



**Illinois Department of Transportation**

Title VI Program Plan and  
Assessment for the Federal  
Highway Administration  
2023

**TITLE VI PROGRAM PLAN**  
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## Executive Summary

This Title VI Program Plan reflects the Illinois Department of Transportation's effort to comply with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Highway Act of 1973, and all related regulations and statutes. Included in this plan are the following:

- Title VI policy of the Illinois Department of Transportation (IDOT);
- Updated list of accomplishments and goals;
- The steps IDOT takes to ensure compliance with regard to Title VI within its departments and to subrecipients;
- The selection and application process for subrecipients;
- IDOT's subrecipient program requirements;
- Environmental Justice in minority and low-income populations;
- The complaint procedure for anyone who believes that IDOT or one of its subrecipients have unlawfully discriminated in violation of Title VI;
- IDOT's Language Assistance Plan; and
- Other relevant information.

IDOT is committed to a policy of nondiscrimination and will continue to monitor the efforts within IDOT to comply with Title VI and prevent discrimination, while also monitoring the compliance of subrecipients with Title VI.



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Sannaz Etemadi  
Interim Bureau Chief of Civil Rights  
Title VI Coordinator  
Illinois Department of Transportation

## Title VI Nondiscrimination Policy Statement



# Illinois Department of Transportation

Office of the Secretary  
2300 South Dirksen Parkway / Springfield, Illinois / 62764  
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## Title VI Nondiscrimination Policy Statement

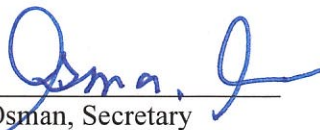
The Illinois Department of Transportation (IDOT) is committed to a policy of nondiscrimination. IDOT is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. Title VI of the Civil Rights Act of 1964 provides 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." 42 U.S.C. § 2000d. The Federal Highway Administration through an amendment to the Federal Highway Act of 1973, added discrimination on the basis of sex to Title VI protections and regulations. 23 U.S.C. § 324.

IDOT will make every effort to follow environmental justice principals in order to ensure that the impact of its programs, policies, and activities will not discriminate against minority and low-income populations. In addition, IDOT will provide meaningful access to services for persons who are Limited English Proficient.

In the event IDOT distributes financial assistance to a subrecipient, IDOT will include Title VI language in all written agreements and will monitor for compliance. Financial assistance includes grants, training, equipment usage, donations of surplus property, and other assistance.

The ultimate responsibility of ensuring that IDOT is compliant with Title VI rests with the Secretary of IDOT. The Secretary has delegated this authority to the Title VI Coordinator, who is in the Civil Rights Bureau of the Office of Business and Workforce Diversity for IDOT. The Title VI Coordinator has the overall responsibility for the initiating, implementing, and monitoring IDOT's Title VI programs and activities and preparing reports as required by 49 CFR part 21.

Signed this 28<sup>th</sup> day of September, 2022

  
\_\_\_\_\_  
Omer M. Osman, Secretary

## **Nondiscrimination Mission Statement**

The Illinois Department of Transportation (IDOT) wants to ensure that its managers, staff, contractors and other service providers are informed, educated and knowledgeable about the provision of Title VI of the Civil Rights Act of 1964, which requires that all individuals regardless of their race, color, national origin, or sex, have the opportunity to participate in or receive benefits from IDOT programs, services or activities receiving Federal financial assistance.

To ensure that IDOT and its Federal aid subrecipients, vendors, and contractors are in compliance with its Title VI responsibilities, IDOT has established the following monitoring procedures, complaint procedures and complaint processing, which are applicable in all programs, directly or indirectly responsible to IDOT, regardless of whether the recipients receive Federal funding in whole or in part.

These procedures do not preclude a complainant from filing a formal complaint with other state or Federal agencies or to seek redress through private action. These procedures are part of an administrative process, which does not provide for remedies that include punitive damage or compensatory remuneration for the complaint.

## **History of the Illinois Department of Transportation**

The Illinois Department of Transportation (IDOT) was created by the Illinois General Assembly on January 1, 1972. IDOT replaced the Department of Public Works and Buildings, which was created in 1917. Before that, transportation services were handled by the State Highway Commission, which was created in 1905. Today, IDOT is a multi-modal transportation agency with various levels of responsibility for highways and bridges, public transit, aeronautics, rail freight and passenger transportation, and traffic safety.

The cornerstone of the state's transportation network is comprised of more than 16,000 miles of state-administered highways, which include 2,185 interstate miles. IDOT also oversees the second largest air transportation system in the nation with 408 public use airports (including heliports and other landing facilities), which includes Chicago O'Hare International Airport, one of the world's busiest airports.

