform the work subject to each change of contract. Subsequently, a change order with adjusted contract values and/or a time modification will be approved by the LPA officials and submitted to the District Office in a timely manner.

If the field orders and change orders are not on file, then the LPA will be considered to be in non compliance with the terms and conditions of the contract and the related cost of overruns and supplemental items need to be questioned for Federal-aid reimbursement. The Contract Manager must notify the LPA that the failure to adequately document timely extensions of contract completion will require assessment of liquidated damages against the contract.

4. Field Inspection-Site Review

a) During the site review, the Contract Manager will check the following:

- 1) Inspectors are actively working on the project site.
- 2) Adequate staffing is being provided to cover inspections of contract work (example- inspectors reviewing work at multiple locations of a project if needed).
- 3) Assess the quality of construction and workmanship (as noted in NJDOT 2007 Standard Specifications for Roads and Bridge Construction).
- 4) Visually inspect Buy America items to verify they are manufactured in the USA.
- 5) Check measurements to verify the item was constructed in compliance with plan dimensions or specification limits if necessary (use a Smart Level to check the slope on constructed ADA Ramps). Review shall be based on the guidance provided on the pay item in the NJDOT 2007 Standard Specifications for Roads and Bridge Construction.

b) Project Maintenance and Protection of Traffic – Work Zone Traffic Control: Review of the following items shall be conducted:

- 1) Inspect & verify if Advance Road Construction Signs are posted as per Traffic Control & Detour Plan if required.
- 2) Verify that signs are visible at all times and free of obstructions

- 3) Quality and Reflectivity of signs, drums & cones is as per Specifications (ATSSA - Quality Guidance for Temporary Traffic Control Devices)
 - 4) Drums and cones are in good and acceptable condition. Damaged items must be removed and replaced immediately.
 - 5) Verify the route is as per the approved plans and is adequately signed.
 - 6) Verify if there is presence of traffic director/flaggers at site if needed.
 - 7) Verify if access to pedestrians is provided during construction and meets ADA requirements (temporary sidewalk, sidewalk closures, signs prohibiting pedestrian access, etc.)
- c) Civil Rights Review-Project Postings and Required Documents: (49 CFR 26-Disadvantaged Business Enterprise) The Division of Civil Rights and Affirmative Action Wage Rate and EEO posters must be posted by the LPA's Responsible Charge in the office. Posters must also be posted at the project site by the Contractor in conspicuous locations (where employees congregate), and if possible in the contractor and/or subcontractor's office. The Responsible Charge shall periodically verify the Contractor has the required information posted.

Projects may be reviewed more frequently if recurring deficiencies are identified or there is a failure to reconcile Corrective actions/Observations/Findings on a project. Reimbursement of existing or future payment vouchers may be withheld until deficiencies are satisfactorily addressed.

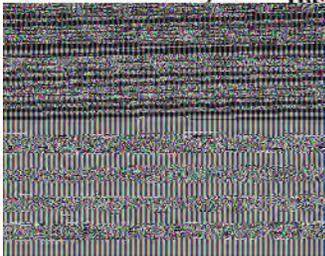
B. Report Preparation

The Contract Manager shall prepare the Local Aid Construction Oversight Inspection Summary Report (Attachment 4) upon concluding the inspection, and completion of the appropriate documentation: Project Data Sheet (Attachment 1), Invoice Review Form (Attachment 2), and/or Federal-aid Construction Oversight Inspection Checklist (Attachment 3).

1. **Report Package: The Construction Oversight Inspection Report package should consist of the following:**
 - a) Transmittal Letter on NJDOT letterhead to the appropriate LPA representative: LPA Responsible Charge, County Engineer, Municipal Engineer or LPA representative identified in Section 16 of the Federal-Aid Agreement.
 - b) Project Data Sheet (Attachment 1)

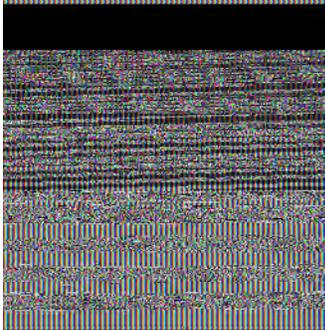
- c) Invoice Documentation Review Form (if applicable for that review)-(Attachment 2)
- d) Federal-aid Construction Oversight Inspection Checklist (Attachment 3)
- e) Local Aid Construction Oversight Inspection Summary Report (Attachment 4)
- f) Photographs pertaining to the preformed inspection are to accompany the attachments.

2. Inspection Report Summary Form: The Inspection Report will consist



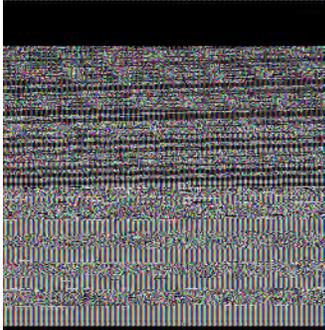
- c) Invoice Documentation Review Form (if applicable for that review)-(Attachment 2)
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Inspection Report Summary Form: The Inspection Report will consist



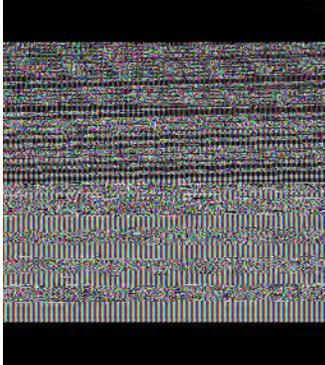
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- c) Invoice Documentation Review Form (if applicable for that review)-(Attachment 2)
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- d) Federal-aid Construction Oversight Inspection Checklist (Attachment 3)
- e) Local Aid Construction Oversight Inspection Summary Report (Attachment 4)
- f) Photographs pertaining to the preformed inspection are to accompany the attachments.



- 6) **Civil Rights Contract Compliance – Contract Manager should notify the LPA Responsible Charge of deficiencies related to job postings at the time of inspection and corrective action implemented within one business day.**

Time frames for the LPA to respond to all other deficiencies may be established at the discretion of the District Manager, but typically should not exceed 10 business days.

- c) **Quality of Work:** The Local Aid Construction Oversight Inspection Summary Report (Attachment 4) also requires a determination be made regarding the quality of the inspection for three rating categories: Progress of Work; Site Work; and Contract Administration. A determination of Satisfactory or Unsatisfactory shall be made.
 - 1) Work Progress shall be based on the results of **Section A.7 - Project Schedule.**
 - 2) Quality of Work - Construction shall be based on the results of **Sections A.9, A.10 & A.11 Construction Inspection: Site Review; Maintenance and Protection of Traffic – Work Zone Safety; and Civil Rights Review – Project Postings.**
 - 3) Quality of Work – Contract Administration shall be based on the results of all remaining checklist categories.

All Findings (ie. non-compliance, non-adherence to the laws, regulations, contract provisions, grant agreements, standards, and failure to document evidence of costs incurred etc.) shall result in an unsatisfactory rating.

- d) **Approval:** All Construction Oversight Inspection Reports shall be signed and dated by the Contract Manager responsible for preparing the documents and approved (signed and dated) by the District Office Manager or designee.

- e) **Distribution:** A copy of each Construction Oversight Inspection Report shall be forwarded by letter to the LPA's Responsible Charge within 10 working days. The transmittal letter is intended to serve as an executive summary of the report and should include the date of inspection, Findings, Corrective Actions and due dates. Letters are to be signed by the District Office Manager or designee. A pdf copy of each Construction Oversight Inspection Report package shall be forwarded to the Division Office Construction program manager. The signed original report package, and all backup documentation associated with the inspection shall be retained in the District Office project file.

