



TITLE VI

COMPLIANCE PROGRAM AND IMPLEMENTATION PLAN

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

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TABLE OF CONTENTS

TITLE VI COMPLIANCE PROGRAM STATEMENT

FOREWORD

CHAPTER I. POLICY AND ASSURANCES.....	1
CHAPTER II. IMPLEMENTATION PLAN.....	12
CHAPTER III. ADMINISTRATION AND TRAINING.....	15
CHAPTER IV. ENVIRONMENTAL & PUBLIC INVOLVEMENT.....	17
CHAPTER V. PLANNING AND METROPOLITAN PLANNING ORGANIZATIONS	20
CHAPTER VI. PROJECT DESIGN	23
CHAPTER VII. RESEARCH.....	25
CHAPTER VIII. RIGHT-OF-WAY DIVISION	26
CHAPTER IX. ADMINISTRATION FOR CONSTRUCTION PROJECTS AND MAINTENANCE ACTIVITIES	30
CHAPTER X. CONSULTANT/CONTRACTOR SELECTION.....	33
CHAPTER XI. OFFICE OF CIVIL RIGHTS.....	35

APPENDIXES

- A. AGENCY ORGANIZATION AND STAFFING CHART FOR TITLE VI
- B. OFFICE OF CIVIL RIGHTS ORGANIZATION CHART
- C. DEFINITIONS
- D. LISTING OF REGULATIONS AND OPERATING AUTHORITIES
- E. LISTING OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES
- F. LISTING OF METROPOLITAN ORGANIZATIONS (MPO)
- G. DISTRIBUTION LIST FOR PUBLIC HEARING NOTICE
- H. TITLE VI COMPLAINT PROCEDURE
- I. RESOLVING DEFICIENCIES
- J. ENVIRONMENTAL JUSTICE PROCESS
- K. ACCOMPLISHMENT REPORT
- L. ANNUAL WORKPLAN

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION
TITLE VI COMPLIANCE PROGRAM**

This Title VI Compliance Program has been developed to include policies and procedures for compliance with Title VI of the Civil Rights Act of 1964. Federal regulations promulgated under 49 CFR 21 (Nondiscrimination in Federal-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964) and 23 CFR 200 (Title VI Program and Related Statutes – Implementation and Review Procedures), together with certain parallel legislation, provide guidelines for States to comply with the requirements of the law.

FOREWORD

This document contains a description of the Title VI Compliance Implementation Program of the Mississippi Department of Transportation. This Title VI Program is the Department's responses to the nondiscrimination requirements set forth by the Federal regulations issued by the U. S. Department of Transportation and FHWA to effectuate Title VI of the Civil Rights Act of 1964 in connection with Federally-assisted programs of the U. S. Department of Transportation. Its contents and structure are intended to reflect the basic nondiscriminatory policies, practices, and procedures that the Mississippi Department of Transportation and its recipient agencies will utilize in administering Federal-aid programs that require execution of Title VI Assurances.

CHAPTER I. POLICY AND ASSURANCES

It is the policy of the Mississippi Department of Transportation to assure full and affirmative compliance with Title VI of the Civil Rights Act of 1964, as amended, and related statutes and implementing authorities. MDOT has given certain assurances to the U. S. Department of Transportation in this regard:

- A. MDOT assures that no person in the United States, on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity for which the recipient receives federal assistance from the Department of Transportation, including the Federal Highway Administration.
- B. MDOT will take affirmative action to correct any deficiencies found by the FHWA within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with State-signed assurances and required guidelines. Reporting administratively to the Executive Director, the Department's Civil Rights Director (CRD) is responsible for overseeing the administration of the implementation plan for Title VI requirements.
- C. The CRD will coordinate the performance of annual reviews of all pertinent program areas and subrecipients to determine the effectiveness of program area activities.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION - TITLE VI ASSURANCES

The Mississippi Transportation Commission, (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, non-discrimination in all Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, handicap or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7 (a) (1) of the Regulations.

The Recipient hereby gives the following specific assurances with respect to all Highway Programs:

1. The Recipient agrees that each "program" and each "facility" as defined in 49 CFR part 21, Subsections 21.23 (a) and 21.23 (b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to Federal Regulations.
2. The Recipient shall insert the following notification in solicitations for bids for work or material subject to the Federal Regulations made in connection with all Federal Aid Highway Programs, and in adapted form, in all proposals for negotiated agreements:

The Mississippi Transportation Commission in accordance with Title VI of the Civil Rights Act of 1964, 78-252, 42 U.S.C. 2000d to 2000d-4, the Civil Rights Act of 1987, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this

advertisement, Disadvantaged Business Enterprise firms will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of Race, Color, Sex, Age, National Origin, or Handicap/Disability in consideration for an award.

3. The Recipient will insert the clauses of Assurances Appendix A of this assurance in every contract subject to the Act and the Federal Regulations.

4. The Clauses of Assurances Appendix B of this assurance shall be included as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. Where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, this assurance shall extend to the entire facility and facilities operated in connection therewith.

6. Where the Recipient receives Federal financial assistance in the form of or for the acquisition of real property or an interest in real property, the assurance shall extend to the right to space on, over or under such property.

7. The Recipient shall include the appropriate clauses set forth in Assurances Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties:

(a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and

(b) for the construction or use of or access to space on, over, or under real property acquired or improved under the Federal-Aid Highway Program.

8. 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 there on, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods.

- (a) the period 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferee, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, 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 Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof the Recipient by the Department of Transportation under the Federal-Aid Highway Program of the Mississippi Transportation commission and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in the interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated

Mississippi Transportation Commission

By: _____
Larry L. "Butch" Brown
Executive Director
Mississippi Department of Transportation

Attestation: _____
Amy Hornback
Secretary to the Mississippi Transportation Commission

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"), agree 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 (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination.

3. Solicitations for Subcontracts, Including Procurement 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 procurement 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 ground of race, color, sex, or national origin.

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 its books, records, accounts, other sources of information, and its facilities as may be determined by the Mississippi Transportation Commission or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. 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 Mississippi Transportation Commission, 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 contractor's noncompliance with the nondiscrimination provisions of this contract, the Mississippi Transportation Commission shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- 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 (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the Mississippi Transportation Commission or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Mississippi Transportation Commission to enter into such litigation to protect the interests of the Mississippi Transportation Commission and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

ASSURANCES APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Mississippi Transportation Commission will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 Mississippi Transportation Commission all the right, title and interest of the 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 Mississippi Transportation Commission 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 shall be binding on the transportation program of the Mississippi Transportation Commission, its successors and assigns.

The Mississippi Transportation Commission, 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 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 with regard to any facility located wholly or in part on, over or under such lands hereby conveyed, (2) that the Mississippi Transportation Commission shall 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the 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 effectuate the purpose of Title VI of the Civil Rights Act of 1964.

ASSURANCES APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Mississippi Transportation Commission pursuant to the provisions of Assurance 7a.

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc., as appropriate) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Mississippi Transportation Commission shall have the right to terminate the lease and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Mississippi Transportation Commission shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Mississippi Transportation Commission and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Mississippi Transportation Commission pursuant to the provisions of Assurance 7b.

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be 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 services thereon, no person on the grounds of race, color, sex, age, national origin, or handicap/disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc., as appropriate) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted

Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Mississippi Transportation shall have the right to terminate the lease and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Mississippi Transportation Commission, shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of State and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**CHAPTER II. IMPLEMENTATION PLAN OF THE MISSISSIPPI DEPARTMENT OF
TRANSPORTATION**

- A. The State's approach to implementation of Title VI requirements embraces a multi-disciplinary strategy. "Appendix A" shows the Department's organization and staffing structure wherein responsibility lies for the initiation and monitoring of Title VI activities, including the preparation of required reports for submission to applicable officials of the Department and Federal Highway Administration.
- B. The Civil Rights Director coordinates this multidisciplinary structure and has direct access to the Executive Director of the Department. The Department has an adequate staff to effectively implement the Department's civil rights requirements.
- C. Title VI complaints received by the Department will be processed and disposed of in a prompt and reasonable manner. The procedures for handling such complaints are memorialized in a Departmental "Standard Operating Procedure" (SOP), a copy of which is included herein as "Appendix H". No charging party, complainant, or other person who files a complaint or is duly involved in an investigation or disposition of a complaint will be intimidated, threatened, coerced, or otherwise discriminated against for making a complaint, providing information, testifying, assisting, or participating in any manner in an investigation, proceeding, hearing, or disposition of a complaint. Respondents who are found liable of such actions will face sanctions as stated in the Title VI Assurances.
- D. The Department's Planning Division and Right-of-Way Division will be primarily responsible for collecting readily-available statistical data concerning relocatees, citizens and communities which are impacted and affected by the Department's highway projects. This process will include the participation of the applicable Title VI Officers and subrecipients. With technical assistance provided by the Planning Division, specific information (race, color, national origin, sex, age, religion, and disability) will be collected concerning participants in and/or beneficiaries of the Department's highway program. The applicable Title VI Officer will be responsible for verifying compliance with the established data collection and reporting procedures. A report providing a narrative analysis of the data, both positive and negative, will be submitted by the applicable Title VI Officer to the Office of Civil Rights. It is the responsibility of the Civil Rights Director to report such information to the Department's Executive Director and the manner in which it would be utilized in implementing the Title VI Program.

