New Hampshire
Department of Transportation

Title VI Program

FFY 2016 Implementation Plan

Submitted December 18, 2015

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Introduction

The New Hampshire Department of Transportation Title VI Program ensures no person shall 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 Department of Transportation on the grounds of race, color, age, sex, disability or national origin. The NHDOT has designated a Title VI Coordinator to incorporate precepts of Title VI of the Civil Rights Act of 1964 in all programs, policies and activities regardless of the funding source. To ensure effective implementation the Title VI Coordinator will work with designated Title VI Liaisons in all program areas.

Authorities

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq*., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq*.), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq*.), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 *et seq*.), as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. §12101 *et seq*.), (prohibits discrimination on the basis of disability);
6. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §4601;
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 CFR Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
9. 49 CFR Part 27 (entitled *Nondiscrimination On The Basis of Disability in Programs or Activities Receiving Federal Financial Assistance*);
10. 49 CFR Part 28 (entitled *Enforcement of Nondiscrimination On The Basis of Handicap in Programs or Activities Conducted by the Department of Transportation*);
11. 49 CFR Part 37 (entitled *Transportation Services for Individuals with Disabilities (ADA)*);
12. 23 CFR Part 200 (FHWA's Title VI Regulation);
13. 28 CFR Part 35 (entitled *Discrimination On The Basis of Disability in State and Local Government Services*);
14. 28 CFR Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).
15. The Civil Rights Restoration Act of 1987

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Policy Statement

As Commissioner of the New Hampshire Department of Transportation (NHDOT), I am committed to the implementation and spirit of the Title VI Program to achieve compliance with Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities regardless of Federal funding. The NHDOT assures that no person shall on the grounds of race, color, national origin, sex, age, disability, or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity carried out by the NHDOT.

To further assure that appropriate program measures are implemented and monitored, I have designated John Ankenbrock, Chief of Labor Compliance, as NHDOT's Title VI Coordinator with sufficient authority and responsibility to effectively carry out his duties. Mr. Ankenbrock can be reached at 603-271-2467 or jankenbrock@dot.state.nh.us.

While I, as Commissioner, am ultimately responsible for the executive implementation of the Title VI Program, all management personnel share in this Title VI responsibility. The NHDOT conducts its Title VI Program in a team approach involving personnel from all program areas, with guidance from the Title VI Coordinator. Management personnel may be assigned specific tasks to assure that compliance is achieved including identifying Title VI Federal Program Area Liaisons who will perform the routine data collection/data analysis and process reviews. Performance by managers and supervisors will be evaluated on the success of the Title VI Program in a manner that is consistent with their performance in attaining other departmental goals.

This policy statement will be circulated throughout the NHDOT, published on the Department's website and will be made available to the public upon request.

Title VI is not only the law, but it is fundamental to the NHDOT's operations and mission. Finally, I expect all supervisory personnel to adhere to this policy by carrying out their Title VI responsibilities with the same vigor and effectiveness as all of their other responsibilities.

Victoria F. Sheehan
Commissioner

Date 12/18/15

Organization and Staffing

The Commissioner of the NHDOT is responsible for ensuring that the NHDOT fulfills its Title VI obligations through effective management and implementation of this program. The Director of Policy and Administration is responsible for providing direct oversight in implementing the Title VI Program and ensuring enforcement measures are carried out as appropriate in accordance with the Standard Assurances. The Title VI Coordinator is responsible for managing the program to ensure that all NHDOT Title VI activities are closely monitored. The Title VI Coordinator meets with the Commissioner on a quarterly and as needed basis to address key issues affecting Title VI program implementation. There are five additional personnel within the Office of Federal Compliance (OFC) and bureau administrators/Title VI liaisons who perform functions in related program areas to assist the Title VI Coordinator.

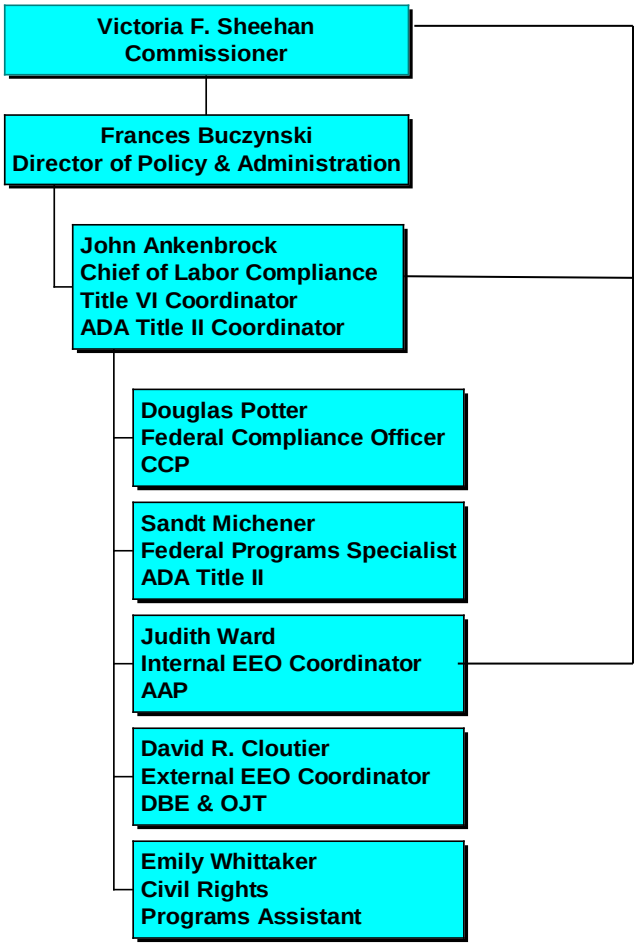
Title VI Coordinator Roles and Responsibilities

The Title VI Coordinator is charged with the responsibility for implementing, monitoring and ensuring NHDOT's compliance with the Title VI/Environmental Justice (EJ) regulations and related statutes. Title VI/EJ responsibilities are as follows:

1. Monitor Title VI/EJ activities.
2. Provide training to NHDOT staff and subrecipients on Title VI/EJ.
3. Submit Title VI/EJ Program implementing plan to FHWA Division Office and Civil Rights Specialist.
4. Develop Title VI/EJ information for dissemination (where necessary, in other language(s), format(s).
5. Prepare annual FFY Work Plan and Accomplishments Report and submit to FHWA Division Office by October 1st each year.
6. Establish procedures to promptly investigate complaints, to identify and eliminate discrimination, to review programs and grant applications, to resolve deficiencies within 90 days, and to collect and analyze statistical data.
7. Develop a program to conduct Title VI/EJ reviews of program areas and conduct reviews of programs – with program personnel.
8. Conduct Title VI/Nondiscrimination program reviews of subrecipients

The NHDOT will post the approved Title VI Implementation Plan, FHWA Assurances, Title VI Complaint Form and the Complaint Process on the Department's website. The Title VI Notice to the Public is also posted on the website in several languages including Spanish, Portuguese and Cantonese.

Office of Federal Compliance Organization Chart



Complaint Disposition and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the NHDOT or in the event a complaint is filed against a sub-recipient.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the NHDOT/sub-recipient may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statues may file a written complaint to the following address:

New Hampshire Department of Transportation
Attn: Title VI Coordinator
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483
Phone: (603) 271-3734
TTY Access: (800) 735-2964

Processing Procedures for External Complaints of Discrimination

Purpose:
To describe the rights of complainants to file and the responsibilities of the NHDOT to process, resolve and investigate external complaints of discrimination. These procedures do not preclude the responsible staff from attempting to resolve any verbal or non-written concerns or complaints of which they are aware.

Definition:
Discrimination -- An act (or action) whether intentional or unintentional, through which a person in the United States, based on race, color, sex, age, national origin, or disability has been subjected to unequal treatment under any program or activity receiving financial assistance from the FHWA under title 23 U.S.C.

Persons Eligible to File:
Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint. The complaint may be filed by the individual or the individual's representative.

Time Limits for Filing:
A complaint must be filed no later than 180 days[1] after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Form of Complaints:

1. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin, sex, disability, age, income status), and the date of alleged act(s). Complaints shall explain as fully as possible the facts and circumstances surrounding the alleged discriminatory action, and identify the individual(s) and/or organization(s) responsible for the alleged discriminatory action.
2. In cases where the Complainant will be assisted in converting an oral complaint into a written complaint, the Complainant is required to sign the written complaint. Signed allegations of discrimination received by facsimile or e-mail will be acknowledged and processed. Complaints received by telephone will be reduced to writing and provided to the complainant for confirmation, revision and signature before processing.
3. The NHDOT will promptly investigate complaints filed with the NHDOT against contractors, consultants, or other subrecipients. Complaints filed directly with the NHDOT and against the NHDOT shall be forwarded to the appropriate USDOT agency for investigation.

Complaint Acceptance and Notifications:

1. When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the complainant, within ten days by registered mail. At the same time, the Commissioner will be notified of the complaint and it will be forwarded to the State of New Hampshire Attorney General's Office and to the appropriate USDOT agency.
2. If a complaint is deemed incomplete, additional information will be requested, and the complainant will be provided sixty days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
3. Within fifteen days from receipt of a complete complaint, the NHDOT will determine whether it has jurisdiction to investigate the matter and whether the complaint has stated or plausible claim to warrant investigation. Within five business days of this decision, the Commissioner or his/her authorized designee will notify the complainant and respondent, by registered mail, informing them of the disposition.
    a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
    b. If the complaint is to be investigated, the notification shall state the grounds of the NHDOT's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.

[1] All days refer to calendar days.

4. When the NHDOT does not have sufficient jurisdiction, the Commissioner or his/her authorized designee will refer the complaint to the appropriate State or USDOT agency holding such jurisdiction.
5. If the complaint has stated a plausible claim, the Commissioner or his/her authorized designee will assign an investigator trained in compliance investigations.

Investigation Procedure:
The Investigation Procedure includes the following documents/actions:

- Investigative plan
- Investigative log
- Request for information
- Conducting interviews
- On-site visit, if necessary
- Obtaining evidence
- Analyzing data
- Writing the investigative report

Investigative Plan
The Investigative Plan is a procedural document to provide a framework within which to conduct and complete the investigation. The Investigative Plan is an internal document for use by the Investigator to investigate the merit of the filed complaint. The following are the elements contained in the Investigative Plan:

- Investigative Log will be maintained which will document all activities related to the complaint
- Complainant(s) name and address
    - Attorney for complainant name, address and telephone
- Respondent(s) name and address
    - Attorney for respondent with name, address and telephone
- Applicable Law (i.e., Title VI, Title VIII, compliance review under regulations)
- Basis of the complaint
- Issue(s)
- Background summary of complaint
- Name of person(s) to be interviewed
    - Questions for the complainant
    - Questions for the respondent, and
    - Questions for the witness(es)
- Evidence to be obtained during the investigation

Request for Information (RFI)
The investigator will contact the respondent to advise him/her of the complaint and determine the appropriate official(s) to whom the (RFI) should be sent and eventually interviewed.

The investigator will prepare a cover letter to transmit the RFI. The cover letter will explain the investigative process and provide information regarding any meetings that have been scheduled. The investigator will modify the cover letter to satisfy the circumstances and provide the RFI to

the respondent prior to conducting the on-site visit. This will facilitate the availability and review of the evidence during the on-site visit.

Conducting Interviews

The main objective of conducting interviews is to obtain information from witnesses that will either support or refute the allegations. Interviews will be conducted by telephone unless an on-site visit is required. A list of relevant questions will be prepared to address the issues raised in the complaint.

The complainant will be interviewed to gain a full understanding of the situation outlined in the discrimination complaint. Appropriate changes to the Investigative Plan will be made based upon any new information provided by the complainant.

The respondent will be interviewed to provide him/her an opportunity to respond to the allegations raised by the complainant as well as to provide the investigator the opportunity to understand the respondent's operation or policies that complainant cites in the complaint. As the keeper of the records, the investigator will discuss the RFI with the respondent and explain the need for requesting documentation. The respondent will be informed that he/she has the right to submit a formal position statement addressing the complainant's allegations.

Only witnesses who have information relevant to the allegations raised in the complaint of discrimination will be interviewed. The investigator will determine whether the testimony to be provided is relevant and when sufficient interviews have been conducted in order to make a finding.

On-Site Visit

An On-Site visit will be conducted when:

- Personal contact with the complainant and the respondent may yield information and clarification that might not otherwise be discovered by only reviewing the written documents or telephone contacts;
- It is necessary to review the physical environment;
- More effective communication can be established with representatives and witnesses of the complainant and respondent; and
- Documentation can only be examined on-site for reasons of convenience, cost, format, or volume.

Obtaining Evidence

Evidence requested will relate to the issues cited in the complaint and should contain some or all of the following:

- The policies and procedures regarding the practice that complainant has alleged;
- All documents relating to respondent's dealing with the complainant in the situation described in the complaint;
- Documents which exhibit how others, not in the complainant's group, were treated under similar circumstances;

- Respondent's reason(s) for the action taken; and
- A formal position statement from respondent responding to complainant's allegations.

Types of Evidence include the following

- Circumstantial Evidence – Includes facts from which may be inferred intent or discriminatory motive and proves intent by using objectively observable data;
- Comparative Evidence – A comparison between similarly situated individuals;
- Direct Evidence – Related to the respondent's motive, it is defined as any statement or action by an official of the respondent that indicates a bias against members of a particular group;
- Documentary Evidence – Written material, which is generated during the course of normal business activity;
- Statistical Evidence – Statistics, facts, or data of a numerical type, which are assembled, classified, and tabulated so as to present significant information about a given subject; and
- Testimonial Evidence – Evidence which is provided orally.

Analyzing Data

Data must be analyzed to determine whether a violation has occurred. When analyzing data, the following elements will be considered:

- Review what happened to the complainant;
- Compare complainant's treatment with the appropriate policies and procedures;
- Compare complainant's treatment with others in the same situation;
- Review respondent's reason(s) for the treatment afforded the complainant; and
- Compare respondent's treatment of the complainant with the treatment afforded others.

Writing the Investigative Report

The Investigative Report (IR) will be submitted to the Commissioner within sixty days from receipt of the complaint and will contain the sections noted below. A copy of the investigative report shall be forwarded to the respective subrecipient and USDOT agency within the same time period and shall include;

- Complainant(s) Name and Address
- Respondent(s) Name and Address
- Applicable Law
- Basis of the complaint
- Analysis of the issues raised in the course of the investigation
- Findings for each issue with a corresponding conclusion for each issue. Findings are based upon the preponderance of the evidence that the allegation was more likely to have occurred or not occurred.
- Recommended decision
- Recommendations for remedial action (if applicable)

Records

The NHDOT Office of Federal Compliance shall maintain records of external complaints indefinitely, identifying each complaint by race, color, sex, age, religion/creed, disability, national origin or retaliation. The records will indicate:

- The nature of the complaint;
- The recipient agency with which the complaint was filed;
- The date the complaint was filed;
- The investigative report;
- The complaint disposition and date; and
- Other pertinent information.

Final Decision

1. The Commissioner or his/her authorized designee will issue letters of finding to the complainant and respondent within ninety days from receipt of the complaint.
2. If the complainant is dissatisfied with the NHDOT's resolution of the complaint, he/she has the right to file a complaint with the:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Avenue, SE
Washington D.C. 20590
Tel: (202) 366-4648
Fax: (202) 366-7717
TTY Access: (202) 366-9696
DC Relay: (202) 855-1000

3. If additional clarification of procedures is required the NHDOT will utilize the FHWA Procedures Manual for Processing External Complaints of Discrimination as a reference. The manual may be found at:

http://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.htm

Internal Monitoring Program

Data Collection

The use of demographic data in conducting public outreach and monitoring project impacts is a key Title VI principle. Demographic data shall be collected and considered for all programs and activities that serve the public. In accordance with their assigned responsibilities under this program, Administrators, Project Managers, and other program area officials utilize a system for the collection and maintenance of statistical data; e.g., relocatees, impacted citizens and affected communities and includes this data in their annual

reports to the Title VI Coordinator. Where reasonably available, this data will include, but is not limited to, race, color, national origin, poverty status, and age (elderly), of participants in, and beneficiaries of Federally assisted programs; e.g., relocatees, impacted citizens, and communities affected by transportation projects. Additionally, data is gathered and utilized to ensure appropriate outreach is conducted to encourage public participation of traditionally underserved populations, including people with limited English proficiency. Project Managers record and maintain data regarding the level of attendance of all public meetings/hearings held by the NHDOT using the Title VI Project Tracking Sheet.

Upon request by a Project Manager or Program Administrator, the Title VI Coordinator will provide an Environmental Justice (EJ) Population Analysis of any area(s) affected by a project, service, or activity conducted by the NHDOT. The purpose of each analysis is to identify potentially adverse and disproportionate impacts on traditionally underserved populations and to direct outreach efforts to ensure inclusive public involvement. Pursuant to the Statewide Transportation Improvement Program (STIP), the Title VI Coordinator conducts a series of analyses for areas affected by future transportation projects. These analyses are conducted in odd years and are used to direct outreach efforts to maximize representation at Governor's Advisory Commission on Intermodal Transportation (GACIT) Hearings. In addition, a more targeted analysis is conducted for each project in the preliminary design phase. All analyses identify low income, minority, elderly and Limited English Proficiency (LEP) populations to be considered by Project Managers and lead people in order to target outreach efforts, as well as develop context sensitive solutions. Special considerations and outreach recommendations are provided with each analysis.

Data related to contractor compliance will be collected and maintained by the Title VI Coordinator. This information will include, but is not limited to: findings of each field audit conducted, number of completed corrective action plans, number of home office/desk audit reviews, number of complaints, total amount of back wages collected on Federal contracts, and other data related to the NHDOT's monitoring and enforcement efforts to ensure compliance with the Federal Regulations.

Process Reviews

The Title VI Coordinator will perform annual program area reviews to assess the NHDOT's compliance status with regard to administrative procedures, records, and overall efforts to ensure nondiscrimination in all of its programs, services, and activities. Specifically, the Title VI Coordinator will conduct reviews of major program areas where documentation gathered through a day-to-day approach is insufficient to verify compliance. Reviews of these areas will be documented in the Annual Title VI Work Plan and Goals and Accomplishments Report.

Each Administrator shall be responsible for establishing and implementing procedures to ensure that all activities conform to the nondiscriminatory requirements of Title VI. To that end, Administrators and Title VI Liaisons will carry out the responsibilities, goals, and objectives stated in this program and the Annual Work Plan. Where specific goals and objectives have been identified in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted to the Title VI Coordinator by

September 1 annually. Each report will consist of a narrative summary that outlines the measures developed and implemented in response to each goal or task identified in the Work Plan. When no specific goals or objectives have been established for a particular program area, Administrators or their designated Liaisons should utilize the appropriate Compliance Checklist (See Appendix 5), as a guide to conduct and document an internal review of their practices and efforts to comply with the specific responsibilities assigned by this program.

Project Development

A. General. The Director of Project Development oversees planning, design, and construction activities for transportation projects. The Director is responsible for transportation projects, including those identified as having a potentially high impact on minority and low-income populations with respect to social, economic, and environmental (SEE) factors that have the propensity to invoke requirements for enhanced accessible design, public outreach, and the implementation of measures to avoid or mitigate adverse and disproportionate project impacts.

B. Authorities:

23 USC 116
Federal Aid Policy Guide for Hearings
Americans with Disabilities Act Accessibility Guidelines (ADAAG), July 23, 2004
Pedestrian Rights-of-Way Accessibility Guidelines (PROWAG) "Draft", November 23, 2005
23 CFR 771
EO 12898

C. Title VI Role. The project development process includes project scoping, data collection, coordination, preliminary engineering studies, environmental evaluation, hearings, alternative selection, construction plan development, right-of-way acquisition and relocation assistance, and construction. Throughout development the Director ensures that project teams implement measures to affect Title VI requirements. Special emphasis is placed on the public involvement process to ensure that all citizens have access to information and are invited to comment on project proposals. Pursuant to this effort, the Director ensures that, where applicable, outreach efforts and hearing formats are designed to encourage minority representation of impacted communities.

D. Title VI Responsibilities:

- Ensure that pedestrian facility design standards are established and used in all NHDOT project plans and by consultant firms that participate in NHDOT projects.
- Provide oversight to ensure that procedures are in place that requires accessibility improvements to any portion of work within the public right-of-way that falls within the project scope, regardless of cost.
- Ensure that Maintenance Agreements are utilized for all Federal-aid projects involving the construction of sidewalks to cause for the maintenance thereof, including winter maintenance and snow removal efforts, to ensure accessibility to all pedestrians.

- Ensure that outreach efforts are implemented to encourage participation of minority and low-income communities where they exist.
- Ensure that appropriate project alternatives and mitigation measures are implemented in order to avoid adverse and disproportionate impacts.
- Ensure that all consultant contracts include appropriate Title VI language in accordance with Appendix A, Title VI Assurances to Federal Highway Administration (Standard Assurances).
- Monitor the Consultant Selection Process to ensure that efforts are taken to create opportunities for disadvantaged business enterprises (DBEs).
- Package construction contracts to maximize DBE participation, e.g. subdivide contracts when necessary to ensure a greater level of DBE participation.

Transportation Planning & Community Assistance

A. General. The Bureau of Transportation Planning and Community Assistance coordinates and develops long and short-range plans for NHDOT in order to provide efficient transportation services to the citizens of New Hampshire.

B. Authorities:

- The Metropolitan Planning Organization Procedures Manual
- 23 CFR 450, Subpart A, B, and C
- 23 CFR 771.111
- EO 12898

C. Title VI Role. The Bureau of Transportation Planning and Community Assistance Administrator ensures that procedures are in place to identify and eliminate discrimination in the planning process. Through the solicitation of public input and coordination with the various Metropolitan Planning Organizations (MPOs) and Regional Planning Commissions (RPCs), project impacts that have the potential to result in disproportionately high and adverse impacts are identified and addressed prior to preliminary design. The NHDOT's planning process further entails the monitoring and collection of varied data pertaining to transportation programs. Additionally, the Bureau of Transportation Planning and Community Assistance coordinate public involvement through MPOs and RPCs and provides technical assistance when needed.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Ensure participation and representation of a cross section of various social, economic, and ethnic interest groups in the planning process by disseminating program information (in languages other than English where appropriate) through minority media and to ethnic organizations, and by conducting outreach to minority and low-income communities.
- Ensure that all public meeting/hearing locations are accessible to persons with disabilities.

- Ensure that all notices contain a statement that includes contact information for the coordination of mobility assistance, sign and foreign language interpretation in order to ensure all-inclusive access at public meetings and hearings (see Program Publicity and Public Notice).
- Provide advanced notification to the NHDOT's Title VI Coordinator for the collection and analysis of data concerning any areas affected by planned projects; at a minimum, a request for an EJ Population Analysis should be made for the project area(s) covered by each GACIT hearing.
- Ensure that specific efforts are made to solicit involvement of minority and low-income communities, where they exist, and that appropriate Title VI language is used in all notices for public meetings and hearings.
- Establish procedures to document the level of participation of minorities, low-income, and disabled persons at public meetings to the extent practical and appropriate.
- Develop a plan to conduct periodic reviews of each MPO and RPC.
- Coordinate with the NHDOT's DBE Liaison Officer to solicit interest from DBE consultants for any work available through an MPO or RPC pursuant to a Unified Planning Work Program.
- Ensure that all consultant contracts and Unified Planning Work Programs include appropriate Title VI language in accordance with Appendix A, Title VI Assurances to Federal Highway Administration (Standard Assurances).
- Provide a report identifying annual planned and performance award (actual amounts paid) amounts relative to R&D agreements with institutions, including Minority-Serving Institutions of Higher Education (MSIs) by September 1 annually.
- Ensure that contracting opportunities for planning studies, corridor studies, or other available work have been provided to/solicited from DBEs.
- Maintain records of all efforts to comply with Title VI and related statutes.

Highway Design

A. General. The Bureau of Highway Design serves as the lead Bureau for highway projects. During the preliminary design process, the project manager reviews information regarding the social, economic, and environmental project impacts and ensures that appropriate mitigation measures are implemented. The Bureau also ensures that all design criteria are met for sidewalks, crosswalks, and pedestrian facilities, in accordance with the ADAAG and the PROWAG.

B. Authorities:

- 23 USC 116
- EO 12898
- 28 CFR Part 35
- 49 CFR Part 27
- Americans with Disabilities Act Accessibility Standards for Accessible Design, 2010 (ADAAG)
- Pedestrian Rights-of-Way Accessibility Guidelines, 2006 (PROWAG)

- 23 CFR Part 771

C. Title VI Role. The Bureau Administrator assigns project teams to perform preliminary engineering and design tasks relative to highway construction. During the design process, provisions are made to ensure Title VI criteria are met for each project by obtaining and acting on information pertaining to the potential adverse project impacts on both the cultural and natural environment. Project Managers ensure that public involvement procedures are in place that includes outreach to minority and low-income communities where they exist. Additionally, Project Managers and lead persons ensure that all letters and notices for public information meetings and hearings contain appropriate Title VI language and that reasonable accommodations are made for people with disabilities, as well as those requesting interpreter services.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Implement procedures to ensure that construction plans for projects that extend beyond thin surface treatments include the alteration of existing pedestrian crossings that do not meet minimum ADAAG/PROWAG requirements.
- Ensure that Maintenance Agreements are in place for all Federal-aid projects involving the construction of sidewalks that include winter maintenance and snow removal efforts, to ensure accessibility to all pedestrians.
- Ensure that specific efforts are made and documented to solicit involvement of minority and low-income communities, where they exist, and that appropriate Title VI language is used in all notices for public meetings and hearings.
- Establish procedures to document the level of participation of minorities, low-income, and people with disabilities at public meetings to the extent practical and appropriate; e.g., use of Title VI Tracking Sheets for each project.
- Ensure that specific design standards for the construction of sidewalks, as mandated by the ADAAG/PROWAG, are established and incorporated into all project plans.
- Ensure that procedures are in place that require accessibility improvements to any portion of work within the public right-of-way that falls within the project scope, regardless of cost.
- For each advertised project, ensure that a request for an EJ Population Analysis is made through the Title VI Coordinator in order to determine an appropriate level of outreach, language access, and to identify the need for any unique accessibility features required to serve the needs of the public.
- Ensure that all public meeting/hearing locations are accessible to persons with disabilities.
- Ensure that all notices contain a statement that includes contact information for the coordination of mobility assistance, sign and foreign language interpretation in order to ensure all-inclusive access at public meetings and hearings.
- Ensure that DBE participation on all consultant contracts is monitored and reported to the NHDOT's DBE Liaison Officer.

- Coordinate with the NHDOT's DBE Liaison Officer to identify DBE consultants available to perform related work and ensure solicitation from the same.
- Maintain records of all efforts to comply with Title VI and related statutes.

Bridge Design

A. General. The Bureau of Bridge Design serves as the lead Bureau for State and Federal bridge projects. The Bureau of Bridge Design is responsible for the design and preparation of contract plans for bridge rehabilitation and replacement projects. These efforts often support and are part of projects advertised through other bureaus. During the preliminary design process, the project manager reviews information regarding the social, economic, and environmental project impacts and ensures that appropriate measures to mitigate adverse project impacts are carried out. The Bureau also ensures that all relevant design criteria to effectuate with the ADAAG and the PROWAG are carried out.

B. Authorities:

- EO 12898
- 28 CFR Part 35
- Americans with Disabilities Act Accessibility Standards for Accessible Design, 2010 (ADAAG)
- Pedestrian Rights-of-Way Accessibility Guidelines, 2006 (PROWAG)
- 49 CFR Part 27
- 23 CFR Part 771

C. Title VI Role. The Bureau of Bridge Design assigns project teams to perform preliminary engineering and design tasks relative to bridge construction. During the design process, provisions are made to ensure Title VI criteria are met for each project by obtaining and acting on information pertaining to the potential adverse project impacts on both the cultural and natural environment. Additionally, the Title VI Liaison ensures that public involvement procedures are in place that includes outreach to minority and low-income communities where they exist. Additionally, Project Managers and lead persons ensure that all letters and notices for public information meetings and hearings contain appropriate Title VI language and that reasonable accommodations are available for people with disabilities, as well as those requesting interpreters.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Ensure that specific efforts are made and documented to solicit involvement of minority and low-income communities, where they exist, and that appropriate Title VI language is used in all notices for public meetings and hearings.

- Establish procedures to document the level of participation of minorities, low-income, and people with disabilities at public information meetings to the extent practical and appropriate.
- Ensure that all public meeting/hearing locations are accessible to persons with disabilities.
- Ensure that all notices contain a statement that includes contact information for the coordination of mobility assistance, sign and foreign language interpretation in order to ensure all-inclusive access at public meetings and hearings (see Program Publicity and Public Notice).
- Ensure that specific design standards for the construction of pedestrian walkways, as mandated by the ADA Accessibility Guidelines, are established and incorporated into all project plans.
- Ensure procedures are in place that require accessibility improvements to any portion of work within the public right-of-way that falls within the project scope, regardless of cost.
- For each advertised project, ensure that a request for an EJ Population Analysis is made through the Title VI Coordinator in order to determine an appropriate level of outreach, language access, and to identify the need for any unique accessibility features required to serve the needs of the public.
- Ensure that DBE participation on all Federal-aid consultant contracts is monitored and reported to the NHDOT's DBE Liaison Officer.
- Coordinate with the NHDOT's DBE Liaison Officer to identify DBE consultants available to perform related work and ensure solicitation from the same.
- Maintain records of all efforts to comply with Title VI and related statutes.

Local Project Administration (LPA) Programs

A. General. The Municipal Highways Engineer in the Bureau of Transportation Planning and Community Assistance administers all technical and financial assistance programs available to communities. These include both Federal-aid and State-aid programs to address the needs of local transportation systems statewide. In managing these programs, the Municipal Highways Engineer oversees the apportionment of State funds to municipalities and the collection of requisite matching funds from participating communities.

B. Authorities:

- 23 USC 116
- EO 12898
- 28 CFR Part 35
- Americans with Disabilities Act Accessibility Standards for Accessible Design, 2010 (ADAAG)
- Pedestrian Rights-of-Way Accessibility Guidelines, 2006 (PROWAG)
- 49 CFR Part 27

C. Title VI Role. With regard to Title VI, the Municipal Highways Engineer oversees municipally managed and community assistance projects under a variety of programs. Throughout the development process, the Project Manager or Program Coordinator monitors the

recipient's work products to ensure that all requisite tasks are completed and that Title VI issues are addressed. Specifically, project plans are reviewed to ensure that all relevant design criteria to assure ADA/Section 504 compliance are implemented in accordance with the ADAAG and the PROWAG. Project Managers and Program Coordinators of municipal programs work closely with the NHDOT's Title VI Coordinator to ensure that all Federal contract provisions are met.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report (Appendix 4) reflecting progress of the same shall be submitted by the Municipal Highways Engineer to the Title VI Coordinator by September 1.
- Conduct a review of all Federal-aid project plans to ensure that NHDOT design standards compliant with the ADAAG/PROWAG have been utilized in the construction of sidewalks.
- Ensure that Maintenance Agreements are in place for all Federal-aid projects involving the construction of sidewalks that include winter maintenance and snow removal efforts, to ensure accessibility to all pedestrians.
- Ensure procedures are in place that require accessibility improvements to any portion of work within the public right-of-way that falls within the project scope, regardless of cost.
- Work collaboratively with the OFC to facilitate contractor compliance for all LPA managed Federal-aid projects; ensure that a post-award review is conducted by the OFC before final payment is released.
- Coordinate with the OFC for periodic Title VI and contract compliance training for municipalities' consultants and other agencies.
- Ensure that all Agreements include specific Title VI, contractor EEO language and current Davis-Bacon wage decisions and that all sample contracts are reviewed for their content by the OFC before any recipient is authorized to advertise a Federal-aid project.
- Maintain records of all efforts to comply with Title VI and related statutes.

Right of Way

A. General. The Bureau of Right of Way manages and coordinates the appraisal and acquisition of real property, the management of excess properties, and relocation assistance services required for transportation projects.

B. Authorities:

- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- The Uniform Relocation Act Amendments of 1987
- Right of Way Manual
- 23 CFR 130
- 49 CFR 24
- EO 12898

C. Title VI Role. To ensure Title VI compliance, the Bureau of Right-of-Way property acquisition process is conducted in accordance with the *Right of Way Manual* and all applicable laws and regulations. Throughout all phases of acquisition, ROW representatives ensure that the nondiscrimination requirements of Title VI are implemented. Pursuant to this effort, the Bureau Administrator will establish and enforce procedures to ensure nondiscrimination in the following areas: appraisal, negotiation, acquisition, management, relocation, and adjustment of utilities.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Coordinate with the NHDOT's DBE Liaison Officer to identify DBE consultants available to perform ROW services and ensures solicitation from the same; e.g., appraisal contracts, real estate negotiation, relocation, and property management.
- Ensure that DBE participation on all Federal-aid consultant contracts is monitored and reported to the NHDOT's DBE Liaison Officer.
- Ensure that procedures are in place to collect and review statistical data pertaining to all beneficiaries or persons affected by negotiations, relocation, and property management to ensure ROW activities do not have a disproportionate or adverse effect on traditionally underserved populations. Data collected through the use of the "Nondiscrimination Survey" card shall include race, color, sex, national origin, disability, income status, and ability to speak English.
- Provide advanced notification to affected property owners, tenants, and others regarding their rights and options pertaining to negotiation, relocation, condemnation and other aspects of the acquisition process.
- Establish controls to ensure the objectiveness, quality, and equity of appraisals, property management, relocation assistance, and payments to impacted persons and property owners.
- Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate Title VI clauses (Appendices B and C of Title VI Assurance to FHWA).
- Ensure that all public meeting/hearing locations are accessible to persons with disabilities.
- Ensure that all public notices contain a statement that includes contact information for the coordination of mobility assistance, sign and foreign language interpretation in order to ensure all-inclusive access at public meetings and hearings (see Program Publicity and Public Notice).
- Ensure proper coordination with Project Managers regarding the need for language interpretation/translation services, as indicated by the EJ Population Analysis for each project.
- Establish procedures to document the level of participation of minorities, low-income, and people with disabilities at public hearings to an extent practical and appropriate.
- Ensure that hearing formats are designed to encourage the participation and comments of underrepresented persons and communities.

- Establish notification and advertising procedures that ensure efforts are made to solicit involvement of minority and low-income communities and that appropriate Title VI language is used in all notices for public meetings and hearings.
- Maintain records of all encounters with people with limited English proficiency (LEP) seeking access to a program or any *critical service* afforded to the public, including encounters that resulted in a delay or denial of service or program participation.
- Maintain records of all efforts to comply with Title VI and related statutes.

Bureau of Environment

A. General. The Bureau of Environment facilitates the project development process by integrating environmental considerations and regulatory requirements into NHDOT's transportation program. To effectuate environmental justice and to eliminate the potential for adverse and disparate impact on populations protected under Title VI and Executive Order 12898, the Bureau of Environment analyzes the social, economic, and environmental impacts of each project. Pursuant to this effort, the Bureau of Environment will develop environmental procedures, manuals, and training to effectuate Title VI compliance.

B. Authorities:

- EO 12898
- National Environmental Policy Act (NEPA)
- 49 CFR Part 771, 772, 777

C. Title VI Role. The Bureau of Environment utilizes a systematic process to study and evaluate all necessary environmental aspects of proposed projects in order to avoid and minimize disproportionately high and adverse impacts to ensure social, economic, environmental well-being of all communities. The Bureau classifies each project according to the categories identified by the National Environmental Policy Act of 1969. Environmental studies are conducted based on the magnitude of potential impact. Through environmental analysis and public hearings, the Bureau of Environment collects and considers information regarding potentially adverse social and economic impacts of each project. A representative from the Bureau of Environment then coordinates with the Project Manager to determine and ensure that appropriate mitigation measures are carried out when necessary.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Ensure that thorough demographic analyses are conducted for each project to identify any disproportionate or adverse impacts and that mitigation measures are properly coordinated with Project Managers.
- Provide information regarding project impacts and any mitigation measures to be carried out by the NHDOT, for distribution to communities and at public hearings.