C. Final Inspections

A Final Inspection is required for all Federal-aid projects. The Contract Manager is responsible for conducting the Final Inspection.

For final project inspections to be approved, the LPA shall provide the District a record that the corrective actions/Observations/Findings have been resolved. The District will attend the final inspection.

1. LPA shall notify the District in writing that the project is substantially complete (All pay items have been completed).
2. The Contract Manager shall conduct a Final Inspection along with the person in Responsible Charge or representative.
3. The Contract Manager shall provide the LPA with a written notification of any necessary corrective action required in accordance with this Procedure.
4. LPA will implement corrective action in accordance with this procedure.
5. The Contract Manager will conduct a follow up inspection to confirm all corrective actions have been completed.
6. The Contract Manager will advise the LPA to submit a final payment voucher and all required close-outs documents within six months from the date of final inspection and completion of all corrective actions.
7. Construction Oversight Inspection Summary Form shall be completed for all Final Inspections.

X. Resources

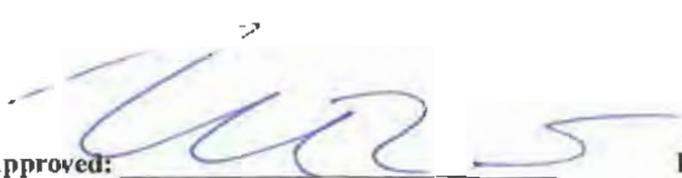
- New Jersey Department of Transportation's Construction Procedures Handbook: <http://www.state.nj.us/transportation/eng/construction/pdf/handbook.pdf>
- 2011 version of the Construction Handbook: http://www.state.nj.us/transportation/eng/construction/pdf/2011_CPH_Index.pdf
- FHWA Construction Program Management and Inspection Guide 2004
- Construction Program Management Inspection Guide participant Workbook-Training 2012
- Contract Administration Core Curriculum Reference Guide 2006
- FHWA Area Engineer Manual 2010
- NJDOT Construction Procedures Handbook
- Quality Guidelines for Temporary Traffic Control Devices and Features 2008-09 Edition

XI. Attachments

- A. Project Data Sheet – Attachment 1
- B. Invoice Documentation Review Form – Attachment 2
- C. Federal-aid Construction Oversight Inspection Checklist Attachment 3
- D. Local Aid Construction Oversight Inspection Summary Report Attachment 4

Approved: _____

Date: _____


Michael Russo

Director, Local Aid and Economic Development

Appendix 23

~ Guidance ~

Pedestrian Facilities and ADA compliance – Curb Ramps

Must Conform To Standards and Contract Plans

References:

All pedestrian facilities constructed or reconstructed must provide safe and easy accessibility for all users.

The Americans with Disabilities Act (ADA) of 1990

Section 504 of the Rehabilitation Act of 1973

28 CFR Part 35.151(e)

NJDOT Construction Details 607 and 608

Guidance:

Inspectors need to have immediate on-site access to contract plans.

It is the inspector's responsibility to insure that all sidewalks and ramps are constructed in strict accordance with contract plans. Slope is of critical importance; as are location, alignment, length, width and depth. Check plans. Measure-measure-measure, compare with plans and **DOCUMENT** conformance and quantities.

Immediately elevate questions or "issues" for discussion and resolution. Document!

It starts with the concrete forms - PRIOR TO the placement of concrete.

NJDOT Standard Specifications, Sections 606 and 607, require RE approval of excavation and forms prior to placing concrete. Nonconformance at this stage means nonconformance with final product.

All measurements, checks, approvals and findings, including pay quantities, must be clearly documented. They become "Source Documents" – a critical item necessary to support payment.

This simple and basic guidance will promote compliance and avoid completed work that does not conform to contract plans and specifications.

Be Vigilant:

The plans should be consistent with established design standards. If you note any design problems or inconsistencies, document and bring them to the attention of the RE/person in charge. Field inspection and documentation must occur for the following:

- The curb ramp type and crossing location are consistent with the plans.
- The curb ramp running slope **does not exceed 8.3%**.
- The curb ramp cross slope and connecting sidewalks **do not exceed 2.0%**.
- The turning areas (landings) are a minimum of 4 foot by 4 foot and cross slopes do not exceed 2% in both directions.
- All street connections, joints, and grade changes must be flush...no lip.
- There are no protrusions or obstacles within the pedestrian accessible route.
- The surface is firm, stable, & nonslip, including during temporary conditions.
- The pedestrian accessible route is free of utilities unless the design allows for exceptions.
- Detectable warning surface with truncated domes have been properly installed, are color contrasting, and aligned in the direction of pedestrian travel.
- No water ponding at the curb ramp or in the pedestrian pathway.
- Accessibility (walkway) has been provided to pedestrian push buttons, including a turning space at the button location.
- Diagonal ramps are discouraged. If provided for in the plans, they must provide a turning space at the back of curb to facilitate travel to the adjacent pedestrian pathway.

By L.J. Jacobs, P.E. FHWA

~ Guidance ~

DBE/ESBE/SBE Program

Project Responsibility from Day One

References:

- FHWA regulatory provisions: 49 CFR 26
- NJDOT's Construction Procedure Handbook for ESBE/DBE & SBE Program Implementation: Section V, Subsection B
- NJDOT DBE & ESBE Programs: <http://www.state.nj.us/transportation/business/civilrights/dbe.shtml>

Applicability:

All federal aid projects with a contract DBE/ESBE requirement.

Guidance:

The DBE Program is a legislatively mandated USDOT program. The mission of NJDOT's Disadvantaged and Small Business Programs is to promote contracting opportunities for small, socially and economically disadvantaged firms who seek to do business with the NJDOT.

DBE contract specifications are legally binding and **must be enforced in the same fashion as any other contract requirement**. Failure to carry out contract provisions may result in loss of Federal funds. The success of these programs is achieved by thoroughly implementing the monitoring and reporting procedures in place AS THE PROJECT PROGRESSES. REs will then be able address any issues early and take effective steps to ensure proper administration of the DBE/ ESBE/SBE Program and avoid any penalties.

Implementation:

Beginning at the commencement of the project, the RE must continuously monitor DBE/ESBE/SBE participation as the project progresses to ensure that that the assigned DBE /ESBE/SBE goal on the contract will be met by the time the project is completed. This is a project responsibility. Maintain a separate file.

1. Check Recommendation To Award memorandum and the Schedule of Participation ESBE/DBE/SBE Form CR-266 (former "Form A") to determine status of subcontractors to monitor for compliance.
2. During the course of the Contract, the RE will monitor true participation by comparing contractor DBE/ ESBE/SBE Goal commitments against each Request for Approval to Sublet Form DC-18. In addition, the RE will cross check the Daily Work Reports with each affected Form DC-18, the Recommendation To Award, and the Utilization of ESBE/DBE/SBE Monthly Report Form CR-267.
3. During construction the RE and staff will use the Daily Work Report to document on-site monitoring of stipulated DBE work items and contractor performing the work in order to insure compliance.
4. The RE will notify the Person in Responsible Charge and the Contractor in writing of any violations and will direct the Contractor to comply with these requirements. Revisions can only be made to the committed DBE/ ESBE/SBE Program when the Contractor submits a revised Form CR-266.
5. Failure of the Contractor to comply will result in the RE notifying the Person in Responsible charge, NJDOT District Office, and DCR/AA by memorandum and presenting pertinent documents for their review and action. The RE must follow-up with all promptly to insure timely resolution.
6. If the DBE/ ESBE/SBE commitment is not fulfilled, documentation supporting adequate good faith effort (GFE) must be promptly submitted by the Contractor with Form CR-268. GFE will be reviewed by DCR/AA based on the guidance set forth in 49 CFR Part 26 Appendix A. .