- E. With respect to certain highway related activities, the Title VI Officers will also be responsible for review of relevant documents. In this regard, policy statements, preliminary plans (e.g., Statewide Transportation Plan), proposed highway design and relocation plans, draft environmental impact statements (EIS's), tentative agenda for public hearings, standard operating procedures (SOPs) and so forth will be provided to the appropriate Title VI Officers by the applicable Divisions, Districts, or subrecipients. The Title VI Officers will be responsible for the initial analysis of the documents and for making a determination as to whether potential or actual discriminatory effects or Title VI deficiencies exist. The Title VI Officers' analysis and a copy of the subject document will be submitted to the Title VI Coordinator. If negative findings are the result of the analysis, the Title VI Officers will promptly inform the Title VI Coordinator. The affected Divisions or Districts or other appropriate entities will be notified by the Civil Rights Director in order to develop remedial actions that would resolve the existing deficiency status. Implementation of all activities designed to resolve such findings should occur within 90 day periods of time. In addition, a determination will be made concerning the technical assistance needs, if any, of the respective entities. In the event such needs exist, the Civil Rights Director, together with the Department's Training Director and other appropriate Departmental personnel, will coordinate technical assistance and training plans in accordance with standard operating procedures to address the special needs.
- F. Annual Title VI reviews of program areas involving Planning, Research, Right-of-Way, Roadway Design, Bridge, Environmental, Construction, Maintenance, Contract Administration, District Offices, Outreach, subrecipients and other areas as determined by the Civil Rights Director will be conducted to determine the effectiveness of program area activities pursuant to annual guidance afforded to the Department by the Federal Highway Administration. Similarly, annual Title VI reviews of special emphasis program areas will be performed to determine the effectiveness of the programs.
- a. Pre-grant Reviews will be conducted on consultants and contractors seeking Federal financial assistance to determine if the applicant is probable of being in compliance or is in compliance with Title VI requirements.
 - b. Post-grant Reviews will be conducted annually on subrecipients with contracts with MDOT. The reviews will determine the contractor's continuous compliance with Title VI contractual provisions.
- G. Pursuant to 23 CFR Part 200.9(b), the Executive Director will submit an annual report of Title VI accomplishments for the past year and goals for the next year.

- H. The Civil Rights Director maintains availability to provide day-to-day guidance to Title VI Coordinator and MDOT management with respect to Title VI Compliance.
- I. In accordance with Departmental requirements, the Civil Rights Director will work with the Department's Training Director to maintain training activities and schedules for the provision of training on Title VI and related statutes as needed for the Department. The continued assistance of FHWA will be requested regarding the availability of on-going training for this purpose.
- J. The Office of Civil Rights will work closely with the Planning Division and Environmental Division to maintain, to the maximum extent possible, the following:
 - 1. Assistance to appropriate Divisions/Districts and MPOs in obtaining public involvement; and
 - 2. Development of Title VI information for dissemination to the general public, prepared in English and, as deemed beneficial, in other languages.
 - 3. Further public information activities would include:
 - a. Attendance by the Planning Division's Title VI Officer at MPOs Policy Committee Meetings;
 - b. Designees of the Civil Rights Director at certain meetings scheduled between property owners and potential relocates with potential Title VI concerns; and
 - c. Attendance of the Title VI Coordinator or authorized Title VI Officers at certain public hearings and meetings held for projects with potential Title VI impacts.
- K. The Department's Title VI Implementation Plan is set forth to support the requirement to identify and eliminate discrimination when found to exist. Accordingly, the Department's efforts include the facilitation of affirmative action to correct violations and/or deficiencies within a reasonable time period.
- L. **Public Dissemination of Title VI Information** - A Title VI brochure titled "Your Rights Under Title VI of the Civil Rights Act of 1964" was developed to provide the public with information regarding title VI and related statutes and their rights under the law. This brochure is also available in Spanish. This brochure will be offered for statewide distribution to the general public, subrecipients, and other parties or individuals participating in or otherwise benefiting from Federal-aid highway programs. Development of the Office of Civil Rights web page is in progress. This web page will contain pertinent information and publications regarding Title VI and related status as well as other programs administered by the Office of Civil Rights.

CHAPTER III. ADMINISTRATION AND TRAINING

A. SCOPE

MDOT's Outreach Division plans, develops, and coordinates all training activities for agency staff development. Outreach is a full service division devoted to the design, development, and delivery of highly-experiential learning events which are especially directed to develop and promote supervisory skills, technical leadership and executive development.

B. OPERATIONAL GUIDELINES

The Outreach Division operates in accordance with the agency's Standard Operating Procedures to provide professional development opportunities and maintain media relations.

C. TRAINING PROCESS

Through its numerous training programs, the Professional Development (PD) Division of Outreach aims to support the exchange of technical information and to encourage training and professional development to meet today's requirements. Professional development assistance is offered in the areas of certificate programs, technical training, computer-skills training, leadership training, career resources, test preparation, continuing education, new employee orientation, and the MDOT Employee Assistance Program. PD provides assistance to employees in certificate programs with continuing competency requirements in the areas of Continuing Education Units (CEUs), Professional Development Hours (PDHs), and National Institute of Certified Engineering Technician (NICET)

D. TITLE VI RESPONSIBILITIES

1. The Training Director is responsible for monitoring all training activities as it relates to Title VI guidelines concerning all education and training matters of the Department and preparing an annual report to be submitted to the Office of Civil Rights.
2. The Training Director will establish procedures to assure that no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education or training program operated or sponsored by the Department to include training consultants/contractors of the Department.

3. In accordance with Departmental requirements, the Training Director will work with the Human Resources Director in determining the need for and adequacy of the Department's training program and the manner in which it is being executed.
4. The Office of Civil Rights is available to the Training Director for consultation and direction as it relates to developing training programs related to Title VI implementation and enforcement. Title VI training will be conducted, as needed, based on the Agency's compliance status, changes in regulatory requirements or as directed by the Executive Director.

CHAPTER IV. ENVIRONMENTAL AND PUBLIC INVOLVEMENT

A. SCOPE

The Environmental Division with the assistance of the District offices and various Divisions are responsible for the assessment of environmental impacts as it relates to the transportation decision-making process. This evaluation is carried out through the preparation, development and circulation of environmental documentation which is required prior to proceeding with any proposed action plan to design, construct and/or maintain a transportation facility.

B. OPERATIONAL GUIDELINES

All regulations and procedures maintained by the Environmental Division are intended to meet the requirements of the National Environmental Policy Act (NEPA), Title 23 CFR 771, Title 49 CFR 622, 635, 640, 712, 771 and Executive Order 12898 on Environmental Justice. All regulations are administered by the Federal Highway Administration.

C. ENVIRONMENTAL PROCESS

A systematic process is used to study and evaluate all environmental aspects of a proposed project including social, economic and natural impacts. Depending on the complexity, impacts and scope of the project, the Environmental Division will complete the NEPA process by assessing a Categorical Exclusion (CE), Environmental Assessment (EA) or Environmental Impact Statement (EIS). These assessments are performed with regards to the interest and input of state and federal regulatory/resource agencies.

D. TITLE VI RESPONSIBILITIES

The Environmental Division or the designated Title VI Officer is responsible for ensuring compliance with Title VI requirements with respect to environmental activities, as follows:

- 1 Monitor compliance with Executive Order 13166, Limited English Proficiency, by reviewing the data collected of the racial and ethnic make up of the communities in order to improve access and understanding of transportation planning processes for those in the population confronted with language.
2. Monitor compliance with Environmental Justice (Executive Order 12898) through the use of environmental studies to identify and locate minority or low-income populations as identified in "Appendix J", Environmental Justice Process.

PUBLIC INVOLVEMENT

1. Early coordination and public involvement is a major objective of project development. Public involvement and conflict resolution through public meetings, hearings, individual contacts, advertisements and other means are encouraged and practiced.
2. The Environmental Director is responsible for assisting the Civil Rights Director in efforts to develop Title VI information for dissemination to the general public as follows:
 - a. According to the respective project, Environmental Division will work with the respective Division/District and the designated Title VI Officer to facilitate public involvement activities.
 - b. Utilizing information provided by the respective Division/District and Title VI Officer, the Outreach Division makes certain that pertinent information about a federal-aid activity is distributed to the general public, including minority groups and organizations, as necessary - particularly concerning projects that would involve minority groups or communities. Based on the nature and location of activities, informal meetings would be held, if feasible.

PUBLIC HEARINGS

1. The Division/District and the designated Title VI Officer will supply the Title VI Coordinator with the necessary information in order to meet established public notification requirements provided by FHWA. The scheduling of locations and times of public hearings will be reasonably convenient for persons affected by the project.
2. All persons in attendance at public hearing will be given an opportunity to express themselves either in written form or verbally. Verbal comments are to be made at the designated stations. Verbal comments will be transcribed and made a part of the permanent record. Written comments can be made at the hearing or sent to the Chief Engineer's office within 10 days of the hearing. A written transcript of hearing proceedings will be provided to the Chief Engineer, the Civil Rights Director, various Division Heads, the applicable District Engineer and FHWA for review and approval. The record will reflect an overview of questions, suggestions and objections posed during the proceedings.
3. Environmental Division, in coordination with the respective Title VI Officer, will work to ensure and record, when necessary, minority and disable participation and involvement in Public Hearings.

4. Minority newspapers and publications, where practical, will be used in advertising public hearings. The following statement will be used in public meeting and hearing announcements regarding MDOT projects: **This Federally-assisted project will be administered in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and all applicable regulations and directives/mandates to ensure nondiscrimination.**
5. All public meeting and hearing advertisements will identify the individual to contact for reasonable accommodation assistance and will carry the following statement: **Any person needing assistance or auxiliary communications equipment due to sensory impairment or other disability should contact (Name of Individual and means of contact). Notification of the need for assistance must be made within 7 days of this meeting/hearing.**
6. Title VI Officer will assure that public meetings and hearings are held in locations that meets ADA compliance.

CHAPTER V. PLANNING AND METROPOLITAN PLANNING ORGANIZATIONS

A. SCOPE

The Planning Division provides the MDOT Management, Divisions, Districts, Federal Highway Administration, and Urban Areas (populations of 50,000 or above) with planning tools that can support program planning and decisions for the purpose of contributing to an efficient transportation system. This requires an orderly and continuous assembly of information involving all transportation modes, including information on the history, extent, dimensions, condition, cost, future needs, use, economic/environmental/social effects, etc.

B. OPERATIONAL GUIDELINES

The authority for the Mississippi Department of Transportation to use federal funds is found in 23 United States Code 307 (c). The authority for the Planning Division to administer the SPR funds in the program is found in 23 code of Federal Regulation 450.

C. PLANNING PROCESS

A comprehensive transportation planning process is used which incorporates input from the public in coordination with the various Metropolitan Planning Organizations (MPOs). The Transportation Planning Office coordinates with the MPO, urban transportation planning, public involvement, and provides technical support when needed.

D. TITLE VI RESPONSIBILITIES

The Title VI Officer is responsible for ensuring compliance with Title VI requirements regarding the activities of the Planning Division as well as Title VI monitoring and reviews of activities of subrecipient entities and Metropolitan Planning Organizations.