- Maintain and provide information to the Title VI Coordinator concerning the impacts identified for all Class I and Class III projects, and mitigation measures implemented for each.
- Ensure that DBE participation on all Federal-aid consultant contracts is monitored and reported to the NHDOT's DBE Liaison Officer.
- Coordinate with the NHDOT's DBE Liaison Officer to identify DBE consultants available to perform related work and ensure solicitation from the same.
- Maintain records of all efforts to comply with Title VI and related statutes.

Construction

A. General. The Bureau of Construction is responsible for the administration of all transportation construction projects other than maintenance. In addition to providing contract oversight to ensure project quality, the Bureau of Construction implements administrative procedures to ensure that Federal-aid contract provisions are fulfilled.

B. Authorities:

- 23 CFR Part 635
- 29 CFR Part 1926
- 23 CFR Part 230, Sub-part A/FHWA Form 1273

C. Title VI Role. With respect to Title VI, the Bureau of Construction's Contract Administrators monitor Federal-aid project construction to minimize social and environmental impacts on communities. In fulfilling this role, Contract Administrators ensure that prescribed mitigation measures to reduce health and safety risks, as well as environmental impacts, are implemented. To further ensure compliance with Title VI, the requirements of Sections II and III of Form FHWA-1273 are closely monitored by the OFC Federal Compliance Officer and assisted by the Contract Administrator to facilitate the goal of increased participation of minorities and females in the Federal-aid Highway Program.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Pursuant to the Subcontractor Approval Process (23 CFR 635.116), ensure that each submission contains OFC Forms 2, 14, 14a, 15, 14b (for out of state contractors) 26 and a Transmittal Form required by the OFC to track and report DBE participation to the FHWA. Also required by the State are verification of current Workers Compensation Insurance coverage and a Safety Summary Form on file with the NHDOL (one time submission if >15 employees).
- Ensure that all contractors adhere to the design details/plans for the construction of sidewalks; ensure that alteration projects, other than new construction, comply with NHDOT design standards to the maximum extent feasible.

- Ensure that all Contract Administrators are trained periodically concerning the nondiscrimination requirements outlined in Form FHWA-1273 and the protocol established in the Contractor Compliance Program.
- Ensure that pedestrian access is maintained for all projects and that alternate circulation paths complying with R302 of the PROWAG are constructed when required.
- Ensure that all mitigation measures during construction are effectively implemented to reduce health and environmental hazards to the public; e.g., work zone safety, measures to reduce noise and air impacts, and erosion control measures.
- Monitor contractor activities to minimize project impacts on people and communities, specifically those protected by law; e.g., waste/spill disposal, environmental compliance, and harassment.
- Ensure uniformity exists in the assessment of sanctions, liquidated damages, withholding payments, and the suspension or termination of contracts.
- Maintain records of all efforts to comply with Title VI and related statutes.

Research

A. General. The Bureau of Materials and Research is responsible for the development of a work program for the expenditure of Federal planning and research funds with respect to the Research, Development, and Technology Transfer Program (RD&T). This program may include research of engineering projects, transit, transportation and environmental studies, and socio-economic analysis.

B. Authorities:

- Research, Development and Technology Transfer Primer Manual
- 23 CFR Part 420
- 23 U.S.C. 307

C. Title VI Role. The Bureau Administrator ensures Federal compliance (in accordance with 23 CFR 420) of the NHDOT's research programs with respect to Title VI by conducting outreach to a maximum extent feasible to minority colleges, universities, consultants, and non-profit organizations qualified and capable of performing research projects.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Provide a report identifying annual "planned" and "performance" awards (actual amounts paid) amounts relative to R&D agreements with institutions of higher education by October 1 annually.
- Ensure that the solicitation of research agreements and consultant selections are based on qualifications and bona fide selection criteria deemed a business necessity.

- Identify minority colleges and universities located within reasonable proximity and ensure outreach is conducted to circulate all proposals/problem statement solicitations.
- Ensure that DBE participation on all consultant contracts is monitored and reported to the NHDOT's DBE Liaison Officer.
- Ensure that the NHDOT's Work Program, in accordance with 23 CFR 420.209, describing RD&T program activities incorporates the above Title VI considerations, and is submitted to the FHWA by 1 October annually.
- Maintain records of all efforts to comply with Title VI and related statutes.

Traffic

A. General. The Bureau of Traffic conducts research, design, installation, monitoring, and maintenance, of traffic control systems and devices, as well as informational highway signage for State transportation facilities.

B. Authorities:

- 49 CFR Part 27
- Americans with Disabilities Act Accessibility Standards for Accessible Design, 2010 (ADAAG)
- Pedestrian Rights-of-Way Accessibility Guidelines, 2006 (PROWAG)
- Manual of Uniform Traffic Control Devices (MUTCD)

C. Title VI Role. The Bureau of Traffic maintains Title VI and Section 504 compliance by ensuring that traffic control devices and signals are designed and located in a uniform manner. The Bureau Administrator ensures that signals, signs, and auxiliary devices are considered in the development of all NHDOT projects and that they conform to the standards prescribed in the ADAAG, the PROWAG, and the MUTCD. Additionally, the Bureau of Traffic incorporates methods of communication into traffic control systems to ensure communications provided to persons with disabilities are as effective as communications with others.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Ensure that traffic control plans, systems, and devices are provided in accordance with the minimum requirements of the ADAAG and PROWAG (where applicable), and based on the factors of consideration outlined in Part 4E.06 of the MUTCD.
- Ensure that DBE participation on all Federal-aid consultant contracts is monitored and reported to the NHDOT's DBE Liaison Officer.
- Coordinate with the NHDOT's DBE Liaison Officer to identify DBE consultants available to perform related work and ensure solicitation from the same.
- Maintain record of all interactions of people with limited English proficiency (LEP) seeking access to a program or any *critical service* afforded to the public, including

encounters that resulted in a delay or denial of service or program participation; e.g., requests for special signs or accessible signals.
- Maintain records of all efforts to comply with Title VI and related statutes.

Bridge Maintenance

A. General. The Bureau of Bridge Maintenance services the State bridge system by performing preventive maintenance checks and services, critical repairs, safety improvements, and administering contracts for bridge preservation and improvement projects. The Bureau also supports municipalities with bridge repairs and temporary structures. In addition, the Bureau maintains approximately 54 bridges jointly owned with neighboring states.

B. Authorities:

- 23 CFR Part 635, Sub-part E
- Americans with Disabilities Act Accessibility Standards for Accessible Design, 2010 (ADAAG)
- Pedestrian Rights-of-Way Accessibility Guidelines, 2006 (PROWAG)

C. Title VI Role. With respect to Title VI, the bridge maintenance program is conducted in a fair and uniform manner. All bridge maintenance operations are carried-out based on need according to the structural status and/or traffic patterns that necessitate improvement projects. For each maintenance project, the Bureau ensures that proper coordination is made with town/municipal officials to minimize impacts to the public. Additionally, public outreach measures will be considered and carried out proportionate to the classification and scope of each project.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Ensure that bridge maintenance and improvement projects are based on business necessity and the engineering estimate to ensure fair and uniform distribution of benefits under the program.
- Ensure that specific design standards for the construction of pedestrian walkways, as mandated by the ADAAG, are established and incorporated into project plans where applicable.
- Ensure that DBE participation on all Federal-aid consultant and construction contracts is monitored and reported to the NHDOT's DBE Liaison Officer.
- Coordinate with the NHDOT's DBE Liaison Officer to identify DBE consultants and contractors available to perform related work and ensure solicitation of the same.
- Ensure that maintenance and construction activities do not adversely impact people or communities; e.g., waste/spill disposal, environmental compliance, etc.

- Ensure that all mitigation measures during construction are effectively implemented to reduce health and environmental hazards to the public; e.g., work zone safety, measures to reduce noise and air impacts, and erosion control measures.
- Maintain records of all efforts to comply with Title VI and related statutes.

Highway Maintenance Districts

A. General. The NHDOT has six maintenance districts responsible for highway maintenance throughout the State. Typical maintenance operations include, but are not limited to, crack sealing, patching, snow removal, guardrail replacement, fence repair tree/brush clearing and drainage. Maintenance districts also manage betterment projects that are beyond the scope of routine maintenance.

B. Authorities:

- 28 CFR 35
- 23 USC 116
- 23 CFR Part 635, Sub-part E
- Americans with Disabilities Act Accessibility Standards for Accessible Design, 2010 (ADAAG)
- Pedestrian Rights-of-Way Accessibility Guidelines, 2006 (PROWAG)

C. Title VI Role. With respect to Title VI, the NHDOT's maintenance program will be conducted in a fair and uniform manner throughout each district statewide. Each District Engineer will ensure that procedures are in place to make all facilities accessible to the traveling public, including persons with disabilities in accordance with 28 CFR 35.133 and the design standards set forth in the ADAAG and the PROWAG. Specifically, all construction that extends beyond routine maintenance, including the construction of sidewalks and other facilities shall conform to the minimum accessibility standards set forth in the ADAAG/PROWAG. In addition, all betterment projects will be carried out in a manner that ensures minimum public impact.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by each District to the Title VI Coordinator by September 1.
- Ensure that all public facilities and services provided within each District meet accessibility standards in accordance with ADAAG/PROWAG, and maintained to an extent that allows only temporary and isolated interruptions in service or accessibility.
- Ensure that the allocation of resources, priorities of work, and services within districts are strictly based on a business necessity and the engineering estimate, and do not have a disparate and adverse impact on minority or low-income populations where they exist.
- Implement procedures to ensure that construction plans for projects that extend beyond thin surface treatments include the alteration of existing pedestrian crossings that do not meet minimum ADAAG/PROWAG requirements.

- Ensure that Maintenance Agreements are in place for all Federally-assisted projects involving the construction of sidewalks to cause for the maintenance thereof, including winter maintenance and snow removal efforts, to ensure accessibility to all pedestrians.
- Maintain records of all efforts to comply with Title VI and related statutes.

Turnpikes

A. General. The Bureau of Turnpikes operates and maintains the State's Turnpike System consisting of three limited access highways. Turnpike operations include the collection tolls by cash or through the E-Z Pass System at nine toll plazas (six main line and three ramp).

B. Authorities:

- 28 CFR 35
- USDOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, December 14, 2005
- Americans with Disabilities Act Accessibility Standards for Accessible Design, 2010 (ADAAG)
- Pedestrian Rights-of-Way Accessibility Guidelines, 2006 (PROWAG)

C. Title VI Role. With respect to Title VI, Turnpike operations and maintenance will be conducted in a fair and uniform manner throughout the System. The Turnpikes Administrator will ensure that procedures are in place to make all facilities and services accessible to the traveling public, including disabled persons and those that are limited in their ability to speak English. Specifically, all new construction or alterations to the Turnpike System, including the construction of sidewalks and other facilities shall conform to the minimum accessibility requirements set forth in the ADAAG and the PROWAG. In addition, outreach measures, when appropriate, will be carried out to ensure all-inclusive public participation in Turnpike projects.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress of the same shall be submitted by the Bureau to the Title VI Coordinator by September 1.
- Ensure that language access is provided in the E-Z Pass System to ensure that the same level of service is provided to all participants, regardless of their ability to speak English.
- Ensure that all public facilities and services provided in the Turnpike system meet accessibility standards in accordance with ADAAG/PROWAG and are maintained to an extent that allows only temporary and isolated interruptions in service or accessibility.
- Implement procedures to ensure that construction plans for projects that extend beyond thin surface treatments include the alteration of existing pedestrian crossings (curb ramps) found not to be compliant with the ADAAG/PROWAG.
- Maintain records of all interactions with people who have limited English proficiency (LEP) seeking access to a program or any *critical service* afforded to the public. These include interactions that resulted in a delay or denial of service or program participation; e.g., number of language translation assisted calls per year, and summaries of

interpersonal communications with people attempting to file a claim or resolve E-Z Pass disputes.
- Maintain records of all efforts to comply with Title VI and related statutes.

Aeronautics

A. General. The Division of Aeronautics plans and coordinates aviation planning activities at the Federal, State, and local level to preserve and promote the State's air transportation system. The Division also ensures flight safety by conducting routine airport inspections, maintaining a system of air navigational aids, and assisting in aircraft accident investigations.

B. Authorities:

- 49 CFR Part 21
- Airport Improvement Act of 1982, Section 520
- USDOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, December 14, 2005
- Americans with Disabilities Act Accessibility Standards for Accessible Design, 2010 (ADAAG)
- Pedestrian Rights-of-Way Accessibility Guidelines, 2006 (PROWAG)

C. Title VI Role. With respect to the Airport Improvement Program, the Bureau of Aeronautics acts as an agent for State airports applying for Federal assistance. The Bureau Administrator ensures that all services and benefits are provided in a manner consistent with Title VI. The Bureau further assures that these services provide equal access and mobility for any person, as well as opportunities to participate in the aviation planning and decision making process without regard to race, color, national origin, sex, age, or disability.

D. Title VI Responsibilities:

- Where specific goals and objectives have been established in the Annual Work Plan, a Goals and Accomplishments Report reflecting progress regarding the same shall be submitted to the Title VI Coordinator by September 1.
- Ensure that all construction/consultant contracts include pertinent EEO nondiscrimination clauses and the applicable Davis-Bacon wage decision (construction only).
- Ensure that efforts are made and documented to solicit involvement of minority and low-income communities, where they exist, and that appropriate Title VI language is used in all notices for public meetings and hearings.
- Ensure that accessibility design standards for recipients' airport facilities, as mandated by the ADAAG, are incorporated into all project plans.
- Ensure that all airport facilities and services provided by recipients meet accessibility standards in accordance with ADAAG and are maintained to an extent that allows only temporary and isolated interruptions in service or accessibility.
- Ensure that procedures are in place that requires accessibility improvements to any portion of an airport facility that falls within the project scope, regardless of cost.

- Ensure that all public meeting/hearing locations are accessible to persons with disabilities.
- Ensure that all notices contain a statement that includes contact information for the coordination of mobility assistance, sign and foreign language interpretation in order to ensure all-inclusive access at public meetings and hearings.
- Ensure that DBE participation on all Federal-aid consultant and construction contracts is monitored and reported to the NHDOT's DBE Liaison Officer.
- Coordinate with the NHDOT's DBE Liaison Officer to identify DBE consultants available to perform related work and ensure solicitation to the same.
- Maintain records of all efforts to comply with Title VI and related statutes.

Special Emphasis Program Areas

A special emphasis program area is a program area that has an identified trend or pattern of discrimination by the Title VI Coordinator during a review of the program area. By identifying this program area as a special emphasis program area, NHDOT is able to track and report on the progress in the annual report.

Using the Title VI Internal/External Review Compliance Checklist form (see Appendix 4) completed by Title VI Liaisons or bureau administrators, the Title VI Coordinator will identify bureaus that have indicated a trend or pattern of discrimination, or have failed to comply with or participate in Title VI requirements. The following criteria may be used in selecting the program areas for review:

1. Deficiencies or observations made during the most recent Title VI process review; and/or

2. Concerns or questions regarding Title VI complaints/history of deficiencies or observations during review of the Title VI Accomplishment and Goals report.

Program areas scheduled for review will be notified in writing at least 45 days in advance to ensure the attendance of the bureau administrator and key personnel. The notification may include a compliance review form containing questions that are required to be answered in writing and returned within 30 days of receipt.

The Title VI Coordinator will review the responses to the compliance review form during a desk review process in advance of the meeting. The compliance review may consist of a review of files, documentation and interviews, as deemed necessary by the Title VI Coordinator, and will allow sufficient time to thoroughly review the program area.

A compliance review report will be issued within 30 days following the review meeting. No action on the part of the program is required on findings of compliance, unless a condition of compliance is specified. However, if the review contains deficiencies, the program area, with the assistance of the Title VI Coordinator, will be required to develop a Corrective Action Plan (CAP) to overcome any findings within a period not to exceed 90 days.

The NHDOT has not found discrimination in any of its program areas as of the writing of this implementation plan.

Corrective Action

If a program area is found to have deficiencies, the program area, with the assistance of the Title VI Coordinator, will create a CAP to be implemented within 90 days. The Title VI Coordinator will seek the cooperation of the program area and/or office in correcting deficiencies found during the review. The Title VI Coordinator will also provide the technical assistance and guidance needed to aid the program area.

External Monitoring Program

Title VI Liaisons and program managers are responsible for conducting application reviews in their respective program areas. The purpose of the review is to verify each applicant's compliance with Title VI, related statues, and the regulations to provide assurance that each recipient will comply with the nondiscriminatory requirements of its agreement/contract. In addition to the assurances given by each contractor and program applicant, pre-award and pre-qualification determinations will be made based primarily on the following:

- Any finding(s) on the record reflecting a previous failure of the applicant to comply with Title VI, including any failure to take corrective action within a reasonable timeframe.
- Any previous failure to comply with the Required Contract Provisions, as evidenced by findings of noncompliance, notices of violation, or warning letters that would give cause for the NHDOT Prequalification Committee to suspend or deny a Contractor's Prequalification (Tra 401.12(a)(4)).

For continuing State programs, including Local Public Agencies (LPAs), the NHDOT Office of Federal Compliance will review all subrecipient contracts to ensure the inclusion of the Required Contract Provisions and other pertinent documents required by the Regulations, including specifications for the construction of accessible features in accordance with the ADAAG dated July 23, 2004, 28 CFR Part 35 (Title II, ADA Regulations) and 49 CFR Part 27 (Section 504 Regulations). Both State managed and non-state managed contracts are monitored throughout the life of each project. At the completion of every project, a post-award review is conducted by a Federal Compliance Officer, and the results are communicated to the appropriate authority before final payment is released. The outcomes of each review are used to identify contractors and subrecipients that require technical assistance and to determine the need for more extensive on-site (home office) reviews.

The Administrator, or his/her designee, of the Bureau of Planning and Community Assistance along with the NHDOT Title VI Coordinator will conduct biennial post Federal-assistance reviews of the four MPOs and the five RPCs with respect to their Unified Planning Work Programs (UPWP). Additionally, the Administrator will ensure that each agency's public involvement process or plan provides for an appropriate level of outreach and access in accordance with 23 CFR 450.316.

At a minimum, the NHDOT will require subrecipients to have:

- Signed Standard FHWA Title VI Agreement and Recipient Assurances documents. New Executive Directors will re-sign and resubmit the Standard FHWA Title VI Agreement and Recipient Assurances to the NHDOT within thirty days of accession and incumbent Executive Directors will re-sign and re-submit the Standard Assurances every five years.
- Include the Title VI/Nondiscrimination Assurance Paragraph in all solicitations for bid/Request for Proposals. The Title VI Assurance shall be inserted in all prime contracts (Appendix A of the document), and the FHWA-funded Project Agreement.
- To appoint a Title VI Coordinator.
- Require the subrecipient to maintain Title VI-related written processes detailing how the sub-recipient maintains compliance with the Title VI requirements. These written processes may be in the form of a Title VI Plan either developed independently by the subrecipient or adopted from the NHDOT's Title VI Plan.
- The subrecipient shall be responsible for developing a Title VI Complaint Disposition Process.

Further, MPOs must:

- Submit a Title VI/Nondiscrimination Plan by August 1st.
- Report by September 1st of each year on accomplishments and goals for Title VI compliance

Subrecipient Reporting Requirements

All RPCs, MPOs, and any city or municipality that extend Federal assistance and employs fifteen or more persons should complete and submit a Title VI Compliance Report before the execution of an agreement, but not more than once annually. The purpose of the report is to ensure that all recipients are informed of their obligations under Title VI and have implemented procedures to comply with the nondiscrimination requirements addressed in this program. Specifically, each recipient is required to collect and maintain statistical data regarding the potential and actual beneficiaries and affected communities to ensure that adverse impacts are minimized and benefits are distributed equitably. Furthermore, each recipient must ensure access in the project development/public participation process and demonstrate compliance with other mandates, such as the ADA and Section 504 of the Rehabilitation Act.

Recipients will use the Title VI Compliance Report Form and submit the report with each UPWP or Municipal Agreement. Each recipient will make its records available pursuant to Title VI compliance for review by the NHDOT during the period of Federal assistance.

Subrecipient Review Procedures

NHDOT will develop a list of subrecipients which include MPOs, RPCs, municipalities, and Colleges and Universities that receive Federal-aid highway funding and develop a review process for these subrecipients. It is the OFC's goal to conduct 6 annual reviews to include MPOs/RPCs and LPAs based on future LPA Federal-aid construction projects. The OFC has

developed a Subrecipeint Title VI/Nondiscrimination Compliance Assessment Tool (see Appendix 6) to distribute to each selected subrecipient.

The assessments will be utilized as a tool to remind subrecipients/grantees of their obligations and responsibilities under Title VI and to monitor the subrecipients' Title VI implementation. The Title VI Coordinator will review the assessments and the requested documents to determine if the subrecipients have implemented the required processes and procedures to comply with Title VI, Environmental Justice (EJ) and Limited English Proficiency (LEP). The responses will determine if an on-site visit and/or an additional action plan is required. The responses will also be used to determine the training and technical needs of the subrecipient. A Technical Assistance Guide for Subrecipients of Federal Highway Administration Funding has been developed to facilitate compliance.

The NHDOT will define how trends or patterns of discrimination are identified and addressed to eliminate adverse impacts. Through information obtained and issues identified in its Internal and External Monitoring Programs, as well as any new processes or programs that are available, the NHDOT will offer technical assistance and training to eliminate discrimination in all aspects of its program.

Results of the subrecipient reviews will be provided in the Department's Annual Title VI Work Plan and Accomplishment Report. Once the Work Plan has been submitted to FHWA it will be available on the OFC website.

Public Participation Plan (PPP) and External Communication

The Title VI Coordinator worked with the Bureau of Planning and Community Assistance to develop the NHDOT's PPP. It is the goal of the PPP to be compliant with Title VI requirements including the linking of EJ and LEP. (See Appendix 2). A copy of the PPP is available on the NHDOT website.

The Title VI Coordinator also assists Administrators and Liaisons in developing Title VI information for public dissemination and ensures that program information is circulated to NHDOT employees, subrecipients, contractors, and beneficiaries, as well as the general public. In addition, general Title VI Program information is made available electronically through the NHDOT website.

The NHDOT Public Involvement Process is designed to provide members of the public a variety of opportunities through all stages of the transportation planning process to voice their ideas and concerns. Public involvement in the planning and development of future transportation improvements is essential to the community spirit and pride that New Hampshire has to offer.

This section provides a summary of the various outreach methods and activities. In an effort to provide more comprehensive outreach initiatives the NHDOT will consider the use of various tools that could include social media, locally televised (community television, etc.) events, as well as other methods not listed in this section. The NHDOT maintains an open door policy and encourages the exchange of information with public officials, agencies and citizens

throughout all stages of these phases. In addition, efforts are taken to ensure that all populations - including underserved populations - have access to project information and have reasonable opportunity to participate in the public process. Furthermore, meetings and reviews are routinely held at or near project sites in order to facilitate local input. Careful consideration is given to comments and concerns received from all sources.

- Efforts must be made to ensure that public meetings are held at as central a location as possible for the majority of parties affected by the plan/project under consideration.
- Efforts must be made to ensure that public meetings are held at times as convenient as possible for the majority of parties affected by the plan/project under consideration.
- If the most convenient time to hold a public meeting will result in a significant subset of the population affected by the plan/project under consideration not being able to attend, consideration should be given to conducting a second public meeting at a time more convenient for the excluded group.
- Efforts must be made to ensure that public meetings are accessible to people who rely on public transportation.
- Public meetings must be held in only those locations that can be physically accessed by individuals with disabilities.
- Community leaders, as well as key personnel in organizations where a significant part of their memberships will be affected by the plan/project under consideration, must be contacted to assure maximum awareness of the public meeting.
- When Environmental Justice (EJ) analysis data indicate that a population with limited English proficiency (LEP) exceeds the greater of 5% of the total population affected by a planned project or 1,000 people, the Planning Bureau's lead person on the project is responsible for contacting and coordinating outreach efforts.
    - As part of the EJ analysis at least 14 days prior to issuing a notice of public hearing, the lead person will request that the NHDOT Office of Federal Compliance provide a list of contacts. Among the first parties to contact would normally be the town administrator to determine any local organizations (e.g. faith-based, advocacy, etc.) who can disseminate information about the hearing or public meeting. Members and leaders of those organizations might be asked to attend the hearing or public meetings and (when necessary) to serve as interpreters to facilitate notification and participation of the affected language group.
    - If local organizations are unable to provide such assistance for individuals with limited English proficiency, the lead person should consider contacting organizations such as, but not necessarily limited to, the following:
        - Rapport International (978-443-2540)
        - Language Bank (603-224-8111 or 800-244-8119) for on-site interpretation assistance or
        - Language Line (1-800-752-6096, option 4) for telephone assistance.
    - For individuals who rely on American Sign Language or who require deaf/blind interpretation, the lead person should consider contacting organizations such as, but not necessarily limited to, the following:
        - Northeast Deaf and Hard of Hearing Services (603-224-1850),
        - NH Association for the Blind (603-224-4039),
        - Disabilities Rights Center (603-228-0432) or

- Governor's Commission on Disabilities (603 271-2773).

The following statement will be used in public meeting and hearing notices regarding NHDOT 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 to ensure nondiscrimination.

Anyone needing mobility assistance, sign language or foreign language interpreter services, please call_____, (NAME/ TITLE) at phone: _____, TTY: 1-800-735-2964. Notification of the need for assistance must be made at least seven days prior to this meeting/ hearing.

- Public hearing and informational meeting notices should be posted in locations most likely accessed or frequented by members of the target language group(s).
- All notices translated into languages other than English must contain contact information of the NHDOT employee assigned to respond to callers with limited English proficiency. The person responding to the limited English caller should be prepared to relate the project scope and purpose of the public meeting or hearing. If the caller expresses an interest in attending and requires an interpreter, the request should be forwarded to the project manager or lead person, who will be responsible for arranging the required language services.

Numerous techniques are utilized to disseminate project information and identify issues and concerns that might affect the project. These techniques are geared to the scope of work being undertaken. Obtaining public input is typically accomplished in the following sequence throughout the various phases of the project.

- Information on projects under consideration disseminated via NHDOT website, social media, press releases and public notices.
- Public input to NHDOT, RPCs and MPOs through the development of the Long Range Transportation Plan (LRTP) and Transportation Improvement Plan (TIP);
- Hearings and meetings with NHDOT, elected and appointed officials, throughout the development of the STIP;
- Public application process through the RPCs and MPOs for Transportation Enhancement, Safe Routes to Schools, CMAQ and Scenic Byways projects;
- Informal meetings with elected and appointed officials, RPCs, and MPOs, and the general public to review environmental and design studies for the design selection process. (For more complex projects, a citizens advisory task force or steering committee is often established and meets regularly throughout project development);
- Public informational meetings concerning environmental, engineering and right-of-way issues;
- Public review of environmental studies pertaining to a project;
- Formal public hearings concerning proposed or alternative designs or alignments;
- Informal public input with NHDOT concerning right-of-way and construction concerns.

The effectiveness of the Bureau's outreach activities must be monitored and evaluated on a timely basis. The following survey questions are a sample of what should be made available to participants of each public meeting, either at the meeting itself or over the Internet (using web-based services):

- Was the information presented in a complete and comprehensive manner?
- Did you feel that comments made by the public were adequately considered?
- Did you feel that you had an opportunity to participate?
- Was the location of this meeting convenient for you?
- How far did you have to travel to the meeting?
- Was this meeting scheduled at a convenient time for you?
- What would be the most convenient time to start such meetings?
- How did you hear about this meeting?
- Were people given the opportunity to submit comments verbally or in writing?
- If you have any comments about how the meeting was planned or conducted (or on how future meetings can be improved), please write them in the space below.

A Title VI "Know Your Rights" brochure will be developed by the Title VI Coordinator to educate the public. It will be made available for distribution at public meetings, posted on the Department's website and also upon request.

Title VI Related Training

The NHDOT OFC is responsible for Title VI training that will consist of an Internal and External component:

Internal: Periodic Title VI related training will be conducted as needed in all program areas. There will be annual Title VI training refresher for the NHDOT Executive staff. Upon the promotion/assignment of an Administrator, the Title VI Coordinator will request to meet with the Administrator to conduct initial training. The purpose of this training is to familiarize the Administrator with the Title VI obligations relating to his/her functional areas, as well as the best practices for carrying out those requirements. Administrators will be responsible for ensuring that their managers and designated Title VI Liaisons attend annual training conducted by the Title VI coordinator necessary to effectively implement the Title VI responsibilities related to their assigned areas. This training shall include, but is not limited to, data collection and reporting, program access and discrimination avoidance, how their processes/services may impact the public and other pertinent training. Additional requests for training should be made directly to the Title VI Coordinator, unless provided through the Human Resources Employee Training Catalogue.

As appropriate, the Title VI Coordinator will schedule Title VI related training for Administrators and program area officials to further NHDOT's compliance and to address regulatory changes.

External: The NHDOT Title VI Coordinator provides opportunities for training to any subrecipient to ensure understanding and compliance with Title VI requirements. The Title VI Coordinator will conduct annual subrecipient training for MPOs and RPCs Title VI Coordinators.

Upon review of the completed Subrecipient Title VI Compliance Assessment Tools a determination will be made by the Title VI Coordinator if one-on-one training is required in conjunction use of the hands-on Title VI Technical Assistance Guide for Subrecipients of Federal Highway Administration Funding for assistance in meeting their compliance obligations. When there is the opportunity to include subrecipients in general Title VI training sessions hosted by NHDOT, FHWA or USDOT that information is provided to subrecipients.

Environmental Justice (EJ) Plan

Executive Order #12898 is entitled "*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*". EJ may be defined as follows: "*Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations*." The following are applicable:

The NHDOT has Public Participation (see Appendix 2) procedures to ensure the participation of the identified minority and low-income populations located within the limits of a proposed project as well as sharing in the benefits of Federal Program Areas. The Title VI Coordinator conducts an EJ population analysis upon request from a project lead/manager from one of several bureaus within the Department including but not exclusive to, bridge design, highway design, and environment. The Office of Federal Compliance also receives third party requests from consultants for an EJ population analysis for cities and towns in New Hampshire. It is the intent of the Department to ensure fair and full participation and the equal receipt of benefits under Federally-assisted programs. Efforts to accommodate and encourage participation by traditionally underserved groups, where significant, will ensure program access and minimize the potential for disproportionate project impacts on protected groups.

US Census American FactFinder data is used to provide to an EJ Population analysis showing the presence of four protected groups, minority, low-income, LEP and elderly populations" that might be impacted by the project. Personnel responsible for project planning/design and the coordination of public meetings/hearings use this analysis to guide their outreach efforts under Title VI and in support of developing a context sensitive solution. Based on the availability of information and where appropriate, the analysis includes specific outreach recommendations to facilitate public comment from underrepresented groups.

LEP Definition: Where there is a population of people who speak English as a second language less than well (as indicated by the U.S. Census data). When a particular LEP language group constitutes 5% of the impacted population, the Department is required to translate public information meeting notices and take appropriate measures to ensure language access. If this

requirement exists, the Project Manager should contact the Title VI Coordinator for further assistance.

Impacted Area: The impacted area is defined by the project limits and the area in the immediate vicinity that most closely corresponds to the boundaries of Census Tracts and Block Groups.

Surrounding Area: All Census Tracts and Block Groups outside of, and immediately adjacent to, the impacted area.

Language Access Plan (Limited English Proficiency)

As outlined in the USDOT's Policy Guidance Concerning Recipient's Responsibilities to LEP Persons, our department and its subrecipients have an obligation to take "reasonable steps" to eliminate language barriers that can preclude meaningful access to critical programs and services by persons with LEP. The extent to which access is provided is determined by an individualized assessment that balances four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service; (2) The frequency with which individuals with LEP come in contact with the program, activity or service; (3) the nature and importance of the program, activity, or service to people's lives; and (4) The resources available and the costs. From this analysis, the appropriate mix of services and the extent to which they should be offered is determined.

A thorough analysis of all NHDOT programs and services according to the above criteria has been completed. Based on the information provided by each Administrator, the programs and services identified below have been deemed *critical*, and, therefore, a loss of benefit or access to a compulsory requirement could result due to one's inability to speak English. While these services are viewed as *critical*, the anecdotal evidence regarding LEP situations showed no instances where a delay or denial of service resulted due to a language barrier. It was noted, however, that the LEP population and benefits offered through the E-ZPass System were significant relative to other critical programs and services. Accordingly, telephone interpretation services have been made available through the main call center.

- E-ZPass
- Oversize and Overweight Vehicle Permits
- Driveway Permits through District Offices
- ROW activities-relocation assistance and property acquisitions

The NHDOT has in-house interpreting capabilities for French and Spanish. If additional language services are required, the NHDOT has an account with Rapport International providing 24/7/365 access to more than 175 languages for telephone interpreting. The Bureau of Planning and Community Assistance has mapped the state of New Hampshire for limited or no English proficiency.

Records: Administrators should ensure that personnel who serve as *first contacts* for anyone seeking access to an NHDOT program or service maintain records of all interactions with people who have LEP. A summary of each interaction should identify, when possible, the language spoken, whether or not the language barrier resulted in a delay or denial of service, and the method of contact; e.g., F2F, telephone, etc. This information will be collected and reviewed by the Title VI Coordinator along with other factors to determine any future need for language services necessary to ensure program access.

Assistance: Any NHDOT official or sub-recipient requiring a document translation or interpreter should contact the Title VI Coordinator for a list of trained translators/interpreters and language services providers.

Review of NHDOT Directives

The Title VI Coordinator periodically reviews NHDOT directives to determine if a given directive has Title VI implications. If it is determined to have Title VI implications, an analysis will be made on the impact of each program and coordinate with the Executive Office if modifications are necessary.

Reporting to FHWA

The Title VI Coordinator shall prepare and submit to the FHWA Division Office the NHDOT's Title VI Annual Goals and Accomplishments Report, the Title VI Implementation Plan, and the HCR Dashboard Report. These annual reports will describe any issues discovered through the Internal and External Monitoring programs, identify any special focus areas for the next Federal Fiscal Year (FFY) and provide a schedule of reviews for the next FFY. The HRC Dashboard Report will address Title VI complaints and investigations, trainings, NHDOT reviews and subrecipient reviews.

Through the Internal Monitoring program on an annual basis, each Federal Program Area (Planning, Environment, Design, Rights-of-Way, Contract Administration/Contracts, Construction, Maintenance, Safety, Materials & Research, and Training) will focus on a segment of process and will conduct a process review. The Title VI Coordinator will detail the segment of each Federal Program Area reviewed, the results of the process review, and identify any corrective actions that were developed to address an identified trend/pattern.

As part of the External Monitoring program the Title VI Coordinator will describe any trends or patterns identified through the on-going efforts to monitor subrecipients. The NHDOT, through a combination of reviewing subrecipient reports and reviews of specific subrecipients to ascertain Title VI compliance, will describe any issues identified and actions being taken to address the issues.

These reports will be made available to the public through the NHDOT website. Information copies will be provided to the NHDOT's Commissioners, Division Directors, and all Bureau Administrators.

Appendix 1

Federal Highway Administration
Civil Rights Assurance and
Standard Title VI/Nondiscrimination Assurances

FEDERAL HIGHWAY ADMINISTRATION CIVIL RIGHTS ASSURANCE

The New Hampshire Department of Transportation HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Civil Rights Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, national origin, sex, age or disability will be subjected to discrimination in the level and quality of transportation services and transportation-related benefits.

2. The New Hampshire Department of Transportation will compile, maintain, and submit in a timely manner Title VI information required in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.