The 10,000 miles of railroad track make the rail system the nation's second largest. Two of the country's busiest rail-freight terminals are in Chicago and the East St. Louis region. One of Amtrak's national rail-passenger service hubs is in Chicago with trains on ten regional and transcontinental routes providing service every weekday to cities in Illinois and destinations beyond. The state supports supplemental service in four intercity corridors between Chicago and St. Louis, Carbondale, Quincy and Milwaukee. The public transit system in the Chicago metro area operates the second largest transportation system in the nation, carrying approximately 600 million passengers each year on buses and rail. More than 60 additional downstate transit systems provide services to metropolitan, small urban and rural areas statewide.

Illinois has more than 2,000 miles of on and off-road bikeways for its 4 million bicyclists, with nearly 1,000 miles in northeastern Illinois. More than 89,000 miles of the 140,000 miles of Illinois highways, streets, and roads also are suitable for bicycling. In many areas of the state, these networks provide access to public transportation. Illinois has over 160 trails consisting of nearly 1,200 miles for use by bicyclists and/or pedestrians.

Illinois is uniquely situated to be a leader in transportation because of its geographical location, industrial and agricultural base, and urban concentration. Illinois lies at the heart of the nation's interstate highway system. Three coast-to-coast interstates (I-70, I-80 and I-90) pass through the state. Major east/west and north/south routes provide direct highway access to every point in the country.

Illinois' multi-modal and balanced transportation system provides an infrastructure that is basic to a healthy economy and society. Extensive transportation investments over the years continue to make significant contributions to the social and economic future of the state and nation.

## **Objectives of the Illinois Department of Transportation**

The major objective of the Department is to ensure that all the transportation systems in Illinois are developed and maintained to provide for the safe and efficient movement of people and products. In addition, the Department is charged with allocating public resources and setting policy that will lead to a balanced and coordinated transportation system.

The Department accomplishes these objectives by carrying out its responsibility for statewide transportation planning; the allocation of resources and funds; the development, construction, operation,

and maintenance of transportation facilities; and the administration of grants and programs to local units of government.

### **IDOT Title VI Accomplishments**

The Department's Bureau of Civil Rights and Office of Planning and Programming have drafted an outreach plan for the Department that addresses the Department's need to be inclusive of Limited English Proficient populations. We are currently working with the Governor's Office on a statewide initiative concerning Language Access Plans. We have updated our website with the Google Translate widget, as well as updated the Title VI notice on our website using the Translation Portal. We have also translated documents for OBWD using the portal. This process is ongoing.

The Department has included Title VI in its training program. Title VI training for new employee trainings was provided via Zoom in 2022 due to the pandemic. These trainings are for all new employees, no matter what level, who began at IDOT during the previous six months. Unfortunately, due to the pandemic, the new employee training was only offered once instead of twice this past year. The Civil Rights Specialists in District 1 make regular presentations to new employees (mainly highway maintainers) during onboarding by explaining the work the Civil Rights Bureau covers, including Title VI. The Bureau Chief of Civil Rights also attended an OBWD retreat in July 2022, which included Title VI training.

We are in the process of hiring a Title VI Coordinator and Title VI Specialist. The Title VI Coordinator position was posted twice; we interviewed a candidate in June 2022 for the position after receiving permission to move the position to Chicago. The position has been revised and reposted due to a lack of qualified candidates. We are also in the process of hiring a Title VI Specialist, who will report to the Title VI Coordinator.

We have streamlined our case management process in order to better manage Title VI Complaints; we now have a delineation between FHWA Title VI Complaints and FTA Title VI Complaints in our system. We have also revised our Complaint process to ensure compliance and consistency across the Civil Rights Bureau and IDOT complaints.

### **IDOT Title VI Goals for Fiscal Year 2023**

Conduct 2 compliance reviews of subrecipients.

Conduct trainings for subrecipients regarding their obligations complying with Title VI, including the forms listed in the appendix, which include a checklist and assurances for subrecipients and MPOs.

Continue to conduct internal trainings for staff regarding Title VI compliance, including new employee training and the Department's Supervisor Training and Readiness Series (STARS II) Program scheduled throughout the year. Currently, we are working on remote trainings through WebEx or recorded online training. Also, to provide training at Bureau Chief meetings held through the different offices at IDOT. Meet with Personnel Managers collectively and individually to discuss matters that come up regularly within Civil Rights.

Conduct internal program reviews for Title VI compliance.