By **L. J. Jacobs, P.E., FHWA**

Appendix 24

NJDOT Division of Local Aid and Economic Development
Summary of Project Management Eligibility Requirements for
Locally Administered Federal Aid Highway Projects
December 5, 2012

Introduction

This document is intended to be used as a guide by LPA's in the development and implementation of procedures for projects using FHWA funds. Please note that this document is a summary of the federal requirements that must be met to establish an LPA's eligibility for funds. This document is not intended to be a comprehensive list of all federal requirements to be met once a project is authorized.

Each LPA seeking federal-aid funds must also complete NJDOT's Division of Local Aid's Federal Aid Highway Program Administrative Questionnaire. This questionnaire was developed to assess the LPA's accounting controls and administrative management systems.

The following areas must be addressed in each LPA's internal policy and procedure documents as a prerequisite to receiving federal aid funds.

Procurement of Professional Services– Consultant Selection

Consultant Services funded in whole or in part with FAHP funds must be procured and administered in accordance with the requirements of the Common Grant Rule, 49 CFR 18. In addition, contracts for engineering and design related services directly related to a construction project must also comply with the requirements of 23 U.S.C. 112 and 23 CFR 172.

Any LPA using Federal-aid funds for engineering and design related consultant services must have written procurement policies and procedures in accordance with 23 CFR 172.9. The written policies and procedures must address:

- Preparation of the consultant scope of work and cost estimate
- Solicitation, evaluation, ranking, and consultant selection
- Negotiation of reimbursement costs
- Monitoring of the consultant's work
- Consultant errors and omissions

Title 23 CFR 172 allows three procurement methods to be used to hire a consultant: competitive negotiation, small purchases and noncompetitive procurement. Competitive negotiation procedures generally apply and are commonly referred to as "qualification based selections". Qualification based

selection requirements are defined by the Brooks Act, 40 U.S.C, and can be broken down into three steps:

1. Issuing a request for proposal, or RFP.
2. Selecting a consultant based on qualifications.
3. Negotiating a fair and reasonable cost and contract terms with the selected consultant.

Request for Proposal

1. The LPA must have a written procedure detailing their consultant selection process for federal-aid projects. This procedure must be approved by NJDOT for compliance to federal requirements.
2. The RFP must include a detailed scope of work, qualifications required, responsibilities, and deliverables.
3. The RFP must include an estimated schedule for the performance and delivery of the services.
4. The RFP must stipulate method of contract payment.
5. The RFP must clearly define the LPA's evaluation criteria used to assess and rate the firms including the scoring rate of each criterion.
6. The qualification based evaluation criteria may take into consideration qualifications of staff, prior similar work experience, past performance, workload capacity, and technical project approach.
7. In-state or local hiring preferences are prohibited.
8. Consideration of price or any element of cost in the evaluation is prohibited in the evaluation, ranking, and selection of the most qualified consultant.
9. The RFP must be advertised for a sufficient amount of time to solicit as many proposals from as many qualified consultants as possible.
10. The RFP process must allow fair and open competition by providing opportunities for in-State and out-of-State consultants.

Selection

11. All submitted proposals must be evaluated and ranked according to the evaluation criteria and scoring process outlined in the RFP.
12. The 3 most qualified consultants should be listed in order of preference.

Negotiations

13. The LPA must prepare an independent cost estimate that reflects the advertised scope of work to be used as the basis of negotiations.
14. Negotiation of costs and contract terms are conducted with the number-one ranked qualified consultant.
15. Only the tasks included in the RFP can be incorporated in the contract.

16. NJDOT is required to ensure the consultant contract is compliant with FAR cost principals when using federal-aid funds.
 - Allowable costs include those directly associated with the specific contract as well as overhead costs, also known as their indirect cost rate.
 - Only NJDOT approved overhead rates are used. Consultants that do not have approved overhead rates must be approved in accordance with NJDOT Procurement policies and procedures.
 - The approved overhead rate must be used for the purpose of estimating, negotiating, and making payment on the contract.
17. The methods of payment that shall be used are: lump sum, cost plus fixed fee, cost per unit of work or specific rates of compensation.
 - Lump Sum: The lump sum method shall not be used to compensate a consultant for construction engineering and inspection services except when the agency has established the extent, scope, complexity, character and duration of the work to be required to a degree that a fair and reasonable compensation including fixed fee can be determined.
 - Cost plus fixed fee: This method of payment reimburses the consultant for its direct and indirect costs (salary, overhead, direct expenses) in addition to a negotiated amount as a fixed fee. This type of agreement is typically used for projects where the level of effort is unknown or the final objectives cannot be fully identified or precisely defined.
 - Cost per unit of work: This method is used when the cost per unit can be established with reasonable accuracy at the time of procurement, but the extent of the work is undefined. Payment is made based on a preset amount per unit of work performed.
 - Specific rates of compensation: this method of payment reimburses the consultant for services based on direct labor hours at specific fixed hourly rates plus direct expenses/costs subject to an agreement maximum amount. The specific rates of compensation method should only be used when it is not possible to estimate the extent or duration of the work or to estimate costs with any reasonable degree of accuracy at the time of procurement.
18. The cost plus a percentage of cost and percentage of construction cost method of compensation shall not be used.

Contract Administration

19. The LPA must monitor the consultant's work throughout the life of the contract.
20. The LPA must be adequately staffed to oversee the work, and must provide one full time agency employee in responsible charge.
21. NJDOT will review invoices to ensure costs are consistent with FAR cost principals, contract terms, and progress of consultants work.
22. The LPA is required to evaluate the consultant's performance when the contract is complete.

23. All records pertaining to the consultant procurement and executed contract must be kept on file a minimum of 3 years following submittal of the final invoice.

Project Management

Responsible Charge

Title 23 CFR 635.105(a) (4) requires LPA's to provide a full-time employee to be in responsible charge of Federal-aid construction projects. The person in responsible charge of LPA administered projects need not be an engineer. The "responsible charge" requirement applies even when a consultant is providing construction engineering services.

The LPA responsible charge is accountable for the project and expected to perform the following duties and functions:

- Administers inherently Government project activities, including those dealing with cost, time, adherence to contract requirements, construction quality, and scope of Federal-aid projects.
- Maintains familiarity of day to day project operations, including project safety issues.
- Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements.
- Visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project.
- Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse; and
- Directs project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation.
- Is aware of the qualifications, assignments, and on-the-job performance of the agency and consultant staff at all stages of the project.

Federal regulations do not preclude the sharing of these duties and functions among a number of LPA employees, nor do the regulations preclude one employee from having responsible charge of several projects and directing project managers assigned to specific projects.