3. The New Hampshire Department of Transportation will make it known to the public that those people or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transportation-related benefits may file a complaint with the Federal Highway Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

Victoria F. Sheehan
Commissioner
New Hampshire Department of Transportation

Date 12/10/15

The United States Department of Transportation (USDOT)

FHWA STANDARD TITLE VI/NONDISCRIMINATION ASSURANCES

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted programs:

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

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

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

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

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

DATED 12/15/15

by _____
Victoria F. Sheehan, Commissioner
New Hampshire Department of Transportation

Attachments:
Appendices A, C, D, and E

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration,** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration,,** as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration**, may determine to be appropriate, including, but not limited to:

    a. withholding payments to the contractor under the contract until the contractor complies; and/or
    b. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration**, may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

(APPENDIX C TO FHWA TITLE VI ASSURANCE)
FEDERAL HIGHWAY ADMINISTRATION ASSISTED PROGRAMS

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

The (grantee, licensee, lessee, permitee, 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 [in the case of deeds and leases add "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 (deed, license, lease, permit, etc.) 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, permitee, etc.) 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 NHDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiserimination covenants, the NHDOT 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 NHDOT and its assigns.

The following shall be ineluded in all deeds, licenses, leases, permits, or similar agreements entered into by the NHDOT pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permitee, ete., 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 (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from partieipation 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, or national origin 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, permitee, etc.) shall use the premises in complianee 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, the NHDOT shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the NHDOT 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 the NHDOT 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.

APPENDIX D

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

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

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discriminations, (3) that the (grantee, licensees, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the NHDOT will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the NHDOT will there upon revert to and vest in and become the absolute property of the NHDOT and its assigns.*

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

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

Appendix 2

Public Involvement Procedures
New Hampshire
Transportation Improvement Projects

PUBLIC INVOLVEMENT PROCEDURES
NEW HAMPSHIRE
TRANSPORTATION IMPROVEMENT PROJECTS

A guide to understanding the 21st Century Transportation Improvement Project Process in New Hampshire

November 2012

PUBLIC INVOLVEMENT PROCEDURES FOR NEW HAMPSHIRE TRANSPORTATION IMPROVEMENT PROJECTS

A guide to understanding the 21st Century Transportation Improvement Project Process in New Hampshire

November 16, 2012

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This report was funded in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation. The views and opinions of the authors expressed herein do not necessarily state or reflect those of the U. S. Department of Transportation.

Executive Summary

A carefully planned and well-designed transportation network is crucial to the movement of people and goods as quickly, efficiently and safely as possible. Achieving those goals requires the input and acceptance of the people the system is intended to serve. This report details the outreach initiatives designed by the New Hampshire Department of Transportation (NHDOT) to allow members of the public the opportunity to make their concerns and suggestions about transportation issues known to decision makers at every stage of the planning process.

Not only does it make good sense to involve the public as fully as possible in transportation planning, it is also required by a number of federal and NH state statutes. To keep this information current the NHDOT is committed to updating this document every 5 years.

There are a number of agencies and organizations involved in transportation planning, including the State's nine regional planning commissions, four of which are designated Metropolitan Planning Organizations and have expanded responsibilities under federal and state law. The Federal Highway Administration, U.S. Environmental Protection Agency and New Hampshire Department of Environmental Services also play key roles in the evaluation and approval of planning activities. NHDOT's Bureau of Planning and Community Assistance serves as the central clearinghouse for those agencies and organizations in their efforts to achieve those goals.

The principal recurring opportunities for planning transportation projects in NH involve the preparation and approval of the State's Long Range Transportation Plan, the Ten-Year Plan and the Statewide Transportation Improvement Program. While there is a significant degree of convergence between those plans and programs, each focuses on a different time period and has distinct requirements. They all, however, depend heavily on public involvement in the determination of which projects should be carried forward.

To assure the effectiveness of its public involvement efforts with respect to transportation planning in New Hampshire, NHDOT strives to:

- Make public meetings as accessible as possible to all parties
- Make special efforts to give traditionally underserved populations and individuals with limited proficiency in English the opportunity to learn about transportation plans, programs and/or projects and to voice their opinions about them
- Reach out to municipalities and community organizations to disseminate and gather information
- And finally, to determine whether those efforts are achieving the desired results, NHDOT conducts and evaluates surveys of the public affected by transportation projects.

1 - INTRODUCTION

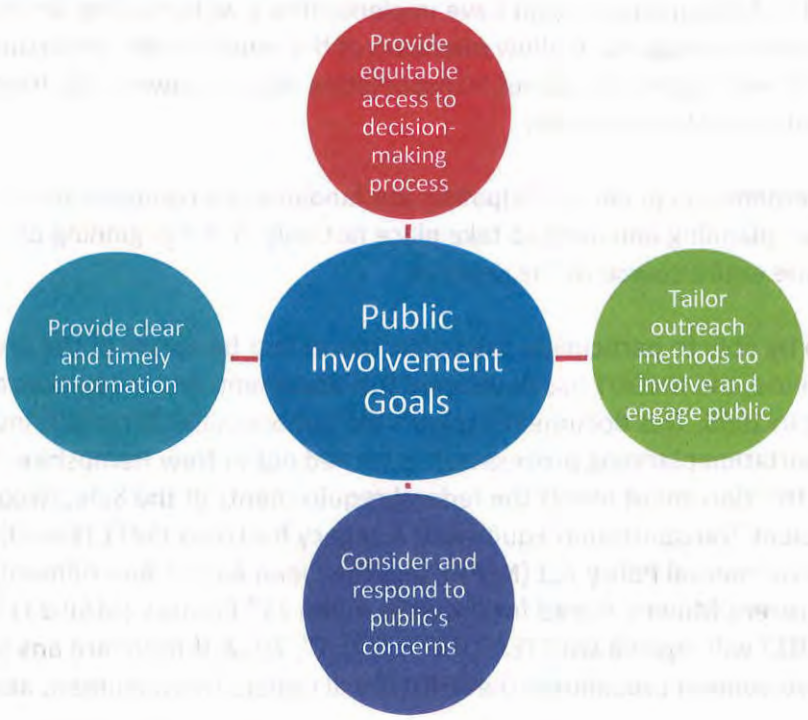
NHDOT and the federal government have implemented a wide-ranging series of outreach initiatives designed to allow members of the public ample opportunity to make their concerns and suggestions about transportation issues known to decision makers at every relevant level of government.

Public involvement and public participation are fundamental components of transportation planning and need to take place not only at the beginning of, but throughout the entire course of the process.

Of course, to be able to participate, the public has to first be aware of the process. With that goal in mind, the NHDOT has developed this document, which replaces a previous one released in 1995. This document explains the opportunities for public involvement in the transportation planning process as it is carried out in New Hampshire. The process described in this document meets the federal requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the National Environmental Policy Act (NEPA), and the Clean Air Act Amendments of 1990 (CAAA). The recent Moving Ahead for Progress in the 21st Century (MAP-21) legislation signed July 2012 will replace SAFETEA-LU October 1st, 2012. If there are any impacts to the public involvement procedures the NHDOT will update this document accordingly.

In order to notify "the public", that term must first be defined. Of course, in its broadest sense, the public is everybody. But for transportation planning purposes, the term must be more narrowly focused to include all individuals, groups and organizations who are potentially affected by the transportation issues under consideration. Those parties would include anyone who resides in, has an interest in or does business in a given area potentially affected by the transportation issues being reviewed.

OBJECTIVES OF PUBLIC INVOLVEMENT PROCESS



Purpose
The objective of the public involvement process is to ensure that the concerns and issues of everyone with a stake in transportation decisions are identified, evaluated and responded to in a thoughtful, thorough and timely manner.

The NHDOT maintains an open-door policy and encourages the public to deal directly with its staff regarding state transportation matters. To contact the NHDOT, a list of address and telephone numbers is provided in Appendix B. The map located in that same appendix identifies the nine regional planning commission (RPC) areas covering the state of New Hampshire, and provides the Internet contact details for each RPC.

2 - FEDERAL AND STATE LEGAL REQUIREMENTS

The statewide transportation planning process is primarily guided by federal and state regulations, which also provide a framework for public involvement. The NHDOT's public involvement procedures were developed in accordance with federal regulations according to SAFETEA-LU and state laws outlined in the State of New Hampshire Revised Statutes Annotated (RSA).

2.1 - New Hampshire Law

New Hampshire law requires a wide range of public involvement initiatives for transportation projects in the State, including:

Statewide Transportation Improvement Program (STIP):

- RSA 228:99 outlines requirements for the statewide intermodal transportation planning and improvement program, specifically relating to the STIP. (See Section 3.7 *for a more detailed description*);

Public Transportation System Discontinues Service:

- Per RSA 228:72, the Department must hold a hearing to determine whether a proposal by an operator of a public mass transportation system to discontinue *service is in the public interest;*

Layout of Highway Planning Corridor:

- Per RSA 230-A:2, a layout authority may determine upon hearing whether there is occasion for the designation of one or more highway planning corridors. For class I or II highways, the location shall be proposed by the Department of Transportation.

Environmental Requirements for Transportation Projects:

- Per Env-A 1503.09 MPOs and NHDOT must provide a 10 day minimum public comment period before taking a formal action pertaining to environmental analyses for transportation projects.

2.2 - Federal Regulations

Federal Regulation 23 CFR 450.210 defines the scope of the public involvement process, which is closely adhered to by NHDOT

Early and Ongoing Outreach to All Interested Parties

- Establish early and continuous public involvement opportunities to provide timely information about transportation issues and decision making processes to all parties involved in making the decisions as well as those affected by their outcomes;

Provide Access to Thinking Behind the Plans

- Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the Statewide Transportation Improvement Program (STIP);

Public Notice, Review and Comment

- Provide adequate notice of public involvement activities and time for review and comment at key decision points including, but not limited to, a reasonable opportunity to comment on the proposed long-range statewide transportation plan and STIP;

Meetings at Convenient Times and Places

- To maximum extent practical, ensure that public meetings are held at convenient and accessible locations and times;

Easy to Understand Presentations

- To maximum extent practical, use visualization techniques to make it easier to understand to describe the proposed long-range statewide transportation plan and supporting studies;

Information Electronically Accessible

- To maximum extent practical, make information available in electronically accessible format to the public to allow reasonable opportunity for consideration and comment;

Timely and Thorough Replies

- Carefully analyze public comments and provide timely and thorough responses during the development of the long-range statewide transportation plan and STIP;

Outreach to Underserved Populations

- Include a process for seeking out and considering the needs of those traditionally underserved by transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

Periodically Review Effectiveness of Public Participation Process

- Provide for periodic review of the effectiveness of the public involvement process to ensure that it provides full and open access to all interested parties and revise the process, as appropriate; and

Public Comment on Changes to Process

- Provide for a minimum 45-day public comment period on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and STIP.

Federal Regulation 450.210(a)(1)(i) requires that the public involvement process must, at a minimum, establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to the following parties:

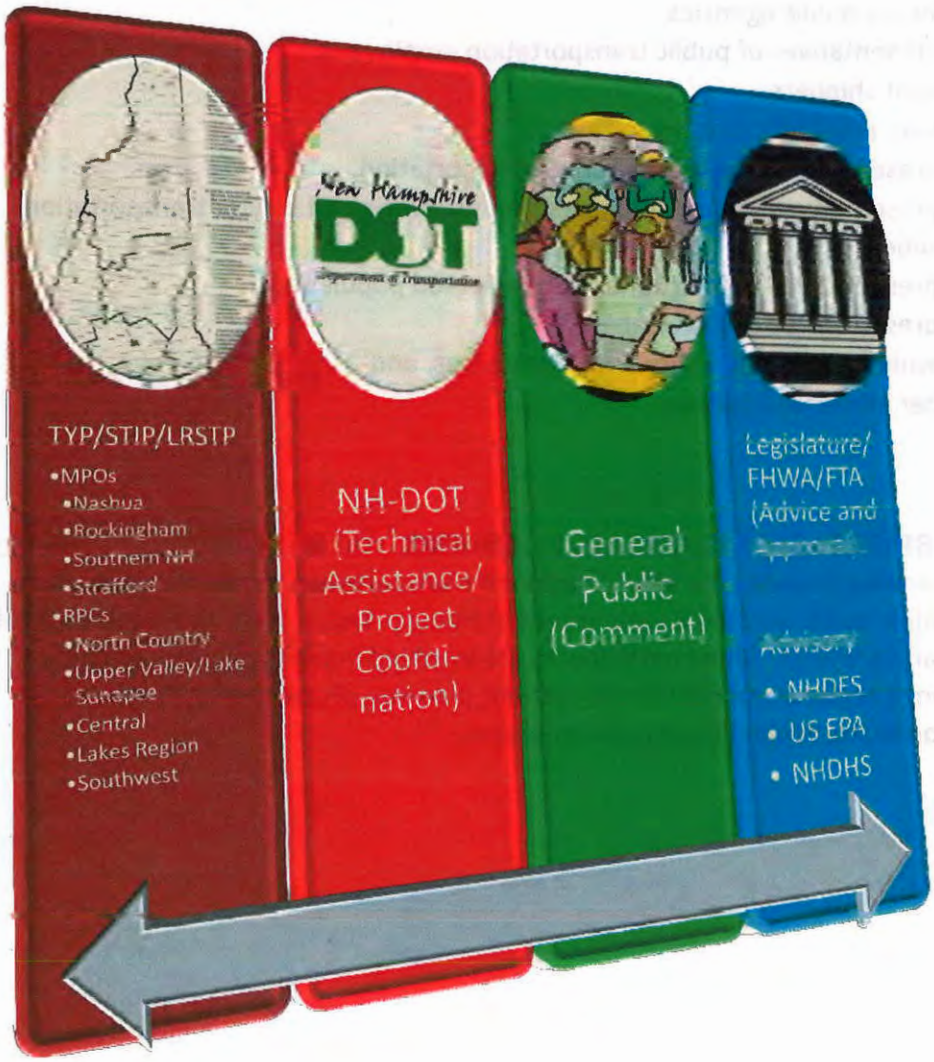
- Citizens,
- Affected public agencies,
- Representatives of public transportation employees,
- Freight shippers,
- Private providers of transportation,
- Representatives of users of public transportation,
- Representatives of users of pedestrian walkways and bicycle transportation facilities,
- Representatives of traditionally underserved populations,
- Representatives of the disabled,
- Providers of freight transportation services, and
- Other interested parties;

3 - TRANSPORTATION SYSTEMS PLANNING

Systems planning includes the identification of transportation demands, analysis of transportation needs and the development of transportation systems through planning, programs and projects. Many participants are involved in taking an improvement project from a regional concept in the systems planning phase through project construction in the Project Development phase.

3.1 - PARTICIPANTS IN THE STATEWIDE PLANNING PROCESS

Transportation Systems Planning - Participants



Key participants in the transportation planning process include the general public, legislators, federal, state and local officials, regional planning commissions (RPCs), NH Department of Environmental Services, NH Department of Historical Resources, the US Environmental Protection Agency and other interested parties, as detailed in Section 2.2.

New Hampshire is divided into nine Regional Planning Commission (RPC) areas. Five of them – Central, Lakes Region, North Country, Southwest, and Upper Valley/Lake Sunapee – are rural in nature but often contain small urban areas (5,000 – 50,000 population). The four remaining planning commissions – Nashua, Rockingham, Southern, and Strafford – cover areas with a central city, or group of cities, that have an urban population greater than 50,000. These areas are designated by the governor as Metropolitan Planning Organizations, or MPOs, and must meet certain federal requirements.

The RPCs and MPOs are responsible for identifying transportation concerns and improvement projects through a regional public involvement process. The regional listing of these projects is called a transportation improvement program (TIP), and covers a four-year timeframe. The TIP of each MPO must be financially constrained, which means that state, local and other public or private sector revenues identified in the four-year TIP must be available or committed for the first two years and reasonably expected to be available for the latter two years (in areas that are not meeting federal clean air standards.)

Each MPO is also required to develop a 20-year, project-specific long-range transportation plan which, like the TIP, must also be financially constrained. The development of the 20-year plan and the four-year TIP must be done cooperatively with the NHDOT and the providers of public transit services. In addition, there must be ample opportunity for public involvement during the development of these documents. Each of the MPOs has established a public involvement process that is governed by CFR 450.316(a) and CFR 450.324(b).

The five rural RPCs, although not required by federal regulations, prepare long-range transportation plans that can be project specific. These RPCs also have an active public involvement process. NHDOT also consults and interacts extensively with the rural RPCs in the planning for transportation projects in their respective regions. (See Appendix E, Public Consultation Process for Regional and Local Officials Involved with Transportation Efforts in New Hampshire.)

All citizens and other interested parties are encouraged to become familiar with their RPC or MPO public involvement process and to take an active role in the transportation planning process for New Hampshire.

NHDOT Transportation Systems Management

Program and Project Reporting	• NHDOT provides general and detailed financial and project-related information to a number of internal and external customers. Staff track and assist in the preparation of the Ten-Year Transportation Improvement Program, Statewide Transportation Improvement Program and other related documents and ensure that all related programs meet all necessary regulations in a timely manner.
Statewide Planning and Research (SPR) Special Studies	• NHDOT administers federal funds for planning related studies, including corridor studies/access management plan developments, regional safety plans and various land use inventories
Statewide Transportation Improvement Program	• Each state is responsible for developing a Statewide Transportation Improvement Program for all areas of the state. The program contains a list of priority transportation projects and covers a period of four years. The STIP is updated every two years in concert with the State's Ten-Year Plan.
System Performance Reports	• NHDOT is responsible for preparing data and other information used by Congress, FHWA and others in reporting the condition of our Nation's transportation system and in calculating funding levels for states. NHDOT provides data related to the Highway Performance Monitoring System (HPMS) and local funding and fuel/safety related data.
Technical Assistance	• NHDOT provides technical assistance to municipalities on issues involving state and municipal-owned transportation systems, including their connections to land use. At the request of a municipality, NHDOT technical teams visit the community to help define the problems and potential solutions. Members include NHDOT bureaus such as Planning & Community Assistance, Highway Design, Bridge Design, Bridge Maintenance, Bureau of Traffic, and Highway Maintenance as well as the nine RPCs.

NHDOT Community Assistance

Funding Assistance to Communities

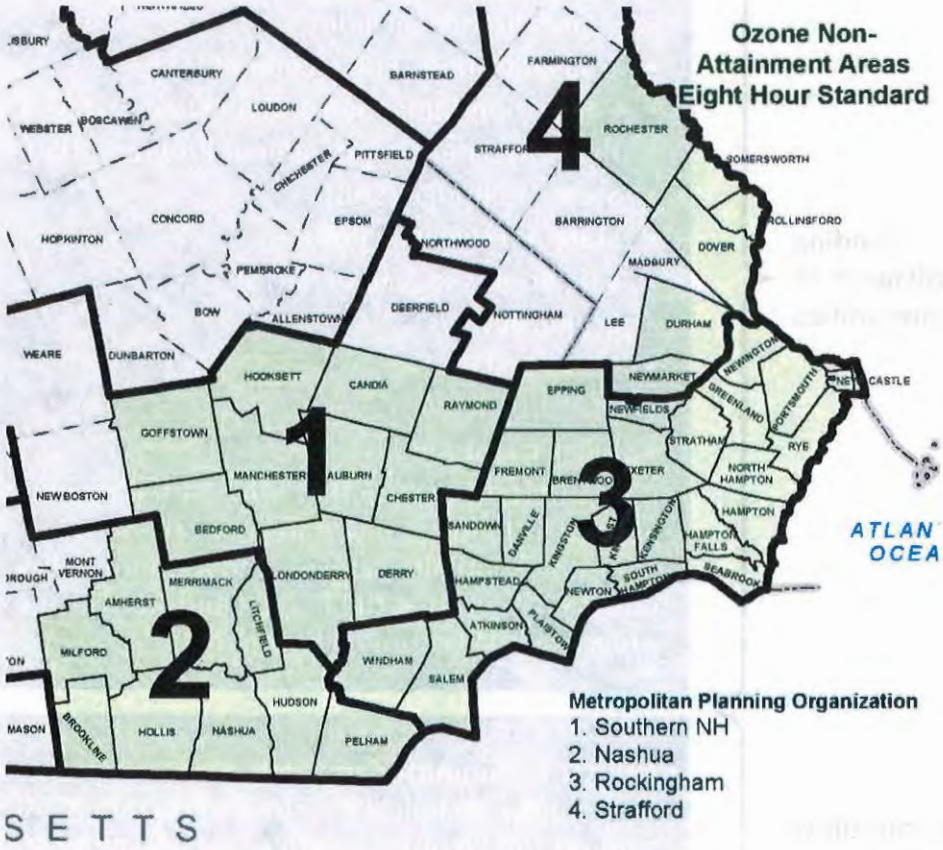
- NHDOT oversees several Federal and State programs for funding improvements to local transportation systems, many of them municipally managed. Programs funded include:
  - Transportation Enhancement (TE)
  - Congestion Mitigation and Air Quality (CMAQ)
  - Highway Safety Improvement Program (HSIP)
  - State Aid Bridge (SAB)
  - State Aid Highway (SAH)
  - Safe Routes to School (SRTS)
  - Scenic Byways
  - Municipal Bridge
  - STP-Urban
  - Block Grant Aid
- It is important to note that MAP-21 has combined TE, SB, and SRTS into a new category called Transportation Alternatives, and as more policy direction is given at the federal and state levels, these programs will become better defined.

I-93 Community Technical Assistance Program (CTAP)

- NHDOT is committed to a long-term comprehensive Community Technical Assistance Program (CTAP) to support the 26 municipalities that are in the area affected by the reconstruction of Interstate 93. As part of this comprehensive growth management initiative, NHDOT works to engage the public and other stakeholders affected by the project.

Local Public Agency Projects Require Two Public Meetings

- First is to identify local concerns at project outset
- Second is to present results of engineering study and preferred alternatives
- Additional meetings, as appropriate, to:
  - Inform public of potential cultural and environmental impacts
  - Inform abutters of impact to their properties



3.3 - AIR QUALITY CONSIDERATIONS

As part of the transportation planning process, the objective of improving air quality is carefully considered for each proposed transportation improvement project. Air quality in New Hampshire is continuously measured by a host of statewide testing stations that determine concentration levels for vehicle emissions such as ozone precursors (nitrogen oxides and hydrocarbons), particulates and carbon monoxide. Those areas that have lower pollutant levels than National Ambient Air Quality Standards established by the federal Clean Air Act are considered to have attained compliance with those regulations and are therefore classified as "attainment areas" by EPA. Areas that do not meet Clean Air Act standards are classified as "non-attainment areas." The ozone non-attainment map above shows the areas EPA designated as non-attainment for the 1997 8-hour

ozone standard as well as the MPOs representing those areas. Non-attainment areas that later achieved compliance with national standards, such as Manchester and Nashua that were in violation of carbon monoxide standards, are classified as "maintenance" areas by EPA and are subject to ongoing evaluation and maintenance plan requirements to ensure continued compliance.

For non-attainment areas, the Department of Environmental Services has created a State Implementation Plan (SIP) that details all the activities and strategies the state will implement, to ensure emissions fall or remain below attainment levels for different air pollutants. The SIP also creates a "motor vehicle emissions budget" of allowable total daily emissions that may be generated by a non-attainment area's vehicles. Federal and State laws require MPOs and NHDOT to show that their transportation projects conform to SIP requirements. Under these conformity regulations, transportation planners calculate their area's total vehicle-generated emissions to show their existing and proposed transportation improvement projects will not exceed their allowed emissions budget. Also as part of the transportation planning process, planners create long-range forecasts of their area's vehicle use. These forecasts are plugged into complex vehicle emissions modeling programs to calculate expected emissions as far as 20 years into the future.

Transportation projects that will not adversely affect air quality in an area are exempt from conformity tests. One example would be a project to replace guard rails along an interstate highway. Any project that could result in a change in air quality is classified as non-exempt and must pass the conformity determination process to move forward. An example would be a project adding additional lanes to an existing highway. The added vehicle capacity could result in an increase in traffic and a corresponding increase in air emissions that could reduce air quality along the route. Before a non-exempt project can be accepted into the approved STIP, MPOs and NHDOT must first subject it to the conformity process that includes considerable public participation.

3.4 - STATEWIDE TRANSPORTATION PLANNING PROCESS

NHDOT conducts its statewide transportation planning activities in compliance with federal and state laws. The three main components of that process are:

- The Long-Range Statewide Transportation Plan (LRTP),
- State 10-Year Transportation Improvement Plan (TYP)
- Statewide Transportation Improvement Program (STIP)

Statewide transportation needs are identified in the LRTP, Ten-Year Plan and STIP through the continuing collection and analysis of transportation data as supported by

statewide management systems. Public involvement is essential at all levels of LRTP, STIP and Ten-Year Plan development and throughout the planning process.

The first four years of the Ten-Year Plan, as approved by the Legislature, become the basis for the federally-approved STIP, which can be (and normally is) amended in the interim prior to the adoption of the next Ten-Year Plan.

Transportation Planning Process

LRTP — Long-Range Statewide Transportation Plan

- Identifies goals and objectives for next 20 years
- Developed cooperatively with RPCs and MPOs
- Public hearings held per CFR 450.214(k)
- Proposed update at five-year intervals, with other updates as necessary

TYP — Ten-Year Transportation Improvement Plan

- RPCs and MPOs identify and prioritize projects for next 10 years
- NH DOT coordinates and suggests priorities for projects identified by RPCs/MPOs
- Updated every two years by state law
- RSA 228:99, III requires at least one public hearing in each Executive Council District to gather input by Governor's Advisory Commission on Intermodal Transportation
- Governor reviews projects and includes recommendations in budget bill
- Legislature reviews and incorporates into law
- First four years of TYP used to inform and update STIP

STIP — Statewide Transportation Improvement Program

- Incorporates projects from each MPO's transportation improvement program
- Must be fiscally constrained and MPO TIPs and LRTPs must be fiscally constrained and conform to CAAA
- Interagency consultation to determine conformity requirements and whether a minor revision or an amendment is necessary.
- Public comment periods for amendments, and at least one public hearing in each Executive Council District for tentative STIP (RSA 228:99)
- FHWA and FTA approval required
- Updated continuously

3.5 - LONG-RANGE STATEWIDE TRANSPORTATION PLAN

The LRTP is an essential tool for identifying future transportation needs. By looking at the present transportation system, the transportation needs for 20 or more years into the future are identified through the development of a series of long-range transportation goals and objectives. In addition, the LRTP attempts to address transportation demand and usage by mode of transportation. The LRTP is developed cooperatively with the RPCs and MPOs to achieve consistency between regional and statewide transportation plans. This cooperative effort is advantageous when planning major construction improvements and developing management strategies. The LRTP requires continuous evaluation and revision.

During the development of the LRTP, NHDOT will coordinate with each MPO and rural RPC to hold at least one open forum in each MPO and rural RPC area so that the public has an opportunity to provide input on the projects under consideration. Notification of these meetings will be published on the NHDOT website (www.nh.gov/dot) and in a newspaper of general circulation in the State of New Hampshire.

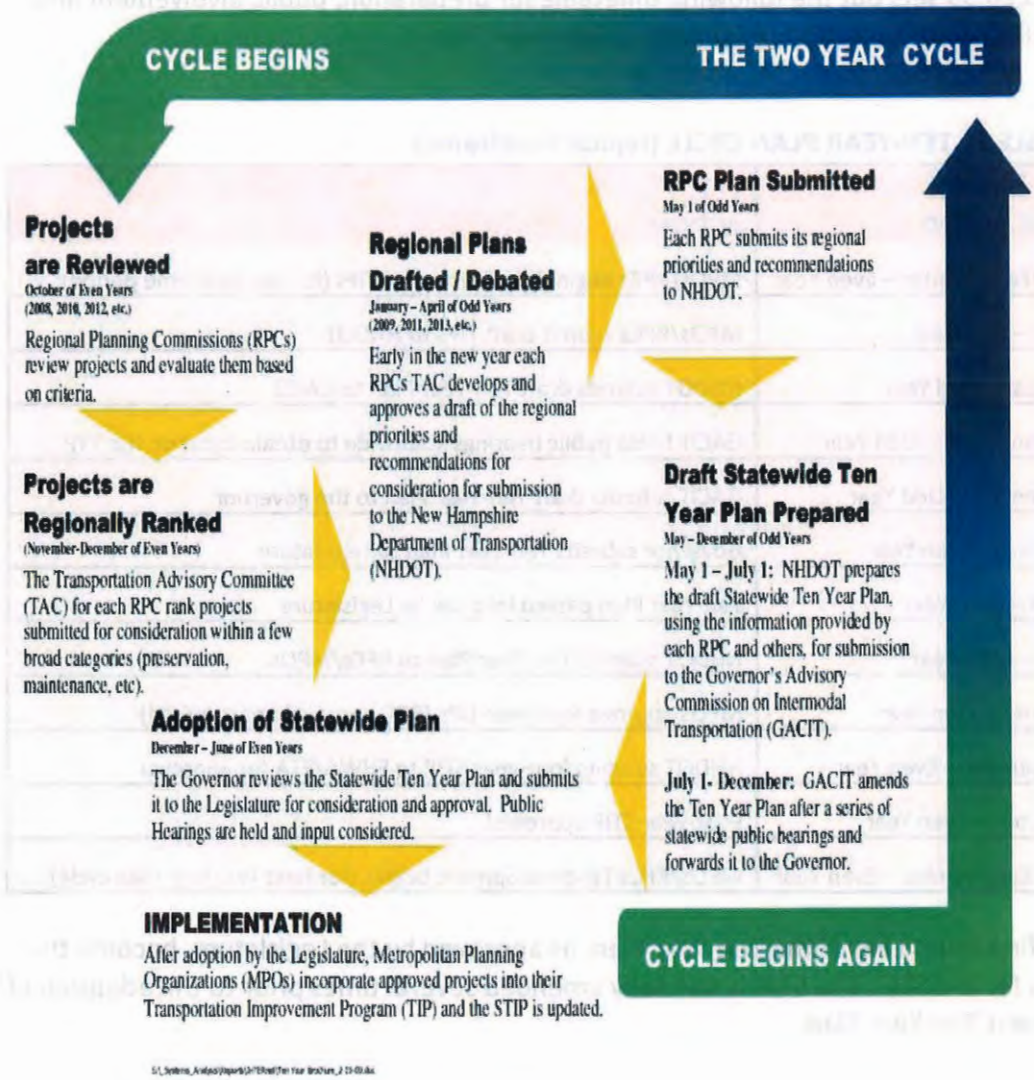
After these NHDOT public meetings, the proposed LRTP is compiled to reflect public input. The NHDOT will again notify the public through a notice in a newspaper of general circulation and on the NHDOT website that the proposed LRTP is available for comment. The comment period will last for at least 30 days. During the 30-day comment period, the NHDOT, in cooperation with the RPC/MPO, will receive additional comments on the proposed LRTP.

The final LRTP reflecting the comments of the public meetings and 30-day comment period is adopted by the NHDOT as a guide for the future development of the State's transportation system. The adopted LRTP is then forwarded to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for informational purposes. Electronic copies of the draft and final adopted versions of the plan are posted on the DOT's website, and hard copies are available in NHDOT Bureau of Planning and Community Assistance's office in Concord.

The LRTP will be continually examined and updated every five years. A record of public comments received and the NHDOT's responses to those comments will be kept on file at the NHDOT headquarters in Concord and made available for public review until the plan is replaced or amended. All public comments will be appended to the LRTP, once finalized.

3.6 - TEN-YEAR PLAN

RSA 240 requires that the NHDOT prepare a list of projects intended to be under construction at some point over the next ten years. The Ten-Year Plan is required to include the expected dates and estimated costs of construction for each project and program.


CYCLE BEGINS
THE TWO YEAR CYCLE
Projects are Reviewed
October of Even Years (2008, 2010, 2012, etc.)
Regional Planning Commissions (RPCs) review projects and evaluate them based on criteria.
Regional Plans Drafted / Debated
January – April of Odd Years (2009, 2011, 2013, etc.)
Early in the new year each RPCs TAC develops and approves a draft of the regional priorities and recommendations for consideration for submission to the New Hampshire Department of Transportation (NHDOT).
RPC Plan Submitted
May 1 of Odd Years
Each RPC submits its regional priorities and recommendations to NHDOT.
Projects are Regionally Ranked
(November-December of Even Years)
The Transportation Advisory Committee (TAC) for each RPC rank projects submitted for consideration within a few broad categories (preservation, maintenance, etc).
Draft Statewide Ten Year Plan Prepared
May – December of Odd Years
May 1 – July 1: NHDOT prepares the draft Statewide Ten Year Plan, using the information provided by each RPC and others, for submission to the Governor's Advisory Commission on Intermodal Transportation (GACIT).
July 1- December: GACIT amends the Ten Year Plan after a series of statewide public hearings and forwards it to the Governor.
Adoption of Statewide Plan
December – June of Even Years
The Governor reviews the Statewide Ten Year Plan and submits it to the Legislature for consideration and approval. Public Hearings are held and input considered.
IMPLEMENTATION
After adoption by the Legislature, Metropolitan Planning Organizations (MPOs) incorporate approved projects into their Transportation Improvement Program (TIP) and the STIP is updated.
CYCLE BEGINS AGAIN

RSA 228:99 sets out the following timetable for preparation, public involvement and legislative consideration of the State's Ten-Year Plan:

TABLE 1. TEN-YEAR PLAN CYCLE (typical timeframe)

TIME PERIOD	ACTION
Fall/Early Winter – Even Year	MPOs/RPCs begin development of TIPs (for ten-year time period)
May – Odd Year	MPOs/RPCs submit draft TIPs to NHDOT
August – Odd Year	NHDOT submits draft Ten-Year Plan to GACIT
Summer/Fall – Odd Year	GACIT holds public hearings statewide to obtain input on the TYP
December – Odd Year	GACIT submits draft Ten-Year Plan to the governor
January – Even Year	Governor submits Ten-Year Plan to Legislature
June – Even Year	Ten-Year Plan passed into law by Legislature
July – Even Year	NHDOT submits Ten-Year Plan to RPCs/MPOs
August – Even Year	MPOs approve four-year TIPs (RPC approval not required)
September – Even Year	NHDOT submits four-year STIP to FHWA/FTA for approval
October – Even Year	Four-year STIP approved
Fall/Early Winter – Even Year	MPOs/RPCs TIP development begins (for next Ten-Year Plan cycle)

The first four years of the Ten-Year Plan, as approved by the Legislature, become the basis for the STIP. The STIP is normally amended several times prior to the adoption of the next Ten-Year Plan.

3.7 - STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

The STIP is developed within the goals of the LRTP. The STIP is a four-year project scheduling tool required by federal law. It is also a component of the State's Ten-Year Transportation Plan, which is required by RSA 240.

Each MPO prepares a four-year transportation improvement plan (TIP) for its region, prioritizing all improvements. TIPs are guided by the goals and objectives outlined in the MPO's long-range regional transportation plans. Each TIP must include a list of projects that is consistent with the MPO's regional long-range transportation plan, meet the air quality conformity requirements of the CAAA, and be financially constrained.

SAFETEA-LU requires that the STIP include all projects that are in each MPO's TIP. For areas that are not covered by an MPO, the STIP incorporates projects approved in the Ten-Year Plan. During the development of the regional TIPs and the STIP, the opportunity for public involvement is open through contact with each RPC, MPO and NHDOT. (See Appendix B for contact details.) The process for the development of the STIP within the Ten-Year Transportation Plan is a two-year cycle and is outlined in Table 1.

3.7.1 - STIP Amendments

The transportation planning process is subject to a wide range of variables, including changes in local or state priorities, funding constraints, costing issues and permitting requirements. That variability requires continual updating of the STIP. Depending on the significance of a proposed change, the participants in the interagency consultation process will decide whether a full amendment or an administrative modification is necessary.

Once a proposed amendment has been discussed among the interagency group, NHDOT will publish a legal notice of the proposed changes to the STIP in a newspaper with statewide reach. The Department will also post the amendment on its website.

3.7.2 - Interagency Consultation

Representatives from FHWA, FTA, EPA, NHDOT, NHDES, MPOs, and rural RPCs in the attainment area are invited to participate in monthly discussions. Any public input that has been received by any of the participants with respect to the proposed changes to the STIP is discussed during the consultation process.