1. Review of Title VI matters of the Planning Division to include performance of, in coordination with the Civil Rights Director, the following:
 - a. Consideration in the planning and development process of the long-range statewide transportation plan, the state transportation improvement program, the annual element, and unified work program, and other related documents with respect to the impacts of transportation alternatives on the communities impacted.
 - b. Good faith efforts to obtain citizen participation, including input from minorities, in the transportation planning process. The views of such groups within the population are solicited and considered in the planning of highway projects

including the impact of planned routes upon both non-minority and minority areas.

- c. The Division will use the assistance of the Geography Information System (GIS) and other available information to provide data regarding community boundaries, racial and ethnic make up, income levels, tax bases, the physical environment, and travel habits.
 - d. The Division will assist in gathering and organizing the Planning Office portion of the Annual Title VI Update Report.
 - e. Ensure full participation of all social, economic, and ethnic populations impacted by the department's planning process by disseminating program information to minority media and ethnic/gender related organizations and participating in roundtable meetings in predominantly minority communities.
2. The Title VI Officer will monitor compliance with Executive Order 13166, Limited English Proficiency, by reviewing data collection of race and ethnic make up of the community in order to improve access and understanding of transportation planning processes for those in the population of 5% or more who have been confronted with language barriers.
 3. The Title VI Officer for the Planning Division will monitor and review MPOs to determine whether the data collection and analysis procedures are adequate under Title VI requirements to include:
 - a. Community boundaries
 - b. Racial and ethnic make up
 - c. Income levels, tax bases, etc.
 - d. Physical environments
 - e. Travel habitsExamination of the data is to determine if a proposed transportation system will be capable of responding to both non-minority and minority group requirements. A copy of the review is to be submitted to the Department's Title VI Coordinator.
 4. In addition, the Title VI Officer will determine whether the MPOs maintain an effective public involvement process to include an analysis of whether input from minority communities/groups/persons is seriously considered. Specifically, the Title VI Officer will seek to identify, at a minimum the following:
 - a. The good faith efforts of the MPOs in assuring citizen participation in the transportation planning process.

- b. The number of and the capacity in which minorities and women, both individually and through their organizations, are represented in the citizen participation efforts.
- c. Whether the urban planning procedures provide for comparing the impact of a planned system and route upon both minority and non-minority areas.
- d. The manner in which the transportation needs of minority neighborhoods are considered in developing short-range improvement programs and long-range improvement programs.

CHAPTER VI. PROJECT DESIGN

A. SCOPE

Roadway Design Division and Bridge Division are responsible for the design and preparation of plans for the construction of highway and bridge projects and are charged with overseeing highway and bridge projects designed by consultants engineering firms.

B. OPERATIONAL GUIDELINES

AASHTO Design Manual

23 CFR 771

Executive Order 12898 on Environmental Justice

Standard Operating Procedures

C. PROJECT DESIGN PROCESS

The Roadway Design Division and Bridge Division coordinate roadway and bridge design activities with Districts, Divisions, Federal Highway Administration, the Environmental Protection Agency, the U.S. Army Corps of Engineers, and other corporations and agencies. The Divisions coordinate development of construction plans according to the applicable design guides, national standard and MDOT design criteria. The Roadway Design and Bridge Divisions serve on the selection committees for design consultants; and participate in the selection of highway locations as outlined in S.O.P. ENV-03-01-00-000.

D. TITLE VI RESPONSIBILITIES

1. The respective Title VI Officers for Roadway Design and Bridge Division are responsible for assuring compliance with Title VI requirements for all of the Roadway Design and Bridge Division's activities including design work and external contracts. Design plans will be reviewed to assure that plans do not cause adverse impact on any particular group or community.

2. To assure of fair and equal participation in the project design activities, the Title VI Officers will:

a. Identify minority and low income populations and ensure they have meaningful participation in the design process.

b. Thoroughly examine design alternatives to ensure that environmental justice considerations are recognized and addressed during route location selection and final design.

c. Consistently apply design standards to eliminate, minimize or mitigate adverse impacts among affected groups and to provide equitable levels of services.

CHAPTER VII. RESEARCH

A. SCOPE

The Research Division will assist the Mississippi Department of Transportation (“Department”) in providing a safe intermodal transportation network that is planned, designed, constructed and maintained in an effective, cost efficient and environmentally sensitive manner by conducting and contracting research, disseminating information, providing non-destructive testing services, maintaining the pavement management database, and assisting state and local transportation agencies as needed.

B. OPERATIONAL GUIDELINE

The authority for the Department to use federal funds is found in 23 United States Code 307 (c). The authority for the Research Division to administer the State Planning and Research Part II (SPR) funds in the program is found in 23 Code of Federal Regulations 420, Subpart B.

C. RESEARCH PROCESS

The Department is required to conduct transportation-related research projects, which may be funded with the federal-aid funds. The research may be conducted by state personnel or contracted to colleges and/or universities or consultants who have the capabilities, expertise, and staff to perform the research.

D. TITLE VI RESPONSIBILITIES

1. Research contracting opportunities will be advertised and awarded to universities and contractors in a non-discriminatory manner. Appropriate Title VI provisions are to be contained in the terms of all research agreements.
2. The Title VI Officer in coordination with the Department’s Civil Rights and Legal Division personnel will verify that Title VI language is incorporated in all research related contracts and agreements.
3. All solicitations for research proposals will be sent to all pertinent and relevant schools and institutions.
4. The Division will review internal operational procedures, guidelines, directives, and policies to ensure compliance with Title VI requirements.

E. COLLEGES AND UNIVERSITIES

The Division is to assure all Historical Black Colleges and Universities (HBCU’s) have the same opportunity as non-minority institutions to compete for research related contracts. “Appendix E” contains a listing of HBCU’s located in the State of Mississippi.

CHAPTER VIII. RIGHT OF WAY DIVISION

A. SCOPE

The Right-of-Way (ROW) Division's primary purpose is to acquire and clear the necessary properties to construct and maintain the State Highway System.

B. Operational Guidelines

ROW Standard Operating Procedures

ROW Manual

23 CFR 130

49 CFR 24

Miss. Code Ann. Title 65

C. RIGHT OF WAY PROCESS

Right of Way follows the Right of Way Manual and all applicable laws and regulations, including Title VI. The ROW process entails appraisal of property, negotiation of terms and conditions for acquisition and assistance in the relocation of displaced individuals, businesses, farm operations and nonprofit organizations as well as property management.

D. TITLE VI RESPONSIBILITIES

Title VI Officer will review division policies, rules, and standard operating procedures to ensure compliance with Title VI in all phases of right of way activities.

APPRAISAL AND REVIEW APPRAISAL

- 1.The Right of Way Division enters into an agreement with independent real estate appraisers on a contract basis. Each appraiser under agreement is required to have on file in the Appraisal Section a list of his/her qualifications, education and experience. Title VI provisions in all realtor, fee appraiser, and negotiator contracts are required.
- 2.Title VI Officer will examine the fee appraiser selection process to ensure equal participation by minority/women disadvantaged business; and that employment of fee appraisers is carried out without restrictions as to race, color, national origin, sex, age, or disability. Employment is based on professional training, education, experience, evaluation of previous work, (if any), availability to complete assignments within project schedule time limits, and effectiveness as a witness in court.
- 3.The responsibility for selecting and employing fee appraisers is that of the Appraisal Officer, subject to the approval of the Right of Way Division Administrator and the

written approval of the Executive Director of the Mississippi Department of Transportation. The appraiser is required to comply with regulations relative to non-discrimination in federally assisted transportation programs.

4. All comparable sales and other market data used in the report are without distinction as to race, color, national origin, sex, age or disability. The appraisers are aware that no discriminatory statement is to be made in acceptable appraisal reports.
5. All appraisals are reviewed by staff or contract Review Appraisers who are instructed to be on the alert for any indication of discrimination. If discriminatory statements are discovered, the appraisal is returned for correction before it is accepted from the appraiser. The Title VI Officer will notify the Civil Rights Director about the matter. Appraisals are reviewed in accordance with the Federal-Aid Policy Guide Manual.
6. Based on the knowledge of the individual appraiser and area of responsibility, the majority of the appraisal work is done by staff appraisers. Appraisal assignments are made objectively, without regard to race, color, national origin, sex, age, or disability.
7. Using the State and Federal appraisal procedures, a properly prepared and reviewed appraisal of fair market value of property does not allow discrimination on account of race, color, national origin, sex, age or disability. Accordingly, appraisal standards and practices are applied equally on all projects.
8. Monitor compliance with Executive Order 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers.

ACQUISITION

The acquisition procedures and required documentation as set forth insures that all property owners in Mississippi are treated and dealt with fairly regardless of race, color, national origin, sex, age or disability.

ENGINEERING AND TITLE WORK

1. Employment of engineering professionals is based upon professional training, education, experience and evaluation of previous work, if any, and the ability to complete assignments within project scheduled time limits without restrictions as to race, color, national origin, sex, age, or disability.
2. Abstractors are used for performing title abstraction for the entire state. The hiring and assignment process for abstractors is carried out without restrictions as to race, color, national origin, sex, age, or disability.

LEGAL ASSISTANCE

1. After the ROW Division prepares the legal description and plat for a subject property, a State Assistant Attorney General signs the requisite legal document for filing in the appropriate court and returns it to the ROW Division. The ROW Division Administrator forwards the document and all pertinent papers to assigned fee/contract attorneys.
2. Fee attorneys are assigned through the contracting process involving the Office of the State Attorney General. The ROW Division is included in the selection process which is done without restrictions as to race, color, national origin, sex, age, or disability.

RELOCATION SERVICES AND PAYMENTS

1. Relocation Assistance is provided without discrimination in accordance with Title VI requirements. Relocation services and payments including location activities for replacement properties are conducted in a manner which adheres to applicable Federal and State laws.
2. The ROW Division provides pertinent information during various stages of a highway project. The Environmental Division is furnished certain data from the ROW Division for environmental impact statements (EIS). Similarly, a "Relocation Assistance Guide" is provided by the ROW Division at the "conceptual stage" of a project. This plan includes a description of the social and economic impacts of a proposed project, a projection of the number and type of displacements to occur, and a replacement housing study. This information is updated for the requisite project public hearing.
3. Eligibility for relocation advisory and payment benefits are explained at location and design public hearings. The Department's brochure entitled, "Relocation Assistance Guide," is also provided to attendees at these hearings. Informal public meetings are held with certain individuals including neighborhood and minority groups when necessary to address any problems a community or group may be experiencing. The "Relocation Assistance Guide" is made available at the informal meetings and attendees are assured that relocation assistance services are provided to displacees equitably and without discrimination.
4. Assistance is provided to residents in relocating to decent, safe, and sanitary replacement housing. Owners and occupants of displaced businesses, farms, and non-profit entities are provided assistance in securing suitable replacement properties. Efforts are made to use the best available comparable housing to compute the payments for replacement dwelling for displacees. Displacees are

given the opportunity to select areas to which to relocate and displacees also have the opportunity to request assistance from the Department in this regard. Assistance is provided without restrictions as to the racial or sexual population of the selected areas. The selection process for replacement properties is managed by the relocation assistance agent. The agent works closely with each displacee in a uniform manner and gives special attention to those in special need, i.e., elderly and disabled displacees. Residential displacees with physical disabilities are offered replacement housing free of physical barriers. Displaced small businesses have the opportunity to utilize the "Business Reestablishment Expense Payment" program for assistance to remove physical barriers at replacement properties.