Construction Inspection

Title 23 CFR 635.105 requires projects receive adequate supervision and detailed construction inspection to ensure construction is completed in conformance with the approved plans and specifications. Likewise, LPA's are required to be adequately staffed and suitably equipped to undertake and satisfactorily complete this work. The LPA's detailed inspections and related source documents are the basis for payment of completed work. Title 23 CFR 635.123 requires LPA's to have procedures in place to inspect and verify delivery and quality of materials and ensure that work has been completed in accordance with the plans and specifications. Source documentation should be reflected in inspector reports, daily diaries and engineering calculations.

Source Documentation

Title 23 CFR 635.123 requires each LPA to adopt procedures that provide adequate assurance that the quantities of completed work on federal-aid construction projects will be determined accurately and on a uniform basis. All such determinations and all related source documents upon which payment is based must be a matter of record. Additionally, all source documents pertaining to the determination of pay quantities must be retained for three years after final payment and project close-out pursuant to 49 CFR 18.36 (J)(11).

Source documents are the LPA's handwritten receipt of exactly what was delivered, and how many or how much. They are the single most important form of documentation that substantiate quality and quantities and provide the required basis for payment to the contractor. Lack of source documentation can result in the loss of federal participation of funds. Source documents consist of notes/documentation of counts; measurements (length, width, depth, and slope); calculations of area, volume, weights; sketches; a statement of compliance with contract plans and specifications; field changes; comments; and delivery tickets collected and initialed by the inspector at the point of unloading.

The LPA's procedures for source documentation must specify the following at a minimum:

- Delivery tickets are received before placement of materials
- Testing of materials is documented in the project files and referenced in daily inspection reports
- Form DC-29's are used for daily inspection reports and the instructions included on the DC-29's are followed. DC-29's are supplemented with field notes and photographs that tie the work being done to the plans, specifications and related contract documents.
(<http://www.state.nj.us/transportation/business/localaid/documents/DC29aWI.pdf>)
- Inspection reports are signed and dated by the inspectors.
- The Resident Engineer reviews and initials the daily inspection reports.
- The Resident Engineer prepares a summary of pay quantities based on the daily inspection reports
- The Resident Engineer uses the summary of pay items to develop periodic pay estimates for the LPA person in responsible charge. The summary of pay items must be used for comparison and negotiations of contractor payment requests. The LPA person in responsible charge must ensure proper payments are being made in accordance with the contract provisions. Upon acceptance of the negotiated contractor payment, a voucher request will be forwarded to the LPA financial officer for contractor payment. Once contractor payment is made, the LPA financial officer must prepare and submit a State voucher.
- Prevailing wage rate requirements of 23 U.S.C. and the Davis- Bacon Act must be met and documented in the LPA's project files.
- Environmental commitments and/or permit requirements must be met and documented in the daily inspection reports.

- All pedestrian facilities must be constructed or reconstructed in accordance with the American with Disabilities Act (ADA) of 1990; Section 504 of the Rehabilitation Act of 1973; 28 CFR Part 35.151 (e) and NJDOT Standard Construction Details.
- DBE requirements are monitored and enforced to ensure compliance with 49 CFR 26; the contract plans, specifications and related contract documents; the NJDOT Construction Handbook Section V, Subsection B and NJDOT DBE/ESBE Programs.
- Include provisions to identify the LPA's full time employee in "responsible charge" of the project.

Buy America

Title 23 CFR 635.410 requires that all steel or iron products permanently incorporated into a federal-aid project must be manufactured in the United States. This includes application of coatings.

Buy America requirements apply to the entire federal-aid project. Steel or iron products purchased with non federal funds are not exempt from this requirement.

Waivers are permissible in rare cases as specified in 23 CFR 635.410 (c) (1). Minimal use of foreign steel or iron is permissible if the costs of such materials does not exceed one-tenth of one percent of the total cost or \$2,500, whichever is greater as specified in 23 CFR 635.410 (b)(4).

The LPA responsible charge is responsible for receiving the Buy America certification at time of delivery and prior to the steel or iron product being incorporated into the project. The Buy America certification must be current, signed, and dated and be specific to the materials

DBE Compliance

Title 49 CFR 26 requires that Disadvantaged Business enterprises (DBE's) have an equal opportunity to receive and participate in federal-aid assisted construction contracts. The LPA is responsible to award federal-aid contracts to only those bidders who make a good faith effort to meet the DBE goals established by NJDOT's Civil Rights Contract Compliance Unit. The LPA must continuously monitor DBE participation as the project progresses and is responsible for ensuring the contract goals will be met at the time of project completion. Failure to comply with DBE goal requirements may result in the loss of federal funding. The LPA's responsibilities include:

1. Verification of Recommendation to Award memorandum and Form CR-266F, "Schedule of DBE/ESBE Participation (former "Form A") to determine status of the subcontractors to monitor DBE/ESBE compliance.
2. Monitor participation by comparing contractors DBE/ESBE/SBE goal commitments against each Form DC-18, "Request for Approval to sublet". Cross check the Daily Work Reports with each affected Form DC-18, the Recommendation to Award, and the Form CR-267, Monthly Report of Utilization of ESBE/DBE or SBE.
3. Utilize Daily Work Report to document on-site monitoring of stipulated DBE work items and contractor performing the work to insure compliance.

4. The person in responsible charge must be made aware of non-compliance issues and direct the contractor in writing to comply with these requirements. Revisions can only be made to the approved DBE/ESBE/SBE program upon submission of a revised Form CR 266 by the contractor and review and approval by NJDOT.
5. Any DBE/ESBE/SBE goal commitments not fulfilled must be supported by Good Faith Effort documentation and reviewed and approved by NJDOT based on the guidance set forth in 49 CFR 26 Appendix A.

Contract Changes, Project Schedules, Project Progress, Contract Completion

Contract Changes

Title 23 CFR 635.120 and Section 104.03 of the NJDOT Standard Specifications govern changes in plans and specifications, and extra work. Deviations from the contract requirements shall not occur unless the Resident Engineer issues a written field order or a Change Order is approved by the Department. Change Orders require written justification: breakdown of costs and quantities; and timely approvals. Contract changes and progress of work must be monitored daily. Types of changes include quantity increases and decreases; new work; and changes in the character of work.

Contract line item overruns are not permissible without NJDOT approval. Any sum in excess of the contract's current authorized funding amount cannot be expended until a Change Order is approved by NJDOT. All new or supplemental costs must be negotiated, itemized and justified. All documentation including a cost analysis of each negotiated cost must be included in the Change Order request and maintained in the project file.

Time shall always be evaluated as part of a change order. Extensions in contract time related to contract changes or extra work will only be granted for excusable, compensable delays as defined in Section 108.10 of the NJDOT Standard Specifications.

Contract Time

Contract time must be specified in the bid documents for all federal-aid projects, monitored by the local public agency each work day, and documented. A pre-construction conference shall be promptly scheduled following contract award and a Notice to Proceed (NTP) issued specifying the NTP date, project duration, and contract completion date.

Delays in work progress and completion result in delays in the use of the project, inconvenience to the public and increased inefficiencies leading to additional costs incurred by the NJDOT and the LPA for engineering, inspection, and contract administration. The NJDOT Standard Specifications summarizes it simply by stating "Time is of the essence as to all time frames stated in the Contract." Every effort should be made to establish contract times that have the shortest practical durations.

Contract time extensions will only be granted for excusable delays specified in Section 108.11 of the NJDOT 2007 Standard Specifications. Contract time extensions must be submitted and approved by Change Order as the project progresses and at the time an excusable delay occurs.