Through interagency consultation, a recommendation will be made regarding each project's regional significance. At a minimum, that recommendation must meet the standards outlined in 23 CFR 450. Interagency consultation also provides a forum to determine whether a proposed revision will require an air quality conformity determination.

Interagency consultation provides one of the first opportunities for MPOs, as well as the relevant federal and state agencies, to review and comment on potential STIP revisions. Any comments received through the consultation process are categorized and included with the revisions before they are put out for public comment and formal review at the

MPO level. In an urban area, the MPO may choose to process an administrative modification as a full amendment. Alternatively, if an MPO wishes to process a change as an administrative modification that had originally been discussed at the interagency consultation as an amendment, then the revision must be brought back to the interagency consultation process.

As per 40CFR 93.105 (a), (b) and (c), and Env-A 1503.08 (d) interagency consultation shall address:

- Development of a SIP or SIP revisions, including but not limited to those involving transportation-related issues and mobile sources;
- Development of a metropolitan transportation plan or TIP, minor revisions to a TIP, or any amendment(s) to a TIP, and any determination of conformity for such plans;
- Emissions budgets;
- Transportation Control Measures (TCMs) and mitigation measures pursuant to 40 CFR 93.125(c) and 93.122(a)(4)(ii), respectively, that are in the SIP or are being considered for inclusion in the SIP;
- Evaluation and determination of events that will trigger new conformity determinations; and
- Coordination of emissions analyses for transportation activities that cross the borders of MPOs or nonattainment or maintenance areas or include areas outside of MPO boundaries.

A. STIP Amendments: Metropolitan Areas

Project changes in an MPO area must comply with the provisions of 23 CFR 450.326 pertaining to TIP revisions. Regardless of whether the project change is initiated by the MPO or the NHDOT, the MPO board must include the change in its approved TIP before it can be included in the STIP. There must be a public participation process, consistent with the respective MPO's public participation plan, and a public comment period of 10-30 days, as determined through interagency consultation. Upon formal endorsement of the amendment at a public MPO meeting, the MPO shall provide a copy of the amendment to the State, FHWA and FTA. In non-attainment or maintenance areas, most amendments to the TIP must be accompanied by a corresponding air quality conformity determination by the MPO. That conformity determination, depending upon the discussions through interagency consultation, may or may not require a new air quality analysis.

NHDOT is required to incorporate the amendment into the STIP and submit the amended STIP to FHWA/FTA for approval. The NHDOT must demonstrate that the STIP remains financially constrained. Each amendment must be dated and sequentially numbered. The FHWA/FTA must either approve or reject the STIP amendment in whole or may choose to exclude specific projects from the approval. If the amendment consists entirely of highway projects, the FHWA can approve it unilaterally. The same is

true of the FTA if the amendment consists only of transit projects. Otherwise approval will be by joint letter, and all amendments requiring a conformity determination also require approval by joint letter. The state will forward copies of the approval to the affected MPOs. The MPO will, in turn, notify the affected transit operator(s), if transit projects are involved.

B. STIP Amendments: Non-Metropolitan Areas

For changes to a project in the area of the State that is not located in an MPO region, the NHDOT will notify the appropriate RPC and hold a public comment period of 10-30 days, as determined by interagency consultation, during which the RPCs and the general public will be able to make their thoughts and concerns known.

The Director of Project Development or designee for NHDOT will have final sign-off authority for rural area amendments to the STIP. After the comment period closes, the NHDOT will forward the amendment, along with any comments received, to FHWA/FTA for approval. Based on comments from the RPCs commissions or the public, additional consideration will be given to the proposed changes. The State will notify affected transit operators if transit projects are involved.

4 - OUTREACH ACTIVITIES AND METHODS

The NHDOT Public Involvement Process is designed to provide members of the public a variety of opportunities through all stages of the transportation planning process to voice their ideas and concerns. Public involvement in the planning and development of future transportation improvements is essential to the community spirit and pride that New Hampshire has to offer.

This section provides a summary of the various outreach methods and activities. In an effort to provide more comprehensive outreach initiatives the NHDOT will consider the use of various tools that could include social media, locally televised events, as well as other methods not listed in this section. The NHDOT maintains an open door policy and encourages the exchange of information with public officials, agencies and citizens throughout all stages of these phases. In addition, efforts are taken to ensure that all populations - including underserved populations - have access to project information and have reasonable opportunity to participate in the public process. Furthermore, meetings and reviews are routinely held at or near project sites in order to facilitate local input. Careful consideration is given to comments and concerns received from all sources.

- Efforts must be made to ensure that public meetings are held at as central a location as possible for the majority of parties affected by the plan/project under consideration.
- Efforts must be made to ensure that public meetings are held at times as convenient as possible for the majority of parties affected by the plan/project under consideration.

- If the most convenient time to hold a public meeting will result in a significant subset of the population affected by the plan/project under consideration not being able to attend, consideration should be given to conducting a second public meeting at a time more convenient for the excluded group.
- Efforts must be made to ensure that public meetings are accessible to people who rely on public transportation.
- Public meetings must be held in only those locations that can be physically accessed by individuals with disabilities.
- Community leaders, as well as key personnel in organizations where a significant part of their memberships will be affected by the plan/project under consideration, must be contacted to assure maximum awareness of the public meeting.
- When US Census data indicate that a population with limited English proficiency ("LEP") exceeds the greater of 5% of the total population affected by a planned project or 1,000 people, the Planning Bureau's lead person on the project is responsible for contacting and coordinating outreach efforts.
    - At least one week prior to issuing a notice of public hearing, the lead person will request that the NHDOT Bureau of Federal Compliance provide a list of contacts. Among the first parties to contact would normally be the town administrator to determine any local organizations (e.g. faith-based, advocacy, etc.) who can get word out about the hearing or public meeting. Members and leaders of those organizations might be asked to attend the hearing or public meetings and (when necessary) to serve as interpreters to facilitate notification and participation of the affected language group.
    - If local organizations are unable to provide such assistance for individuals with limited English proficiency, the lead person should consider contacting organizations such as, but not necessarily limited to, the following:
        - Language Bank (603-224-8111 or 800-244-8119) for on-site interpretation assistance or
        - Language Line (1-800-752-6096, option 4) for telephone assistance.
    - For individuals who rely on American Sign Language or who require deaf/blind interpretation, the lead person should consider contacting organizations such as, but not necessarily limited to, the following:
        - Northeast Deaf and Hard of Hearing Services (800 492 0407 or 800 224-1850),
        - NH Association for the Blind (603 224-4039 or 800 464-3075),
        - Disabilities Rights Center (603 228-0432 or 800 834-1721) or
        - Governor's Commission on Disabilities (603 271-2773 or 800 852-3405).
- Public hearing and informational meeting notices should be posted in locations most likely accessed or frequented by members of the target language group(s).
- All notices translated into languages other than English must contain contact information of the NHDOT employee assigned to respond to callers with limited English proficiency. The person responding to the limited English caller should be

prepared to relate the project scope and purpose of the public meeting or hearing. If the caller expresses an interest in attending and requires an interpreter, the request should be forwarded to the project manager or lead person, who will be responsible for arranging the required language services.

The effectiveness of the Bureau's outreach activities must be monitored and evaluated on a timely basis. The following survey questions are a sample of what should be made available to participants of each public meeting, either at the meeting itself or over the Internet (using web-based services):

- Was the information presented in a complete and comprehensive manner?
- Did you feel that comments made by the public were adequately considered?
- Did you feel that you had an opportunity to participate?
- Was the location of this meeting convenient for you?
- How far did you have to travel to the meeting?
- Was this meeting scheduled at a convenient time for you?
- What would be the most convenient time to start such meetings?
- How did you hear about this meeting?
- (Per Nancy, Were people given the opportunity to submit comments verbally or in writing?)
- If you have any comments about how the meeting was planned or conducted (or on how future meetings can be improved), please write them in the space below.

SUMMARY OF OUTREACH ACTIVITIES

Numerous techniques are utilized to disseminate project information and identify issues and concerns that might affect project design. These techniques are geared to the scope of work being undertaken. Obtaining public input is typically accomplished in the following sequence throughout the various phases of a project:

- Information on projects under consideration disseminated via NHDOT website, press releases and public notices.
- Public input to NHDOT, RPCs and MPOs through the development of the LRTP and TIPs;
- Hearings and meetings with NHDOT, elected and appointed officials, throughout the development of the STIP;
- Public application process through the RPCs and MPOs for Transportation Enhancement, Safe Routes to Schools, CMAQ and Scenic Byways projects;
- Informal meetings with elected and appointed officials, RPCs, and MPOs, and the general public to review environmental and design studies for the design selection process. (For more complex projects, a citizens advisory task force or steering committee is often established and meets regularly throughout project development);
- Public informational meetings concerning environmental, engineering and right-of-way issues;
- Public review of environmental studies pertaining to a project;
- Formal public hearings concerning proposed or alternative designs or alignments;
- Informal public input with NHDOT concerning right-of-way and construction concerns.

Correspondence about projects is exchanged with federal, state, and local officials, as well as the general public. In addition, newsletters or reports are distributed for review and comment to those with interest in NHDOT documents, such as the STIP, TYP and LRTP. The NHDOT website, newspaper press releases and public notices are used to

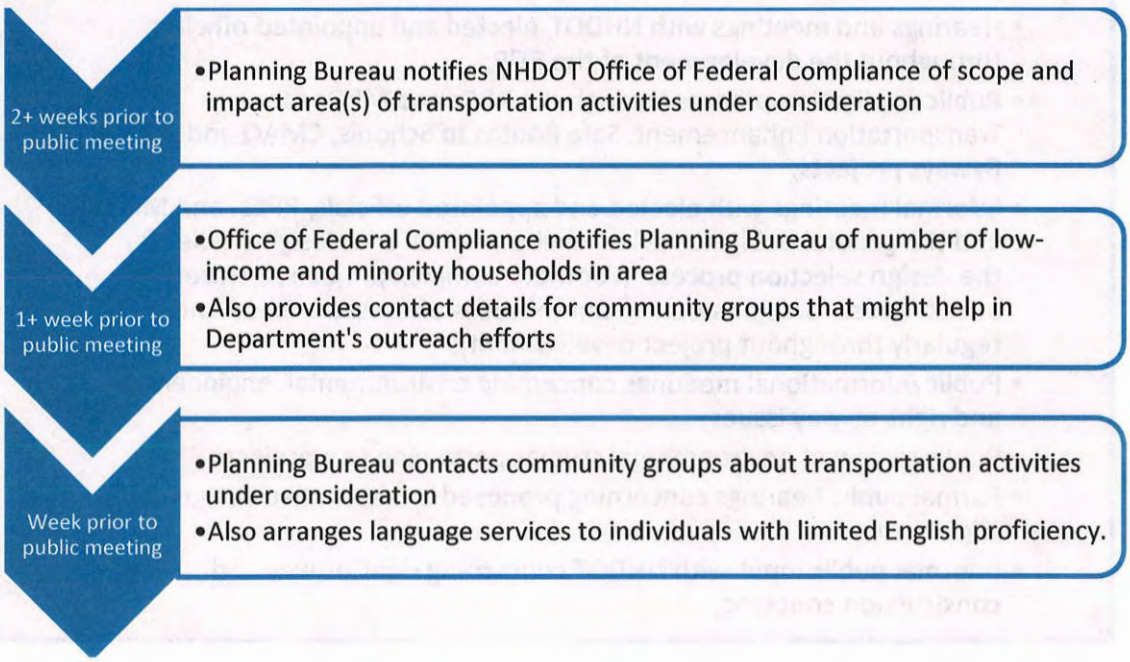
inform interested parties of scheduled meetings or hearings. The media (television, radio, newspaper) is also used to provide information on DOT planning documents.

4.1 - Underserved Populations

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance."

In order to fully serve the needs of the State's underserved populations and to comply with the requirements of CFR 450.210, NHDOT makes substantial efforts to reach out to low-income and minority households to assure that their transportation needs are identified and met to the greatest extent possible, given the resources available.

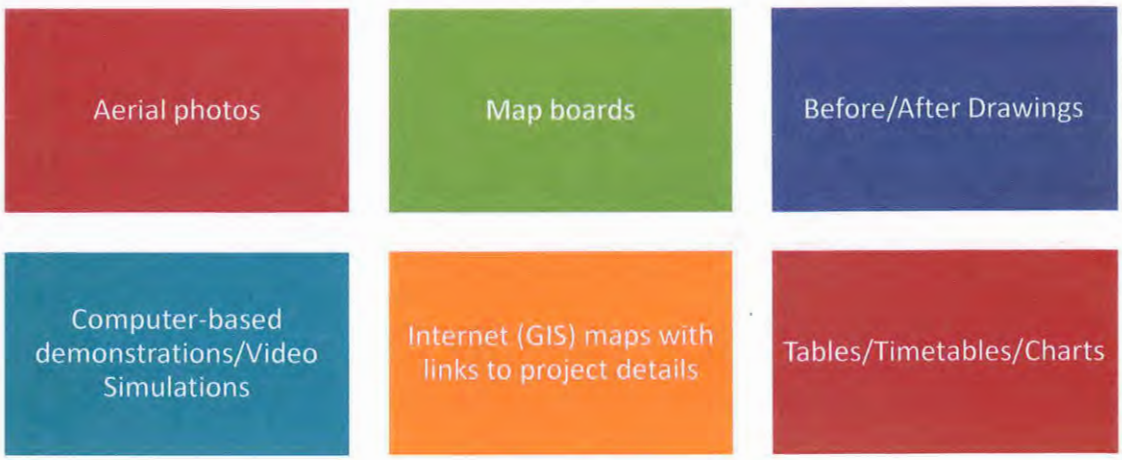
Outreach to Underserved Populations



In compliance with 23 CFR 450.218, NHDOT also submits with each STIP amendment a self-certification for the joint approval of the FHWA and the FTA that the Department carries out its responsibilities in the transportation planning process in accordance with the requirements of Title VI of the Civil Rights Act of 1964.

4.2 - Visualization Methods

A variety of visualization techniques are used to help describe the findings, alternatives, or recommendations of a plan/project to the public. Major, large-scale projects have a dedicated website with project information including maps, before and after computer animated drawings, photos, video simulations, and other images.



For the STIP, NHDOT includes a detailed schedule demonstrating how the projects are fiscally constrained, which is to say that adequate resources have been identified to support the project spending anticipated for each of the STIP years.

The STIP schedule also breaks out the projected spending by phase (preliminary engineering, right of way and construction), by year and by general funding category.

5 – PUBLIC INVOLVEMENT PROCESS EVALUATION

While public involvement efforts are intended to generate feedback about proposed transportation projects, it is critical to have confidence in the results of those efforts. To achieve the desired level of confidence, the efforts must be subjected to performance measures to determine whether they were effective in identifying problems and needs, conveying useful information to every party affected by the proposal and leaving all participants in the process feeling that they had an opportunity to voice their ideas and concerns about the project.

To that end, NHDOT will conduct the surveys outlined in Section 4, and then evaluate the responses and adjust its public involvement procedures accordingly in order to ensure the broadest and most effective outreach possible for the planning of transportation projects in New Hampshire.

Appendix A – Glossary of Acronyms Used

CAAA	Clean Air Act Amendments of 1990
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
CTAP	Community Technical assistance Program
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GACIT	Governor's Advisory Commission on Intermodal Transportation
HPMS	Highway Performance Monitoring System
LRTP	Long-Range Transportation Plan
MAP-21	Moving Ahead for Progress in the 21st Century
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
NHDES	New Hampshire Department of Environmental Services
NHDOT	New Hampshire Department of Transportation
NHDHS	New Hampshire Department of Historical Resources
RPC	Regional Planning Commission
RSA	Revised Statutes Annotated
SAB	State Aid Bridge
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SAH	State Aid Highway
SRTS	Safe Routes to School
STIP	Statewide Transportation Improvement Program
TE	Transportation Enhancement
TIP	Transportation Improvement Program
TYP	Ten-Year Plan

Appendix B – Contact Information

NHDOT, Planning and Community Assistance
Bureau46@dot.state.nh.us
603 271-3344
PO Box 483
7 Hazen Drive
Concord, NH 03302-0483

Statewide Transportation Improvement Plan
Nick Alexander
603 271-8457
nalexander@dot.state.nh.us

Ten-Year Plan
Bill Watson
bwatson@dot.state.nh.us
603 271-3344

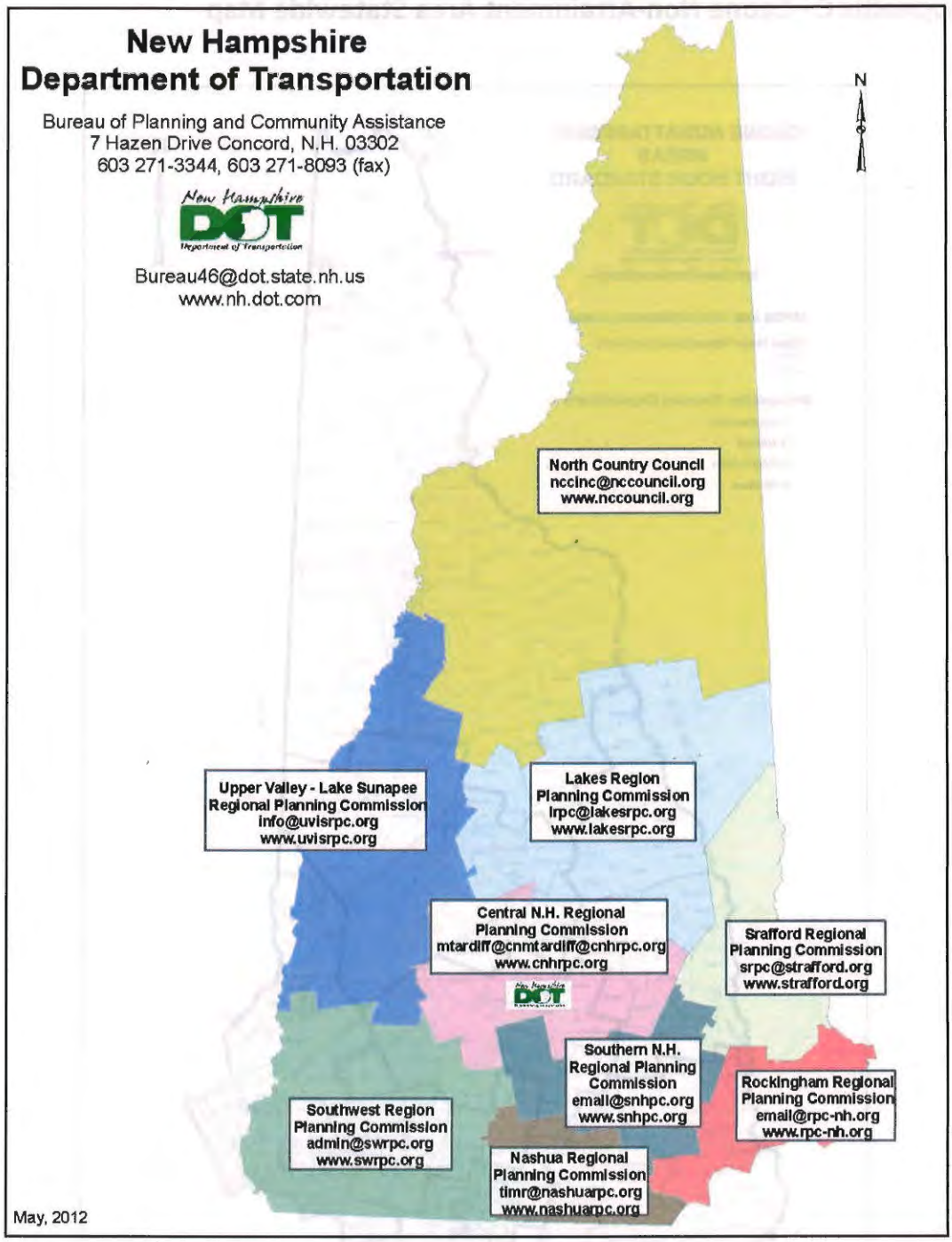
Executive Officers		Telephone	Location
Commissioner	Christopher Clement	(603) 271-1484	Executive Office
Assistant Commissioner & Chief Engineer	David Jeff Brillhart	(603) 271-1486	Executive Office
Deputy Commissioner	Michael Pillsbury	(603) 271-1486	Executive Office
Director of Finance	Patrick McKenna	(603) 271-1486	Executive Office
Director of Operations	William Janelle	(603) 271-1486	Executive Office
Director of Policy and Administration	Fran Buczynski	(603) 271-1486	Executive Office
Director of Project Development	William Cass	(603) 271-1486	Executive Office
Assistant Director of Project Development	Craig Green	(603) 271-1486	Executive Office

Bureau/District/Division	Administrator	Telephone	Location
Aeronautics	Tricia Lambert	(603) 271-2551	Room G31 JOM Building 7 Hazen Drive Concord, NH 03302
Bridge Design	Mark Richardson	(603) 271-2731	Room 230 JOM Building 7 Hazen Drive Concord, NH 03302
Bridge Maintenance	Douglas Gosling	(603) 271-3667	Room 240 JOM Building 7 Hazen Drive Concord, NH 03302
Construction	Ted Kitsis	(603) 271-2571	Room 260 JOM Building 7 Hazen Drive Concord, NH 03302
Engineering Audit (Construction)	Dennis Herrick	(603) 271-3463	Room 270 JOM Building 7 Hazen Drive Concord, NH 03302
Environment	Kevin Nyhan	(603) 271-3226	Room 160 JOM Building 7 Hazen Drive Concord, NH 03302
Finance & Contracts	Leonard L. Russell	(603) 271-2546	Room 170 JOM Building 7 Hazen Drive Concord, NH 03302
Fuel Distribution (Highway Maintenance)	Brian Pike	(603) 271-8931	Room 130 JOM Building 7 Hazen Drive Concord NH 03301
Highway Design	William J. Oldenburg	(603) 271-2171	Room 200 JOM Building 7 Hazen Drive

			Concord, NH 03302
Highway Maintenance	Caleb Dobbins	(603) 271-2693	Room 120 JOM Building 7 Hazen Drive Concord, NH 03302
District One	Brian T. Schutt	(603) 788-4641	641 Main Street Lancaster, NH 03584
District Two	Alan Hanscom	(603) 448-2654	I-89, Exit 16 8 Eastman Hill Road Enfield, NH 03748
District Three	Mark Morrill	(603) 524-6667	2 Sawmill Road Gilford, NH 03246
District Four	Doug Graham	(603) 352-2302	19 Base Hill Road Swanzey, NH 03446
District Five		(603) 666-3336	16 East Point Drive Bedford NH 03110
District Six	Doug DePorter	(603) 868-1133	271 Main Street PO Box 740 Durham, NH 03824
Human Resources	Fran DeCinto	(603) 271-8313	Room 140 JOM Building 7 Hazen Drive Concord, NH 03302
Information Tech Services	Gail Hambleton	(603) 271-3281	Room G41 JOM Building 7 Hazen Drive Concord, NH 03302
Internal Audit	Carol Macuch	(603) 271-6674	Room 187 JOM Building 7 Hazen Drive Concord, NH

			03302
Labor Compliance	Jay Ankenbrock	(603) 271-2467	Room 140 JOM Building 7 Hazen Drive Concord, NH 03302
Materials & Research	Alan Rawson	(603) 271-3151	5 Hazen Drive Concord, NH 03302
Mechanical Services	William Dusavitch, Administrator	(603) 271-3721	33 Smokey Bear Blvd. Concord, NH 03301-0456
Planning and Community Assistance	Bill Watson	(603) 271-3344	Room G01 JOM Building 7 Hazen Drive Concord, NH 03302
Public Information	Bill Boynton	(603) 271-6495	Room 190 JOM Building 7 Hazen Drive Concord, NH 03302
Public Works* Public Works is no longer a DOT Bureau. See the Department of Administrative Services.	Mark T. Nogueira	(603) 271-3516	Room 250 JOM Building 7 Hazen Drive Concord, NH 03302
Rail &Transit		(603) 271-2468	Room G25 JOM Building 7 Hazen Drive Concord, NH 03302
Right-of-Way	Chuck Schmidt	(603) 271-3222	Room 100 JOM Building 7 Hazen Drive Concord, NH 03302
Traffic	William Lambert	(603) 271-2291	NH Route 106 Concord, NH 03302
Turnpikes	Christopher M. Waszczuk	(603) 485-3806	I-93 Exit 11 (Hooksett) PO Box 2950

Concord, NH
03302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7 Hazen Drive Concord, N.H. 03302
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Bureau46@dot.state.nh.us
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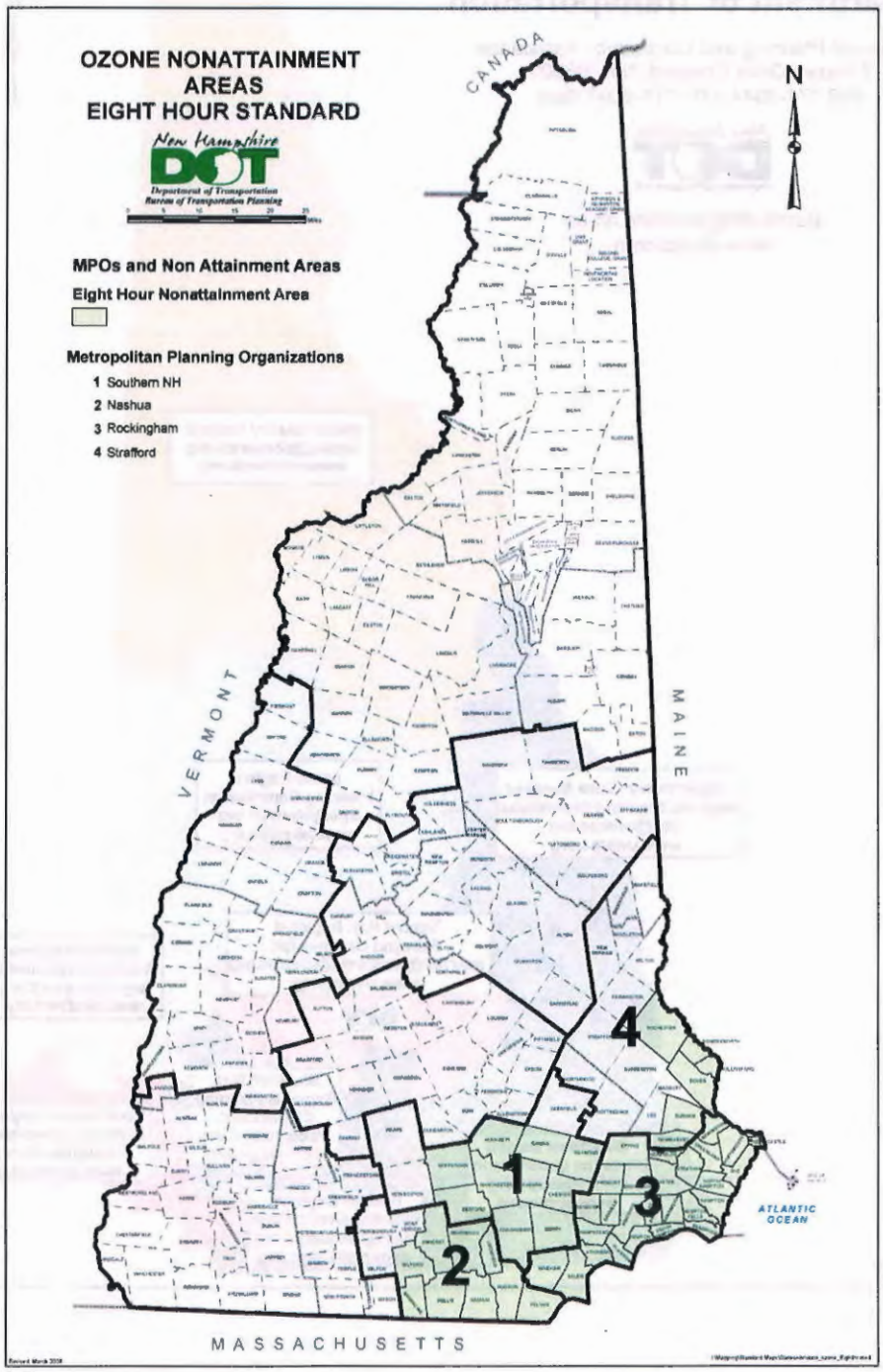
www.nccouncil.org
Upper Valley - Lake Sunapee
Regional Planning Commission
info@uvlsrpc.org
www.uvlsrpc.org
Lakes Region
Planning Commission
lrpc@lakesrpc.org
www.lakesrpc.org
Central N.H. Regional
Planning Commission
mtardiff@cnmtardiff@cnhrpc.org
www.cnhrpc.org
Strafford Regional
Planning Commission
srpc@strafford.org
www.strafford.org
Southern N.H.
Regional Planning
Commission
email@snhpc.org
www.snhpc.org
Rockingham Regional
Planning Commission
email@rpc-nh.org
www.rpc-nh.org
Southwest Region
Planning Commission
admin@swrpc.org
www.swrpc.org
Nashua Regional
Planning Commission
timr@nashuarpc.org
www.nashuarpc.org
May, 2012

Appendix C - Ozone Non-Attainment Area Statewide Map



Appendix D – Performance Measures

PUBLIC INVOLVEMENT PROCEDURES
TRANSPORTATION IMPROVEMENT PROJECTS
PERFORMANCE MEASURES

Post-Meeting Survey

- Was the information presented in a complete and comprehensive manner?
- Did you feel that comments made by the public were adequately considered?
- Did you feel that you had an opportunity to participate?
- Was the location of this meeting convenient for you?
- How far did you have to travel to the meeting?
- Was this meeting scheduled at a convenient time for you?
- Which of the following would be the most convenient time to start the meeting?
- How did you hear about this meeting?
- If you have any comments about how the meeting was planned or conducted (or on how future meetings can be improved), please write them in the space below.

Appendix E – Public Consultation Process for Regional and Local Officials Involved with Transportation Efforts in New Hampshire

Public Consultation Process for Regional and Local Officials involved with Transportation Efforts in New Hampshire

New Hampshire Department of Transportation

Finalized March 4, 2011

New Hampshire DOT Department of Transportation

Background

The Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 promotes more efficient and effective Federal surface transportation programs by focusing on transportation issues of national significance, while giving State and local transportation decision makers more flexibility for solving transportation problems in their communities. SAFETEA-LU requires the New Hampshire Department of Transportation (NHDOT) to develop short and long range transportation plans, programs, and projects so the state may accommodate current and future transportation needs.

Federal regulations found under 23 CFR 450.210(b) state that "...The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process(es), copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.....". Though the local officials' consultation procedures have been established through federal regulations, NHDOT has been having ongoing local consultation since the early 1990s.

As part of this effort, NHDOT is defining consultation as "NHDOT conferring with other parties in accordance with established processes and procedures, and prior to taking actions, considering the other parties' views and periodically informing the parties of actions taken." Where formalized processes and procedures are not in place, NHDOT will attempt to document the practices followed, and comment on the practices for consideration as future formal processes and procedures.

The purpose of this document is to identify the many processes that allow for non-metropolitan local official participation in numerous efforts led by NHDOT, not only in the development of the federally recognized long-range statewide transportation plan and the STIP, but also the State of NH Ten Year Transportation Improvement Plan process, local project selection and ongoing public involvement efforts. Public involvement, at all levels of state, regional and local levels are critical to the success of transportation projects in NH and NHDOT is committed to ensuring that the partnerships established by this involvement and communication continue to improve and expand in the future.

Regional Planning Commissions in NH

New Hampshire is divided into nine Regional Planning Commission areas. Five of them – Central, Lakes Region, North Country, Southwest, and Upper Valley/Lake Sunapee – are rural in nature but may contain small urban areas (5,000 – 50,000 population). They are known as RPCs. The four remaining planning commissions – Nashua, Rockingham, Southern, and Strafford—cover areas with a central city, or group of cities that have a population greater than 50,000. These areas are designated by the governor as Metropolitan Planning Organizations, or MPO's, to meet federal requirements. The RPCs and MPOs are responsible for identifying transportation concerns and projects through a regional public involvement process. The regional listing of these projects is called a transportation improvement program (TIP).

The MPOs are required to develop a 20-year, project specific long-range transportation plan and a four-year financially constrained TIP. The development of these two items must be done cooperatively with the NHDOT and the providers of public transit services. In addition, there must be ample opportunity for public involvement during the development of these documents. Each of the MPOs has established a public involvement process.

The non-MPO RPCs, although not required by federal regulations, prepare long-range transportation plans that outline recommended approaches for addressing regional transportation needs which may or may not be project specific. In addition, they prepare TIPs that cover a ten year period and updates are completed every two years. These RPCs also have an active public involvement process.

Other key participants in the transportation planning process include the general public, legislators, federal, state and local officials, other agencies, and special interest groups. You are encouraged to become familiar with your RPC or MPO public involvement process and to take an active role in the plan and program development for New Hampshire.

In all of the processes noted below, regardless of the MPO/non-MPO status of the nine regional planning commissions, public involvement, coordination and consultation is addressed in the same manner by NHDOT, unless there is a federal regulation that requires separate treatment. That is, whenever statewide transportation planning processes occur, all of the regional planning commissions and communities represented are equally able to be fully involved in the transportation planning process.

Long Range Transportation Plan

The Long Range Transportation Plan (LRSTP) is an essential tool for identifying future transportation needs. By looking at the present transportation system, the transportation needs into the future are identified through a series of long-range transportation goals and objectives.

NHDOT's LRSTP was most recently updated between 2008 and 2010, and included review through and by the nine regional planning commissions through public meetings and staff reviews to achieve consistency between regional and state transportation plans. In addition, public comment periods were announced through the NHDOT website and the New Hampshire Union Leader, and information hearings and discussions occurred through the Legislature. This cooperative effort is advantageous when planning major construction improvements and developing management strategies.

The LRSTP requires continuous evaluation and revision. As part of future revisions, NHDOT will develop a formalized process for communications, review and comment. NHDOT is committed to include as part of this process presentation to regional planning commission technical advisory committees and policy committees. NHDOT shall invite the regional planning commissions to share this document with their communities for further review and input. NHDOT may also include additional public opportunity for input through public meetings. Notification of these meetings will be published in a newspaper of general circulation in the State of New Hampshire, NHDOT website and by other interested parties. Notifications will be made through statewide newspapers, the NHDOT website, and other sites such as the regional planning commissions (which we will request) that allow for electronic access to LRSTP documents for review and comment. The NHDOT is committed to using technology as much as possible to maximize the opportunities for comments.

Through these opportunities for comment, the proposed LRSTP is compiled to reflect public input. Federal regulations declare that, "....the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian and bicycle facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed plan."

The final LRSTP reflecting the comments of all of the above mentioned communications methods is adopted by the NHDOT as a guide for the future development of the transportation system.

In the public consultation process used by the Department for the development, revision and update of the Long Range Transportation Plan, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission or community.

Ten Year Plan Process

The process of involving local planning officials is specified under the New Hampshire RSA 228:99. The decision by New Hampshire Legislature to fully involve the local communities served by all of the regional planning commissions in the State Transportation Improvement Program's/Plans development has proved successful in all of the past development rounds. One measure of this success is that the NH Legislature typically does not touch any of the projects recommended through the public hearing process, which is described in more detail below. Key to the initiation of the process is the input of local officials through their regional planning commission.

Once the programs have been evaluated and a draft statewide program is produced, local officials have the opportunity for input at a series of statewide hearings held by the Governor's Advisory Commission on Intermodal Transportation (GACIT). In the most recent update of the Ten Year Plan, 37 public hearings were held throughout the state in the fall of 2009.

All regional planning commissions have participated in the presentation at the GACIT Public Hearings and shall continue to be invited in the future, explaining their process and identified regional needs. NHDOT is also exploring the potential of inviting the regional planning commissions to take more of a lead role in the GACIT hearing process. Additional opportunities for local input occurs during the hearings on the Ten Year Transportation Improvement Plan held by New Hampshire Legislature as the Plan is reviewed and ultimately enacted into law. All of these hearings are publicly noticed in advance by the Legislature and are open to the public.