5. The Title VI Officer for the ROW is also responsible for assuring compliance with Title VI requirements with respect to the following subject matters:
 - a. Sale of improvements from a project area.
 - b. Rodent control contracts.
 - c. Demolition contracts.
 - d. Disposal of surplus and excess land.
 - e. Utility removal activities.

**CHAPTER IX. ADMINISTRATION FOR CONSTRUCTION PROJECTS
AND MAINTENANCE ACTIVITIES**

A. SCOPE

The Construction Division, Contract Administration Division and District Offices are responsible for the administration of new construction project. The Maintenance Division is responsible for the preservation and upkeep of the state transportation systems.

B. OPERATIONAL GUIDELINES

Construction Manual

Maintenance's Standard Operating Procedures

Standard Specifications for Road and Bridge Construction

23 CFR Part 200

49 CFR Part 21

C. CONSTRUCTION, CONTRACT ADMINISTRATION AND MAINTENANCE PROCESS

The Construction Division provides guidance and oversight for the decentralized administration of transportation construction projects by the District Offices and the District Project Engineers. The Contract Administration Division provides guidance and oversight for the statewide administration of all construction and maintenance contracts from letting and award to project closeout. The Maintenance Division develops an efficient program for highway maintenance by utilizing the resources of people, equipment, and materials in the most economic way.

D. TITLE VI RESPONSIBILITIES

1. The respective Divisions or Districts designated Title VI Officer has oversight responsibility for implementation of and compliance with Title VI requirements concerning the Construction, Maintenance, and Contract Administration of projects.
2. The appropriate Title VI Officer ensures that all Federal-aid construction contracts and applicable subcontracts contain provisions for compliance with Title VI as provided for in the Form FHWA-1273.
3. The appropriate Title VI Officer is to ensure that the Form FHWA-1273 is discussed at Pre-Construction Conferences.
4. The respective Title VI Officer ensures construction, maintenance and contract administration activities are also performed in accordance with 23 CFR Part 200 et seq., and 49 CFR Part 21 et seq.

5. The respective Title VI Officer oversees the monitoring of construction project work to ensure compliance with contract plans, specifications and civil rights special provisions.
6. The Contract Administration's Title VI Officer will review policies, rules and standard operating procedures to ensure compliance with Title VI requirements in all phases of the process for the selection and retention of contractors and subcontractor for highway contract construction to include:

BIDDING AND CERTIFICATION

1. The Mississippi Department of Transportation adopted a program that will assure there will be no discrimination in its selection and retention of contractors and subcontractors whose services are retained for, or incidental to, highway contract construction. The nondiscrimination policy and procedures of the Department are applicable to such federal-aid contractor's employment practices, solicitations for employment, selection of subcontractors and suppliers, and procurement of materials.
2. There is no entry on any bid document that identifies the prospective bidder as race, color, national origin, sex, age, or disability.
3. The Contract Administration Division provides an up-to-date listing of eligible certified DBE contractors with each federal-aid proposal that is sold to potential bidders each month.
4. Contractors are not required to be licensed to bid before award of a contract with the Mississippi Department of Transportation for any highway construction work if it is a federally assisted project. However, the State Board of Public Contractors requires a contractor to be licensed in order to submit a bid on any 100% state funded project where the bid is in excess of \$50,000. The Board does not prohibit anyone from seeking a license.

ADVERTISING FOR BIDS

1. When a project is ready to be advertised for contract, "Notices to Contractors" are sent to all contractors, suppliers, and contractual organizations that have requested to be entered on the Department's mailing list.
2. Advertisements are also placed in the Clarion Ledger which has statewide distribution. These advertisements are subsequently reprinted by local newspapers throughout the State of Mississippi in each county where a project is located.
3. The Contract Administration Division has responsibility for advertisements and news releases for "Notices to Contractors" (potential bidders).

4. Title VI statements shall be included in all solicitations for bids for construction work or materials and in all proposals for negotiated agreements.

AWARD OF CONTRACT AND BONDING REQUIREMENTS

1. The award of any highway construction contract for the Mississippi Department of Transportation is made to the lowest responsible bidder regardless of race, color, national origin, sex, age, or disability.
2. The Contract Administration Division contacts the Department of Insurance to ensure a Surety is licensed to do business in Mississippi. Sureties are encouraged to give any and all assistance possible to the DBE contractors. With assistance of the designated staff of the Contract Administration Division, the Title VI Officer reviews the bidding process and bonding requirements to determine whether there is uniform application to minority and non-minority contractors.

SUBCONTRACTS

1. When construction contractors of the Mississippi Department of Transportation select subcontractors, the selection process is done without restriction as to race, color, national origin, sex, age, or disability. Available and qualified minority and/or disadvantaged contractors must be considered in the selection process.
2. All requests for permission to sublet any portion of the work must be presented in writing from the prime contractor on Forms CAD-720, CAD-725, and CAD-521 on any Federal Contract. The Department, through its Contract Administration Division, assures that there will be no discrimination in the approval of subcontract requests. The Forms CAD-720, CAD-725, and CAD-521 do not distinguish between minority and non-minority subcontractors and are administered without regard to race, color, national origin, sex, age, or disability.

EQUAL EMPLOYMENT OPPORTUNITIES IN CONSTRUCTION PROJECTS

MDOT requires contractors on federal projects to comply with FHWA Form 1273. This form requires, among other actions, that contractors have an Equal Employment Opportunity (EEO) policy that prohibits unlawful discrimination while providing for affirmative action in employment practices.

CHAPTER X. CONSULTANT/CONTRACTOR SELECTION

A. SCOPE

The Consultant Services Unit is primary responsible for the managing the day to day administrative aspects of the professional services consultant selection and contract administration.

B. OPERATIONAL GUIDELINES

Standard Operating Procedures
23 CFR 172

C. CONSULTANT/CONTRACTOR SELECTION PROCESS

Consultant and contractor selection and services will be administered in accordance with all applicable regulations. Consultants would be selected in accordance with the requirements of Standard Operating Procedure ADM-24-01-00-000 (Consultant Selection and Administration of Consultant Contracts). A Consultant Services Unit representative will serve as Secretary to the contract selection committee.

B. TITLE VI RESPONSIBILITIES

1. The applicable Title VI Coordinator will perform, in coordination with the Title VI Coordinator, the following in accordance with Title VI requirements for their respective Division or District:
 - a. Monitoring of Title VI compliance by consultants/contractors.
 - b. Reviews of provisions of applicable contracts and agreements to ensure the inclusion of Title VI requirements.
 - c. Reviews of prequalification and/or bonding requirements and consultants/contractors selection procedures to ensure uniform application to non-minority and minority contractors.
 - d. Provide assistance to Division/District personnel in identification of minority and female consultants/contractors and in communicating contracting opportunities to minority and female consultants/contractors.
2. The Title VI Officer will ensure that Title VI language and related appendices of the Agency's Title VI Assurances, to include DBE goal attainment, is incorporated into all appropriate Request for Proposals and contracts. Additionally, Divisions will ensure that outreach efforts are undertaken to increase Disadvantaged Business Enterprise participation in consultant contracts in their respective program areas.
3. The respective Title VI Officer will ensure advertisement for consultant services contracts are placed in newspapers of statewide circulation to ensure competitive selection.

CHAPTER XI. OFFICE OF CIVIL RIGHTS

A. SCOPE

The Office of Civil Rights is responsible for implementing the Department's Title VI Program and reviewing of program areas involving Planning, Research, Right-of-Way, Roadway Design, Bridge, Environmental, Construction, Maintenance, Contract Administration, District Offices, Training, and other areas to determine the effectiveness of their program areas activities.

B. OPERATIONAL GUIDELINES

23 CFR 200

Title VI of the Civil Rights Act of 1964

Executive Order 12898 – Environmental Justice

Executive Order 13166 – Limited English Proficiency

The 1970 Uniform Act

Section 504 Rehabilitation Act of 1973

The Federal Aid Highway Act of 1973

The Age Discrimination Act of 1975

The Civil Rights Restoration Act of 1987

C. CIVIL RIGHTS PROCESS

The Office of Civil Rights process follows Federal and State laws in ensuring nondiscrimination in MDOT's transportation programs, activities and services.

D. TITLE VI RESPONSIBILITIES

The Office of Civil Rights is charged with the oversight of the agencies Title VI activities, the Disadvantaged Business Enterprise (DBE), the On-the-Job Training (OJT) Program, the Equal Opportunity (EO) Contract Compliance Program, the Internal Equal Employment Opportunity (EEO) and the American with Disabilities Act compliance. Any deficiencies found due to non compliance with Title VI in any of the above mentioned areas will be resolved in accordance with guidelines established in "Appendix H" entitled "Resolving Deficiencies".

TITLE VI ACTIVITIES

1. The Department assures that all management staff, sub-recipients, cities, counties, contractors, consultants, suppliers, universities, colleges, planning agencies and other recipients of Federal-aid highway funds are aware of the provisions of Title VI.

2. The Civil Rights Director oversees the administration of the implementation plan for Title VI requirements and assists the Executive Director in carrying out the Title VI responsibilities of the Department.
3. The Office of Civil Rights has assigned the responsibility of monitoring MDOT's Title VI Program activities to its Title VI Coordinator with the assistance of the designated Title VI Officers. Accordingly, the Title VI Coordinator is responsible for:
 - a. Conducting annual reviews of program area.
 - b. Reviewing complaint investigation
 - c. The preparation and submission of an annual accomplishment report for the past year and an annual work plan for the upcoming year.
 - d. Coordinating training for the Title VI Officers and others.
 - e. Schedule periodic meetings with Title VI Officers to discuss programmatic issues or changes and to work toward increasing the Agency's overall awareness and commitment to Title VI.