Liquidated Damages

Liquidated damages must be specified for all federal-aid projects. Liquidated Damages are defined as the daily amount set forth in the contract to be deducted from the contract price to cover additional costs incurred by the local public agency because of a contractor's failure to complete work within the specified Contract Time.

Liquidated damages must be assessed by the LPA for each day the contractor fails to complete work within the specified Contract Time. Failure to assess liquidated damages by the local public agency in accordance with the contract bids documents and federal-aid requirements may result in the loss of federal participation of funds.

Progress Schedules

The LPA is responsible for providing a progress schedule and monitoring contract progress to evaluate impacts to contract time pursuant to Section 153 of the NJDOT Standard Specifications.

Progress payments are compensation for the value of work performed during a covered period as specified in Title 23 CFR 635.123. The LPA is responsible for documenting the project's progress, contractor payments, and contract completion to ensure adherence to the approved project schedule and specified contract time.

Disposition of Change Order Protests

Title 23 CFR 635.109 prescribes standardized changed conditions contract clauses for differing site conditions; suspensions of work ordered by the engineer; and significant changes in the character of work on all federal-aid construction projects. The LPA is responsible for resolving protests to change orders in accordance with 23 CFR 635.109 and Section 104.03.02 of the NJDOT 2007 Specifications.

If the contractor disagrees with any terms or conditions of a Change Order, a written protest must be submitted to the LPA within 15 days of receipt of the Change Order. The LPA will notify the NJDOT as soon as possible. (Agreement language and claims language; NJSA 59:13-1)

Submission of a written protest does not relieve the contractor from the obligation to proceed with work as directed by an approved change order.

Questions regarding federal-aid compliance can be directed to one of NJDOT's Local Aid District Offices. District Office contact information can be found on the Local Aid website at:

<http://www.state.nj.us/transportation/business/localaid/>

The "Summary of Project Management Eligibility Requirements for Locally Administered Federal Aid Highway Projects" and the "Division of Local Aid's Federal Aid Highway Program Administrative Questionnaire" can also be found on the Local Aid website.

Appendix 25

State of New Jersey Standard Terms and Conditions

1. **STANDARD TERMS AND CONDITIONS APPLICABLE TO THE CONTRACT-** Unless the bidder/offeror is specifically instructed otherwise in the Request for Proposals (RFP), the following terms and conditions shall apply to all contracts or purchase agreements made with the State of New Jersey. These terms are in addition to the terms and conditions set forth in the RFP and should be read in conjunction with same unless the RFP specifically indicates otherwise. In the event that the bidder/offeror would like to present terms and conditions that are in conflict with either these terms and conditions or those set forth in the RFP, the bidder/offeror must present those conflicts during the Question and Answer period for the State to consider. Any conflicting terms and conditions that the State is willing to accept will be reflected in an addendum to the RFP. The State's terms and conditions shall prevail over any conflicts set forth in a bidder/offeror's proposal that were not submitted through the question and answer process and approved by the State. Nothing in these terms and conditions shall prohibit the Director of the Division of Purchase and Property (Director) from amending a contract when the Director determines it is in the best interests of the State.
2. **STATE LAW REQUIRING MANDATORY COMPLIANCE BY ALL CONTRACTORS** - The statutes, laws or codes cited herein are available for review at the New Jersey State Library, 185 West State Street, Trenton, New Jersey 08625.
 - 2.1 **BUSINESS REGISTRATION** – Pursuant to N.J.S.A. 52:32-44, the State is prohibited from entering into a contract with an entity unless the bidder and each subcontractor named in the proposal have a valid Business Registration Certificate on file with the Division of Revenue.

The contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall, during the term of the contract, collect and remit to the Director of the Division of Taxation in the Department of the Treasury the use tax due pursuant to the "Sales and Use Tax Act, P.L. 1966, c. 30 (N.J.S.A. 54:32B-1 et seq.) on all their sales of tangible personal property delivered into the State. Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730. Form NJ-REG can be filed online at <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.
 - 2.2 **ANTI-DISCRIMINATION** - All parties to any contract with the State agree not to discriminate in employment and agree to abide by all anti-discrimination laws including those contained within N.J.S.A. 10:2-1 through N.J.S.A. 10:2-4, N.J.S.A. 10:5-1 et seq. and N.J.S.A. 10:5-31 through 10:5-38, and all rules and regulations issued thereunder are hereby incorporated by reference.
 - 2.3 **PREVAILING WAGE ACT** - The New Jersey Prevailing Wage Act, N.J.S.A. 34: 11-56.26 et seq. is hereby made part of every contract entered into on behalf of the State of New Jersey through the Division of Purchase and Property, except those contracts which are not within the contemplation of the Act. The bidder's signature on [this proposal] is his guarantee that neither he nor any subcontractors he might employ to perform the work covered by [this proposal] has been suspended or debarred by the Commissioner, Department of Labor for violation of the provisions of the Prevailing Wage Act and/or the Public Works Contractor Registration Acts; the bidder's signature on the proposal is also his guarantee that he and any subcontractors he might employ to perform the work covered by [this proposal] shall comply with the provisions of the Prevailing Wage and Public Works Contractor Registration Acts, where required.
 - 2.4 **AMERICANS WITH DISABILITIES ACT** - The contractor must comply with all provisions of the Americans with Disabilities Act (ADA), P.L 101-336, in accordance with 42 U.S.C. 12101, et seq.
 - 2.5 **MACBRIDE PRINCIPLES** – The bidder must certify pursuant to N.J.S.A. 52:34-12.2 that it either has no ongoing business activities in Northern Ireland and does not maintain a physical presence therein or that it will take lawful steps in good faith to conduct any business operations it has in Northern Ireland in accordance with the MacBride principles of nondiscrimination in employment as set forth in N.J.S.A. 52:18A-89.5 and in conformance with the United Kingdom's Fair Employment (Northern Ireland) Act of 1989, and permit independent monitoring of their compliance with those principles.
 - 2.6 **PAY TO PLAY PROHIBITIONS** – Pursuant to N.J.S.A. 19:44A-20.13 et seq. (L.2005, c. 51), and specifically, N.J.S.A. 19:44A-20.21, it shall be a breach of the terms of the contract for the business entity to:
 - a. make or solicit a contribution in violation of the statute;
 - b. knowingly conceal or misrepresent a contribution given or received;
 - c. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;

State of New Jersey Standard Terms and Conditions

- d. make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or to any State or county party committee;
 - e. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of the Legislation;
 - f. fund contributions made by third parties, including consultants, attorneys, family members, and employees;
 - g. engage in any exchange of contributions to circumvent the intent of the Legislation; or
 - h. directly or indirectly through or by any other person or means, do any act which would subject that entity to the restrictions of the Legislation.
- 2.7 POLITICAL CONTRIBUTION DISCLOSURE** – The contractor is advised of its responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to N.J.S.A. 19:44A-20.27 (L. 2005, c. 271, §3 as amended) if in a calendar year the contractor receives one or more contracts valued at \$50,000.00 or more. It is the contractor's responsibility to determine if filing is necessary. Failure to file can result in the imposition of penalties by ELEC. Additional information about this requirement is available from ELEC by calling 1(888) 313-3532 or on the internet at <http://www.elec.state.nj.us/>.
- 2.8 STANDARDS PROHIBITING CONFLICTS OF INTEREST** - The following prohibitions on contractor activities shall apply to all contracts or purchase agreements made with the State of New Jersey, pursuant to Executive Order No. 189 (1988).
- a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b. and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52: 13D-13g.
 - b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.
 - c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52: 130-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.
 - d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
 - e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.
 - f. The provisions cited above in paragraphs 2.8a through 2.8e shall not be construed to prohibit a State officer or employee or Special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 3c of Executive Order No. 189.
- 2.9 NOTICE TO ALL CONTRACTORS SET-OFF FOR STATE TAX NOTICE** - Pursuant to L 1995, c. 159, effective January 1, 1996, and notwithstanding any provision of the law to the contrary, whenever any taxpayer, partnership or S corporation under contract to provide goods or services or construction projects to the State of New Jersey or its agencies or instrumentalities, including the legislative and judicial branches of State government, is entitled to payment for those goods or services at the same time a taxpayer, partner or shareholder of that entity is indebted for any State tax, the Director of the Division of Taxation shall seek to set