In the public consultation process used by the Department for the development, revision and update of the State's Ten Year Plan , all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission or community.

Statewide Transportation Improvement Program (STIP)

Federal regulations, as codified in title 23 part 135 and 49 part 5305 of the United States Code (USC), stipulate that each state will develop a continuing, cooperative, and comprehensive statewide multimodal transportation planning process, including the development of a statewide transportation improvement program (STIP).

In New Hampshire the STIP is updated every two years and is developed through a coordinated statewide and metropolitan planning process. The metropolitan planning process, as defined in 23 USC part 134 and 49 USC part 5303, is carried out by the four MPOs. Each of the MPOs has adopted a metropolitan transportation plan (MTP) and a Transportation Improvement Program (TIP). The TIPs were developed and approved in accordance with 23 part 450.322 of the Code of Federal Regulations (CFR) and include a financially constrained program of transportation projects within their regions. The MPO TIPs are consistent with the regulations outlined in 23 CFR §450.324, including requirements related to financial constraint, and have been incorporated, without change, most recently into the approved 2011-2014 NH STIP. This process will continue as outlined in the future.

The NH Department of Transportation (NHDOT), through cooperation and coordination with all of the regional planning commissions maintains the STIP. The approved STIP is frequently revised to reflect changes in project status. Changes in project schedules, funding needs, and project scopes require revising the approved STIP. These changes may be initiated from the NHDOT or at the MPO and depending upon their significance and complexity, require coordination from several agencies and may also require Federal approval. STIP Revisions procedures have been adopted by NHDOT in consultation with the MPO and rural RPCs, FHWA, FTA, EPA, and NHDES. These are available for public inspection through the NHDOT website, as noted at the end of this document.

Through interagency consultation, the NHDOT participates with representatives from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Environmental Protection Agency (EPA), the NH Department of Environmental Services (NHDES), MPOs and RPCs to discuss issues, effects of, and requirements regarding revisions of the STIP. These issues include MPO public comments and participation periods, statewide comment periods, financial constraint and air quality conformity determinations. NHDOT is also committed to participate in and share STIP revision information to regional planning commission technical advisory committees and policy committees as part of their approval process.

For non-MPO areas, the NHDOT utilizes the TIPs prepared by the RPC during the development of the Ten Year Plan although project by project inclusion is not required. During the development of the regional TIPs and the STIP, the opportunity for public involvement is open through contact with the regional planning commission and the NHDOT.

In the public consultation process used by the Department for the development, revision and update of the STIP, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission or community and regardless of the requirements that govern metropolitan planning organizations that do not govern rural regional planning commissions.

Other opportunities for consultation

A number of additional initiatives have been advanced through the years to facilitate project development and expedite interagency coordination. Through this approach of Context Sensitive Solutions, local Officials and Communities have an opportunity to participate in open forums as a project advances through the design.

All regional planning commissions also participate in the Congestion Mitigation and Air Quality (CMAQ) project selection process. All have the opportunity to be directly involved in other program application and funding rounds including Transportation Enhancement (TE) projects, Scenic Byways designations and projects, Safe Routes to School (SRTS) projects, Highway Safety Improvement Program (HSIP) projects, as well as corridor studies and other related local assistance activities through biennial contracts the regional planning commissions have with NHDOT. All of these opportunities provide direct involvement, participation and consultation opportunities to regional and local officials.

NHDOT also has created or been invited to be part other communication and outreach opportunities with the regional planning commissions. These include more formal Unified Planning Work Program (UPWP) development efforts to provide greater understanding, transparency and consistency among all of the regional planning commissions, a Transportation Planning Collaborative (TPC), which consists of planning staff from NHDOT and all of the regional planning commissions who meet on a regular basis, and NHDOT is regularly invited to participate regional planning commission Executive Director meetings, which are held monthly.

In addition, during the development of projects managed by the Department, there are requirements and numerous opportunities for local consultation through development of engineering concepts, during the assessment of environmental studies and impacts, through the identification of preferred design alternatives, public hearings, through final design and construction.

Context Sensitive Solutions (CSS) is one NHDOT utilized public involvement approach to planning and designing transportation projects based on active and early partnerships with communities and project stakeholders. CSS involves a commitment to a process that encourages transportation officials to collaborate with stakeholders from the community and environmental resource groups so the design of the project reflects the goals of the people who live, work and travel in the area. Such collaboration results in creative and safe transportation solutions.

Numerous NHDOT engineers, planners, project managers and community relations representatives, as well as consultants and community leaders have been trained in CSS techniques: flexible design, respectful communication, consensus-building and community participation, negotiation and conflict resolution.

The Department has also previously published Public Involvement Procedures, most recently in 1995, which are currently being updated. These procedures outline many of the items addressed here, but in greater detail. Once completed in FY 2011, these procedures will be made available through the NHDOT website. The Department will then commit to updating these procedures at least once every five years, using all of the communication methods identified here in this documentation for other efforts such as the STIP and LRSTP.

In the public consultation process used by the Department for the development, revision and update of many locally focused transportation programs, all regional planning commissions and public officials are consulted with equally, regardless of their status as a metropolitan or non-metropolitan regional planning commission.

Conclusion

It is clear that the State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. All opportunities for participation and involvement offer the accommodations of resources to allow for accessibility by all wanting to be involved. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation. From the information presented here, the Department is confident through this documentation that it is complying with the regulations that are in place. The Department will continue to strive and document its efforts to provide for regional and local official participation in all of its transportation programs, regardless of metropolitan status.

The NHDOT continues to be committed to reviewing and updating these consultation procedures at least once every five years, using all of the communication methods identified here in this documentation for other efforts such as the STIP and LRSTP.

Additional Reference Information:

Long Range Transportation Plan Information:
http://www.nh.gov/dot/org/projectdevelopment/planning/lrtbp.htm

Ten Year Plan Legislation:
http://www.gencourt.state.nh.us/rsa/html/XX/228/228-99.htm
http://www.gencourt.state.nh.us/rsa/html/XX/240/240-mrg.htm

Ten Plan Document:
http://www.nh.gov/dot/org/projectdevelopment/planning/typ/index.htm

STIP:
http://www.nh.gov/dot/org/projectdevelopment/planning/stip/index.htm

STIP Revision Procedures:
http://www.nh.gov/dot/org/projectdevelopment/planning/stip/documents/NHSTIPAmendmentProcess.pdf

Locally Administered Projects:
http://www.nh.gov/dot/business/municipalities.htm

NHDOT CSS Process:
http://www.nh.gov/dot/org/projectdevelopment/highwaydesign/contextsensitivesolutions/index.htm

NH Regional Planning Commissions:
http://www.nh.gov/oep/resourcelibrary/regions/RegionalPlanningCommissions.htm

NH Transit Providers:
http://www.nh.gov/dot/nhrideshare/links.htm

	Comments on Public Involvement Procedures Draft
Page	Comment
Last	(Although the comments relate to the March 2011 document and may not be able to be addressed). Under "Additional Reference Information" the title "Ten Plan Document" should be "Ten Year Plan Document". Also, final page is numbered 7 of 8. There is no page 8...
5	Federal and State Legal Requirements. Do we want to at least mention that MAP-21 has been enacted? We do not yet know all its ramifications, but it would be good to mention that it has happened, thus giving the best information we have at the moment.
Pg 3, Appendix E	Sixth paragraph, third line says "NHDOT is also exploring the potential of inviting the regional planning commissions to take more of a lead rold in the GACIT hearing process." Do we want to continue to say this, is it going to actually happen? I am aware that this is a finalized version as of March 4, 2011, but has this issue been resolved?
6	Add following: Environmental Requirements for Transportation Projects: Per Env-A 1503.09 MPOs and NHDOT must provide a 10 day minimum public comment period before taking a formal action pertaining to environmental analyses for transportation projects.
7	Federal Regulations 23 CFR 450.210 and 23 CFR 450.316 define the scope of the public involvement process which is closely adhered to by NHDOT and MPOs. Additionally, 40 CFR 93.105 (c) and (e) define interagency consultation procedures and public consultation procedures allowing public comment and input to environmental decisions for transportation plans and projects.
12	Air Quality Considerations (**Commenter suggests following rewrite of draft section**): As part of the transportation planning process, the objective of improving air quality is carefully considered for each proposed transportation project. Air quality in New Hampshire is continuously measured by a host of statewide testing stations that determine concentration levels for vehicle emissions such as ozone precursors (nitrogen oxides and hydrocarbons), particulates and carbon monoxide~~and air quality in New Hampshire is generally very good~~. Those areas that have lower pollutant levels than National Ambient Air Quality Standards established by the federal Clean Air Act are considered to have attained compliance with those regulations and are therefore classified as "attainment areas" by EPA. Areas that do not meet Clean Air Act standards are classified as "non-attainment areas." The ozone non-attainment map above shows the areas EPA designated as non-attainment for the 1997 8-hour ozone standard as well as the MPOs representing those areas. Non-attainment areas that later achieved compliance with national standards, such as Manchester and Nashua that were in violation of carbon monoxide standards, are classified as "maintenance" areas by EPA and are subject to ongoing evaluation and maintenance plan requirements to ensure continued compliance. (could be more information than necessary to make the point) For non-attainment areas, the Department of Environmental Services has created a State Implementation Plan (SIP) that details all the activities and strategies the state will implement, to ensure emissions fall or remain below attainment levels for different air pollutants. The SIP also creates a "motor vehicle emissions budget" of allowable total daily emissions that may be generated by a non-attainment area's vehicles. Federal and State laws require MPOs and NHDOT to show that their transportation projects conform to SIP requirements. Under these conformity regulations, transportation planners calculate their area's total vehicle-generated emissions to show their existing and proposed transportation improvement projects will not exceed their allowed emissions budget. Also as part of the transportation planning process, planners create long-range forecasts of their area's vehicle use. These forecasts are plugged into complex vehicle emissions modeling programs to calculate expected emissions as far as 20 years into the future.
20	3.7.2 Interagency Consultation Although it is true NHDOT invites participants in the IAC process, 40 CFR 93.105 (a), (b) and (c), Env-A 1503 .08 very clearly define the structure, purpose, members and member responsibilities of the IAC. As presently written, the IAC sounds like a voluntary meeting of NHDOT, FHWA, MPOs, etc. As per Env-A 1503.08 (d), IAC meetings shall address: • Development of a SIP or SIP revisions, including but not limited to those involving transportation-related issues and mobile sources; • Development of a metropolitan transportation plan or TIP, minor revisions to a TIP, or any amendment(s) to a TIP, and any determination of conformity for such plans; • Emissions budgets; • Transportation Control Measures (TCMs) and mitigation measures pursuant to 40 CFR 93.125(c) and 93.122(a)(4)(ii), respectively, that are in the SIP or are being considered for inclusion in the SIP; • Evaluation and determination of events that will trigger new conformity determinations; and • Coordination of emissions analyses for transportation activities that cross the borders of MPOs or nonattainment or maintenance areas or include areas outside of MPO boundaries. I thought you might want to cut and paste these bullets into your description of IAC functions.
23	This section discusses outreach activities and methods. The last set of bullets provides suggested survey questions that should be made available to public meeting participants. I would suggest moving this paragraph and bullets to Section 5 (Public Involvement Procedures Evaluation) since these will provide after-meeting information that could measure the success of public participation outreach efforts. I would also include a question like: • What person, group or organization should we contact, for future public events? This might assist an agency in developing better outreach for future public events.
16	Page 16 refers to 30-day comment periods for LRTPs. Has that been reduced to 10 days or is the 10-day period only for STIP revisions?
Index	Who is the audience? State, regional, and local officials or public or all of them? Or is it just for NHDOT staff?
3	This report should also educate citizens about the planning and programming processes; explain where in those processes the public can participate; and explain how the public's input will be used

3	The first bullet should be to design/develop a public involvement plan that is unique to that specific to the project and who the audience should be. The use of nontraditional or alternative ways of engaging the public/audience should be explored.
3	It would be more efficient if NH DOT and the MPO/RPCs conduct it together.
5	The MPOs/RPCs should be also be listed.
5	Some goals for public involvement during planning and programming could be: Identify improvements to the transportation system that will help citizens meet their mobility needs; Identify and document community support or concerns with planned transportation improvements, and carry that information forward for consideration in project development decisions: Prioritize proposed improvements and recommend which should be programmed and moved forward in the project development process. This document should encourage the public to contact first their MPO/RPCs first and then NH DOT.
5	This should be more specific - "To provide all citizens with ongoing opportunities to participate in the transportation project development process, which includes planning, programming, design, right of way acquisition, construction, operation, and maintenance of roadways and transit facitities."
7	There should be a discussion about the NEPA requirements and how that is integrated into the NHDOT planning and programming. Should you also mention the title VI.
7	Should we also mention the growing population of the elderly? Also under-employed households where the adults are working two or three jobs to survive.
8	How about including the elderly and economic disadvantaged?
10	We (NH DOT and MPOs/RPCs should do a better job identifying transportation concerns in our regions and state. In the past, we have identified projects but not problems.
11	Shouldn't this be a partnership between the NH DOT and the MPOs/RPCs like in other states?
12	This needs to be updated with MAP-21.
12	Is there a plan to implement Phase III of CTAP since it was part of the mitigation of the I-93 Widening Project EIS? If not, this should be eliminated and the 26 communities need to be told that NH DOT will not be fulfilling its requirements.
12	Such as construction
15	When is the LRTP going to be updated? It's time.
19	Needs to be updated MAP-21
20	Department of Safety and Homeland Security should be involved because of emergencies and climate change.
22	I think we can do better.
22	Public Meetings need to be televised so that the meetings can be televised through the local cable television companies or through the internet. The majority of the public views these meetings if they are televised.
23	NH DOT should also use social media..such as FACEBOOK to get the word out.
23	Getting the information out in a nontraditional or alternative way is very important.
25	This should be procedure if you are not all ready doing it: announcing public meetings in local newspapers 30 days in advance and again a week before the meeting; using kiosks, mass mailings, or television and radio ads; sending press releases to the media, which often generate news stories; using to NHDOT and the MPO/RPCs web sites to post the notices
25	MPO/RPCs web sites should also be used.
25	Social media should be used.
	The Context Sensitive Solutions (CSS) project development process is only mentioned in passing. The NHDOT should consider placing more emphasis on CSS in the document. Additionally, the Department should consider providing guidelines about the types of projects the CSS process could be applied to, and the appropriate scale of the CSS process for different types of projects. Perhaps the "Scaling CSS" document developed in 2008 could be used as an appendix: http://www.nh.gov/dot/org/projectdevelopment/highwaydesign/contextsensitivesolutions/documents/CSSScaling.pdf
	Project-level Public Involvement Plans should be mentioned in Section 4 as a means of documenting and coordinating project-level outreach activities.
	References to specific programs (e.g. TE and SRTS) should be revised as necessary in the context of MAP-21.
	Some of the language in Section 3.1 (and potentially other sections) may need to be revised in the context of MAP-21. It was noted that the Department's long-standing, strong consultative process with rural RPCs means that New Hampshire is "ahead of the curve" when it comes to complying with MAP-21's RTPO provisions.
Pg 5, Appendix E	In Appendix E (Public Consultation Process), the Department commits to updating the Public Involvement Procedures every five years, but we didn't see the same five-year commitment in Section 5 of the actual Public Involvement Procedures text.

3	Bullet point #2 in the Executive Summary reads as follows: "Make special efforts to give traditionally underserved populations and individuals with limited proficiency in English the opportunity to learn about and voice their opinions." It was noted that this reads as if people will be given the opportunity to learn about their opinions rather than learning about transportation plans, programs, and/or projects.

Appendix 3

New Hampshire Department of Transportation
Title VI Notice to Public

Pursuant to the (project name and scope, i.e. widening of the I-93 Corridor), The New Hampshire Department of Transportation (NHDOT) hereby gives public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI and related statutes require that no person in the United States of America shall, on the grounds of race, color, national origin, or sex be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program receiving Federal assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice regarding the State of New Hampshire's transportation programs has a right to file a formal complaint with the NHDOT. Any such complaint must be in writing and submitted to the NHDOT Title VI Coordinator within one hundred eighty (180) days following the date of the alleged occurrence. For more information concerning Title VI, please contact the Chief of Labor Compliance @ (603) 271-2467 or write to: Chief of Labor Compliance, NHDOT, PO Box 483, 7 Hazen Drive, Concord, NH 03302-0483.

INTERNAL/EXTERNAL REVIEW COMPLIANCE CHECKLIST (Planning & CA)

I. Public Involvement/Participation

A. What actions have been taken to identify and include minority and low-income persons and communities in the notification process for public meetings and public review of agency documents? (Examples include demographic studies, use of minority media, etc.)

Provide documentation and comment:

B. What measures have been taken to contact minority groups or leaders to identify information needs and planning/programming issues of concern?

Provide documentation and comment:

C. Is technical information available in formats and at places and times conducive to review by minority and low-income persons? YES/NO
What procedures are in place to provide information to sight-impaired persons, non-English speakers, and for persons without formal education?

Provide documentation and comment:

D. Are Citizens Advisory Committees (CACs) representative of population within the region? YES/NO If not, What outreach efforts have been used to solicit participation from underrepresented groups?

Provide documentation and comment:

E. Do meeting formats encourage participation of minority and low-income people/communities, and are accommodations made for disabled persons?
YES/NO
What methods are used to secure public involvement? (examples include door-to-door canvassing, fact sheets, community/public workshops, information office, exhibits, etc.)

Provide documentation and comment:

II. Consideration of Input from Minority Groups/Persons

Is consideration of input actively demonstrated via newsletters, leaflets, or other mediums that will potentially reach the target group/audience? (Does the recipient inform the public of the importance of their input and how it is used?)

Does public information contain Title VI language?
Provide documentation and comments:

III. Data Collection/Analysis

Does the data collected reflect community boundaries, racial and ethnic make up, income levels, property taxes/appraisal information, community services, schools, hospitals, and shopping areas? What sources were used and how ?

Provide documentation and comments:

IV. Social, Economic, and Environmental (SEE) Impacts

What method is used to ensure that SEE impacts are identified at the earliest possible stages? Is demographic data reviewed to determine the probability of disproportionate affects on EJ populations?

Describe:

V. Documentation

Internal:

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?

List:

B. Is there record of external reviews conducted within the past 24 months of Unified Work Programs (MPOs/RPCs) ? YES/NO

List reviews conducted:

External:

C. Do MPOs/RPCs keep record of information pertaining to Citizens Advisory Committee selection criteria and demographic make-up (race, gender, and position within the organization)? YES/NO

D.
Provide documentation and comments:
E. Does the MPO/RPC have established procedures to document the level of participation of Title VI protected group members at CAC meetings/hearings when offered in predominantly minority or low-income communities? YES/NO
Provide documentation and comments:
VI. Contracts
A. Is DBE participation monitored and reported to the Department's DBE Liaison for all UPWP agreements and consultant contracts? YES/NO
B. What actions have been taken to identify sub-contracting opportunities and solicit interest, bids, and quotes from DBEs? Are all contracting opportunities communicated to the DBE Liaison Officer? YES/NO
Describe:
Date/ Name/ Signature of Reviewer:
Routing Instructions- Title VI Coordinator, Title VI Liaison, MPO (if applicable) This form will be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Highway/Bridge Design/Bridge Maintenance)

I. Public Involvement

A. Does public involvement meet the needs of minority and low-income communities? (In terms of time, location, setting) Are provisions made to accommodate disabled persons? YES/NO

Comments:

B. What efforts are made to identify and encourage participation of minority and low-income persons/ communities?

C. Do letters and notices include appropriate Title VI language ? YES/NO

Provide documentation and Comments:

D. What public involvement techniques do project teams utilize to identify Title VI issues of discriminatory potential as early as possible?

Provide documentation and Comments:

E. What type of informal contact is used to encourage participation of minorities, low-income, and persons without extensive education? Are informal open-forum public meetings/hearings used that allow one-on-one comments to a recorder? YES/NO

Describe (provide specific examples):

II. Identification of SEE Impacts & ADAAG/ ADA Title II Compliance

SEE (social, environmental, ecomomic)

A. Are disproportionate effects on minority and low-income communities identified; What is the process to ensure that measures are taken to avoid or mitigate impacts?
Is this, to a greater extent, a discovery process based on input from those that participate?

YES/NO

Adverse affects may include: limited access to services/facilities; disruption of community cohesion; disruption of people, businesses, and farms; changes in tax base and property values; traffic; noise; necessity for relocation; diminished quality of water, air, or natural environment.

Describe:
B. What procedures are in place to identify and incorporate design criteria mandated by the Architectural Barriers Act of 1968 to ensure pedestrian and other facilities meet minimum accessibility standards?
Describe:
III. Documentation
A. Has the level of participation of minorities and low-income persons at public meetings been documented? YES/NO
Provide documentation and comment:
B. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?
List:
C. Is there record of a Special Area of Emphasis Internal audit conducted in the past 12 months (due on September 1st) ? YES/NO
D. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) YES/NO
IV. Consultant Contracts
A. Is DBE participation monitored and reported to the Department's DBE Liaison Officer for all consultant contracts? YES/NO
Comments:
B. What actions have been taken to identify sub-contracting/consulting opportunities and solicit interest, bids, and quotes from DBEs? Are all contracting opportunities communicated to the DBE Liaison Officer? YES/NO
Describe:
Date/Name/Signature of Reviewer:
Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records This form must be maintained for a period of three years.

INTERNAL/EXTERNAL REVIEW COMPLIANCE CHECKLIST
(Municipal Programs/LPA/Community Assistance)

I. Communication of Federal Contract Requirements

A. What process is undertaken to ensure that the (OFC) is informed of municipally managed bid/contract schedules (to ensure contract review and project monitoring)?

Describe (provide samples of correspondence if appropriate):

B. Has the Title VI Coordinator reviewed the current language used in all municipal agreements?

Describe (provide specific examples):

C. How are Federal contract EEO requirements communicated to municipalities/sub-recipients and monitored for compliance?

Describe:

D. What efforts have been undertaken to train municipal managers of State and Federal compliance requirements?

Describe (Attach training/meeting agendas):

II. ADAAG/ADA Title II Compliance

A. What procedures are in place to identify and incorporate design criteria mandated by the Architectural Barriers Act of 1968 to ensure pedestrian and other facilities meet minimum ADAAG accessibility standards?

Describe:

III. Documentation

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?

List:

B. Is there record of a Special Area of Emphasis Internal audit conducted in the past 12 months (due on September 1st) ? YES/NO

C. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) YES/NO

D. Are pre-Federal-assistance reviews conducted before municipal agreements are approved? YES/NO

List reviews conducted this year:

IV. Contracts

A. What procedures are in place to encourage and monitor DBE participation in municipal agreements?

Describe:

B. Is there a process in place whereby the DBE Liaison Officer monitors the municipal bid/selection process so that contracting opportunities are publicized to DBEs in a timely manner? YES/NO

Describe:

Date/Name/Signature of Reviewer:

Routing Instructions: One copy retained by Title VI Coordinator; 1 copy to Title VI Liaison, recipient provided w/ written determination.
This form must be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Right of Way)

I. Public Involvement

A. What outreach efforts have been conducted to advise property owners, tenants and others of their rights and options regarding negotiation, relocation, etc.?

Describe:

B. Do letters and notices include appropriate Title VI language (See page 9)?

YES/NO

C. What special efforts (outreach) have been made to contact and encourage participation of minorities and low-income persons communities at public hearings?

Describe (provide specific examples):

II. Preventing Discrimination

What procedures are in place to ensure that property values and communications associated with appraisal and negotiation operations do not have a disparate impact on minority or low-income populations?

Describe:

III. Documentation

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?

List:

B. Is there record of an Internal audit conducted in the past 12 months (due on September 1st) ? YES/NO

C. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) YES/NO

D. Has the level of participation of minorities and low-income persons at hearings been documented? YES/NO

Provide documentation and comments:

E. Is statistical data maintained concerning the race, color, national origin, age, income and disability status of relocatees, or otherwise impacted residents?

Provide documentation:

IV. Consultant Contracts, Deeds, Permits

A. What procedures are in place to identify and encourage participation of DBE appraisers?

Describe:

B. What actions have been taken to identify available/prospective DBEs to perform sub-contract work such as personal services contracts, real estate negotiation, relocation, and property management?

Describe:

C. Do all deeds, permits and leases include appropriate Title VI clauses (Appendices B and C of Standard Title VI Assurances)? YES/NO

Date/Name/Signature of Reviewer:

Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records
This form must be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Environment)

I. Public information

A. Is information regarding project impacts and mitigation measures provided at public meetings/hearings? YES/NO

B. Does any written information provided include appropriate Title VI language? YES/NO

II. Identification of SEE (social, environmental, economic) Impacts

A. To what extent is statistical data regarding minority and low-income populations used to identify the potential for disproportionate impacts? YES/NO

Describe:

B. What procedures are in place to identify impacts such as: access to services/facilities; disruption of community cohesion; disruption of people, businesses, and farms; changes in tax base and property values; traffic; noise; necessity for relocation; diminished quality of water, air, or natural environment?

Describe:

III. Documentation

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums, demographic data), training, and other activities?

List:

B. How is NEPA documentation maintained for Class I and Class III environmental assessments and analysis?

C. How are records maintained that reflect the identification of and implementation of mitigation measures? YES/NO

D. Is there record of an audit conducted in the past 12 months (due on September 1st) ? YES/NO

E. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) ? YES/NO

IV. Consultant Contracts

A. What actions have been taken to identify sub-contracting/consulting opportunities and solicit interest, bids, and quotes from DBEs? Are all contracting opportunities communicated to the DBE Liaison Officer? YES/NO

Describe:

Date/Name/Signature of Reviewer:

Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records
This form must be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Construction)

I. Addressing Disproportionate Impact

A. What measures are in place to ensure that contract administrators are trained and cognizant of potential Title VI impacts during construction?

Describe:

B. How are mitigation measures implemented to reduce project impact?

Describe:

II. ADAAG / ADA Title II Compliance

A. What procedures are in place to ensure pedestrian and other facilities meet minimum ADAAG accessibility standards? (Specifically, when plans do not address existing natural features that make compliance technically infeasible)

Describe:

III. Documentation

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?

List:

B. Is there record of an internal audit conducted in the past 12 months (due on September 1st) ? YES/NO

C. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) ? YES/NO

Date/Name/Signature of Reviewer:

Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records
This form must be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Traffic)

I. ADAAG and MUTCD Compliance

A. Describe how traffic engineers identify the need for audible and vibro-tactile devices in planned pedestrian crossings? Is statistical data of disabled persons in the impacted area obtained and reviewed? YES/NO

B. How are State-owned systems managed to ensure compliance with the most current MUTCD technical specifications? YES/NO

C. Is a current inventory of installed signals and accessibility features maintained so that a compliance status is readily available? YES/NO

D. Are crosswalk pavement markings and pedestrian signals only installed at crossings that meet ADAAG technical specifications? (e.g. curb ramps with tactile surfaces) YES/NO

E. Do *permitted* crossings meet ADAAG technical specifications? (e.g. curb ramps with tactile surfaces) YES/NO

II. Documentation

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums, demographic data), training, and other activities?

List:

B. Is there record of an internal audit conducted in the past 12 months (due on September 1st) ? YES/NO

C. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) ? YES/NO

III. Consultant Contracts:

A. What actions have been taken to identify sub-contracting/consulting opportunities and solicit interest, bids, and quotes from DBEs? Are all contracting opportunities communicated to the DBE Liaison Officer? YES/NO

Date/Name/Signature of Reviewer:

Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records
This form must be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Materials & Research)

I. Outreach

What efforts have been made to identify and solicit participation from minority colleges and universities (within reasonable proximity)?

Describe:

II. Documentation

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?

List:

B. Is there record of an internal audit conducted in the past 12 months (due on September 1st) ? YES/NO

C. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) ? YES/NO

III. Consultant Contracts:

A. What actions have been taken to identify sub-contracting/consultant opportunities and solicit interest, bids, and quotes from DBEs? Are all contracting opportunities communicated to the DBE Liaison Officer?
YES/NO

Describe: State reasons if not appropriate/applicable.

C. What actions have been taken to ensure nondiscrimination in the consultant selection process?

Describe:

Date/Name/Signature of Reviewer:

Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records
This form must be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Maintenance Districts)

I. Addressing Disproportionate Impact

A. What procedures are in place to ensure that maintenance operations are conducted in a fair and uniform manner? Is the level of service and delivery the same for all segments of the population served?

Describe:

II. ADAAG/ADA Title II Compliance

A. Except for routine maintenance, what procedures are in place to ensure that necessary alterations are incorporated into each project to ensure ADAAG compliance? (E.g. ramps must be installed where pedestrian paths cross curbs; this standard applies where milling is part of a resurfacing project).

Describe:

II. Documentation

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?

List:

B. Is there record of an internal audit conducted in the past 12 months (due on September 1st) ? YES/NO

C. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) ? YES/NO

Date/Name/Signature of Reviewer:

Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records
This form must be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Rail and Transit)

1. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?

List:

2. Is there record of an internal audit conducted in the past 12 months (due on September 1st) ? YES/NO

3. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) ? YES/NO

4. How are records maintained for all funding requests under the 5310 and 5311 grant programs?

Describe:

5. Is data collected and reported in accordance with Chapter 3 of UMTA (FTA) Circular 4702.1?
Lawsuits (2.a.)
Pending applications for Federal assistance (2,b.)
Compliance review activities (2.c.)
Assurances (2.d.)
List of all grant applicants and selection process (3.c.)

6. How are grantees monitored to ensure procedures are in place to determine the level and quality of service provided to minority communities against overall system averages?

Describe:

7. Do all letters and public notices contain appropriate Title VI language? YES/NO

8. What efforts have been made to identify available/prospective DBE consultants?

Describe:

Date/Name/Signature of Reviewer:

Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records
This form must be maintained for a period of three years.

COMPLIANCE CHECKLIST
(Aeronautics)

I. Public Involvement

A. Where appropriate, what efforts have been made to identify and solicit participation from minority and low-income communities in the aviation planning process?

Describe:

B. Do all public notices and letters include appropriate Title VI language? YES/NO

C. What efforts have been made to document the level of participation of minorities, low-income, and disabled persons at public information meetings?

Provide documentation and comments:

II. Documentation

A. What documentation is maintained reflecting Title VI related correspondence (email, notes, memorandums), training, and other activities?

List:

B. Is there record of an internal audit conducted in the past 12 months (due on September 1st) ? YES/NO

C. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator within the past 12 months (due on September 1st) ? YES/NO

III. DBE Participation:

What actions have been taken to identify available/prospective DBEs to perform related sub-contract work?

Describe:

Date/Name/Signature of Reviewer:

Routing Instructions: Submit 1 copy to the Title VI Coordinator and retain 1 copy for records
This form must be maintained for a period of three years.

Appendix 5

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

TITLE VI COMPLAINT LOG

Date Complaint Filed	Date OFC Received Complaint	Complainant's Name/contact Information	Complainant's Race/color/sex/National Origin/Age/Disability	Basis of Complaint	Date(s)of Alleged Act	Date forwarded to Division Office	Investigation Completed & Disposition

Appendix 6

Subrecipient Title VI/Nondiscrimination Compliance Assessment Tool

23 Code of Federal Regulations (CFR) Part 200 requires that the New Hampshire Department of Transportation (NHDOT) conduct periodic reviews of cities, towns, counties, planning agencies and other recipients of federal-aid highway funds to ensure they are complying with Title VI of the Civil Rights Act of 1964. Title VI states that "no person in the United States shall be excluded from participation, denied the benefits of, or be subjected to discrimination in any Federally-funded program, policy or activity on the basis of race, color or national origin."

NHDOT has developed this assessment as a means of determining subrecipient compliance; helping subrecipients understand their Title VI responsibilities; and assisting NHDOT in planning future training and technical assistance.

This assessment is part of NHDOT's Quality Assurance Review (QAR) process and has been designed to take only a few minutes of your time. Please fax or mail the completed questionnaire with attachments, to Jay Ankenbrock, Title VI Coordinator, by no later than _____. NHDOT, PO Box 483, Concord, NH 03302. FAX 603-271-8048.

Questions or concerns may be e-mailed to Jankenbrock@dot.state.nh.us or you may reach Mr. Ankenbrock by phone at 603-271-2467.

Baseline Questionnaire

1. Who is the Title VI contact person for your agency? Does this person accept complaints from the public? If not, who does? Please include title, email and telephone number for each person listed.

2. In the past three years, has your agency been named in a discrimination complaint or lawsuit? If so, when and what was the nature of the complaint or lawsuit and the outcome?

3. Does your agency have a written discrimination complaint process? If so, please provide a copy as an attachment.

4. Has your agency made the public aware of the right to file a complaint? If so, by what mechanism? Provide as attachment.

5. Does your agency provide free translation services for persons with Limited English Proficiency (LEP)? Explain.

6. In the past twelve months, what has your agency done to receive and consider input from all citizen groups, especially minority, low income, disabled and transit-dependent? Provide attachment, if applicable

7. Does your agency have a method to collect racial and ethnic data on citizens impacted by your projects? If so, please describe.

8. Has your agency provided written Title VI Assurances to NHDOT? Please attach a copy.

9. Does your agency include the required DBE assurance language at 49 CFR 26.13 (a) and (b) verbatim in all federal-aid financial agreements, contracts and subcontracts? *(Please see DBE assurance language below)*

§ 26.13 What assurances must recipients and contractors make?

(a) Each financial assistance agreement you sign with a DOT operating administration (or a primary recipient) must include the following assurance: The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26

and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*). (b) Each contract you sign with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

10. Name of your Agency:

11. Number of full-time and part-time employees:

12. Do you have any questions regarding this assessment or Title VI? Please include them here along with your email address or phone number and the NHDOT Title VI Coordinator will respond.

13. Would your agency like Title VI training or other Civil Rights technical assistance from NHDOT? If yes, please explain.

14. Please provide the Name, Title and contact information of the person who completed this baseline assessment.

15. Please list each attachment provided with the assessment.

Thank You for your assistance!

Appendix 7

Title VI/Nondiscrimination Technical Assistance Guide for Subrecipients of Federal Highway Administration Funding

New Hampshire

DOT

Department of Transportation

Title VI/Nondiscrimination

Technical Assistance Guide for Subrecipients of Federal Highway Administration Funding

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Introduction

"The New Hampshire Department of Transportation (NHDOT), as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities."

Recipients of Federal financial assistance are required to comply with various nondiscrimination laws and regulations. 23 Code of Federal Regulations (CFR) 200.5(n) defines "*recipient*" as any entity or individual to whom Federal assistance is extended, either directly or indirectly through another recipient, for any program. The term "*subrecipient*" in this document is used to identify a recipient that indirectly receives Federal assistance from NHDOT, a direct recipient.

Subrecipients include, but are not limited to, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds. In accordance with 23 CFR 200.9(b)(7), NHDOT is required to conduct Title VI reviews of its subrecipients to effectively monitor compliance with Title VI/Nondiscrimination requirements. NHDOT's Office of Federal Compliance (OFC) has developed this guide as a resource to assist subrecipients understand and comply with the requirements of Title VI and related nondiscrimination laws and regulations and to help prepare for a Title VI review.

This guide is a framework upon which subrecipients may build its Title VI program. This guide does not establish any new legal requirements, nor is it a comprehensive listing of all aspects of the Title VI requirements and the OFC's compliance review process. Rather, the purpose of this guide is to familiarize subrecipients with the Title VI review process and to highlight some recommendations that OFC strongly encourages subrecipients incorporate into their Title VI program. Following the recommendations in this guide will not ensure compliance with all aspects of Title VI, but should both improve a subrecipient's ability to comply with certain aspects of the Title VI/Nondiscrimination requirements and facilitate the OFC's Title VI review.

Note also that this guide does not cover every situation and compliance determinations are made on a case-by-case basis. For additional information or assistance, contact the OFC at (603) 271-2467.