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

1. The goal of the DBE Program is to ensure that firms owned and controlled by minorities, women, and other socially and economically disadvantaged persons have the opportunity to grow and become self-sufficient so that they are able to compete on equal basis, with non-disadvantaged businesses for contracts and subcontracts in the transportation industry. The responsibility of implementing and monitoring the DBE Program for the Department is that of the State DBE Coordinator.
2. The DBE Coordinator and the DBE Certification Officer in coordination with the DBE Supportive Services consultant/contractor is responsible for locating and certifying all eligible DBE contractors that desire to become involved in highway construction in the State of Mississippi.

ON-THE-JOB TRAINING (OJT)

1. The purpose of the OJT Program is to provide training for minority, female and economically disadvantaged individuals in order that they may develop marketable skills and gain journey status in the skilled classifications in which they are being trained.
2. The OJT Program was designed to be used by participating contractors and subcontractors in meeting their training needs. The contractors and subcontractors must follow book uniform and basic procedures in training and

keeping records of trainees' progress. Contractor is to submit a termination form to the Department's OJT Coordinator upon trainee's completion or termination from the program.

3. The responsibilities of the OJT Coordinator toward the OJT Program consist of but not limited to the following:
 - a. Monitor payrolls for payment of correct wage rates and fringe benefits.
 - b. Conduct interviews of trainees periodically during the training period to assess their performance and training program.
 - c. Develop and maintain a master list by contractor name, trainee name and social security number to use as an aid for monitoring multiple projects.

EQUAL OPPORTUNITY (EO) CONSTRUCTION CONTRACT COMPLIANCE PROGRAM

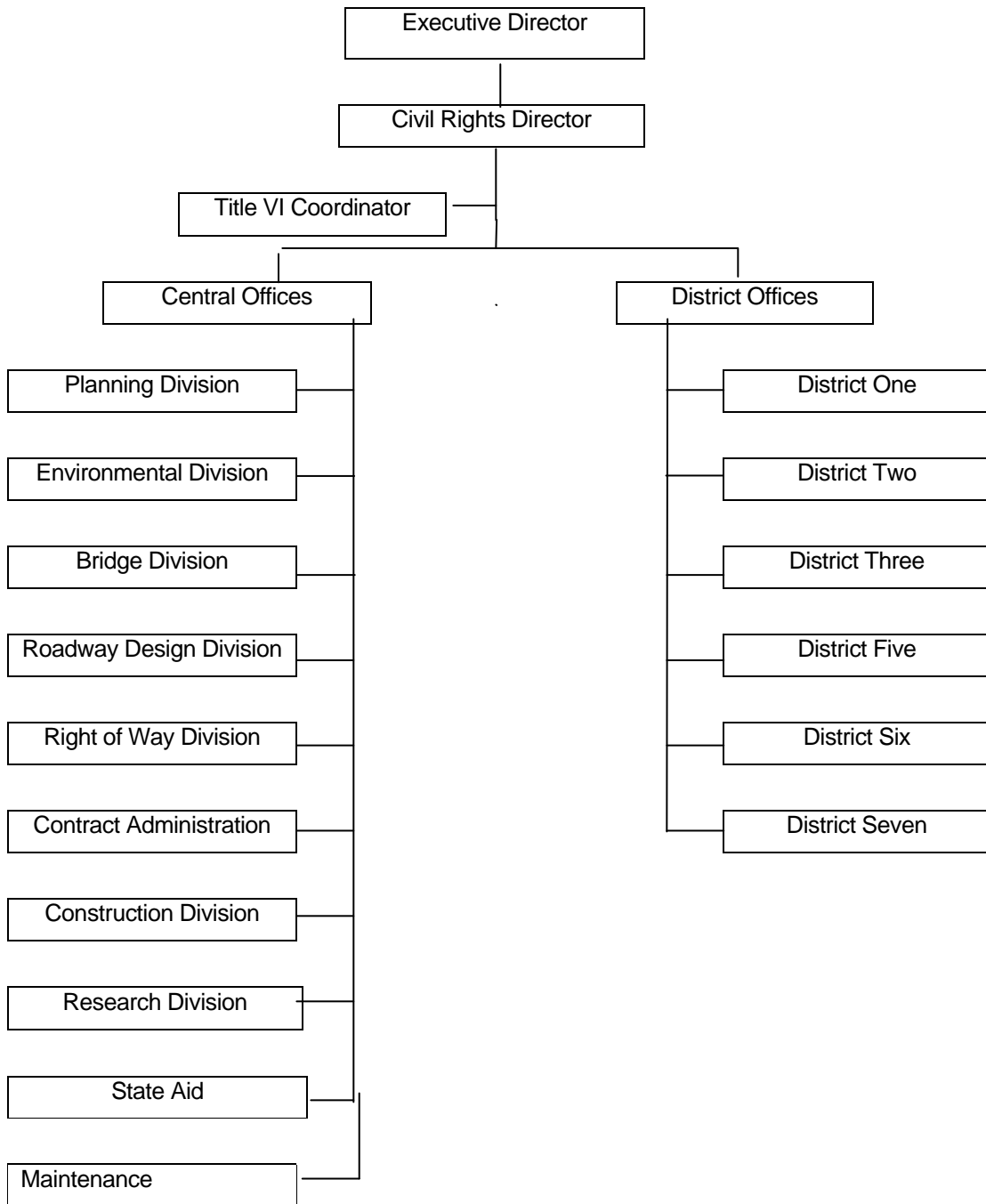
1. The EO Construction Contract Compliance Program is a monitoring tool used to assure Federal contractors and subcontractors do not discriminate in their employment and contracting practices based race, sex, color, religion or national origin. The Division's Contract Compliance Coordinator is charged with overseeing the program.
2. The Contract Compliance Coordinator will review contractors to determine their compliance with all contractual requirements, including:
 - a. Non-discrimination in selection and retention of subcontractors, material suppliers and vendors.
 - b. Maintenance of nonsegregated facilities.
 - c. Adequate representation and utilization of minorities and women (by craft/trade) in the contractor's workforce.
3. The Title VI Coordinator will examine, on a selective basis, the results of the contract compliance reviews to ascertain whether eligible and available minority and female contractors have been contacted as potential subcontractors by prime contractors. The task is performed as part of the Office of Civil Rights annual review process
4. The Contract Compliance Coordinator in coordination with the Title VI Coordinator will investigate complaints of discrimination against contractors.

EXTERNAL EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND THE AMERICANS WITH DISABILITIES ACT (ADA)

The Department's Civil Rights Director acts as the responsible official in matters relating to with the EEO and ADA compliance to ensure that the Department is operating according to the procedures set forth by the EEO and ADA statements.

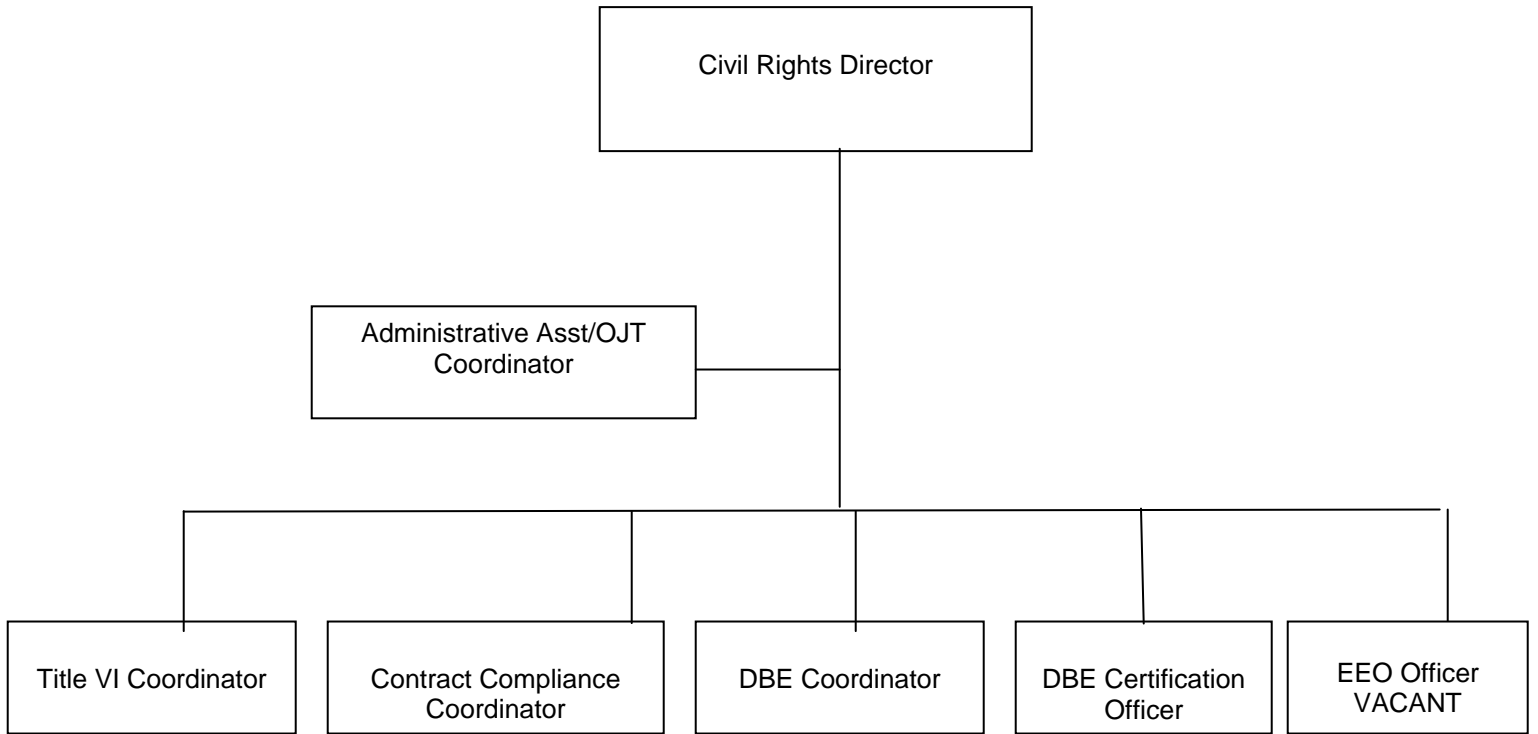
APPENDIX A

AGENCY ORGANIZATION AND STAFFING CHART FOR TITLE VI



APPENDIX B

OFFICE OF CIVIL RIGHTS ORGANIZATION CHART



APPENDIX C

DEFINITIONS

1. The following definitions apply for the purpose of this plan:
 - a. "Affirmative action" - A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.
 - b. "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.
 - c. "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.
 - d. "Civil Rights Director" or "CRD" - The Civil Rights Director acts as the responsible Departmental official in matters relating to Title VI and assists the Executive Director in carrying out the Title VI responsibilities of the Department.
 - e. "Compliance" - That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.
 - f. "Contract" - A mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them. For purposes of this definition, a lease is a contract.
 - g. "Contractor" - any person, corporation, partnership, or incorporated association that participates, through a contract or subcontract, in any program or activity covered by this Plan, and includes lessees.
 - h. "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.
 - i. "Department" - The Mississippi Department of Transportation.
 - j. "Director" - The chief officer of an Office of the Mississippi Department of Transportation.
 - k. "Disadvantaged Business" - A small business concern which is at least 51 percent owned by one or more socially and economically disadvantaged

individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

- l. "Discrimination" - That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, national origin, sex, age, or disability, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Mississippi Department of Transportation.
- m. "Division" - One of the administrative subdivisions of an Office of the Mississippi Department of Transportation. The term "District" should be considered equivalent to "Division" as an administrative subdivision of an Office of the Department.
- n. "Executive Director" - The chief administrative officer of the Mississippi Department of Transportation.
- o. "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, alteration or acquisition of facilities.
- p. "Federal assistance" - Includes:
 - (1) Grants and loans of Federal funds,
 - (2) The grant or donation of Federal property and interests in property,
 - (3) The detail of Federal personnel,
 - (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
 - (5) Any federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.
- q. "Federal Highway Administration" or "FHWA" - The administrative subdivision of the U.S. Department of Transportation (DOT) with authority for the administration of certain federal financial assistance involving highway construction and related activities.

- r. "FONSI" - Finding of No Significant Impact
- s. "Lessee" - a business or person that leases, or is negotiating to lease, property from MDOT or a MDOT subrecipient on MDOT's facility or the facility of MDOT's subrecipient for the purpose of operating a transportation related activity or for the provision of goods or services to the facility or to the public on the facility.
- t. "Mississippi Department of Transportation" or "MDOT" - The department, commission, board, or official of the State charged by its laws with the responsibility for highway construction. The terms "State", "Department", and "Departmental" should be considered equivalent to "Mississippi Department of Transportation" or "MDOT" when the context so implies.
- u. "Metropolitan Planning Organization" or "MPO" - The forum for cooperative transportation decision-making for a metropolitan planning area. A metropolitan planning area is the geographic area in which the metropolitan transportation planning process required by 23 U.S.C. 134 and section 8 of the Federal Transit Act must be carried out.
- v. "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.
- w. "Office of Civil Rights" - the office responsible for civil rights activities which reports administratively to the Executive Director of the Department of Transportation concerning Title VI requirements.
- x. "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.
- y. "Plan" - The Department's description of its Title VI Program developed to comply with Title VI of the Civil Rights Act of 1964.
- z. "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.

- aa. "Program area officials" - The officials in FHWA who are responsible for carrying out technical program responsibilities.
- bb. "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.
- cc. "ROD" - Record of Decision
- dd. "Secretary" - The Secretary of Transportation or the Federal Highway Administrator to whom the Secretary has delegated his authority in specific cases.
- ee. "Supportive Services" - Those services and activities provided in connection with disadvantaged business enterprise programs which are designed to increase the total number of disadvantaged businesses active in the highway program and contribute to the growth and eventual self-sufficiency of individual disadvantaged businesses so that such businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts.
- ff. "Title VI Program" - The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. Where appropriate, the terms "Title VI requirements" also refer to the civil rights provisions of other federal statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, age, or disability in programs receiving federal financial assistance of the type subject to Title VI itself.

APPENDIX D

Regulations or Operating Authorities

Administration and Training

Outreach's Standard Operating Procedures (SOP)

Environmental and Public Involvement

National Environmental Policy Act (NEPA)

Title 23 CFR 771

Title 49 CFR 522, 635, 640, 712, 771

Executive Order 12898 on Environmental Justice

Planning and Metropolitan Planning Organizations

23 United States Code 307(c)

23 CFR 450

Project Design

AASHTO Design Manual

23 CFR 771

Executive Order 12898 on Environmental Justice

Research

23 United States Code 307(c)

State Planning and Research Part II

23 CFR 420, subpart B

Right of Way

ROW Standard Operating Procedures

ROW Manual

23 CFR 130

49 CFR 24

Miss. Code Ann. Title 65

Administration for Construction Projects and Maintenance

Construction Manual

Maintenance's Standard Operating Procedures

Standard Specifications for Road and Bridge Construction

23 CFR 200

49 CFR 21

Consultant/Contractor Selection

Standard Operating Procedures

23 CFR 172

Office of Civil Rights

23 CFR 100

Title VI of the Civil Rights Act of 1964

Executive Order 12898 – Environmental Justice

Executive Order 13166 – Limited English Proficiency

The 1970 Uniform Act

Section 504 Rehabilitation Act of 1973

The Federal Aid Highway Act of 1973

The Age Discrimination Act of 1975

The Civil Rights Restoration Act of 1987

APPENDIX E

Historically Black Colleges and Universities

Public:

Alcorn State University, Lorman
Jackson State University, Jackson
Mississippi Valley State University, Itta Bena

Private:

Tougaloo College, Tougaloo
Rust College, Holly Springs

APPENDIX F

Listing of Metropolitan Planning Organizations (MPOs)

Mr. Larry Smith
Planning Director
Central Mississippi PDD
P.O. Box 4935
Jackson, MS 39296-4935
601-981-1511

Mr. Willie Horton
Executive Director
Hattiesburg-Petal-Forrest-Lamar MPO
P.O. Box 1898
Hattiesburg, MS 39043-1898
601-545-4609

Ms. Elaine G. Wilkinson
Executive Director
Gulf Regional Planning Commission
1232 Pass Road
Gulfport, MS 39530
228-867-1164

Mr. Jim McDougal
Executive Director
DeSoto County Planning Commission
365 Loshier Street, Suite 200
Hernando, MS 38632

APPENDIX G

Distribution List for Public Hearing and/or Document Review

Environmental documents including Draft EA, FONSI , DEIS, FEIS or ROD are enclosed with a copy of a legal notice which is advertised in the local newspaper of the project and/or nearest daily newspaper

A copy of each document along with the legal notice and cover letter attached are forwarded to:

- Federal Highway Administration*
- District Engineer*
- Project Office*
- Right of Way
- Planning
- Bridge
- Construction
- Central Records
- Roadway Design
- Civil Rights
- Mayor's Office*
- County Board of Supervisors*
- Chancery Clerk's Office*
- Local Public Library*
- Statewide Clearinghouse***
- State Resource Agencies
- Federal Regulatory and Resource Agencies**

* Requested locations to review document
** DEIS, FEIS or ROD only unless requested
*** FONSI and ROD only

APPENDIX H

Rule No.: 941 - 6203 - 00300

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005

Supercedes Rule:

Division: Office of Civil Rights

Rule Title: COMPLAINT PROCEDURES FOR THE MS DEPARTMENT OF TRANSPORTATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED

The person to be contacted regarding the proposed rule is: Facility and Records

Management Director

Name of person originating the proposed rule: Carolyn Bell, Civil Rights Director

Name of supervisor or person who approved the proposed rule: Larry L. Brown, Executive Director

Purpose:

To comply with Title VI of the Civil Rights Act of 1964, as amended, authority has been delegated to the Civil Rights Director (hereinafter CRD) for civil rights compliance. The procedures set out in the Title VI Implementation Plan are intended to identify the responsibilities between the CRD and MDOT Divisions and District Offices for prompt processing and disposition of Title VI complaints received directly by MDOT to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, age, handicap, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Transportation including the Federal Highway Administration.

Such discrimination is also prohibited against the traveling public and business users of the federally-assisted highways in their access to and use of the facilities and service provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over, or under the right-of-way of such highways or on property which is disposed of by the Department. In addition, such discrimination by the Department and its agents is prohibited against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.

Summary:

This document is issued by the Mississippi Department of Transportation (hereinafter MDOT) which sets forth procedures for enforcing the requirements of Title VI of the Civil Rights Act of 1964 with respect to the filing, processing, investigating, and disposing of complaints of discrimination.

The full text of the proposed rule is:

All cites herein refer to the most current version of the cited document.

I. SCOPE.

A. MDOT. The procedures apply to all Divisions and Districts under the authority of the Department.

B. Subrecipients and Contractors. These procedures apply to all MDOT's primary and secondary recipients of federal-aid, including contractors and subcontractors.

II. FILING OF COMPLAINTS.

A. Who May File A Complaint. Any person who believes that he or she, any specific class of persons, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 may by himself or herself or by a representative file a complaint. The basis of the discrimination charge would include race, color, national origin, sex, age, handicap, or disability, or retaliation for opposing any practice made unlawful by Title VI and its parallel statutes or for participating in any stage of administrative or judicial proceedings under such laws prohibiting discrimination.

B. Computation of Time for Filing.

1. The complainant must file a complaint not later than 180 days after:
 - a. The date of the occurrence of the alleged discrimination; or
 - b. Where there has been a continuing course of prohibited conduct, the date on which the conduct was discontinued.
2. Time periods in these procedures that are set forth in terms of days constitute calendar days unless otherwise stated.
3. In computing any period of time prescribed or allowed by these procedures the day of the act or event from which the designated time period begins to run shall not be counted. The last day of the period shall be included unless it falls on a Saturday, a Sunday, or a legal holiday, as defined by statute, or any other day when MDOT Offices are closed, whether with or without legal authority, in which case the period shall be extended to run until the end of the next business day.
4. The Executive Director of MDOT or the CRD for cause shown may at any time in his/her discretion extend the time for filing or waive the time limit in an equitable manner in the interest of justice. In any event, this action must be approved by the Federal Highway Administration.
5. Timely filing of a complaint constitutes the following:
 - a. delivery of the written complaint in person by the complainant or representative of the complainant within the applicable filing period; or
 - b. delivery by mail postmarked before the expiration of the applicable filing period;or

c. delivery by facsimile.