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N.J.A.C. 17:27-3.7 requires all contractors and subcontractors, if any, to further agree as follows:

1. The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.
2. The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
3. The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.
4. In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

3.4 **BUILDING SERVICE** – Pursuant to N.J.S.A. 34:11-56.58 et seq., in any contract for building services, as defined in N.J.S.A. 34:11-56.59, the employees of the contractor or subcontractors shall be paid prevailing wage for building services rates, as defined in N.J.S.A. 34:11.56.59. The prevailing wage shall be adjusted annually during the term of the contract.

3.5 **THE WORKER AND COMMUNITY RIGHT TO KNOW ACT** - The provisions of N.J.S.A. 34:5A-1 et seq. which require the labeling of all containers of hazardous substances are applicable to this contract. Therefore, all goods offered for purchase to the State must be labeled by the contractor in compliance with the provisions of the statute.

3.6 **SERVICE PERFORMANCE WITHIN U.S.** – Under N.J.S.A. 52:34-13.2, all contracts primarily for services awarded by the Director shall be performed within the United States, except when the Director certifies in writing a finding that a required service cannot be provided by a contractor or subcontractor within the United States and the certification is approved by the State Treasurer.

A shift to performance of services outside the United States during the term of the contract shall be deemed a breach of contract. If, during the term of the contract, the contractor or subcontractor, proceeds to shift the performance of any of the services outside the United States, the contractor shall be deemed to be in breach of its contract, which contract shall be subject to termination for cause pursuant to Section 5.7(b)(1) of the Standard Terms and Conditions, unless previously approved by the Director and the Treasurer.

3.7 **BUY AMERICAN** – Pursuant to N.J.S.A. 52:32-1, if manufactured items or farm products will be provided under this contract to be used in a public work, they shall be manufactured or produced in the United States and the contractor shall be required to so certify.

4. INDEMNIFICATION AND INSURANCE

4.1 **INDEMNIFICATION** - The contractor's liability to the State and its employees in third party suits shall be as follows:

- (a) Indemnification for Third Party Claims - The contractor shall assume all risk of and responsibility for, and agrees to indemnify, defend, and save harmless the State of New Jersey and its employees from and against any and all claims, demands, suits, actions, recoveries, judgments and costs and expenses in connection therewith which shall arise from or result directly or indirectly from the work and/or materials supplied under this contract, including liability of any nature or kind for or on account of the use of any copyrighted or uncopyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in the performance of this contract.
- (b) The contractor's indemnification and liability under subsection (a) is not limited by, but is in addition to the insurance obligations contained in Section 4.2 of these Terms and Conditions.
- (c) In the event of a patent and copyright claim or suit, the contractor, at its option, may: (1) procure for the State of New Jersey the legal right to continue the use of the product; (2) replace or modify the product to provide a non-infringing product that is the functional equivalent; or (3) refund the purchase price less a reasonable allowance for use that is agreed to by both parties.

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Director believes should be the corresponding adjusted contract price. Within five (5) business days of receipt of such written notice, if either is applicable:

- (a) If the contractor does not agree with the Director's proposed adjusted contract price, the contractor shall submit to the Director any additional information that the contractor believes impacts the adjusted contract price with a request that the Director reconsider the proposed adjusted contract price. The parties shall negotiate the adjusted contract price. If the parties are unable to agree on an adjusted contract price, the Director shall make a prompt decision taking all such information into account, and shall notify the contractor of the final adjusted contract price.
- (b) If the contractor has undertaken any work effort toward a deliverable, task or subtask that is being changed or eliminated such that it would not be compensated under the adjusted contract, the contractor shall be compensated for such work effort according to the applicable portions of its price schedule and the contractor shall submit to the Director an itemization of the work effort already completed by deliverable, task or subtask within the scope of work, and any additional information the Director may request. The Director shall make a prompt decision taking all such information into account, and shall notify the contractor of the compensation to be paid for such work effort.

5.5 CHANGE IN LAW – Whenever a change in applicable law or regulation affects the scope of work, the Director shall provide written notice to the contractor of the change and the Director's determination as to the corresponding adjusted change in the scope of work and corresponding adjusted contract price. Within five (5) business days of receipt of such written notice, if either is applicable:

- (a) If the contractor does not agree with the adjusted contract price, the contractor shall submit to the Director any additional information that the contractor believes impacts the adjusted contract price with a request that the Director reconsider the adjusted contract price. The Director shall make a prompt decision taking all such information into account, and shall notify the contractor of the final adjusted contract price.
- (b) If the contractor has undertaken any work effort toward a deliverable, task or subtask that is being changed or eliminated such that it would not be compensated under the adjusted contract, the contractor shall be compensated for such work effort according to the applicable portions of its price schedule and the contractor shall submit to the Director an itemization of the work effort already completed by deliverable, task or subtask within the scope of work, and any additional information the Director may request. The Director shall make a prompt decision taking all such information into account, and shall notify the contractor of the compensation to be paid for such work effort.

5.6 SUSPENSION OF WORK - The State may, for valid reason, issue a stop order directing the contractor to suspend work under the contract for a specific time. The contractor shall be paid for goods ordered, goods delivered, or services requested and performed until the effective date of the stop order. The contractor shall resume work upon the date specified in the stop order, or upon such other date as the State Contract Manager may thereafter direct in writing. The period of suspension shall be deemed added to the contractor's approved schedule of performance. The Director shall make an equitable adjustment, if any is required, to the contract price. The contractor shall provide whatever information that Director may require related to the equitable adjustment.

5.7 TERMINATION OF CONTRACT

- a. For Convenience
Notwithstanding any provision or language in this contract to the contrary, the Director may terminate this contract at any time, in whole or in part, for the convenience of the State, upon no less than thirty (30) days written notice to the contractor.
- b. For Cause
 - 1. Where a contractor fails to perform or comply with a contract or a portion thereof, and/or fails to comply with the complaints procedure in N.J.A.C. 17:12-4.2 et seq., the Director may terminate the contract, in whole or in part, upon ten (10) days notice to the contractor with an opportunity to respond.
 - 2. Where in the reasonable opinion of the Director, a contractor continues to perform a contract poorly as demonstrated by e.g., formal complaints, late delivery, poor performance of service, short-shipping, so that the Director is required to use the complaints procedure in N.J.A.C. 17:12-4.2 et seq., and there has been a failure on the part of the contractor to make progress towards ameliorating the issue(s) or problem(s) set forth in the complaint, the Director may terminate the contract, in whole or in part, upon ten (10) days notice to the contractor with an opportunity to respond.
- c. In cases of emergency the Director may shorten the time periods of notification and may dispense with an opportunity to respond.
- d. In the event of termination under this section, the contractor shall be compensated for work performed in accordance with the contract, up to the date of termination. Such compensation may be subject to adjustments.