Nondiscrimination Laws and Executive Orders

NHDOT's Title VI practices and reviews are governed by a wide range of requirements, including federal laws, regulations, and executive orders. Title VI requirements include, but are not limited to:

- **Title VI of the Civil Rights Act of 1964** is a federal law that protects individuals, groups and organizations from discrimination on the basis of race, color or national origin in federally assisted programs and activities. Since other nondiscrimination authorities have expanded the scope and range of Title VI application and reach, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.
- **The 1970 Uniform Act** (42 U.S.C. 4601) prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.
- **Section 162(a) of the Federal-Aid Highway Act of 1973** (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).
- **Section 504 of the Rehabilitation Act of 1973** prohibits discrimination based on a handicap/disability.
- **The Age Discrimination Act of 1975** (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination based on age.
- **The Civil Rights Restoration Act of 1987**, P.L. 100-209 further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.
- **23 CFR Part 200**, the Federal Highway Administration's Title VI Program Implementation and Review Procedures.
- **49 CFR Part 21**, the U.S. Department of Transportation's Implementing Regulations of Title VI of the Civil Rights Act of 1964.
- **Executive Order 12898,** *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.
- **Executive Order 13166,** *Improving Access to Services for Persons with Limited English Proficiency*, addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

NHDOT's Title VI Program

NHDOT's Title VI program has been established in accordance with federal rules under 49 CFR Part 21 and 23 CFR Part 200, and falls within the scope of responsibilities of the Office of Federal Compliance (OFC). The OFC is able to conduct its business effectively through the collaborative efforts of the Title VI Coordinator, and program emphasis area personnel in NHDOT's Bureaus.

The OFC Chief of Labor Compliance serves as NHDOT's Title VI/Nondiscrimination Coordinator and is responsible for the overall implementation of the Title VI program. The OFC is responsible for administering the Title VI program and works with the Federal Highway Administration's (FHWA) Civil Rights Specialist to assist and support NHDOT's Title VI Program by:

- Providing technical assistance to program personnel and subrecipients;
- Assisting program personnel and subrecipients to correct discriminatory practices or policies and advise the Title VI/Nondiscrimination Coordinator of Title VI issues;
- Reviewing documents as needed for compliance with Title VI to ensure that procedures used have safeguards to prevent discrimination;
- Conducting Title VI compliance reviews of program emphasis areas and subrecipients;
- Developing Title VI training material and conducting training sessions and workshops;
- Developing Title VI information for dissemination to the public and, where appropriate, in languages other than English; and
- Processing Title VI external complaints of discrimination in accordance with the Federal Highway Administration's procedures for processing external complaints of discrimination.

Title VI Compliance Review Process

NHDOT's OFC conducts compliance reviews of subrecipients to:

1. Ensure compliance with Title VI
2. Provide technical assistance in the implementation of the Title VI program
3. Correct deficiencies, when found to exist

Notification

The OFC will notify subrecipients of upcoming Title VI reviews by correspondence. An itemized listing will accompany the notification letter and will inform the subrecipient of the information and documents needed by the OFC.

Itemized Listing and Response to the Office of Civil Rights

Subrecipients have 30 days from receipt of the initial notification to return documents and information to OFC in response to the itemized listing.

Desk Audit

The OFC Title VI Specialist will review the documents and information submitted by the subrecipient during a desk audit. The OFC Title VI Coordinator will prepare a report of findings, which may include recommendations to strengthen the subrecipient's Title VI program.

On-site Review

The findings made during the desk audit generally determine whether an on-site review will be necessary. If an on-site review is necessary, the subrecipient will be notified.

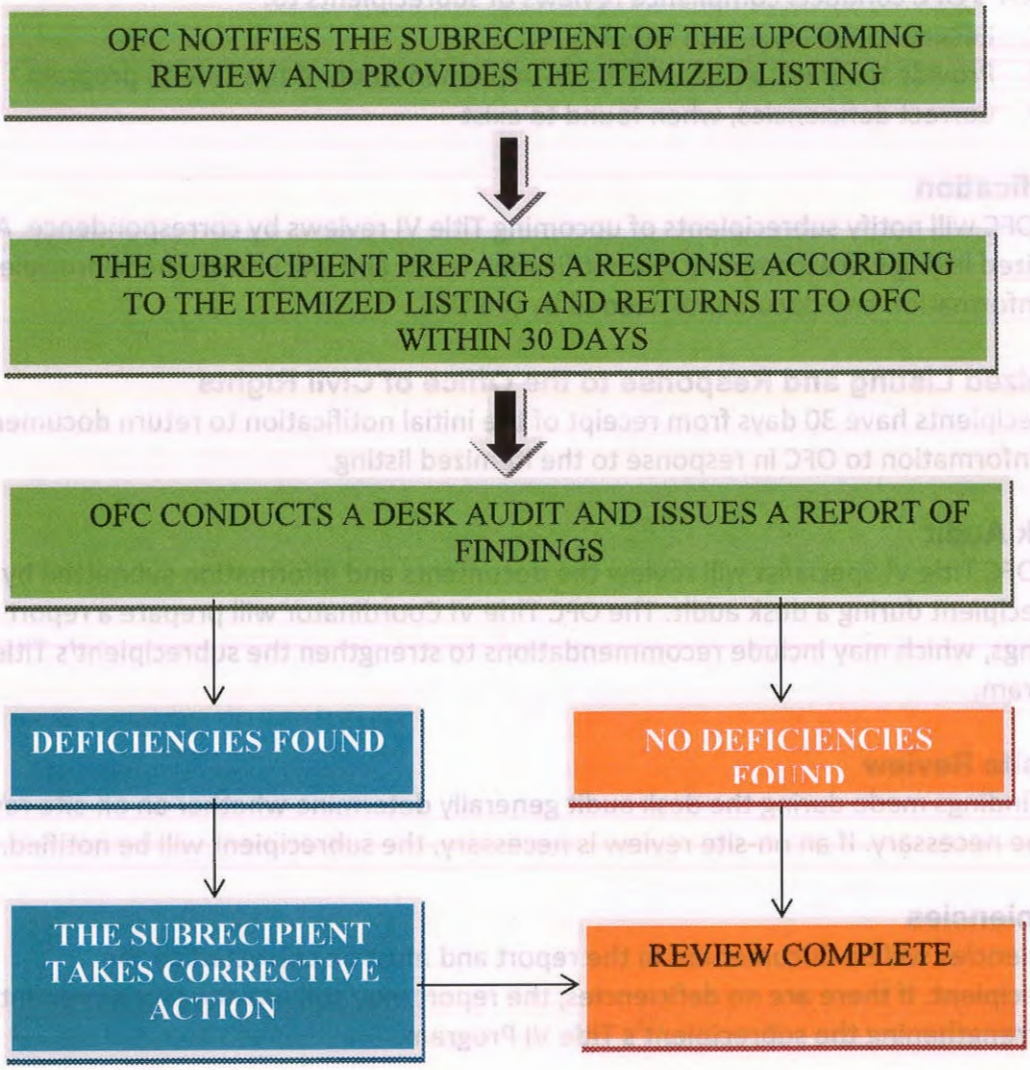
Deficiencies

Deficiencies will be documented in the report and must be corrected by the subrecipient. If there are no deficiencies, the report may still provide recommendations for strengthening the subrecipient's Title VI Program.

Follow-up Monitoring

OFC will determine if additional monitoring is needed to obtain a compliant status and ensure ongoing compliance with Title VI/Nondiscrimination requirements.

Title VI Compliance Review Process Flow Chart



Title VI Requirements

As recipients of Federal financial assistance, subrecipients are required to ensure their programs, policies, and activities comply with Title VI/Nondiscrimination requirements. Documentation is a critical element of the compliance monitoring process. It is relied upon to provide evidence, proof, and support of historical facts during monitoring and compliance review activities. It is recommended that policy decisions, procedures, analysis, actions, and outcomes be routinely documented. To ensure compliance with Title VI, subrecipients must implement a system of procedures and actions prohibiting discrimination, including:

1. Developing a Title VI/Nondiscrimination Policy Statement
2. Developing Title VI/Nondiscrimination Assurances
3. Appointing a Title VI/Nondiscrimination Coordinator
4. Developing a Title VI/Nondiscrimination Plan
5. Developing procedures for processing external discrimination complaints
6. Maintaining a list of external discrimination complaints and lawsuits
7. Providing accommodations for Limited English Proficient Persons
8. Addressing Environmental Justice in minority populations and low-income populations
9. Ensuring nondiscrimination in the public participation process
10. Collecting and analyzing data to ensure nondiscrimination in programs and activities
11. Ensuring that solicitations for bid/requests for proposals contain the Title VI/Nondiscrimination Assurance paragraph
12. Ensuring subcontracts contain the appropriate contract provisions and language from the Title VI Assurances
13. Ensuring nondiscrimination in the award of contracts
14. Developing a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report

TITLE VI REQUIREMENT #1

Title VI/Nondiscrimination Policy Statement

Develop a Title VI Nondiscrimination Policy Statement assuring nondiscrimination in the agency's programs and activities

Recommendations:

- Issue a policy statement, signed by the head of the agency, which expresses the agency's commitment to the nondiscrimination provisions of Title VI:

  That no person shall on the grounds or race, color, national origin, sex, age, and handicap/disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally funded or not

- Circulate the policy statement internally and to the general public

- Where appropriate, publish in languages other than English

Note: A sample Nondiscrimination Statement is located at Attachment 1.

TITLE VI REQUIREMENT #2

Title VI/Nondiscrimination Assurances

Have a signed assurance to establish full and affirmative compliance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities.

Recommendations:

- Ensure the U.S. DOT Standard Title VI Assurances is signed by the head of the agency
- The head of the agency should re-sign the U.S. DOT Standard Title VI Assurances every three years or within 30 days of the accession of a new head of the agency
- Ensure annual certification and assurances for the Federal Transit Administration
- Contractors, consultants, and suppliers are not required to sign the U.S. DOT Standard
- Title VI Assurances

Note: The U.S. DOT Standard Title VI Assurances template is located at Attachment 2.

TITLE VI REQUIREMENT #3

Title VI/Nondiscrimination Coordinator

Designate a Title VI Coordinator who has a responsible position in the organization and has easy access to the head of the agency. The Title VI Coordinator should be responsible for monitoring Title VI activities.

Recommendations:

- Organizational chart or other literature should identify the Title VI Coordinator
- The Title VI Coordinator's responsibilities should include:
  - Assisting program personnel to correct Title VI problems or discriminatory practices or policies found through self-monitoring and review activities
  - Being the focal point for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance
  - Ensuring that Title VI requirements are included in policy directives and that the procedures used have built in safeguards to prevent discrimination
  - Implementation of procedures for the prompt processing of Title VI external discrimination complaints
  - Attendance at training on Title VI and other nondiscrimination authorities
  - Efforts to coordinate the development and implementation of a Title VI and related statutes training program
  - Developing Title VI information for public dissemination, and where appropriate, in languages other than English
- Maintain meeting agendas/minutes demonstrating that civil rights requirements are being addressed by the Title VI Coordinator
- Contractors, consultants, and suppliers are not required to identify a Title VI Program Coordinator

Note: The important consideration is the individual's duties, not his or her title per se.

TITLE VI REQUIREMENT #4

Title VI/Nondiscrimination Plan

Develop a Title VI/Nondiscrimination Plan that communicates how the agency implements the Title VI/Nondiscrimination requirements (including Environmental Justice and Limited English Proficiency).

Recommendations:

- Adopt NHDOT's Title VI/Nondiscrimination Plan to use as a template
- The Title VI/Nondiscrimination Plan should contain procedures, strategies, and activities to facilitate and assure nondiscrimination in federally assisted programs and activities of the agency
- Include mechanisms to guarantee effective and efficient implementation, compliance, and enforcement of Title VI
- Include maps of Environmental Justice (EJ) and Limited English Proficient (LEP) populations (based upon the most recent Census data)
- Contractors, consultants, and suppliers are not required to submit a Title VI Program Plan

Note: NHDOT's Title VI/Nondiscrimination Plan can be found at:
Add link when program has been signed and approved.

TITLE VI REQUIREMENT #5

Processing External Discrimination Complaints

Develop procedures for prompt processing and disposition of external discrimination complaints.

Recommendations:

- Ensure complaints are investigated by personnel trained in compliance investigations
- External discrimination complaints filed under Title VI with the subrecipient in which the subrecipient or its lower tier subrecipient is named as the respondent must be forwarded to NHDOT for investigation within 10 calendar days
- Develop an external discrimination complaint form
- Distribute written discrimination complaint handling procedures to agency personnel
- Make the public aware of the procedures for filing a discrimination complaint, such as making the information available on the agency's Web site or in a brochure

TITLE VI REQUIREMENT #6

List of External Discrimination Complaints and Lawsuits

Maintain a log of any external discrimination complaints or lawsuits filed.

Recommendations:

- Maintain a complaint log, to include any complaints or lawsuits filed against the agency, that identifies:

  1. Each complainant by race, color, sex, or national origin
  2. The recipient
  3. The nature of the complaint
  4. The dates the complaint was filed and the investigation completed
  5. The disposition
  6. The date of the disposition
  7. Other pertinent information
  8. The status of the complaint investigation or lawsuit
  9. Corrective actions taken, if any

- Maintain all correspondence related to the complaint

TITLE VI REQUIREMENT #7

Accommodations for Limited English Proficient Persons

Ensure meaningful access to the benefits, services, information, and other important portions of an agency's programs and activities for individuals who are Limited English Proficient (LEP).

Recommendations:

- Develop an agency Language Assistance Plan that establishes guidelines in accordance with Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*
- Identify LEP populations affected by a project using the most recent Census data
- Conduct a language needs assessments or consider the following factors:

    1. The number or proportion of LEP persons in the eligible service population
    2. The frequency with which LEP individuals come in contact with the agency's programs or activities
    3. The nature of the importance of the program, activity, or services provided by the agency
    4. The resources available to the agency and the costs

- Translate written materials routinely provided in English in regularly encountered languages other than English, particularly vital documents if it contains information that is critical for obtaining services and/or benefits or is required by law
- Develop methods to provide oral interpretation either in person or via telephone interpretation services, and the procedures used by staff to access those services
- Attend training that focuses on helping staff better communicate with LEP persons
- If necessary, post notices detailing the agency's Title VI obligations and complaint procedures that have been translated into languages other than English
- Notify LEP customers of the availability of language services
- Maintain a list of bilingual staff and the languages they interpret or translate
- If necessary, translate the agency's external Web site
- Continually monitor and evaluate efforts to provide language access

TITLE VI REQUIREMENT #8

Environmental Justice

Each agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

Recommendations:

- Integrate the requirements of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, into the agency's programs, policies, and activities
- Identify minority and low-income populations affected by a project using the most recent Census data and the definition of low-income as established by the U.S. Department of Health & Human Services
- Develop public participation procedures to ensure the participation of the identified minority and low-income populations located within the limits of a proposed project
- Notify affected protected group residents of public meetings or hearings regarding a proposed project, and make meetings and hearings accessible
- Disseminate to the public their rights to call or write the agency to view plans and discuss environmental problems
- Ensure that LEP individuals who will be affected receive meaningful access into the public awareness/involvement process
- Ensure and monitor compliance with Title VI requirements in all aspects of the environmental process and environmental documentation

TITLE VI REQUIREMENT #9

Public Participation

Provide an opportunity for public involvement and full access to the transportation decision making process in each stage of the planning and development of a transportation project to all segments of the population, including minority or low-income communities and populations who are not proficient in English.

Recommendations:

- Develop an agency Public Participation Plan
  - Include maps of the identified EJ and LEP populations (based upon the most recent Census data)
  - The Title VI/Nondiscrimination Coordinator should actively participate in the development/update efforts and should be included in the approval process
  - The Title VI/Nondiscrimination Coordinator should monitor how the agency implements the plan
- Public involvement/participation procedures should detail how the agency notifies the public regarding:
  - The development of transportation plans and Improvement Programs and how it solicits and addresses the public's comments in the final documents
  - Public hearings and public meetings and how it collects and addresses the public's comments
- Conduct early and continuous public involvement
- Provide timely information
- Document efforts to utilize demographic data or knowledge of the community to perform outreach to specific populations
- Seek out and consider the needs of minority, low-income, or other non-traditional stakeholders
- Maintain a stakeholders list with contact information for organizations and individuals
- Periodically review and evaluate the public participation processes/procedures
- Ensure the processes/procedures are compliant with the Title VI/Nondiscrimination requirements (including EJ and LEP)

TITLE VI REQUIREMENT #10

Data Collection and Analysis

Develop procedures for the collection of statistical data (race, color, national origin, sex, disability, and age) of participants in and beneficiaries of an agency's programs (e.g., relocatees, impacted citizens and affected communities).

Recommendations:

- Collect and analyze data to ensure that transportation programs, services, facilities, and projects effectively meets the needs of "all persons" without discrimination
- Data such as demographic maps, the racial composition of affected neighborhoods, or census data, may be necessary or appropriate
- Develop forms, surveys, and other data collection methods designed to obtain a description of community boundaries, racial/ethnic make-up, income levels, tax base, or access to community services, schools, hospitals, shopping, or public safety
- Engage and track historically under represented public populations and businesses in the planning, project development, and maintenance processes, for example:
    - Use demographic information and other tools for Title VI and environmental justice compliance with regard to future mobility projects
    - Obtain demographic data on public meeting participants
    - Send correspondence to community leaders, community-based organizations, or local data-collecting agencies requesting their assistance in identifying the demographics of the population affected by the agency's programs and activities

TITLE VI REQUIREMENT #11

Solicitation for Bid/Request for Proposal

Include the Title VI/Nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances in all solicitations for bid or Requests for Proposals.

Recommendations:

- Solicitations for bid/Requests For Proposals must include the following nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances:

  "The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 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, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
- Develop procedures to ensure and monitor that solicitations for bid/Requests for Proposals include the nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances

Note: The U.S. DOT Standard Title VI Assurances template is located at Attachment 2.

TITLE VI REQUIREMENT #12

Title VI Contract Provisions

Include the appropriate special provision and Title VI language in all contracts.

Recommendations:

- Develop procedures to ensure and monitor:
  - The clauses of Appendix A from the U.S. DOT Standard Title VI Assurances are inserted in every contract subject to the Act and the Regulations
  - A copy of Form FHWA-1273, "Required Contract Provisions Federal-Aid *Construction* Contracts," which ensures nondiscrimination in the selection of employees and subcontractors, is physically attached to all federal-aid construction contracts of $10,000 or more
- The subrecipient is responsible for ensuring its subrecipients insert this information in all its subcontracts, regardless of tier
  - Develop procedures to ensure and monitor this is being done

Note: The U.S. DOT Standard Title VI Assurances template is located at Attachment 2 and Form FHWA-1273 is located at Attachment 4.

TITLE VI REQUIREMENT #13

Affirmative Action Program

Ensure nondiscrimination in the award of contracts in connection with projects receiving federal financial assistance.

Recommendations:

- Participate in NHDOT's Disadvantaged Business Enterprise (DBE) Program
- Provide technical assistance to your DBEs on Title VI compliance matters
- Participate in outreach forums through public and private organizations to increase small business participation in federal aid contracts
- Develop methods to distribute information related to the agency's procurement opportunities through various media outlets to provide all bidders with access to contracting information and opportunities
- Ensure that the bidding and contract award procedures are consistent with the nondiscrimination and affirmative action requirements of Title VI
- Periodically review outreach activities to ensure small, disadvantaged, minority, and women-owned businesses are invited to participate

TITLE VI REQUIREMENT #14

Annual Reporting

Develop a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report that documents how the agency is effectively implementing its Title VI/Nondiscrimination Program.

Recommendations:

- Adopt NHDOT's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report to use as a template
- The Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report should provide an overview of an agency's current policies, procedures, and practices to ensure nondiscrimination
- Self-monitor programs to track, regulate, and observe their processes to ensure compliance with Title VI and maintain a record of how compliance with Title VI/Nondiscrimination requirements is maintained
- Contractors, consultants, and suppliers are not required to submit an annual Title VI/Nondiscrimination Accomplishment Report

Resources

Training Resources

Fundamentals of Title VI/Environmental Justice
Presents a framework for using a variety of approaches and tools for accomplishing environmental justice goals in Federal-aid programs and other transportation projects.
National Highway Institute (NHI)
http://www.nhi.fhwa.dot.gov/default.aspx

Preventing Discrimination in the Federal-Aid Program
Participants learn how to apply Title VI, as well as how to integrate law and regulation implementation in each Federal-aid highway project from an interdisciplinary approach.
FHWA Resource Center
http://www.fhwa.dot.gov/resourcecenter/teams/civilrights/index.cfm

Procedures Manual for Processing External Complaints of Discrimination
This manual outlines the Federal Highway Administration's (FHWA) procedures for processing external complaints of discrimination filed under Title VI of the Civil Rights Act of 1964 (and related statutes as identified in Section 1-2) and Title II of the Americans with Disabilities Act of 1990 and/or Section 504 of the Rehabilitation Act of 1973. The procedures are designed to provide due process for complainants and respondents.
http://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm#sec11

Publications

External Discrimination Complaint Form
NHDOT Civil Rights Form
http://www.nh.gov/dot/org/administration/ofc/about.htm#titlevi

Title VI Nondiscrimination in the Federal-Aid Highway Program
FHWA Title VI Handbook and FHWA Title VI Desk Reference

Title VI and Title VI-Dependent Guidelines for FTA Recipients, Circular 4702.1A
Federal Transit Administration
http://www.fta.dot.gov/legislation_law/12349_5956.html

Attachments

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Attachment 1

Draft Nondiscrimination Policy Statement

The < Name of agency > as a recipient of Federal financial assistance and under Title VE of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, national origin, sex, age or disability, be excluded from participating in, be denied the benefits of, or otherwise be subjected to discrimination under any agency program or activity.

DATED _____

by _____
<Name and Title of Authorized Official>
<Name of Agency>

The United States Department of Transportation (USDOT)

FHWA STANDARD TITLE VI/NONDISCRIMINATION ASSURANCES

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

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

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

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

DATED _____

by _____
<Name and Title of Authorized Official>
<Name of Agency>

Appendices A, and C, D, and E

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration**, to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**,, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration**, may determine to be appropriate, including, but not limited to:

   a. withholding payments to the contractor under the contract until the contractor complies; and/or
   b. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration**, may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

(APPENDIX C TO FHWA TITLE VI ASSURANCE)
FEDERAL HIGHWAY ADMINISTRATION ASSISTED PROGRAMS

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

The (grantee, licensee, lessee, permitee, 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 [in the case of deeds and leases add "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 (deed, license, lease, permit, etc.) 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, permitee, etc.) 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, *(Recipient)* shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, *(Recipient)* 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 *(Recipient)* and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *(Recipient)* pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permitee, 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 (in case of deeds, and leases add "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, or national origin 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, permitee, etc.) 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, *(Recipient)* shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, *(Recipient)* 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 *(Recipient)* 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.

APPENDIX D

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

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

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discriminations, (3) that the (grantee, licensees, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, (***The (Recipient)***) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, (***The (Recipient)***) will there upon revert to and vest in and become the absolute property of (***The (Recipient)***) and its assigns.*

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

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

Attachment 3

NHDOT's Title VI/Nondiscrimination Plan Development Guide

This report is intended to communicate how the agency implements the Title VI/Nondiscrimination requirements (including Environmental Justice and Limited English Proficiency). At a minimum, the Title VI/Nondiscrimination Plan contains the following sections:

- ✓ Introduction, Policy Statement (Delegation of Authority and Responsibility), and FHWA Assurances For Title VI And Other Nondiscrimination Statutes And Regulations;
- ✓ Organization/Staff Responsibilities;
- ✓ Complaint Disposition Procedures;
- ✓ Process To Identify/Eliminate Discrimination;
- ✓ Process To Resolve Deficiencies Identified by FHWA;
- ✓ Internal Monitoring Program: Includes Data Collection/Data Analysis/Data Reporting and Federal Program Areas Process Reviews Procedures;
- ✓ External Monitoring Program: Monitoring of Subrecipients;
- ✓ Public Participation Plan (Includes How The Title VI/Nondiscrimination Plan relates to the Public Participation Plan);
- ✓ Title VI/Nondiscrimination-Related Training Component: Internal and External;
- ✓ Environmental Justice (EJ) Plan/Process;
- ✓ Language Access Plan (Limited English Proficiency);
- ✓ Implementation Plan (if appropriate, i.e., when a new Title VI/Nondiscrimination Plan has been developed);
- ✓ External Communication – Notification To Beneficiaries;
- ✓ Reporting to FHWA (Annual Work Plan & Accomplishment Report, includes Goals & Accomplishments); and
- ✓ Attachments: May include example of the Complaint Log, Title VI/Nondiscrimination Brochure, etc.

Attachment 4

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS

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

ATTACHMENTS

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

I. GENERAL

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

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

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

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

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

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

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

II. NONDISCRIMINATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

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

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

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

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities

and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

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

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

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

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

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

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

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

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

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

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

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

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

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

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

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

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

III. NONSEGREGATED FACILITIES

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

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

IV. Davis-Bacon and Related Act Provisions

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

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

1. Minimum wages

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

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

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

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

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

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

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

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

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

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

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

2. Withholding

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

after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

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

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

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

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

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

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

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

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

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

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

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

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio

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

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

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

b. Trainees (programs of the USDOL).

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

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

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

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

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

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

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

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

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

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

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

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

10. Certification of eligibility.

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

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

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

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

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

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

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

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

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

VI. SUBLETTING OR ASSIGNING THE CONTRACT

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

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

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

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

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

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

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

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the

fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

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

VII. SAFETY: ACCIDENT PREVENTION

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

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

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

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

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

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

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

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

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

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

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

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

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

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

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

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.
2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

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

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

1. Instructions for Certification – First Tier Participants:

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

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

2. Instructions for Certification - Lower Tier Participants:

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

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

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

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

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

who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

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

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

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

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

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

* * * * *

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

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

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

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 8
NEW HAMPSHIRE REGIONAL PLANNING COMMISSIONS 2016

1.	NORTH COUNTRY COUNCIL	Christine Frost, Executive Director Mt Eustis Commons 262 Cottage Street, Suite 246 Littleton, NH 03561 **Tel:** 444-6303 **Fax:** 444-7588 e-mail: cfrost@nccouncil.org
2.	LAKES REGION PLANNING COMMISSION	Jeff Hayes, Executive Director Humiston Building 103 Main Street, Suite 3 Meredith, NH 03253-9287 **Tel:** 279-8171 **Fax:** 279-0200 e-mail: jhayes@lakesrpc.org
3.	UPPER VALLEY-LAKE SUNAPEE REGIONAL PLANNING COMMISSION	Nate Miller, Executive Director 10 Water Street Lebanon, NH 03766 **Tel:** 448-1680 **Fax:** 448-0170 e-mail: nmiller@uvlsrpc.org
4.	SOUTHWEST REGION PLANNING COMMISSION	Timothy Murphy, Executive Director 37 Ashuelot Street Keene, NH 03431 **Tel:** 357-0557 **Fax:** 357-7440 e-mail: tmurphy@swrpc.org
5A.	CENTRAL NH REGIONAL PLANNING COMMISSION	Mike Tardiff, Executive Director 28 Commercial Street Concord, NH 03301 **Tel:** 226-6020 **Fax:** 226-6023 e-mail: mtardiff@cnhrpc.org
5B.	SOUTHERN NH PLANNING COMMISSION	David Preece, Executive Director 438 Dubuque Street Manchester, NH 03102-3546 **Tel:** 669-4664 **Fax:** 669-4350 e-mail: Dpreece@snhpc.org
5C.	NASHUA REGIONAL PLANNING COMMISSION	Tim Roache, Executive Director 9 Executive Park Drive, Suite 201 Merrimack, NH 03054 **Tel:** 424-2240 **Fax:** 424-2230 e-mail: timr@nashuarpc.org
6.	ROCKINGHAM PLANNING COMMISSION	Cliff Sinnott, Executive Director 156 Water Street Exeter, NH 03833 **Tel:** 778-0885 **Fax:** 778-9183 e-mail: csinnott@rpc-nh.org
7.	STRAFFORD REGIONAL PLANNING COMMISSION	Cynthia Copeland, Executive Director Rochester Community Center 150 Wakefield Street, Suite 12 Rochester, NH 03867 **Tel:** 994-3500 **Fax:** 994-3504 e-mail: srpc@strafford.org

Appendix 9

New Hampshire Census for Poverty, LEP, Minority and Elderly Populations

New Hampshire State/County Census for Poverty, LEP, Minority and Elderly Populations

County	Population for whom poverty status is determined: Total	Income in the past 12 months below poverty level: Total	%	Population for whom LEP status is determined: Total	Population 5 years & over in households in which no one 14 & over speaks English "vey well": Total	%	Populatoin for whom minority status is determined: Total	Non-white alone: Total	%	Population for whom age status is determined: Total	Age 65 and over: Total	%
Belknap County	59,176	5,112	8.64%	57,151	218	0.38%	60,088	2,535	4.22%	60,088	10,057	16.74%
Carroll County	47,235	4,521	9.57%	45,743	15	0.03%	47,818	1,533	3.21%	47,818	9,838	20.57%
Cheshire County	72,555	7,282	10.04%	73,704	252	0.34%	77,117	3,580	4.64%	77,117	11,342	14.71%
Coos County	32,000	3,868	12.09%	31,946	356	1.11%	33,055	1,254	3.79%	33,055	6,399	19.36%
Grafton County	82,377	8,068	9.79%	84,192	603	0.72%	89,118	6,824	7.66%	89,118	13,811	15.50%
Hillsborough County	389,751	28,203	7.24%	374,941	10,792	2.88%	400,721	49,497	12.35%	400,721	47,527	11.86%
Merrimack County	140,135	11,319	8.08%	138,988	1,070	0.77%	146,445	8,397	5.73%	146,445	20,008	13.66%
Rockingham County	292,659	13,849	4.73%	278,376	1,991	0.72%	295,223	17,212	5.83%	295,223	37,424	12.68%
Strafford County	114,962	12,975	11.29%	115,265	1,116	0.97%	123,143	8,933	7.25%	123,143	14,645	11.89%
Sullivan County	43,107	4,330	10.04%	41,336	100	0.24%	43,742	1,655	3.78%	43,742	7,217	16.50%
New Hampshire	1,273,957	99,527	7.81%	1,241,642	16,513	1.33%	1,316,470	101,420	7.70%	1,316,470	178,268	13.54%

New Hampshire Census for Poverty, LEP, Minority and Elderly Populations

City/Town	County	Population for whom poverty status is determined: Total	Income in the past 12 months below poverty level: Total	%	Population for whom LEP status is determined: Total	Population 5 years & over in households in which no one 14 & over speaks English "very well": Total	%	Population for whom minority status is determined: Total	Non-white alone: Total	%	Population for whom age status is determined: Total	Age 65 and over: Total	%
Acworth	Sullivan	634	36	5.68%	609	0	0.00%	891	38	4.26%	891	162	18.18%
Albany	Carroll	975	294	30.15%	925	12	1.30%	735	28	3.81%	735	129	17.55%
Alexandria	Grafton	1,731	105	6.07%	1,612	4	0.25%	1,613	79	4.90%	1,613	222	13.76%
Allenstown	Merrimack	4,455	254	5.70%	4,287	49	1.14%	4,322	227	5.25%	4,322	524	12.12%
Alstead	Cheshire	2,092	178	8.51%	1,951	2	0.10%	1,937	59	3.05%	1,937	301	15.54%
Alton	Belknap	5,173	246	4.76%	4,935	0	0.00%	5,250	130	2.48%	5,250	887	16.90%
Amherst	Hillsborough	11,201	315	2.81%	10,502	16	0.15%	11,201	621	5.54%	11,201	1,402	12.52%
Andover	Merrimack	2,470	119	4.82%	2,297	0	0.00%	2,371	96	4.05%	2,371	324	13.67%
Antrim	Hillsborough	2,606	207	7.94%	2,528	0	0.00%	2,637	97	3.68%	2,637	352	13.35%
Ashland	Grafton	1,543	275	17.82%	1,246	9	0.72%	2,076	93	4.48%	2,076	349	16.81%
Atkinson	Rockingham	6,715	165	2.46%	6,384	29	0.45%	6,751	236	3.50%	6,751	1,136	16.83%
Auburn	Rockingham	4,943	107	2.16%	4,580	0	0.00%	4,953	199	4.02%	4,953	467	9.43%
Barnstead	Belknap	4,490	155	3.45%	4,172	0	0.00%	4,593	145	3.16%	4,593	488	10.62%
Barrington	Strafford	8,454	408	4.83%	7,749	45	0.58%	8,576	345	4.02%	8,576	819	9.55%
Bartlett	Carroll	2,812	171	6.08%	2,653	0	0.00%	2,788	86	3.08%	2,788	571	20.48%
Bath	Grafton	835	65	7.78%	761	0	0.00%	1,077	16	1.49%	1,077	189	17.55%
Beans Grant	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Beans Purchase	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Bedford	Hillsborough	20,368	694	3.41%	19,645	118	0.60%	21,203	1,415	6.67%	21,203	2,865	13.51%
Belmont	Belknap	7,293	495	6.79%	6,987	0	0.00%	7,356	286	3.89%	7,356	990	13.46%
Bennington	Hillsborough	1,301	77	5.92%	1,236	0	0.00%	1,476	48	3.25%	1,476	131	8.88%
Benton	Grafton	290	34	11.72%	264	0	0.00%	364	14	3.85%	364	100	27.47%
Berlin	Coos	9,070	1,285	14.17%	9,664	251	2.60%	10,051	454	4.52%	10,051	2,011	20.01%
Bethlehem	Grafton	2,466	235	9.53%	2,379	25	1.05%	2,526	106	4.20%	2,526	338	13.38%
Boscawen	Merrimack	3,652	379	10.38%	3,687	0	0.00%	3,965	130	3.28%	3,965	723	18.23%
Bow	Merrimack	7,569	172	2.27%	7,250	0	0.00%	7,519	293	3.90%	7,519	1,003	13.34%
Bradford	Merrimack	1,401	46	3.28%	1,368	0	0.00%	1,650	58	3.52%	1,650	217	13.15%
Brentwood	Rockingham	3,844	76	1.98%	4,128	83	2.01%	4,486	205	4.57%	4,486	600	13.37%