C. Contents of Complaints. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. In addition, each complaint should contain the following:

1. The full name, address and telephone number of the person making the complaint;
2. The full name(s) and address(es) of the person(s), governmental entity, or business organization(s) against whom the complaint is made (the respondent);
3. A statement setting forth as fully as possible the facts and circumstances surrounding the claimed discrimination including the date of the alleged unlawful act(s) or event(s) and explanation of efforts, if any, that the complainant attempted to make to resolve the complaint's issues with the respondent; and
4. A statement disclosing whether the complaint or other statement describing the alleged discriminatory act(s) or event(s) has been filed with other State, Local or Federal agencies and, if so, the dates of such filings, the name, and address of the agencies.

In the event that a person makes a verbal complaint of discrimination to an official or employee of MDOT, the official or employee should report the complaint to the designated Division or District Title VI Coordinator or to the CRD. The Title VI Coordinator or CRD will then interview the person making the verbal complaint. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature and verification. The complaint will then be handled in the manner as herein set forth.

III. PROCESSING OF COMPLAINTS. Complaints must be processed internally according to S.O.P. No. ADM-09-01-00-000.

Dismissals of Complaints. A complaint will be dismissed for the following reasons: Where the complainant fails or refuses to provide requested information, fails or refuses to appear or to be available for interviews or conferences as determined necessary, or otherwise fails or refuses to cooperate with MDOT's inquiries or investigation.

IV. INVESTIGATIONS.

A. Within 45 days of the complaint receipt date, an investigation will be conducted and completed. The identity of complainants will be kept confidential except to the extent necessary to satisfy the requirements of these procedures and federal law, including the conduct of any investigation, hearing, or judicial proceeding.

B. Resolution of Complaints. Within 90 days of receipt of a complaint, the Executive Director will send a written decision to the complainant to include the following:

1. The proposed disposition of the whole matter;
2. Notification to the complainant of his/her appeal rights with the Federal Highway Administration or U.S. Department of Transportation, if he/she is dissatisfied with the final decision rendered by MDOT; and

3. The final decision will also be communicated to the respondent(s). FHWA will be provided with a copy of the decision and summary of findings.

APPENDIX J

RESOLVING DEFICIENCIES

General: MDOT will implement remedial action where it has determined that a recipient or sub-recipient, other than a contractor has discriminated or is found noncompliance with Title VI requirements, related status, laws, and regulations. In establishing remedial actions, MDOT intends for the recipient or sub-recipient to voluntarily agree to a plan of action to correct deficiencies and ensure continued compliance with Title VI. Every effort will be made to obtain compliance through remedial action before sanctions are imposed.

Letter of Finding: Where MDOT has conducted a compliance review, audit, or compliant investigation, and made a determination of “noncompliance,” the Executive Director will issue a Letter of Finding outlining the deficiencies within fifteen (15) days to the grant applicant, recipient, or sub-recipient. This letter will require the respondent to submit a Remedial Action Plan to address cited deficiencies. This plan will incorporate corrective actions deemed necessary by MDOT, if previously discussed.

Remedial Action Plan: Within thirty (30) days of receipt of the Letter of Finding, the respondent must submit a Remedial Action Plan, including, if any, sufficient reasons and justification for MDOT to reconsider any of its findings or recommendations. The Remedial Action Plan shall include:

1. A list of all corrective actions to be taken.
2. An implementation measure for each corrective action.
3. A written assurance that the respondent will implement all corrective action in the manner discussed in the plan.
4. A request for reconsideration that includes the specific finding or recommendation to reconsider, supporting documentation or evidence, and a written assurance that on the basis of the reconsideration, the respondent will comply with Title VI.

Final Remedial Action Plan: A committee comprised of representatives from the Office of Civil Rights, FHWA, and appropriate program area shall review the submitted Remedial Action Plan and any request for reconsideration. This committee will determine what remedial action(s) is necessary and appropriate to bring the respondent into compliance.

The committee shall issue a decision, including findings and recommendations, as part of a Final Remedial Action Plan. The Final Remedial Action Plan will be sent to the respondent for review and consent. Consent infers that the respondent agrees to initiate action(s)

specified in the plan. The respondent has fifteen (15) days to agree or disagree with the Final Remedial Action Plan.

If the respondent agrees, MDOT will amend its Title VI finding to “compliance,” and a letter stating the amended compliance determination will be sent to the respondent. The respondent will have a maximum of ninety (90) days to implement corrective measure outlined in the plan. During the plan’s effective implementation, the respondent will be required to submit progress reports as indicated in the Remedial Action Plan. After ninety (90) days, a follow-up review will be conducted by the Title VI Coordinator to verify the effectiveness of all corrective actions.

If the respondent disagrees, he/she must submit a statement outlining the reasons for disagreement with the corrective actions contained in the plan. Under these circumstances, the respondent will be held in “noncompliance,” and the Executive Director will issue a show cause notice. Within 15 days, a conciliation hearing to resolve the stated disagreements will be scheduled. If conciliation efforts are unsuccessful, proceedings, as indicated under “Sanctions,” will be initiated. In addition, the Executive Director will notify the respective USDOT modal administration division office of the noncompliance finding.

Sanctions: Sanctions as outlined in the Policy and Assurance, Appendix A of this manual are taken by MDOT against an applicant, recipient, or sub-recipient in cases where all means of informal resolutions as outlined above have failed.

APPENDIX J

Environmental Justice Process

Environmental Justice is 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. Fair treatment means (1) that all persons share in the benefits of our investments; and (2) that no person (including racial, ethnic, or low income groups) should bear a disproportionate share of the negative consequences resulting from the execution of Federal, State, and local programs and policies.

DOT Environmental Justice Program Goals

There are three fundamental environmental justice principles:

- (1) Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- (2) Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- (3) Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

Definitions

- **Low-Income** – a person whose household income (or in the case of a community or a group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.
- **Low-Income Population** – Any readily identifiable group of low-income persons who live in a geographic area, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed DOT program, policy, or activity.
- **Minority Population** – Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- **Community Resources** - any not for profit establishment that provides for or serves a segment of a community or the whole community's, physical, mental or social well being.

Minorities

- **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 American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- **American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition.

Participation

In order to identify potential EJ issues and work toward avoiding or mitigating disproportionate and adverse impacts as early as possible, the Office of Civil Rights will become involved once the project is defined.

When it is determined that Environmental Justice conditions are present, mitigations efforts should be handled by a mitigation team consisting of representatives from the following divisions as deemed appropriate:

- Environmental
- Office of Civil Rights
- District Office
- Roadway Design
- Federal Highway Administration (FHWA)
- Consultant

Environmental Justice Analysis Process

- Conduct a demographic analysis of the Study Area.
- Develop a Public Interaction/Involvement Plan (PIP)
- Determine impact(s), appropriate mitigation and benefit(s) with regard to EJ populations via public interaction with potentially affected communities.
- Develop the EJ analysis process

Step One:

Prior to the project kick off meeting, but after the project is defined, the OCR will become involved to assist with identifying potential EJ issues and work toward avoiding or mitigating disproportionate and adverse impacts. During this period, the Environmental Division or Consultant will conduct a demographic analysis of the project area using GIS and other relevant sources of data, map the results, and develop a PIP based on this analysis. The analysis will identify any environmental justice (EJ) populations broken out by age, disability, limited English proficiency, and income level to the extent possible. The Office of Civil Rights will be provided a copy of this analysis for review.

Step Two:

The Environmental Division will develop a Public Interaction/Involvement Plan (PIP) working with the Title VI Coordinator of the Office of Civil Rights as well as consultant(s). The PIP will be developed and modified to meet specific public and project needs as the project proceeds through the planning, environmental, project development, construction, and maintenance process. This plan will also decide how and where public interaction will occur in addition to circulating the usual reports for review and comments – as required or appropriate for project scoping. At a minimum, the PIP should also address the following:

Identify people and organizations to be reached based on demographics and relevant information.

Be evaluated and modified as more information is obtained from the impacted community.

Document the public interaction process and its results.

Step Three:

When alternatives are developed, potential impacts, mitigation and benefits will be identified and mapped prior to producing a draft document. Using this information, Environmental Division will refine the demographic analysis to determine if EJ communities are affected.

Disproportionately high and adverse effects on minority populations or low-income populations or Community Resources will only be carried out if the following criteria are met:

1. A substantial need for the program, policy or activity exists, based on the overall public interest; and
2. Alternatives that would have less adverse effects on protected populations have either:
 - a. Adverse social, economic, environmental, or human health impacts that are more severe; or
 - b. Would involve increase costs of an extraordinary magnitude.

Step Four:

MDOT will document the Environmental Justice Analysis in the form of the Environmental Justice Review document to be compiled by the Environmental Division. The document will at a minimum:

- Summarize related laws, regulations, and guidance
- Define “adverse” and “disproportionate” impacts
- Document data sources and methods of determinations
- Describe the study area and its demographics using narrative maps,
- Summarize public interaction strategy,
- Describe and map impacts, mitigation and benefits and those populations affected,
- Describe the specific interactions with the affected communities and results. All interactions and mediation discussion will be documented with official minutes of the meetings to be made a part of the file,
- Make an EJ determination(s)
- If the determination results in high and disproportionately adverse impacts, another determination should be made taking into consideration the effect that mitigation and benefits will have.
- If disproportionately high and adverse impacts on minority populations or low-income populations cannot be avoided, minimized or mitigated, a practicability determination should be made.
- In the event disproportionate and adverse impacts are identified during a Categorical Exclusion (CE) project development process, MDOT should follow the same procedures as outlined in this document.

Environmental Justice Impacts Identified at ROW and Construction Phases

In the event environmental justice impacts are not identified until the ROW or Construction Phase of the project the following steps will be taken:

- Mitigation efforts should be handled by a mitigation team consisting of representatives from the following divisions as deemed appropriate:
 - Environmental
 - Office of Civil Rights
 - District Office
 - Roadway Design
 - Federal Highway Administration (FHWA)
 - Consultant
- Identify people and organizations that are impacted
- Arrange meetings to discuss impacts and possible mitigation efforts
- Document the interaction process and its results
- MDOT will document the Environmental Justice Analysis as outlined in Step Four of this document.
- The final mitigation determination will be made a part of the NEPA document and shall be approved by the Transportation Commission.
- Provide NEPA documents to appropriate Districts and Divisions for preparation of any contractual requirements identified in the document.