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5.8 SUBCONTRACTING OR ASSIGNMENT –

- a. Subcontracting: The contractor may not subcontract other than as identified in the contractor's proposal without the prior written consent of the Director. Such consent, if granted in part, shall not relieve the contractor of any of his responsibilities under the contract, nor shall it create privity of contract between the State and any subcontractor. If the contractor uses a subcontractor to fulfill any of its obligations, the contractor shall be responsible for the subcontractor's: (a) performance; (b) compliance with all of the terms and conditions of the contract; and (c) compliance with the requirements of all applicable laws.
- b. Assignment: The contractor may not assign its responsibilities under the contract, in whole or in part, without the prior written consent of the Director.

5.9 NO CONTRACTUAL RELATIONSHIP BETWEEN SUBCONTRACTORS AND STATE - Nothing contained in any of the contract documents, including the RFP and vendor's bid or proposal shall be construed as creating any contractual relationship between any subcontractor and the State.

5.10 MERGERS, ACQUISITIONS - If, during the term of this contract, the contractor shall merge with or be acquired by another firm, the contractor shall give notice to the Director as soon as practicable and in no event longer than thirty (30) days after said merger or acquisition. The contractor shall provide such documents as may be requested by the Director, which may include but need not be limited to the following: corporate resolutions prepared by the awarded contractor and new entity ratifying acceptance of the original contract, terms, conditions and prices; updated information including ownership disclosure and Federal Employer Identification Number. The documents must be submitted within thirty (30) days of the request. Failure to do so may result in termination of the contract for cause.

If, at any time during the term of the contract, the contractor's partnership, limited liability company, limited liability partnership, professional corporation, or corporation shall dissolve, the Director must be so notified. All responsible parties of the dissolved business entity must submit to the Director in writing, the names of the parties proposed to perform the contract, and the names of the parties to whom payment should be made. No payment shall be made until all parties to the dissolved business entity submit the required documents to the Director.

5.11 PERFORMANCE GUARANTEE OF CONTRACTOR - The contractor hereby certifies that:

- a. The equipment offered is standard new equipment, and is the manufacturer's latest model in production, with parts regularly used for the type of equipment offered; that such parts are all in production and not likely to be discontinued; and that no attachment or part has been substituted or applied contrary to manufacturer's recommendations and standard practice.
- b. All equipment supplied to the State and operated by electrical current is UL listed where applicable.
- c. All new machines are to be guaranteed as fully operational for the period stated in the contract from time of written acceptance by the State. The contractor shall render prompt service without charge, regardless of geographic location.
- d. Sufficient quantities of parts necessary for proper service to equipment shall be maintained at distribution points and service headquarters.
- e. Trained mechanics are regularly employed to make necessary repairs to equipment in the territory from which the service request might emanate within a 48-hour period or within the time accepted as industry practice.
- f. During the warranty period the contractor shall replace immediately any material which is rejected for failure to meet the requirements of the contract.
- g. All services rendered to the State shall be performed in strict and full accordance with the specifications stated in the contract. The contract shall not be considered complete until final approval by the State's using agency is rendered.

5.12 DELIVERY REQUIREMENTS -

- a. Deliveries shall be made at such time and in such quantities as ordered in strict accordance with conditions contained in the contract.
- b. The contractor shall be responsible for the delivery of material in first class condition to the State's using agency or the purchaser under this contract and in accordance with good commercial practice.
- c. Items delivered must be strictly in accordance with the contract.
- d. In the event delivery of goods or services is not made within the number of days stipulated or under the schedule defined in the contract, the using agency shall be authorized to obtain the material or service from any available source, the difference in price, if any, to be paid by the contractor.

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- 5.13 **APPLICABLE LAW AND JURISDICTION** - This contract and any and all litigation arising therefrom or related thereto shall be governed by the applicable laws, regulations and rules of evidence of the State of New Jersey without reference to conflict of laws principles and shall be filed in the appropriate Division of the New Jersey Superior Court.
- 5.14 **CONTRACT AMENDMENT** – Except as provided herein, the contract may only be amended by written agreement of the State and the contractor.
- 5.15 **MAINTENANCE OF RECORDS** - The contractor shall maintain records for products and/or services delivered against the contract for a period of five (5) years from the date of final payment unless otherwise specified in the RFP. Such records shall be made available to the State, including the Comptroller, for audit and review.
- 5.16 **ASSIGNMENT OF ANTITRUST CLAIM(S)** - The contractor recognizes that in actual economic practice, overcharges resulting from antitrust violations are in fact usually borne by the ultimate purchaser. Therefore, and as consideration for executing this contract, the contractor, acting herein by and through its duly authorized agent, hereby conveys, sells, assigns, and transfers to the State of New Jersey, for itself and on behalf of its political subdivisions and public agencies, all right, title and interest to all claims and causes of action it may now or hereafter acquire under the antitrust laws of the United States or the State of New Jersey, relating to the particular goods and services purchased or acquired by the State of New Jersey or any of its political subdivisions or public agencies pursuant to this contract.

In connection with this assignment, the following are the express obligations of the contractor:

- a. It shall take no action that will in any way diminish the value of the rights conveyed or assigned hereunder.
- b. It shall advise the Attorney General of New Jersey:
 1. in advance of its intention to commence any action on its own behalf regarding any such claim or cause(s) of action;
 2. immediately upon becoming aware of the fact that an action has been commenced on its behalf by some other person(s) of the pendency of such action.
- c. It shall notify the defendants in any antitrust suit of the within assignment at the earliest practicable opportunity after the contractor has initiated an action on its own behalf or becomes aware that such an action has been filed on its behalf by another person. A copy of such notice shall be sent to the Attorney General of New Jersey.
- d. It is understood and agreed that in the event any payment under any such claim or cause of action is made to the contractor, it shall promptly pay over to the State of New Jersey the allotted share thereof, if any, assigned to the State hereunder.

6. **TERMS RELATING TO PRICE AND PAYMENT**

- 6.1 **PRICE FLUCTUATION DURING CONTRACT** - Unless otherwise agreed to in writing by the State, all prices quoted shall be firm through issuance of contract or purchase order and shall not be subject to increase during the period of the contract.

In the event of a manufacturer's or contractor's price decrease during the contract period, the State shall receive the full benefit of such price reduction on any undelivered purchase order and on any subsequent order placed during the contract period. The Director must be notified, in writing, of any price reduction within five (5) days of the effective date.

Failure to report price reductions may result in cancellation of contract for cause, pursuant to provision 5.7(b)1.

- 6.2 **TAX CHARGES** - The State of New Jersey is exempt from State sales or use taxes and Federal excise taxes. Therefore, price quotations must not include such taxes. The State's Federal Excise Tax Exemption number is 22-75-0050K.