New Hampshire Census for Poverty, LEP, Minority and Elderly Populations

Bridgewater	Grafton	1,083	89	8.22%	1,073	0	0.00%	1,083	17	1.57%	1,083	241	22.25%
Bristol	Grafton	3,046	404	13.26%	2,871	0	0.00%	3,054	118	3.86%	3,054	474	15.52%
Brookfield	Carroll	618	26	4.21%	604	0	0.00%	712	19	2.67%	712	133	18.68%
Brookline	Hillsborough	4,868	149	3.06%	4,537	19	0.42%	4,991	253	5.07%	4,491	329	7.33%
Cambridge	Coos	9	0	0.00%	9	0	0.00%	8	0	0.00%	8	0	0.00%
Campton	Grafton	3,247	352	10.84%	3,071	47	1.53%	3,333	112	3.36%	3,333	478	14.34%
Canaan	Grafton	3,713	122	3.29%	3,696	0	0.00%	3,909	137	3.50%	3,909	504	12.89%
Candia	Rockingham	3,926	157	4.00%	3,792	29	0.76%	3,909	134	3.43%	3,909	402	10.28%
Canterbury	Merrimack	2,502	77	3.08%	2,363	0	0.00%	2,352	90	3.83%	2,352	333	14.16%
Carroll	Coos	608	118	19.41%	606	0	0.00%	763	64	8.39%	763	146	19.13%
Center Harbor	Belknap	899	66	7.34%	876	4	0.46%	1,096	42	3.83%	1,096	228	20.80%
Chandlers Purchase	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Charlestown	Sullivan	5,104	278	5.45%	4,811	0	0.00%	5,114	148	2.89%	5,114	826	16.15%
Chatham	Carroll	480	49	10.21%	448	0	0.00%	337	9	2.67%	337	56	16.62%
Chester	Rockingham	4,614	97	2.10%	4,343	12	0.28%	4,768	192	4.03%	4,768	360	7.55%
Chesterfield	Cheshire	3,602	52	1.44%	3,426	23	0.67%	3,604	107	2.97%	3,604	552	15.32%
Chichester	Merrimack	2,502	120	4.80%	2,407	6	0.25%	2,523	52	2.06%	2,523	285	11.30%
Claremont	Sullivan	13,212	1,774	13.43%	12,643	11	0.09%	13,355	642	4.81%	13,355	2,053	15.37%
Clarksville	Coos	334	23	6.89%	331	0	0.00%	265	5	1.89%	265	68	25.66%
Colebrook	Coos	2,186	308	14.09%	2,115	17	0.80%	2,301	74	3.22%	2,301	450	19.56%
Columbia	Coos	721	92	12.76%	698	9	1.29%	757	16	2.11%	757	166	21.93%
Concord	Merrimack	40,199	4,274	10.63%	40,772	761	1.87%	42,695	4,065	9.52%	42,695	5,885	13.78%
Conway	Carroll	9,797	1,182	12.06%	9,406	0	0.00%	10,115	387	3.83%	10,115	1,739	17.19%
Cornish	Sullivan	1,719	92	5.35%	1,637	0	0.00%	1,640	60	3.66%	1,640	249	15.18%
Crawfords Purchase	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Croydon	Sullivan	721	70	9.71%	686	0	0.00%	764	38	4.97%	764	121	15.84%
Cutts Grant	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Dalton	Coos	1,029	109	10.59%	976	0	0.00%	979	43	4.39%	979	175	17.88%
Danbury	Merrimack	1,308	180	13.76%	1,271	0	0.00%	1,164	28	2.41%	1,164	156	13.40%
Danville	Rockingham	4,362	84	1.93%	4,209	0	0.00%	4,387	193	4.40%	4,387	423	9.64%
Deerfield	Rockingham	4,208	115	2.73%	3,931	0	0.00%	4,280	99	2.31%	4,280	420	9.81%
Deering	Hillsborough	2,132	249	11.68%	2,077	0	0.00%	1,912	82	4.29%	1,912	258	13.49%
Derry ,	Rockingham	33,285	2,458	7.38%	31,546	300	0.95%	33,109	2,510	7.58%	33,109	2,881	8.70%
Dixs Grant	Coos	0	0	0.00%	0	0	0.00%	1	0	0.00%	1	0	0.00%

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Dixville	Coos	15	0	0.00%	72	0	0.00%	12	3	25.00%	12	3	25.00%
Dorchester	Grafton	329	20	6.08%	321	0	0.00%	355	12	3.38%	355	48	13.52%
Dover	Strafford	28,603	2,851	9.97%	27,842	553	1.99%	29,987	3,218	10.73%	29,987	3,918	13.07%
Dublin	Cheshire	1,478	27	1.83%	1,401	0	0.00%	1,597	65	4.07%	1,597	251	15.72%
Dummer	Coos	393	6	1.53%	392	0	0.00%	304	7	2.30%	304	60	19.74%
Dunbarton	Merrimack	2,698	165	6.12%	2,617	54	2.06%	2,758	102	3.70%	2,758	247	8.96%
Durham	Strafford	8,700	2,293	26.36%	13,957	61	0.44%	14,638	1,116	7.62%	14,638	1,012	6.91%
East Kingston	Rockingham	2,300	172	7.48%	2,138	0	0.00%	2,357	63	2.67%	2,357	373	15.83%
Easton	Grafton	325	29	8.92%	299	4	1.34%	254	6	2.36%	254	66	25.98%
Eaton	Carroll	415	29	6.99%	415	0	0.00%	393	15	3.82%	393	85	21.63%
Effingham	Carroll	1,260	54	4.29%	1,221	0	0.00%	1,465	48	3.28%	1,465	223	15.22%
Ellsworth	Grafton	82	4	4.88%	78	0	0.00%	83	6	7.23%	83	23	27.71%
Enfield	Grafton	4,615	316	6.85%	4,401	0	0.00%	4,582	191	4.17%	4,582	639	13.95%
Epping	Rockingham	6,264	323	5.16%	5,934	0	0.00%	6,411	317	4.94%	6,411	670	10.45%
Epsom	Merrimack	4,451	252	5.66%	4,273	40	0.94%	4,566	112	2.45%	4,566	673	14.74%
Errol	Coos	269	27	10.04%	260	0	0.00%	291	19	6.53%	291	73	25.09%
Ervings Location	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Exeter	Rockingham	14,114	779	5.52%	13,705	120	0.88%	14,306	832	5.82%	14,306	2,609	18.24%
Farmington	Strafford	6,635	1,292	19.47%	6,289	27	0.43%	6,786	246	3.63%	6,786	750	11.05%
Fitzwilliam	Cheshire	2,207	88	3.99%	2,177	0	0.00%	2,396	92	3.84%	2,396	333	13.90%
Francestown	Hillsborough	1,655	27	1.63%	1,611	0	0.00%	1,562	57	3.65%	1,562	244	15.62%
Franconia	Grafton	1,210	47	3.88%	1,268	3	0.24%	1,104	33	2.99%	1,104	307	27.81%
Franklin	Merrimack	8,463	1,351	15.96%	8,025	0	0.00%	8,477	405	4.78%	8,477	1,278	15.08%
Freedom	Carroll	1,066	71	6.66%	1,012	0	0.00%	1,489	22	1.48%	1,489	400	26.86%
Fremont	Rockingham	4,183	210	5.02%	3,902	0	0.00%	4,283	136	3.18%	4,283	438	10.23%
Gilford	Belknap	7,160	558	7.79%	6,788	14	0.21%	7,126	227	3.19%	7,126	1,358	19.06%
Gilmanton	Belknap	3,636	258	7.10%	3,496	0	0.00%	3,777	105	2.78%	3,777	468	12.39%
Gilsum	Cheshire	630	54	8.57%	622	0	0.00%	813	20	2.46%	813	106	13.04%
Goffstown	Hillsborough	14,793	498	3.37%	17,129	62	0.36%	17,651	838	4.75%	17,651	2,267	12.84%
Gorham	Coos	2,888	241	8.34%	2,828	7	0.25%	2,848	105	3.69%	2,848	535	18.79%
Goshen	Sullivan	885	72	8.14%	889	0	0.00%	810	17	2.10%	810	142	17.53%
Grafton	Grafton	1,338	185	13.83%	1,279	0	0.00%	1,340	51	3.81%	1,340	195	14.55%
Grantham	Sullivan	2,873	189	6.58%	2,744	0	0.00%	2,985	122	4.09%	2,985	625	20.94%
Greenfield	Hillsborough	1,306	92	7.04%	1,319	11	0.83%	1,749	50	2.86%	1,749	187	10.69%

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Greenland	Rockingham	3,500	154	4.40%	3,299	0	0.00%	3,549	166	4.68%	3,549	502	14.14%
Greens Grant	Coos	0	0	0.00%	0	0	0.00%	1	1	100%	1	0	0.00%
Greenville	Hillsborough	2,444	251	10.27%	2,300	26	1.13%	2,105	98	4.66%	2,105	265	12.59%
Groton	Grafton	462	56	12.12%	457	0	0.00%	593	31	5.23%	593	114	19.22%
Hadleys Purchase	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Hale's Location	Carroll	99	7	7.07%	99	0	0.00%	120	0	0.00%	120	77	64.17%
Hampstead	Rockingham	8,558	234	2.73%	8,183	24	0.29%	8,523	265	3.11%	8,523	1,212	14.22%
Hampton Falls	Rockingham	2,347	126	5.37%	2,115	18	0.85%	2,236	55	2.46%	2,236	315	14.09%
Hampton	Rockingham	15,364	1,213	7.90%	14,812	38	0.26%	15,430	759	4.92%	15,430	2,802	18.16%
Hancock	Hillsborough	1,744	92	5.28%	1,658	4	0.24%	1,654	56	3.39%	1,654	367	22.19%
Hanover	Grafton	7,549	834	11.05%	10,951	213	1.95%	11,260	2,457	21.82%	11,260	1,540	13.68%
Harrisville	Cheshire	953	46	4.83%	919	0	0.00%	961	18	1.87%	961	181	18.83%
Hart's Location	Carroll	37	0	0.00%	37	0	0.00%	41	0	0.00%	41	8	19.51%
Haverhill	Grafton	4,614	649	14.07%	4,452	0	0.00%	4,697	195	4.15%	4,697	876	18.65%
Hebron	Grafton	481	0	0.00%	462	0	0.00%	602	32	5.32%	602	168	27.91%
Henniker	Merrimack	4,050	101	2.49%	4,545	0	0.00%	4,836	258	5.33%	4,836	436	9.02%
Hill	Merrimack	1,238	99	8.00%	1,175	0	0.00%	1,089	29	2.66%	1,089	112	10.28%
Hillsborough	Hillsborough	5,739	709	12.35%	5,439	0	0.00%	6,011	281	4.67%	6,011	661	11.00%
Hinsdale	Cheshire	4,081	268	6.57%	3,917	26	0.66%	4,046	178	4.40%	4,046	584	14.43%
Holderness	Grafton	1,830	130	7.10%	1,801	0	0.00%	2,108	63	2.99%	2,108	388	18.41%
Hollis	Hillsborough	7,607	44	0.58%	7,141	22	0.31%	7,684	447	5.82%	7,684	1,072	13.95%
Hooksett	Merrimack	12,205	373	3.06%	12,685	123	0.97%	13,451	877	6.52%	13,451	1,564	11.63%
Hopkinton	Merrimack	5,640	32	0.57%	5,366	0	0.00%	5,589	174	3.11%	5,589	906	16.21%
Hudson	Hillsborough	24,193	829	3.43%	22,851	337	1.47%	24,467	2,157	8.82%	24,467	2,593	10.60%
Jackson	Carroll	896	42	4.69%	873	0	0.00%	816	19	2.33%	816	217	26.59%
Jaffrey	Cheshire	5,363	346	6.45%	5,131	12	0.23%	5,457	275	5.04%	5,457	834	15.28%
Jefferson	Coos	866	86	9.93%	849	6	0.71%	1,107	19	1.72%	1,107	194	17.52%
Keene	Cheshire	20,435	3,032	14.84%	22,673	138	0.61%	23,409	1,324	5.66%	23,409	1,324	5.66%
Kensington	Rockingham	2,150	17	0.79%	2,056	0	0.00%	2,124	72	3.39%	2,124	241	11.35%
Kilkenny	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Kingston	Rockingham	6,030	252	4.18%	5,682	0	0.00%	6,025	236	3.92%	6,025	764	12.68%
Laconia	Belknap	15,491	1,867	12.05%	15,503	135	0.87%	15,951	1,039	6.51%	15,951	2,881	18.06%
Lancaster	Coos	3,503	408	11.65%	3,325	0	0.00%	3,507	150	4.28%	3,507	679	19.36%
Landaff	Grafton	499	5	1.00%	470	0	0.00%	415	18	4.34%	415	75	18.07%

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Langdon	Sullivan	768	21	2.73%	709	0	0.00%	688	18	2.62%	688	120	17.44%
Lebanon	Grafton	12,919	1,177	9.11%	12,374	95	0.77%	13,151	1,779	13.53%	13,151	2,008	15.27%
Lee	Strafford	4,338	296	6.82%	4,169	30	0.72%	4,330	316	7.30%	4,330	422	9.75%
Lempster	Sullivan	1,155	130	11.26%	1,110	0	0.00%	1,154	31	2.69%	1,154	145	12.56%
Lincoln	Grafton	1,209	156	12.90%	1,180	0	0.00%	1,662	72	4.33%	1,662	339	20.40%
Lisbon	Grafton	1,723	184	10.68%	1,661	24	1.44%	1,595	44	2.76%	1,595	228	14.29%
Litchfield	Hillsborough	8,003	394	4.92%	7,516	0	0.00%	8,271	400	4.84%	8,271	694	8.39%
Littleton	Grafton	5,919	747	12.62%	5,715	104	1.82%	4,412	218	4.94%	4,412	782	17.72%
Livermore	Grafton	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Londonderry	Rockingham	24,183	661	2.73%	22,961	157	0.68%	21,429	1,361	6.35%	21,429	2,109	9.84%
Loudon	Merrimack	5,186	268	5.17%	5,031	0	0.00%	5,317	122	2.29%	5,317	596	11.21%
Low and Burbanks Grant	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Lyman	Grafton	519	56	10.79%	488	0	0.00%	533	10	1.88%	533	105	19.70%
Lyme	Grafton	2,086	44	2.11%	1,973	5	0.25%	1,716	77	4.49%	1,716	305	17.77%
Lyndeborough	Hillsborough	1,406	82	5.83%	1,350	0	0.00%	1,683	102	6.06%	1,683	219	13.01%
Madbury	Strafford	1,930	148	7.67%	1,783	0	0.00%	1,771	116	6.55%	1,771	175	9.88%
Madison	Carroll	2,434	156	6.41%	2,300	0	0.00%	2,502	91	3.64%	2,502	422	16.87%
Manchester	Hillsborough	107,568	14,246	13.24%	102,181	5,624	5.50%	109,565	19,672	17.95%	109,565	12,955	11.82%
Marlborough	Cheshire	937	24	2.56%	901	0	0.00%	2,063	81	3.93%	2,063	342	16.58%
Marlow	Cheshire	861	43	4.99%	856	6	0.70%	742	25	3.37%	742	118	15.90%
Martins Location	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Mason	Hillsborough	1,337	100	7.48%	1,247	3	0.24%	1,382	35	2.53%	1,382	134	9.70%
Meredith	Belknap	6,237	470	7.54%	5,994	36	0.60%	6,241	219	3.51%	6,241	1,299	20.81%
Merrimack	Hillsborough	25,441	718	2.82%	24,200	383	1.58%	25,494	1,666	6.53%	25,494	2,638	10.35%
Middleton	Strafford	1,541	97	6.29%	1,461	2	0.14%	1,783	56	3.14%	1,783	164	9.20%
Milan	Coos	1,313	149	11.35%	1,239	0	0.00%	1,337	23	1.72%	1,337	184	13.76%
Milford	Hillsborough	14,542	893	6.14%	14,078	212	1.51%	15,115	1,010	6.68%	15,115	1,796	11.88%
Millsfield	Coos	4	0	0.00%	4	0	0.00%	23	0	0.00%	23	1	4.35%
Milton	Strafford	4,485	312	6.96%	4,290	0	0.00%	4,598	146	3.18%	4,598	523	11.37%
Monroe	Grafton	972	104	10.70%	907	0	0.00%	788	30	3.81%	778	161	20.69%
Mont Vernon	Hillsborough	2,456	62	2.52%	2,357	3	0.13%	2,409	99	4.11%	2,409	245	10.17%
Moultonborough	Carroll	4,153	193	4.65%	4,102	0	0.00%	4,044	110	2.72%	4,044	905	22.38%
Nashua	Hillsborough	83,976	6,164	7.34%	81,567	3,818	4.68%	86,494	18,185	21.02%	86,494	10,979	12.69%
Nelson	Cheshire	710	57	8.03%	702	0	0.00%	729	26	3.57%	729	119	16.32%

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New Boston	Hillsborough	5,123	110	2.15%	4,879	12	0.25%	5,321	160	3.01%	5,321	418	7.86%
New Castle	Rockingham	772	35	4.53%	755	0	0.00%	968	23	2.38%	968	298	30.79%
New Durham	Strafford	2,583	86	3.33%	2,456	4	0.16%	2,638	66	2.50%	2,638	318	12.05%
New Hampton	Belknap	2,336	256	10.96%	2,248	0	0.00%	2,165	87	4.02%	2,165	335	15.47%
New Ipswich	Hillsborough	4,929	168	3.41%	4,619	32	0.69%	5,099	181	3.55%	5,099	447	8.77%
New London	Merrimack	3,511	451	12.85%	4,293	7	0.16%	4,397	203	4.62%	4,397	1,352	30.75%
Newbury	Merrimack	2,040	203	9.95%	1,909	6	0.31%	2,072	66	3.19%	2,072	356	17.18%
Newfields	Rockingham	1,803	11	0.61%	1,715	0	0.00%	1,680	53	3.15%	1,680	153	9.11%
Newington	Rockingham	721	49	6.80%	706	0	0.00%	753	29	3.85%	753	120	15.94%
Newmarket	Rockingham	8,850	816	9.22%	8,316	97	1.17%	8,936	824	9.22%	8,936	871	9.75%
Newport	Sullivan	6,372	875	13.73%	6,201	86	1.39%	6,507	224	3.44%	6,507	1,039	15.97%
Newton	Rockingham	4,588	196	4.27%	4,318	12	0.28%	4,603	150	3.26%	4,603	425	9.23%
North Hampton	Rockingham	4,300	80	1.86%	4,091	0	0.00%	4,301	159	3.70%	4,301	749	17.41%
Northfield	Merrimack	4,818	650	13.49%	4,515	0	0.00%	4,829	214	4.43%	4,829	439	9.09%
Northumberland	Coos	2,385	266	11.15%	2,305	27	1.17%	2,288	42	1.84%	2,288	386	16.87%
Northwood	Rockingham	4,176	45	1.08%	4,035	0	0.00%	4,241	139	3.28%	4,241	497	11.72%
Nottingham	Rockingham	4,617	153	3.31%	4,091	0	0.00%	4,785	194	4.05%	4,785	413	8.63%
Odell	Coos	0	0	0.00%	0	0	0.00%	4	1	25.00%	4	0	0.00%
Orange	Grafton	323	20	6.19%	319	0	0.00%	331	13	3.93%	331	45	13.60%
Orford	Grafton	1,219	81	6.64%	1,142	0	0.00%	1,237	41	3.31%	1,237	198	16.01%
Ossipee	Carroll	4,170	721	17.29%	4,204	0	0.00%	4,345	157	3.61%	4,345	843	19.40%
Pelham	Hillsborough	12,613	316	2.51%	11,676	57	0.49%	12,897	689	5.34%	12,897	1,358	10.53%
Pembroke	Merrimack	7,156	650	9.08%	6,731	20	0.30%	7,115	306	4.30%	7,115	763	10.72%
Peterborough	Hillsborough	6,132	208	3.39%	5,963	24	0.40%	6,284	302	4.81%	6,284	1,384	22.02%
Piermont	Grafton	934	34	3.64%	888	0	0.00%	790	28	3.54%	790	133	16.84%
Pinkhams Grant	Coos	0	0	0.00%	0	0	0.00%	9	3	33.33%	9	0	0.00%
Pittsburg	Coos	920	55	5.98%	908	8	0.88%	869	16	1.84%	869	243	27.96%
Pittsfield	Merrimack	4,035	621	15.39%	3,801	0	0.00%	4,106	184	4.48%	4,106	474	11.54%
Plainfield	Sullivan	2,540	156	6.14%	2,415	0	0.00%	2,364	74	3.13%	2,364	315	13.32%
Plaistow	Rockingham	7,677	313	4.08%	7,327	0	0.00%	7,609	317	4.17%	7,609	949	12.47%
Plymouth	Grafton	5,201	822	15.80%	6,646	70	1.05%	6,990	384	5.49%	6,990	558	7.98%
Portsmouth	Rockingham	20,653	1,805	8.74%	19,973	110	0.55%	20,779	2,121	10.21%	20,779	3,305	15.91%
Randolph	Coos	458	1	0.22%	452	0	0.00%	310	11	3.55%	310	69	22.26%
Raymond	Rockingham	10,088	634	6.28%	9,404	20	0.21%	10,138	387	3.82%	10,138	964	9.51%

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Richmond	Cheshire	1,379	150	10.88%	1,331	0	0.00%	1,155	53	4.59%	1,155	148	12.81%
Rindge	Cheshire	4,832	588	12.17%	5,688	0	0.00%	6,014	315	5.24%	6,014	572	9.51%
Rochester	Strafford	29,490	3,552	12.04%	28,326	98	0.35%	29,752	1,702	5.72%	29,752	4,397	14.78%
Rollinsford	Strafford	2,571	203	7.90%	2,376	0	0.00%	2,527	120	4.75%	2,527	349	13.81%
Roxbury	Cheshire	234	14	5.98%	216	0	0.00%	229	11	4.80%	229	33	14.41%
Rumney	Grafton	1,648	214	12.99%	1,585	0	0.00%	1,480	63	4.26%	1,480	257	17.36%
Rye	Rockingham	5,324	182	3.42%	5,039	11	0.22%	5,298	167	3.15%	5,298	1,046	19.74%
Salem	Rockingham	28,794	994	3.45%	27,434	837	3.05%	28,776	2,818	9.79%	28,776	4,378	15.21%
Salisbury	Merrimack	1,226	42	3.43%	1,180	0	0.00%	1,382	52	3.76%	1,382	189	13.68%
Sanbornton	Belknap	2,924	38	1.30%	2,675	0	0.00%	2,966	96	3.24%	2,966	408	13.76%
Sandown	Rockingham	5,879	351	5.97%	5,429	0	0.00%	5,986	201	3.36%	5,986	494	8.25%
Sandwich	Carroll	1,425	111	7.79%	1,405	3	0.21%	1,326	33	2.49%	1,326	307	23.15%
Sargents Purchase	Coos	0	0	0.00%	0	0	0.00%	3	1	33.33%	3	0	0.00%
Seabrook	Rockingham	8,581	636	7.41%	8,271	0	0.00%	8,693	397	4.57%	8,693	1,525	17.54%
Second College Grant	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Sharon	Hillsborough	374	14	3.74%	353	0	0.00%	352	13	3.69%	58	6	10.34%
Shelburne	Coos	366	13	3.55%	353	0	0.00%	372	4	1.08%	372	75	20.16%
Somersworth	Strafford	11,703	1,253	10.71%	10,863	296	2.72%	11,766	1,383	11.75%	11,766	1,394	11.85%
South Hampton	Rockingham	725	15	2.07%	700	0	0.00%	814	36	4.42%	108	8	7.41%
Springfield	Sullivan	994	72	7.24%	935	0	0.00%	1,311	43	3.28%	189	15	7.94%
Stark	Coos	541	48	8.87%	512	0	0.00%	556	22	3.96%	556	109	19.60%
Stewartstown	Coos	1,103	156	14.14%	1,026	26	2.53%	1,004	22	2.19%	1,004	215	21.41%
Stoddard	Cheshire	1,388	345	24.86%	1,343	0	0.00%	1,232	69	5.60%	1,232	243	19.72%
Strafford	Strafford	3,929	184	4.68%	3,704	0	0.00%	3,991	103	2.58%	3,991	404	10.12%
Stratford	Coos	938	227	24.20%	864	5	0.58%	746	36	4.83%	746	139	18.63%
Stratham	Rockingham	7,161	58	0.81%	6,857	48	0.70%	7,255	338	4.66%	7,255	842	11.61%
Success	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Sugar Hill	Grafton	662	36	5.44%	634	0	0.00%	563	28	4.97%	563	115	20.43%
Sullivan	Cheshire	778	120	15.42%	790	3	0.38%	677	12	1.77%	677	83	12.26%
Sunapee	Sullivan	3,342	209	6.25%	3,228	0	0.00%	3,365	104	3.09%	3,365	644	19.14%
Surry	Cheshire	738	9	1.22%	707	0	0.00%	732	18	2.46%	732	133	18.17%
Sutton	Merrimack	1,613	54	3.35%	1,475	0	0.00%	1,837	81	4.41%	1,837	297	16.17%
Swanzey	Cheshire	7,223	283	3.92%	6,867	13	0.19%	7,230	359	4.97%	7,230	1,073	14.84%
Tamworth	Carroll	2,830	305	10.78%	2,666	0	0.00%	2,856	85	2.98%	2,856	521	18.24%

New Hampshire Census for Poverty, LEP, Minority and Elderly Populations

Temple	Hillsborough	1,428	132	9.24%	1,373	0	0.00%	1,366	40	2.93%	1,366	175	12.81%
ompson and Meserves Purch	Coos	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
Thornton	Grafton	2,419	171	7.07%	2,269	0	0.00%	2,490	72	2.89%	2,490	354	14.22%
Tilton	Belknap	3,537	703	19.88%	3,477	29	0.83%	3,567	159	4.46%	3,567	715	20.04%
Troy	Cheshire	1,823	132	7.24%	1,753	0	0.00%	2,145	87	4.06%	2,145	246	11.47%
Tuftonboro	Carroll	2,481	203	8.18%	2,411	0	0.00%	2,387	55	2.30%	2,387	565	23.67%
Unity	Sullivan	1,683	210	12.48%	1,664	3	0.18%	1,671	53	3.17%	1,671	358	21.42%
Wakefield	Carroll	5,001	398	7.96%	4,881	0	0.00%	5,078	168	3.31%	5,078	881	17.35%
Walpole	Cheshire	3,701	340	9.19%	3,440	21	0.61%	3,734	135	3.62%	3,734	646	17.30%
Warner	Merrimack	2,658	206	7.75%	2,692	0	0.00%	2,833	96	3.39%	2,833	424	14.97%
Warren	Grafton	685	70	10.22%	664	0	0.00%	904	33	3.65%	904	155	17.15%
Washington	Sullivan	1,105	146	13.21%	1,055	0	0.00%	1,123	44	3.92%	1,123	229	20.39%
Waterville Valley	Grafton	400	12	3.00%	400	0	0.00%	247	5	2.02%	247	66	26.72%
Weare	Hillsborough	8,660	156	1.80%	7,974	0	0.00%	8,785	282	3.21%	8,785	575	6.55%
Webster	Merrimack	1,838	97	5.28%	1,758	4	0.23%	1,872	45	2.40%	1,872	228	12.18%
Wentworth Location	Coos	25	3	12.00%	25	0	0.00%	33	4	12.12%	33	4	12.12%
Wentworth	Grafton	915	65	7.10%	862	0	0.00%	9,111	23	0.25%	911	181	19.87%
Westmoreland	Cheshire	1,728	55	3.18%	1,854	8	0.43%	1,874	36	1.92%	1,874	369	19.69%
Whitefield	Coos	2,056	247	12.01%	2,133	0	0.00%	2,306	109	4.73%	2,306	414	17.95%
Wilmot	Merrimack	1,251	83	6.63%	1,215	0	0.00%	1,358	32	2.36%	1,358	224	16.49%
Wilton	Hillsborough	3,700	207	5.59%	3,529	9	0.26%	3,677	150	4.08%	3,677	436	11.86%
Winchester	Cheshire	4,354	971	22.30%	4,019	0	0.00%	4,341	215	4.95%	4,341	636	14.65%
Windham	Rockingham	13,060	76	0.58%	12,215	46	0.38%	13,592	829	6.10%	13,592	1,563	11.50%
Windsor	Hillsborough	106	0	0.00%	106	0	0.00%	224	11	4.91%	224	23	10.27%
Wolfeboro	Carroll	6,286	509	8.10%	6,081	0	0.00%	6,269	200	3.19%	6,269	1,756	28.01%
Woodstock	Grafton	1,336	119	8.91%	1,273	0	0.00%	1,374	47	3.42%	1,374	226	16.45%

State of New Hampshire

Percent of Population over Age 65

0 2.5 5 10 15 20 25 30 Miles

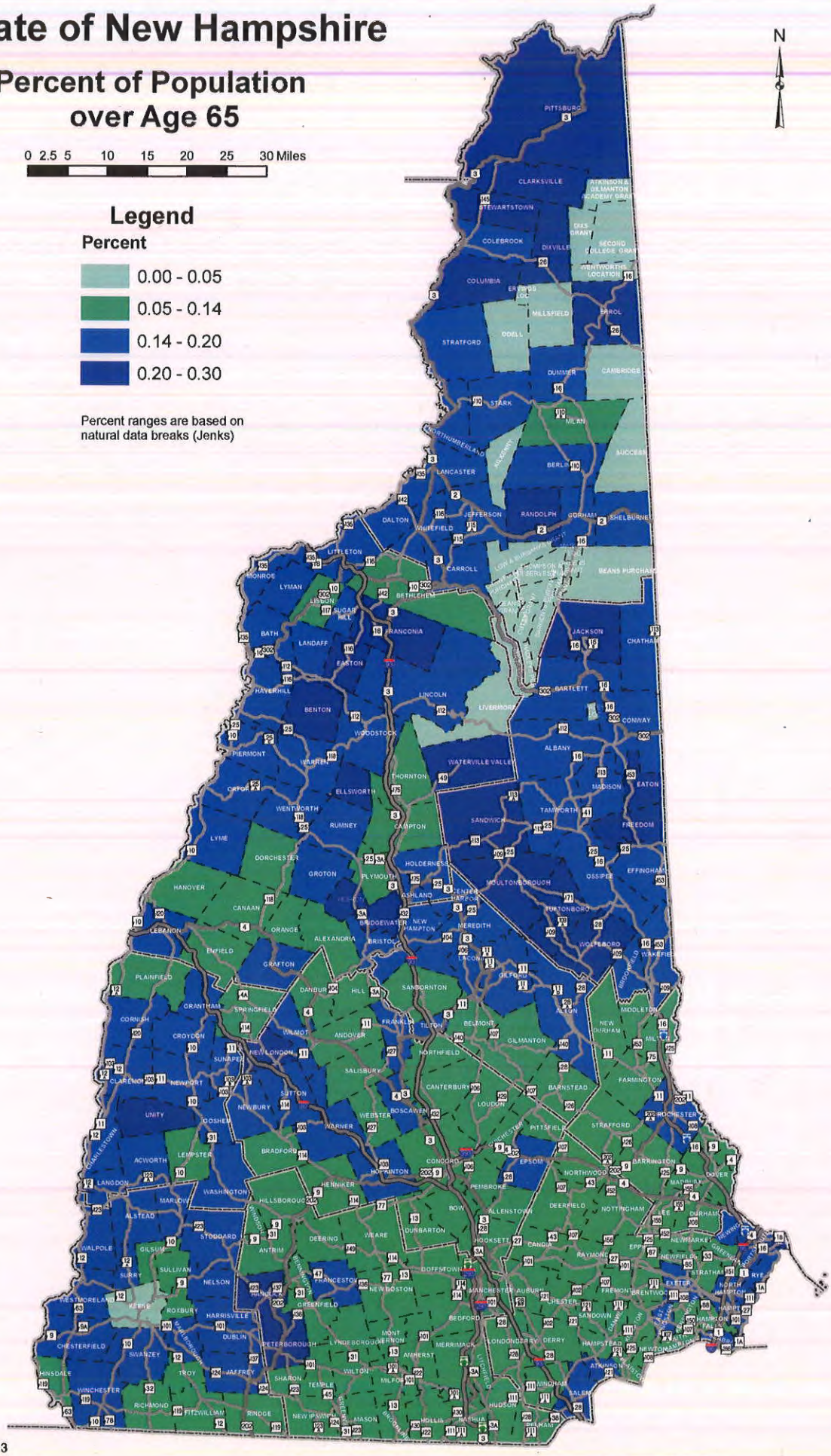
N

Legend

Percent

- 0.00 - 0.05
- 0.05 - 0.14
- 0.14 - 0.20
- 0.20 - 0.30

Percent ranges are based on natural data breaks (Jenks)



June, 2013

State of New Hampshire

Percent of Population Minority

0 2.5 5 10 15 20 25 30 Miles

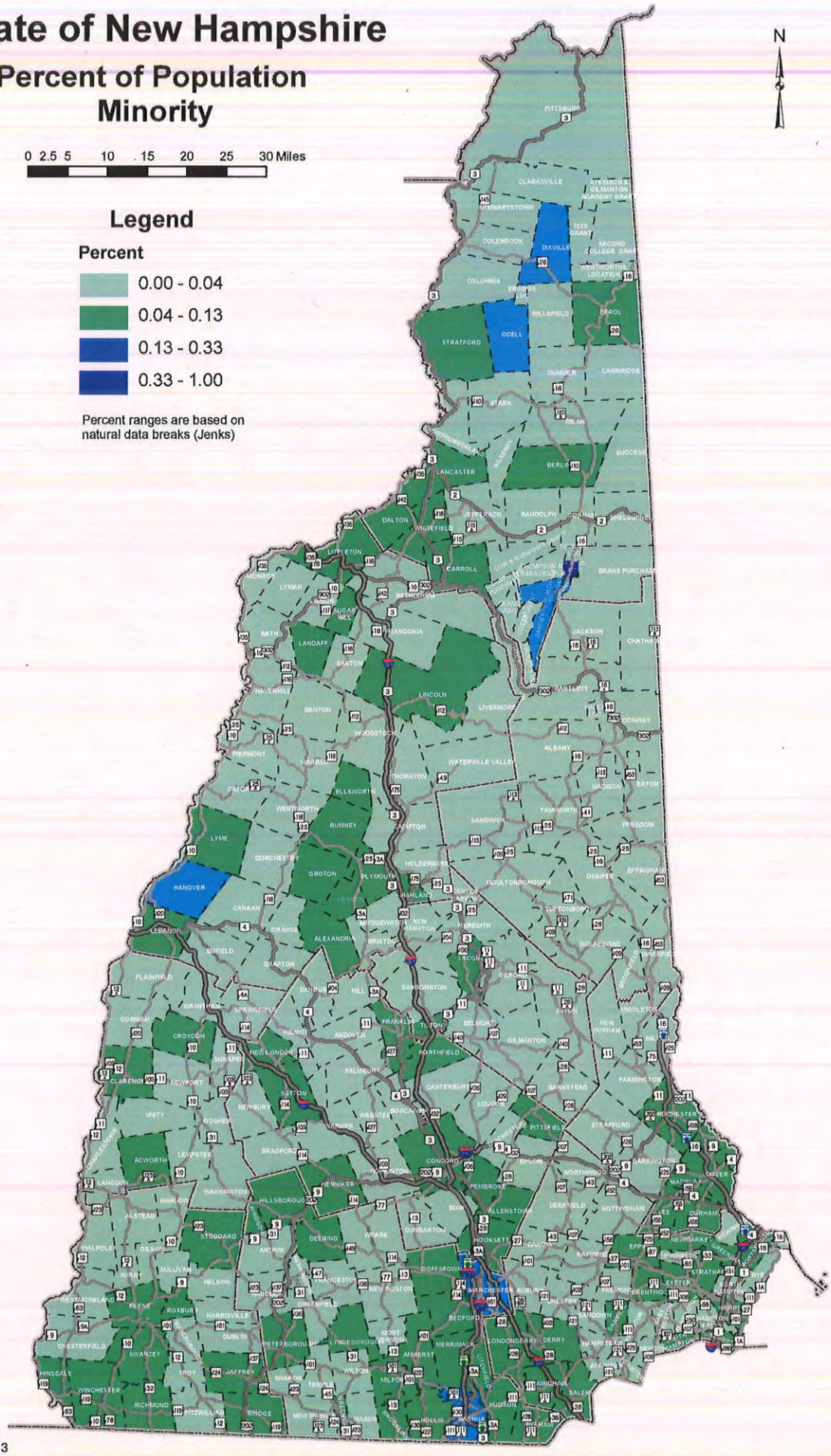
Legend

Percent

- 0.00 - 0.04
- 0.04 - 0.13
- 0.13 - 0.33
- 0.33 - 1.00

Percent ranges are based on natural data breaks (Jenks)