APPENDIX K

ACCOMPLISHMENT REPORT

The following constitutes Title VI accomplishments made by the Mississippi Department of Transportation for the period of October 1, 2006 thru September 31, 2007:

1. The following Title VI related complaint was received during the review period:
 - In July 2007, Ms. Aurelia Gayle Gibson, a minority property owner, issued a complaint of not being properly notified of a design change to plans to improve a section of US Highway 78 in New Albany, Union County. In addition, she complained that the plan was to keep her from profiting. The Title VI Coordinator met with Ms. Gibson to discuss her concerns. The investigation revealed that the change in design allowed MDOT to avoid impacting Ms. Gibson which is what MDOT strives to do when at all possible. There was no evidence of discrimination. An additional public meeting was held on the same day as the meeting with Ms. Gibson to allow citizens involved in the project to review the final recommended design.
2. The following Environmental Justice complaint was received during the review period:
 - In February 1007, a minority church, Trinity Worship & Praise Full Gospel Church, issued a complaint that that the reconstruction of Highway 51, Grenada, MS had impacted the church's ability to function and carry outs community mission. The impact came about as a result of the closing of a street that was being used by the church for parking. The lack of parking lead to the church loss of members that ultimate lead to a lost of revenue. An environmental justice review was performed and a determination was made that the Church met the criteria for EJ migration. The final disposition was to purchase and re-establish the church facilities.
3. Staffs of the Office of Civil Rights and Personnel Officers from Districts One, Three and Six attended the Southern Civil Rights Conference in Charlotte, North Carolina on June 3-8, 2007.
4. The Civil Rights Director continues to serve as Secretary of the Southern Transportation Civil Rights Executive Council. The primary purpose of the Southern Transportation Civil Rights Executive Council is to promote the advancement of Civil Rights Program initiatives within member states.
5. The Mississippi Department of Transportation hosted its annual Career Construction Fair this year in the Northern, Central, and Southern part of the state. This event has grown from a one day fair held in Central part of the state in 2002 with a total of 550 students to three fairs with two being a two day fair with 2,471 students attending. The purpose of the Career Construction Fair was to encourage careers in the field of construction.

Students had the opportunity to speak with professionals about careers in the highway construction industry and to see and operate actual construction equipment.

Sponsors teaming up with MDOT to make the career fair a success are Ms. Kay Atwood, President (WBE) of Atwood Fencing Company, Inc., the FHWA, the MS Road Builders Association, the Mississippi Department of Education, Mississippi Asphalt Association.

During the Career Construction Fair held in Hattiesburg, Puckett Machinery and the Caterpillar Corporation donated \$ 50,000.00 to Pearl River Community College to support the college's new heavy equipment operators training program.

6. The Agency employed the services of a minority owned and operated consulting firm, Systems Consultants Associates, Inc., to assist in the task of establishing the requisite goal for the DBE Program. Systems Consultants Associates (Systems) has a long standing and highly successful experience with DBE and related programs.

As a result of Systems findings and due consideration of the FHWA, the Agency adopted a goal of ten percent (10%) for DBE participation of which five (5%) is race-conscious and five percent (5%) race-neutral.

7. The Office of Civil Rights continues its effort to locate minority and female firms qualified to be certified as disadvantaged businesses. A total of thirty-six (36) firms were certified as DBEs during the review period of which twenty-two (22) are minority male owned firms.
8. In order to ensure that the agency is fully complying with its obligations to the program, the agency created an Interdisciplinary Team to monitor the activities of its special emphasis program areas such as planning, project design, environmental, right of way, construction and research. Each member will be responsible for monitoring the Title VI related activities of their respective division or district.
9. The Outreach Division is responsible for coordinating education and training for the agency.
 - As part of the new employee orientation program, new employees received a presentation on civil rights laws and regulation including EEO policies and Title VI requirements. The orientation sessions involved an explanation of the purpose of Title VI and its impact on the decision-making process affecting the Agency's projects and activities.
 - Training was held on December 13, 2006 with the agency's Title VI Interdisciplinary Team. The purpose of the training was to inform them of their roles and responsible and to provide an overview of Title VI, LEP and Environmental Justice.

- On March 15, 2007, the Title VI Interdisciplinary Team met to revise the agency's Title VI Program and Implementation Plan. The FHWA-Mississippi and Virginia Divisions assisted with the process.
 - 10. The Office of Civil Rights' Title VI Coordinator along with individuals from the States of AL, FL, GA, KY, NC, SC and TN participated in developing a Title VI brochure to for sub-recipients. The brochure outlines sub-recipients' responsible to the program.
 - 11. The Office of Rights developed a Title VI brochure to be distributed to the general public. The brochure entitled "Your Rights under Title VI of the Civil Rights Act of 1964". The brochure describes Title VI and other component created in conjunction with Title VI and outlines MDOT's responsible to the program. The same brochure was also made available in Spanish.
 - 12. Other significant accomplishments for the program year include the following:
 - **Project Design**

The Department awarded twenty-nine (29) design contracts to fifteen (15) consultant firms. The total value of all contracts combined was \$12,299,552.00.

Six of the 29 contracts awarded had DBE goals of 3%.

There were no complaints in the design program areas.
 - **District Offices**
 - 13. There were a total of 104 preconstruction conferences held in the Districts during the program year. During the conferences district personnel discussed with suppliers, subcontractors and contractors the Title VI requirements associated with their contracts or agreements.
 - 14. EEO inspections did not reveal any Contractors that were not in compliance with the EEO provisions of their Federal-aid highway contracts.

During the employee interview session of the EEO inspections there were no complaints received.
 - 15. None of the District Offices received any Title VI related complaints during the program year.
 - **Research**
 - 16. There were a total of 10 research contracts issued during the program year none which were HBCU, female or minority firms.
 - 17. There were no Title VI complaints filed regarding research projects.
- **Construction/Contract Administration/Maintenance**

18. There was no contractor found not to be in compliance with the EEO provisions of their Federal-aid highway contract or maintenance agreement.
19. One contractor defaulted on a contract for failure to complete work on time. Surety (bond co.) took over and hired the defaulted contractor to complete the project.
20. There were no Title VI related complaints filed in regards to competitive bidding of construction or maintenance contracts.

- **Planning/MPOs**

21. Planning Division did not conduct any studies relating to minority persons, neighborhoods and income levels. Also, there were no public hearings/public meetings held for planning.
22. Preparation of a Participation Plan was initiated, and a new Stakeholders Committee was planned. The Stakeholders Committee consist of individuals who provide input regarding the needs of minorities and low income persons.
23. A review of the MPOs revealed the following findings:

The Central Mississippi Planning and Development District (CMPDD): The CMPDD held a public hearing on May 22, 2007 on a Comprehensive Plan for the City of Clinton to establish a zoning district to be known as the Sarah Dickey (SD) Subdivision District. The SD Subdivision is an historic residential neighborhood comprised entirely of minority persons, many of whom are low income. Minorities from the SD Subdivision attending the public hearing responded favorably to the proposal for establishment of the new zoning district. Subsequently, the Mayor and the Board of Alderman of Clinton held another public hearing on June 5, 2007, and received no negative comments regarding the plan as recommended by the Planning Commission; therefore they adopted the plan by Resolution.

The CMPDD Planning Director ensured that Title VI consideration were included in the planning stage for this Comprehensive Plan by discussing the needs of minorities residing in Clinton with the Mayor and Zoning Administrator.

Hattiesburg MPO: Several public hearings were held in reference to transportation planning. Organizations and communities were notified by newspaper, local radio, e-mail and flyers to neighborhood organizations.

Memphis MPO: Memphis MPO provided technical transportation planning services to the DPD in conducting a neighborhood and area-wide plan to evaluate the area's needs.

Gulf Regional Planning Commission: Six public meetings in the three coastal counties were held on the Long range transportation planning, including roads, transit, bike/ped and safety concerns. The public were encouraged to ask questions and submit written comments on all plans. There were minorities present at all meetings.

Notification of meetings were published in the newspapers, regionally and locally; through TV interviews and radio advertisement. Bi-lingual Spanish interpreter was available to assist as needed.

- **Right of Way**

24. There were no Title VI related complaints received during the right of way stages.
25. Forty-two appraisers were utilized during the program year to include three (3) were minorities and six (6) females.
26. There were 84 parcels acquired in the negotiation. There were no complaints filed by minorities and women concerning their option in the negotiation phase.
27. Relocation assistance was provided to 99 displacees to include 17 were minorities, 22 females and 29 elderly.
28. Two females owned consultants firms obtained contract to provide relocation assistance: Pinnacle Consulting and Marianne Callahan.

APPENDIX L

ANNUAL WORKPLAN

The following constitutes an outline of the Title VI activities planned for the federal fiscal year beginning October 1, 2007 through September 31, 2008.

1. Duties performed by the Office of Civil Rights Director, the Title VI Coordinator and the Interdisciplinary Team will continue as recognized in the Title VI Program and Implementation Plan.
2. The Title VI Coordinator plans to develop a process for which subrecipients can be monitored on an annual basis to ensure compliance with Title VI requirements.
3. The Title VI Coordinator will coordinate Title VI training for subrecipients. The training will focus on subrecipients' responsibilities and obligations to the program. During the training, subrecipients will be informed of the annual Title VI review and the review process.
4. Staffs of the Office of Civil Rights and District Personnel plan to attend the National Civil Rights Conference in August 2008 in Anchorage, AK.
5. The Civil Rights Director will continue to serve on the Southern Transportation Civil Rights Executive Council and participate on the planning committee for the Regional Civil Rights Conference to be held in Birmingham, AL in 2009.
6. The Office of Civil Rights will continue to participate in MDOT sponsored conferences and events to publicize the Title VI Program and its requirements.
7. The Office of Civil Rights will continue to recruit new firms as well as provide training and technical assistance to existing firms as a mean to grow DBE participation.
8. MDOT, in partnership with FHWA, the MS Road Builders Association, the Department of Education, and other sponsors will continue to host the annual Career Construction Fairs. The Career Construction Fairs will be held in Batesville, Jackson and Hattiesburg in 2009.
9. MDOT will continue to reach out to the media and target minority and low income audiences to enlist their participation in public involvement as well as make them aware of their rights under Title VI.