6.3 **PAYMENT TO VENDORS** -

- a. The using agency(ies) is (are) authorized to order and the contractor is authorized to ship only those items covered by the contract resulting from the RFP. If a review of orders placed by the using agency(ies) reveals that goods and/or services other than that covered by the contract have been ordered and delivered, such delivery shall be a violation of the terms of the contract and may be considered by the Director as a basis to terminate the contract and/or not award the contractor a subsequent contract. The Director may take such steps as are necessary to have the items returned by

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- the agency, regardless of the time between the date of delivery and discovery of the violation. In such event, the contractor shall reimburse the State the full purchase price.
- b. The contractor must submit invoices to the using agency with supporting documentation evidencing that work or goods for which payment is sought has been satisfactorily completed or delivered. For commodity contracts, the invoice, together with the original Bill of Lading, express receipt and other related papers must be sent to the State Contract Manager or using agency on the date of each delivery. For contracts featuring services, invoices must reference the tasks or subtasks detailed in the Scope of Work section of the RFP and must be in strict accordance with the firm, fixed prices submitted for each task or subtask on the RFP pricing sheets. When applicable, invoices should reference the appropriate RFP price sheet line number from the contractor's bid proposal. All invoices must be approved by the State Contract Manager or using agency before payment will be authorized.
 - c. In all time and materials contracts, the State Contract Manager or designee shall monitor and approve the hours of work and the work accomplished by contractor and shall document both the work and the approval. Payment shall not be made without such documentation. A form of timekeeping record that should be adapted as appropriate for the Scope of Work being performed can be found at www.nj.gov/treasury/purchase/forms/Vendor_Timesheet.xls.
 - d. The contractor shall provide, on a monthly and cumulative basis, a breakdown in accordance with the budget submitted, of all monies paid to any small business, minority or woman-owned subcontractor(s). This breakdown shall be sent to the Chief of Operations, Division of Revenue, P.O. Box 628, Trenton, NJ 08646.
- 6.4 OPTIONAL PAYMENT METHOD: P-CARD** - The State offers contractors the opportunity to be paid through the MasterCard procurement card (p-card). A contractor's acceptance and a State agency's use of the p-card are optional. P-card transactions do not require the submission of a contractor invoice; purchasing transactions using the p-card will usually result in payment to a contractor in three (3) days. A contractor should take note that there will be a transaction-processing fee for each p-card transaction. To participate, a contractor must be capable of accepting the MasterCard. Additional information can be obtained from banks or merchant service companies.
- 6.5 NEW JERSEY PROMPT PAYMENT ACT** - The New Jersey Prompt Payment Act, N.J.S.A. 52:32-32 et seq., requires state agencies to pay for goods and services within sixty (60) days of the agency's receipt of a properly executed State Payment Voucher or within sixty (60) days of receipt and acceptance of goods and services, whichever is later. Properly executed performance security, when required, must be received by the State prior to processing any payments for goods and services accepted by state agencies. Interest will be paid on delinquent accounts at a rate established by the State Treasurer. Interest shall not be paid until it exceeds \$5.00 per properly executed invoice.
- Cash discounts and other payment terms included as part of the original agreement are not affected by the Prompt Payment Act.
- 6.6 AVAILABILITY OF FUNDS** - The State's obligation to make payment under this contract is contingent upon the availability of appropriated funds and receipt of revenues from which payment for contract purposes can be made. No legal liability on the part of the State for payment of any money shall arise unless and until funds are appropriated each fiscal year to the using agency by the State Legislature and made available through receipt of revenues.

Appendix 26



CONTRACTOR COMPLIANCE ONSITE PROGRAM MONITORING

This checklist has been developed to use in "visible monitoring" efforts on active construction contracts to ensure contractors' compliance with contract DBE, Training and Wage Rate Compliance.

PROJECT DATA

Federal or State Project Number	
DP Number / Job Number	
Dollar Amount of Contract	
Date of Review	
Percent of Project Completion	
Date Project Started	
Project Name (Route Number and Section)	
County/Region	
Prime Contractor	
NIDOT Representative/RE	
Consultant Representative/ RE	

Letter appointing Company/Project EEO Officer				
Contractor's Emergency #'s for EEO Officer & Safety- All Projects				
Contractor Sexual Harassment Policy				
Contractor EEO Policy Statement -Federal				
Whistle Blowers Poster-ARRA Projects				

DBE/ESBE/SBE COMPLIANCE

	Yes	No	Comment
Contract DBE/ESBE/SBE Goal: _____	NA	NA	
Contractor's DBE/ESBE/SBE Goal Commitment: _____	NA	NA	
Copy of low Bidder's Recommendation to Award Memo and Form CR-266(formerly Form "A") in RE's project file?			
If contractor's DBE/ESBE/SBE commitment is less than the contract goal, is there "good faith" document/statement in the project file?			
Are the DBE/ESBE/SBE work items on Form "CR-266" being performed by the correct DBE/ESBE/SBE Subcontractor? Cross check with DC-144 Daily Work Reports			
Review the DBE/ESBE/SBE Monthly Utilization Reports to track ongoing DBE/ESBE/SBE participation compliance- Are the Monthly Utilization Reports on file (CR-267)?			
Is current DBE/ESBE/SBE subcontractor participation in compliance with the Contract Goal? Current attainment?			
Any changes to the original DBE/ESBE/SBE goal commitment (CR-266)? If so, has a DBE/ESBE/SBE Form CR-266 Revision been submitted & approved? Explain in comment section.			
How many DBE/ESBE/SBE truckers on- site working for the Prime Contractor?			
Final DBE/ESBE/SBE (CR-268) Utilization Report submitted?			

EEO WORKFORCE COMPLIANCE

	Yes	No	Comments
Has the Prime & Subcontractors working on site submitted their workforce information via the NJ portal using electronic Form CC-257R Report? Explain in comment section.			
Is contractor (Prime & Subcontractor) EEO Documentation & Approval Letters from the Division of Civil Rights on file? Explain in comment section.			
Has the RE received the proper e-mail notification from the Prime & Subcontractors concerning portal submittal? Explain in comment section.			

TRAINING PROGRAM COMPLIANCE

	Yes	No	Comments
Is a Training Program submittal required? If so, is copy of the submittal on file? Explain in comment section.			
Has the Training Program been Approved by the Division of Civil Rights? Is a copy of the Training Program Approval on file? Explain in comment section.			
Is a Training Program Revision submittal required? Explain in comment section.			
Number of Trainees Required.			
Apprentice/Trainee Memo for all Trainees working on-site.			
CR-1 Trainee Start Date			
CR-2 Bi-Weekly Training Report for each approved Trainee?			
CR-1409 Contractor's 1409 Quarterly Training Report.			
CR-3 Completion of Training			
If Trainee has completed their training assignment, did trainee receive a Training Certificate?			

WAGE RATE COMPLIANCE

	Yes	No	Comments
Has contractor(s) submitted the required Certified Payrolls to the RE (CR-347)?			
Has contractor(s) signed the Statement of Compliance (CR-347-2)?			
Has RE conducted the required Wage Rate Inspection(s) (DC-126)?			
Has RE completed and submitted to Civil Rights the Monthly Certification of Contractor's Payroll (DC-127)?			
Has RE completed and submitted to Civil Rights the Quarterly Summary of Contractor's Payroll (DC-128)?			
Have any employees of Primes or Subs made any WR complaints such as incorrect wages or benefits? If yes, provide name of employee; who they work for and brief description of the complaint in a separate document.			

State below additional comments regarding the RE's implementation of contract/contractor Civil Rights contract provisions in the major compliance areas.

- 1) Under section titled DBE Compliance:

- 2) Under section titled EEO Compliance:

- 3) Under section titled Training Program Compliance:

- 4) Under section titled Wage Rate Compliance:

Signature: _____

Date Completed: _____