N



June, 2013

State of New Hampshire

Percent of Population in Poverty

0 2.5 5 10 15 20 25 30 Miles

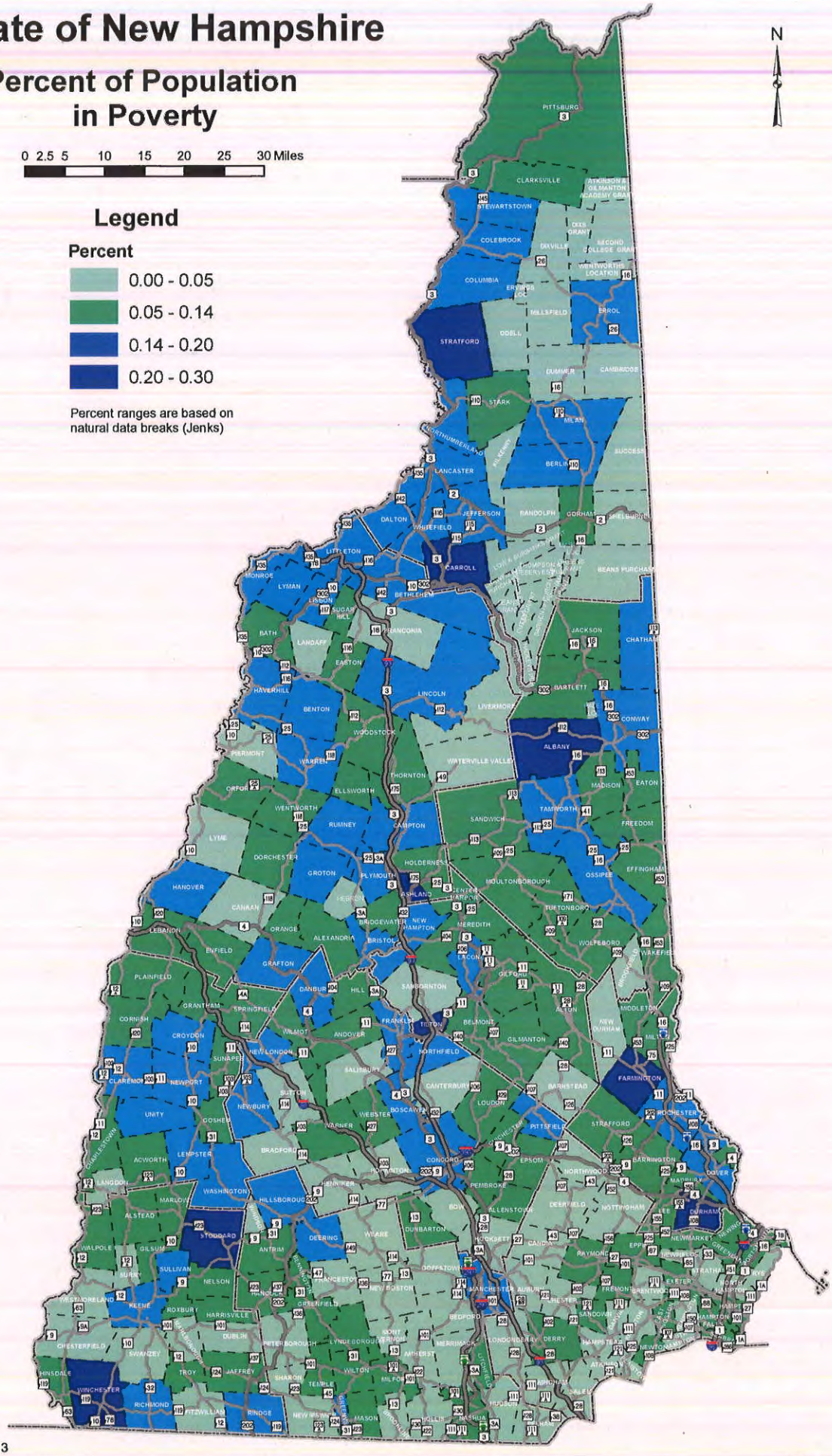
Legend

Percent

- 0.00 - 0.05
- 0.05 - 0.14
- 0.14 - 0.20
- 0.20 - 0.30

Percent ranges are based on natural data breaks (Jenks)

N



June, 2013

State of New Hampshire

Percent of Population with Limited English Proficiency

0 2.5 5 10 15 20 25 30 Miles

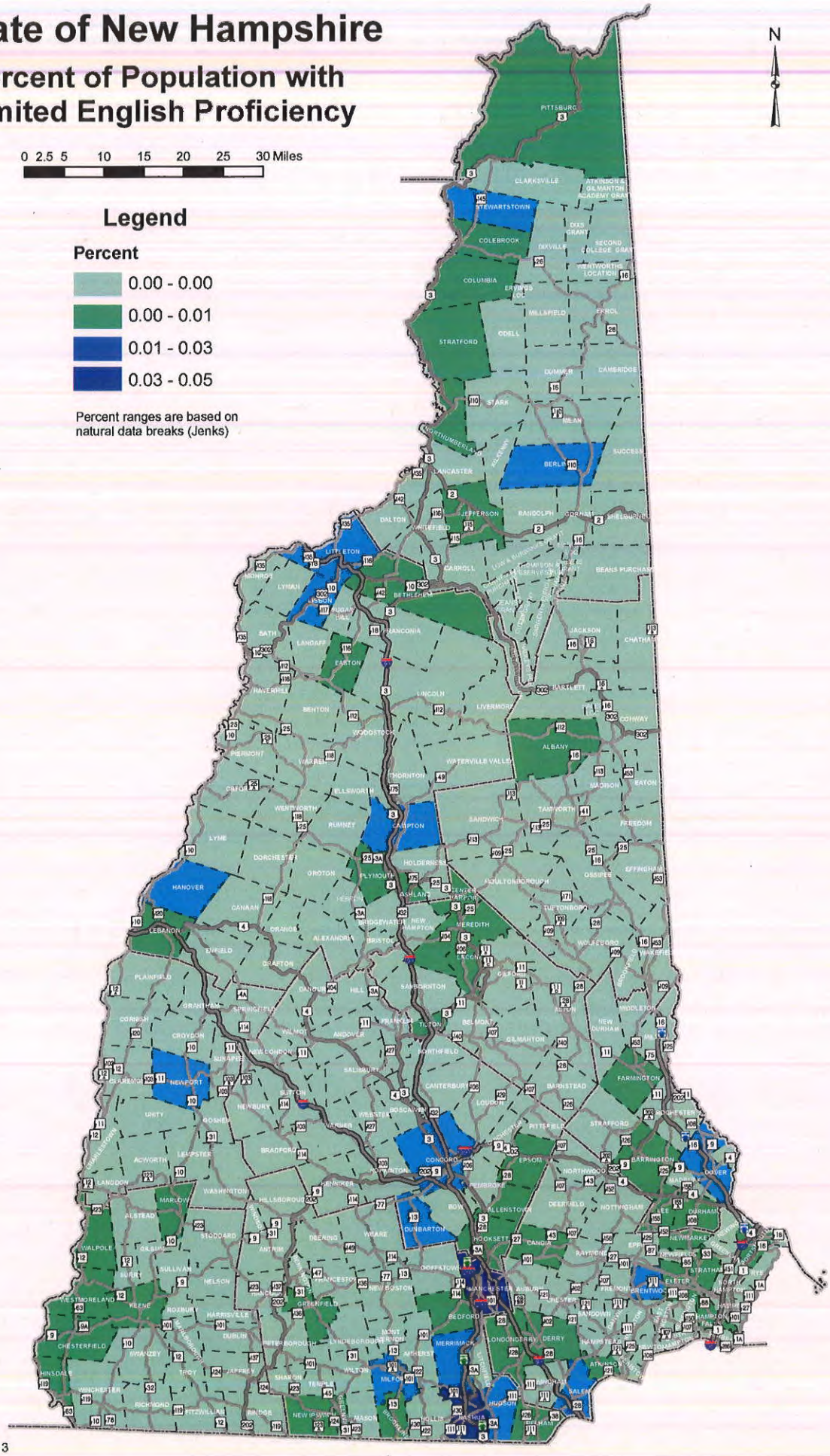
N

Legend

Percent

- 0.00 - 0.00
- 0.00 - 0.01
- 0.01 - 0.03
- 0.03 - 0.05

Percent ranges are based on natural data breaks (Jenks)



June, 2013

Appendix 10

NHDOT Language Assistance Plan

NH Department of Transportation
Office of Federal Compliance
PO Box 483
7 Hazen Drive
Concord NH 03302
(603) 271-2467

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Commissioner's Statement on LEP

In fulfilling obligations under Title VI of the Civil Rights Act of 1964, it is the policy of the New Hampshire Department of Transportation (NHDOT) to take reasonable steps to ensure meaningful access to all critical programs and activities, regardless of one's ability to speak, read, write or understand English. This plan sets forth the extent to which language services will be offered by the Department to ensure inclusive public access to the programs, services, and activities that have critical impacts or offer critical benefits to the public. In a continuing effort to ensure an appropriate level of language access in programs offered by the Department, limited English proficient (LEP) populations will be identified and considered in the same manner as other traditionally underserved populations. Where a significant LEP population is affected by a NHDOT project, the outreach measures stated herein will be implemented to afford persons with LEP an equal opportunity to take part in public participation forums. Similarly, the Department will provide language access services for all other critical programs and activities that serve the general public.

The Title VI Coordinator will conduct an annual review of Department-wide programs, services, and activities, and the populations served by each. The results of each review will be evaluated with existing demographic data to determine the need for program changes.

Under the Director of Administration, the Title VI Coordinator is responsible for compliance monitoring and oversight, which includes advising all Bureaus and Districts and providing assistance in developing individualized measures. Directors and Administrators are responsible for taking reasonable steps to ensure that the measures prescribed in this document are carried out effectively.

Christopher D. Clement, Sr.
Commissioner

6/24/2014
Date

Authority

Executive Order (EO) 13166 - Improving Access to Services for Persons with Limited English Proficiency, August 2000 is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of Federal financial assistance from engaging in unlawful discrimination based on national origin by failing to provide meaningful access to services to individuals who have LEP. This protection requires that people with LEP be provided an equal opportunity to benefit from or have access to services that are customarily provided in English.

There are two primary laws that require the Department to provide people with LEP with meaningful access to its programs, services, and activities. The following matrix illustrates the relationship between laws and implementation guidelines:

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166	US DOT LEP Policy Guidance
• Federal law	• Federal policy	• US DOT Program Policy
• Enacted in 1964	• Signed August 2000	• Dated December 14, 2005
• Considers all persons	• Considers eligible population	• Population served
• Contains monitoring and oversight compliance review requirements	• Contains monitoring and oversight requirements	• Clarifies recipient obligations with respect to the "four factor analysis"
• Factor criteria is required, no numerical or percentage thresholds	• Factor criteria is required, no numerical or percentage thresholds	• Factor criteria is required, no numerical or percentage thresholds
• Provides protection on the basis of race, color, and national origin	• Provides protection on the basis of national origin	• Provides program guidance to US DOT recipients to ensure voluntary compliance with Title VI & EO 13166
• Focuses on eliminating discrimination in federally funded programs	• Focuses on providing people with LEP with meaningful access to services using factor criteria	• Clarifies existing legal requirements and the extent to which "meaningful access" is required

General Requirements

As outlined in the US DOT's Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons, our agency has an obligation to take "reasonable steps" to eliminate language barriers that can preclude meaningful access to vital programs and services by people with LEP. The extent to which access is provided is determined by an individualized assessment that balances four factors: (1) The number or proportion of people with LEP eligible to be served or likely to be encountered by a program, activity, or service; (2) The frequency with which people with LEP come in contact with the program, activity or service; (3) the nature and importance of the program, activity, or service to people's lives; and (4) The resources available and the costs.

From this analysis, the appropriate mix of services and a reasonable extent to which they should be offered is determined. The following analysis was considered in determining the measures established by this plan:

Demographic Analysis

A. Data Sources

A demographic research was conducted using data available through the 2010 U.S. Census Bureau Online. In addition to the census tables' data from the 2008 - 2012 American Community Survey were considered:

EXHIBIT I: LANGUAGES SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH LESS THAN VERY WELL

EXHIBIT II: SPEAKS ENGLISH LESS THAN VERY WELL BY COUNTY

While Exhibit I contains data reflecting the statewide population in all language groups, Exhibit II is helpful in identifying Spanish speakers at the county level; this table depicts three other languages categories, each consisting of several language groups for which specific data was unavailable. This data indicates that the predominant LEP population is Spanish and concentrated in Hillsborough County. For projects where public outreach is conducted, data that is consistent with the LEP definition will be necessary to identify languages in which public notices and solicitations should be translated.

B. Demographic Profile (Statewide)

Spanish and French language groups (in accordance with Exhibit 1) represent the largest portion of the general population who speak English "less than very well." On a statewide level, current demography shows that there are approximately 9,000 Spanish speakers and 6,000 French

speakers that spoke English less than very well. Assuming that all speakers in each category meet the definition of a person with LEP, approximately 0.72% Spanish and 0.5% French speakers in the general NH population (over age 5) would be either a Spanish speaking or a French speaking person with LEP. All other individual languages have an LEP level of less than 0.20%. Statewide the population that speaks English less than very well is 1.33%

The data at the county level for "individuals with the ability to speak English less than very well" may have more relevance to NHDOT activities. This table shows that Hillsborough County has the most significant linguistically isolated Spanish, Asian, and Indo-European language populations. While the Spanish-speaking group is homogenous, the Asian group contains 11 subcategories. Likewise, the Indo-European language group consists of 20 different languages; it is more than likely that French speakers comprise the majority in this category. Due to the broad categorical breakout, the Asian and Indo-European figures are not useful in determining the presence of a particular language group in a given area.

In general, the NHDOT can expect a higher, yet unpredictable, rate of encounter with members of the Spanish and French language groups. Although statistical data indicates that a higher percentage of speakers with LEP in these two language groups exists, anecdotal evidence in critical/compulsory activities, such as relocation assistance, shows no pattern of encounter with a specific language group. Furthermore, there is a high rate of encounter with French speakers who require oversize/overweight vehicle permits. However, these French (Canadian) speakers are regular customers who speak English as a second language with a level of difficulty that would not result in a delay of or the non-issuance of a permit. These individuals are also familiar with the permit process and requirements. Anecdotal evidence indicates substantially less than 1 incident per year where there has been difficulty in processing a permit request due to language proficiency.

Critical Programs and Language Assistance Measures

A. "Critical" Programs, Services, and Activities

The latest analysis of all programs, services, and activities having an inherent interaction with the public was completed 2014. This analysis considered four (4) factors in determining the reasonable extent to which access shall be provided. Ultimately, a program, service, or activity with a demonstrated need for language services was deemed "critical," as indicated by the US DOT Policy Guidance Concerning Recipients' Responsibilities to LEP persons.

The following four factors were considered for each program or activity conducted by this Department:

1. The number or proportion of people with LEP served or encountered in the eligible service population. This information consisted of 2010 Census data relevant to the service area of each program or activity reviewed.

2. The frequency with which LEP individuals come in contact with the program, activity, or services. This information was based on anecdotal evidence and statistical records relating to previous encounters with people with LEP.

3. The nature and importance of the program, activity, or service. The major consideration for this aspect of the analysis was whether or not the program or activity is compulsory, voluntary, or informational. In the case of a service, the benefits of the service (or disadvantages of not having access to the service) were evaluated. Essentially the ramifications of a denial or delay in service were carefully considered.

4. Resources Available and Costs. For this factor, the number of multi-lingual employees available to serve as interpreters and provide basic translations when needed was considered. In addition, community agencies and community action programs, as well as other statewide resources were examined to determine the feasibility of sharing services or economies of scale. Finally, the budget source and estimated costs for the type(s) of services needed were evaluated.

Based on the information provided by each bureau, and in consideration of the four factors above, critical programs and services have been identified for which specific language access mechanisms will be established. While many programs and services were reviewed, it was determined that the following "critical" activities had the greatest implications:

- All Public Participation activities
- E-ZPass- application process f2f, Online, and via phone
- OS/OW Permits- Oversize and Overweight Vehicles
- ROW activities-relocation assistance and property acquisitions (f2f, brochures and pamphlets, and phone)

B. Language Assistance Measures by Program Area

Public Participation (10-year Planning Process). Pursuant to the STIP/10-year planning process, a series of Governor and Council Intermodal Transportation (GACIT) public hearings are held in various locations throughout the state in September of *odd* years. Each public hearing is concerned with specific projects within the region of the hearing location. The Bureau of Planning and Community Assistance will provide a list of the selected meeting locations depicting the area of interest and projects (by town) slated for discussion at each meeting. The Title VI Coordinator will use this information to conduct a demographic analysis showing each town affected by a planned project(s). The analyses will be in the same format as those routinely conducted for other NHDOT projects, with additional emphasis on language access and outreach where appropriate. The results of each analysis will be provided to the Project Manager with courtesy copies provided to principal Administrators and others as requested.

Public Participation (General). When an LEP population exceeding 5% or 1,000 people is affected by a transportation project, the lead person shall be responsible for contacting and coordinating outreach efforts using the resources provided in this program and the "Outreach Recommendations" provided in the EJ Population Analysis. First consideration should be given to the low-cost outreach source of community-based organizations that serve the targeted LEP group. These organizations can be instrumental in soliciting interest for public meeting/hearing attendance. In addition, organization members and leaders may be willing to attend meetings and serve as interpreters/translators to facilitate notification and participation of the affected language group. When this method is infeasible, consideration should be given to the translation of Public Hearing and Information Meeting Notices (for all NEPA Class I and Class III projects) in the appropriate language(s). Public Hearing and Information Meeting Notices should be translated and posted in locations most likely accessed or frequented by members of the target language group(s).

When Public Meeting and Hearing Notices in another language(s) are deemed necessary (NEPA Class I and III projects), the project manager or lead person will contact the Department's Title VI Coordinator to locate a competent translator using the services of **Rapport International** as a resource.

All Notices translated in languages other than English shall contain contact information of the NHDOT employee assigned to respond to limited English callers. When feasible, this responsibility should be given to a person who is proficient in the targeted language; otherwise, the contact person should be someone trained in the use of available telephone translation services (e.g. the Title VI Coordinator).

The person responding to the caller with limited English should be prepared to relate the project scope and purpose of the public meeting or hearing. If the caller expresses an interest in attending a public meeting and requires a translator, the request will be forwarded to the title VI Coordinator and project manager or lead person, who will be responsible for procuring the required language service(s).[1]

E-ZPass. E-ZPass is a convenient toll collection technology that saves travelers money through discount plans. E-ZPass also helps reduce travel time due to traffic congestion normally resulting from conventional cash collection methods. Specifically, users of E-ZPass receive the following benefits:

- E-ZPass saves you money through automatic discount programs on many E-ZPass facilities.
- E-ZPass can process 250 to 300 percent more vehicles per lane, thus reducing toll plaza delays and traffic congestion.
- E-ZPass helps to reduce congestion and reduce auto emissions.
- E-ZPass helps reduce fuel consumption.

[1] All language services purchased or contracted as a direct project cost shall be documented and reported to the Title VI Coordinator for statistical tracking and analysis.

To ensure language access to this service, the E-ZPass vendor provides telephone language interpretation services to people with LEP seeking an E-ZPass account, as well as for those requiring information on an existing account. If needed, the walk-in centers have access to the same language assistance services. The walk-in center in Nashua has 2 in-house employees that are fluent in Spanish. Typically E-ZPass provides language assistance on phone calls from customers 80-100 times a year.

Right of Way Activities - As a result of transportation improvement projects it is at times necessary for the state to acquire private property to expand or improve the existing transportation system. The NHDOT Bureau of Right of Way is responsible for the acquisition of property rights required for transportation projects, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 governs the process the Department follows. The Bureau is vigilant and strives to be sensitive to any situation where there is potential for discrimination and, where Title VI mandates, including the adherence to the directives of Executive Orders 13266 (LEP). There have been no LEP circumstances in Right of Way in the previous 5 years.

Documents Translations. The following public documents are considered to be ***vital*** as defined by the Federal LEP guidelines and should be readily available in Spanish. These documents should also be translated and distributed when no alternative is available and failure to provide the translation would prevent program access or result in a delay of service:

- *Having Your Say in Transportation Projects that Shape Your Community* - How to get involved.
- *Planning the Future of New Hampshire Transportation* - The planning processes, and how to participate.
- Project Development: *Making Transportation Projects a Reality* - The steps through approval, design and construction.
- Access Management - *The community benefit in planning points of access.*
- Transportation Enhancement Program - Federal-funded alternative transportation program.
- Congestion Management and Mitigation Program - Federally-funded program focused on air quality improvements.
- The Transportation/Land Use Relationship - The importance of the local and regional land use planning processes.
- Ten Year Transportation Improvement Plan Process Brochure
- Title VI Complaint Process and Public Notice are currently posted on NHDOT Website in Spanish
- A notice stating: "To ensure timely service and access to its programs, the NHDOT will provide free language assistance upon request to any member of the public...."
- Ride Match Application—or a notice in Spanish stating that translation services are available at no cost...."
- ROW-Title VI impacts survey

- Spanish Translation of this Language Assistance Plan

Program Areas in which information to the public is frequently provided via telephone or in person:

Records
ROW Relocation #
Permits
Main number/receptionist for public hearings
Main number/receptionist for public info meetings
Traffic main #/receptionists
Main receptionist

LEP Outreach/Notification Procedures. Posting of signs in intake areas/entry points, stating that language services are available in public notices and other informational documents (even in English); notice to certain community-based organizations.
Notice that Interpretation Services will be provided at no cost.
Cite specific language that should be used in cover letters for public meeting/hearing notices , should cover purpose of outreach and accommodations

In House Language Resources
Spanish - Samantha Fifield; Highway Design X1591
French - Marc Laurin; Environmental X4044

External Resources

24/7 365 days translating and interpreting service
Rapport International
93 Moore Road
Sudbury, MA 01776
978-443-2540
www.RAPPORTINTL.com

Lutheran Services, Language Bank 410-6183: (Probably best source for translations)
They can fulfill virtually any language requirement, even on short notice. Rates range from .22 to .55 cents per word. Minimum fee is generally $40.00 to $45.00. Best way to proceed is to email the document you would like translated to and they will provide an estimate. Lutheran Services bill directly so you don't have to go to the trouble of finding an independent Interpreter who has a State vendor number.
Contact Information for translation services:

Ms. Radia Sefiane
603-657-7414
rsefiane@lssne.org

Training. Personnel who have frequent contact with the public through which program/activity access is requested or granted. Training in the use of contracted telephone translation services. Training in basic (Spanish or French if deemed necessary) can arrange a class for daytime.... Use of "I Speak cards"; general policy and procedure;

Subrecipient Requirements- the NHDOT Title VI Coordinator reviews subrecipients' Language Assistance Plans as part of their overall Title VI review. In meeting existing anti-discrimination requirements under Title VI with regard to minimizing adverse and disproportionate project impacts and ensuring inclusion of all affected people in public participation, regardless of race, color, and national origin, all recipients of federal assistance offered through the NHDOT shall be notified of their obligation to establish an LEP policy and to ensure meaningful language access as required by Executive Order 13166 and the U.S. Department of Transportation's LEP Policy Guidance dated December 14, 2005.

EXHIBIT I: LANGUAGES SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH LESS THAN VERY WELL

Languages	Number of Speakers	Spoke English less than "Very Well"	Percentage
Population 5 years and over	**1,237,068**	**16,513**	**1.33%**
Spoke only English at home	1,137,876	(X)	
Spoke a language other than English at home			
SPANISH AND SPANISH CREOLE	**26,559**	**8,923**	0.72%
OTHER INDO-EUROPEAN LANGUAGES	**55,151**	**13,618**	1.10%
French	27,990	6,126	0.50%
French Creole	398	237	0.02%
Italian	1,941	407	0.03%
Portuguese	4,425	1,739	0.14%
German	3,638	413	0.03%
Other West Germanic languages	**494**	**55**	0.00%
Dutch	400	55	0.00%
Scandinavian languages	**774**	**213**	0.02%
Greek	2,409	618	0.05%
Russian	1,860	566	0.05%
Polish	1,769	428	0.03%
Serbo-Croatian languages	**1,861**	**780**	0.06%
Other Slavic languages	**784**	**329**	0.03%
Armenian	195	36	0.00%
Persian	313	19	0.00%
Hindi	2,308	314	0.03%
Gujarati	704	244	0.02%
Urdu	183	21	0.00%

Other Indic languages	**1,895**	**658**	0.05%
Nepali	923	442	0.04%
Other Indo-European languages	**1,195**	**415**	0.03%
Romanian	435	90	0.01%
Irish Gaelic	63	25	0.00%
Albanian	319	238	0.02%
Lithuanian	326	40	0.00%
Lettish	52	22	0.00%
ASIAN AND PACIFIC ISLAND LANGUAGES	**13,130**	**6,038**	0.49%
Chinese	4,343	2,046	0.17%
Chinese	3,040	1,439	0.12%
Cantonese	643	218	0.02%
Mandarin	614	383	0.03%
Formosan	29	6	0.00%
Japanese	536	264	0.02%
Korean	961	702	0.06%
Mon-Khmer, Cambodian	666	292	0.02%
Thai	1,044	407	0.03%
Laotian	445	139	0.01%
Vietnamese	1,105	837	0.07%
Other Asian languages	**2,129**	**661**	0.05%
Turkish	279	238	0.02%
Mongolian	46	36	0.00%
Telugu	936	286	0.02%
Malayalam	189	48	0.00%
Tamil	542	25	0.00%
Burmese	67	19	0.00%
Tagalog	1,007	154	0.01%
Other Pacific Island languages	**894**	**536**	0.04%
Indonesian	689	514	0.04%
Malay	88	22	0.00%
ALL OTHER LANGUAGES	**4,352**	**1,208**	0.10%
Hungarian	333	91	0.01%
Arabic	1,798	593	0.05%
African languages	**1,568**	**488**	0.04%
Sudanic	221	145	0.01%
Swahili	320	158	0.01%
Bantu	434	42	0.00%
Kru, Ibo, Yoruba	394	109	0.01%

Source: U.S. Census Bureau, 2006-2008 American Community Survey

Exhibit II: Speaks English Less Than Very Well By County

	Belknap County		Carroll County		Cheshire County		Coos County		Grafton County	
Subject	Pop Est	Speaks English < very well	Pop Est	Speaks English < very well	Pop Est	Speaks English < very well	Pop Est	Speaks English < very well	Pop Est	Speaks English < very well
Population 5 years and over	57,198	0.9%	45,771	0.5%	73,362	0.8%	31,482	2.2%	84,915	1.8%
Speak only English	95.50%	(X)	97.30%	(X)	96.8%	(X)	87.4%	(X)	92.8%	(X)
Speak a language other than English	4.50%	20.0%	2.7%	18.3%	3.2%	26.5%	12.6%	17.1%	7.2%	24.9%
Spanish or Spanish Creole	0.70%	16.8%	0.5%	0.0%	0.9%	30.0%	0.6%	27.0%	1.4%	28.2%
Other Indo-European languages	3.00%	19.7%	1.7%	17.9%	1.7%	21.5%	11.6%	16.8%	3.3%	14.5%
Asian and Pacific Island languages	0.70%	26.6%	0.4%	48.5%	0.5%	42.7%	0.3%	14.5%	1.9%	32.3%
Other languages	0.10%	0.0%	0.0%	0.0%	0.2%	13.2%	0.1%	0.0%	0.5%	53.5%
Speak a language other than English										
Spanish or Spanish Creole	374	16.8%	245	0.0%	646	30.0%	204	27.0%	1,222	28.2%
5-17 years	151	23.8%	81	0.0%	123	9.8%	18	27.8%	224	38.8%
18-64 years	196	13.8%	129	0.0%	506	33.6%	177	24.9%	925	27.9%
65 years and over	27	0.0%	35	0.0%	17	70.6%	9	66.7%	73	0.0%
Other Indo-European languages	1,728	19.7%	792	17.9%	1,237	21.5%	3,659	16.8%	2,779	14.5%
5-17 years	181	7.7%	47	4.3%	211	21.3%	258	1.9%	403	13.9%
18-64 years	861	22.0%	471	12.3%	727	20.6%	1,849	15.9%	1,827	10.8%
65 years and over	686	20.0%	274	29.9%	299	23.7%	1,552	20.2%	549	27.3%
Asian and Pacific Island languages	406	26.6%	169	48.5%	337	42.7%	83	14.5%	1,636	32.3%
5-17 years	8	0.0%	35	0.0%	25	32.0%	38	0.0%	184	24.5%
18-64 years	364	27.5%	134	61.2%	296	45.9%	45	26.7%	1,402	32.3%
65 years and over	34	23.5%	0	-	16	0.0%	0	-	50	60.0%
Other languages	41	0.0%	17	0.0%	114	13.2%	23	0.0%	445	53.5%
5-17 years	38	0.0%	0	-	0	-	1	0.0%	86	50.0%
18-64 years	0	-	17	0.0%	99	0.0%	7	0.0%	355	54.9%
65 years and over	3	0.0%	0	-	15	100.0%	15	0.0%	4	0.0%
Citizens 18 years and over										
All citizens 18 years and over	46,888	0.6%	38,303	0.3%	61,084	0.6%	26,382	2.2%	69,940	0.9%
Speak only English	96.10%	(X)	97.8%	(X)	97.6%	(X)	86.9%	(X)	95.3%	(X)
Speak a language other than English	3.90%	14.7%	2.2%	14.3%	2.4%	24.2%	13.1%	16.8%	4.7%	18.6%
Spanish or Spanish Creole	0.50%	8.4%	0.4%	0.0%	0.7%	28.2%	0.6%	25.6%	1.2%	22.2%
Other languages	3.40%	15.5%	1.7%	17.8%	1.8%	22.6%	12.4%	16.4%	3.6%	17.4%

Subject	Hillsborough County		Merrimack County		Rockingham County		Strafford County		Sullivan County	
	Pop Est	Speaks English < very well	Pop Est	Speaks English < very well	Pop Est	Speaks English < very well	Pop Est	Speaks English < very well	Pop Est	Speaks English < very well
Population 5 years and over	377,445	4.6%	139,187	1.5%	280,843	1.7%	116,579	2.0%	41,320	0.8%
Speak only English	87.4%	(X)	94.8%	(X)	93.5%	(X)	93.2%	(X)	96.9%	(X)
Speak a language other than English	12.6%	36.4%	5.2%	28.6%	6.5%	26.9%	6.8%	29.3%	3.1%	25.2%
Spanish or Spanish Creole	4.0%	41.9%	0.9%	20.2%	1.9%	31.0%	1.3%	25.0%	0.8%	21.8%
Other Indo-European languages	6.1%	29.1%	3.6%	29.4%	3.0%	19.8%	3.5%	24.3%	1.7%	23.0%
Asian and Pacific Island languages	1.7%	45.8%	0.4%	38.8%	1.2%	43.2%	1.7%	43.4%	0.5%	38.8%
Other languages	0.8%	44.0%	0.3%	29.8%	0.5%	14.6%	0.2%	25.1%	0.1%	12.0%
Speak a language other than English										
Spanish or Spanish Creole	14,926	41.9%	1,219	20.2%	5,228	31.0%	1,555	25.0%	325	21.8%
5-17 years	3,952	24.1%	368	24.5%	1,032	28.9%	215	9.3%	96	2.1%
18-64 years	10,371	47.6%	755	17.4%	3,865	30.0%	1,209	24.9%	221	31.2%
65 years and over	603	59.9%	96	26.0%	331	48.6%	131	51.9%	8	0.0%
Other Indo-European languages	23,015	29.1%	5,047	29.4%	8,353	19.8%	4,121	24.3%	699	23.0%
5-17 years	2,390	15.9%	569	9.5%	928	7.7%	390	31.5%	87	0.0%
18-64 years	14,524	30.6%	3,522	33.7%	5,445	19.1%	2,401	21.9%	331	13.9%
65 years and over	6,101	30.4%	956	25.5%	1,980	27.5%	1,330	26.5%	281	40.9%
Asian and Pacific Island languages	6,597	45.8%	570	38.8%	3,291	43.2%	2,031	43.4%	214	38.8%
5-17 years	893	18.8%	67	29.9%	699	5.6%	416	16.1%	37	83.8%
18-64 years	5,172	46.8%	453	39.5%	2,405	51.4%	1,524	49.2%	177	29.4%
65 years and over	532	81.0%	50	44.0%	187	78.6%	91	71.4%	0	-
Other languages	3,170	44.0%	410	29.8%	1,270	14.6%	271	25.1%	25	12.0%
5-17 years	989	50.7%	79	20.3%	338	11.2%	68	0.0%	0	-
18-64 years	2,058	41.3%	325	32.6%	846	11.7%	183	37.2%	7	0.0%
65 years and over	123	37.4%	6	0.0%	86	55.8%	20	0.0%	18	16.7%
Citizens 18 years and over										
All citizens 18 years and over	292,405	2.6%	112,633	0.8%	224,338	1.3%	95,619	1.2%	34,092	0.6%
Speak only English	90.7%	(X)	96.2%	(X)	94.6%	(X)	94.8%	(X)	97.5%	(X)
Speak a language other than English	9.3%	27.6%	3.8%	21.7%	5.4%	24.7%	5.2%	23.8%	2.5%	22.2%
Spanish or Spanish Creole	2.5%	30.0%	0.7%	18.3%	1.7%	26.8%	1.2%	26.5%	0.4%	0.0%
Other languages	6.8%	26.7%	3.1%	22.4%	3.7%	23.8%	3.9%	23.0%	2.1%	26.2%

Appendix 11

GLOSSARY

ADAAG	Americans with Disabilities Act Accessibility Guidelines
Adverse Impact	The totality of significant individual or cumulative effects.
Applicant	Any public entity or organization that submits an application for Federal financial assistance.
Class I Project	A project entailing large-scale construction in a new location or involving substantial widening with anticipated significant environmental impacts. Requires an Environmental Impact Statement (EIS).
Class III Project	A project involving major reconstruction or minor relocation. An environmental assessment is prepared to determine need for EIS.
Compliance	The condition in which all requirements of Title VI of the Civil Rights Act of 1964, related statutes, and implementing regulations have been met.
Constituent	Any person having Title VI responsibilities within the context of this program
Critical Service	As it relates to language access and assistance requirements, a critical service is one that is afforded to the public where there is an inherent interaction with the public, and where a significant loss or delay in service or benefits provided under a program could result due to one's inability to understand, speak, read or write English.
Disparate Impact	Neutrally applied policies and practices that have a disproportionate adverse effect upon affected persons and communities because of their race, color, or national origin.
Disproportionate Effect	An adverse effect predominantly borne by minority and low-income populations; and is more severe or greater than the effect suffered by nonminority or low-income populations.
Environmental Justice	Environmental justice relates to public policy efforts to ensure that adverse human health or environmental effects of governmental activities do not fall disproportionately upon minority or low-income populations.

LEP Person	A person whose primary language is other than English, and who speaks, reads, or writes English less than well.
Liaison	A person appointed by a Director, Administrator, or District Engineer to perform Title VI duties as outlined under "responsibilities" for their Division, Bureau, or District
Low-Income	A household income at or below the Department of Health and Human Services poverty guidelines.
LPA	Local Project Administration.
Major Program Areas	Program areas where Title VI implications are greatest.
Minority	Any person or group of the following ethnic or racial background: Black, Hispanic, Native American, Asian, or Asian Pacific.
Noncompliance	A failure to meet the requirements of Title VI, related statutes, and implementing regulations or failure to implement an approved Title VI program.
Prima Facia Criteria	Refers to the three elements of a complaint necessary to establish evidence of discrimination: 1) Proof that the complainant is a member of a protected group; 2) that the complainant was harmed; 3) Similarly situated persons of a different group were not or would not have been harmed under similar circumstances
Probable Compliance	A condition based on the record, where it is more likely than not that an applicant or contractor seeking participation in a Federally assisted program will comply with the nondiscrimination requirements of its agreement or contract.
Recipient	Any entity, private or public, that receives Federal assistance directly from a US DOT intermodal agency.
Subrecipient	Any entity that, through agreement, receives Federal financial assistance through a recipient.
Title VI Program	The system of requirements, procedures, actions and sanctions adopted by applicants, recipients, and sub-recipients which are deemed necessary and appropriate to comply with Title VI of the Civil Rights Act of 1964 and related statutes.
Traditionally Underserved People	Denotes ethnic and minority groups, and low-income households where their culture & income levels have traditionally impeded their access to the public participation process.

Glossary of Terms

Vital documents- A document made available to the general public containing information regarding rights or services offered to any member of the public under a transportation program or activity

People with LEP- Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English and, therefore, are entitled to language assistance under Title VI with respect to a particular type of service, benefit, or encounter.

Critical program, service, or activity- The programs, services, or activities rendered to the public as part of the core transportation functions of the Department where no benefit or a delay in service would result in exclusion from the program or other tangible loss.