Continue drafting and revising the Public Participation Plan with the Department's Office of Planning and Programming along with implementing an updated Language Access Plan. Also, we will initiate a new Limited English Proficiency assessment using the Four Factor Analysis as provided in Federal guidance. Provide in-house training to employees regarding the Department's responsibilities to LEP individuals and the Department's Language Assistance Plan.

Onboard a new Title VI Coordinator and Title VI Specialist.

## **Title VI Assurance to the Federal Highway Administration**

### TITLE VI ASSURANCE to FEDERAL HIGHWAY ADMINISTRATION

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

#### **Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 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 the Federal Highway Administration.*

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

#### **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Aid Highway Program:

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 Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

- b. the period during which the Recipient retains ownership or possession of the property.
- 9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- 10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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



\_\_\_\_\_  
Omer M. Osman, Secretary  
Illinois Department of Transportation

Dated 9/28/22

## APPENDIX A, TITLE VI ASSURANCE to FHWA

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 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.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions

for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B, TITLE VI ASSURANCE to FHWA

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the State of Illinois will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of Illinois all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

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

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

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

## APPENDIX C, TITLE VI ASSURANCE to FHWA

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

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the State of Illinois 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 State of Illinois will there upon revert to and vest in and become the absolute property of the State of Illinois 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, TITLE VI ASSURANCE to FHWA

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

### **Pertinent Non-Discrimination Authorities:**

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

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*)

## **What is Title VI of the Civil Rights Act of 1964?**

Title VI of the Civil Rights Act of 1964, is the legal authority that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive Federal financial assistance.

*No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*  
**42 U.S.C. § 2000d**

IDOT is committed to ensuring that it will comply with Title VI of the Civil Rights of 1964 and its implementing regulations. Further, IDOT is also committed to ensuring that every effort will be made to guarantee nondiscrimination in all of its programs, activities and services, regardless if they receive Federal funding. If IDOT distributes Federal funding to subrecipients, including other governmental entities, planning organizations and other entities, IDOT will ensure that they are in compliance with Title VI of the Civil Rights Act of 1964, and related statutes, regulations and directives.

Once an agency accepts Federal funds, all of its programs and activities are covered, regardless of their funding source. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all of the operations of the programs and activities of Federal aid recipients, sub-recipients, and contractors. Related statutes and Presidential Executive Orders under the umbrella of Title VI address Environmental Justice (EJ) in minority and low-income populations, and services to those individuals with Limited English Proficiency (LEP).

### **Other protected classes covered**

Title VI only covers discrimination based on race, color, and national origin. However, the broader application of nondiscrimination law is found in other statutes, regulations and Executive Orders. Section 324 of The Federal-Aid Highway Act of 1973, added the requirement that prohibits discrimination based on sex, which applies to Federal Highway Administration funding.

Section 504 of the Rehabilitation Act of 1973, added the requirement that prohibits discrimination based on disability for Federal funding. The Age Discrimination Act of 1975 added the requirement that prohibits discrimination based on age in the provision of services for Federal funding. If a person files a complaint on these bases, the Bureau of Civil Rights (BCR) will investigate the complaint under these statutes, if appropriate.

## **What does this mean?**

IDOT cannot, on the basis of race, color, national origin, or sex, either directly or through contractual means, do the following:

1. Deny an individual any service, financial aid, or other benefit because of race, color, national origin, or sex.
2. Provide a different service or benefit, or provide these in an inferior manner, either in quantity or quality, from those provided to others under the program.
3. Provide segregate or separate treatment in any manner related to receiving program services or benefits.
4. Require different standards or conditions as prerequisites for serving individuals or accepting them into programs or activities.
5. Deny minorities or women a chance to participate as members of planning or advisory bodies for programs receiving Federal funds.
6. Restrict an individual in any way in the receipt of any advantage or privilege enjoyed by others under the program.
7. Provide discriminatory activity in a facility built in whole or in part with Federal funds.
8. Locate facilities in any way that would limit or impede access to a federally funded service or benefit.
9. Use criteria or methods of administration, which have the effects of subjecting individuals to discrimination or operate to defeat or substantially impair the accomplishment of the objectives of the program.
10. Discriminate in employment practices under federally funded program whose objective is to provide employment.

IDOT must, either directly or through contractual means, do the following:

1. Require information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English-speaking ability (See LEP Section Guidance).
2. Require entities to notify the respective population about the existence of applicable programs.
3. Require assurances of nondiscrimination in purchasing of services.

## **Who must comply?**

1. State and local government agencies distributing Federal funding or an entity distributing Federal funding to the state or local governments.
2. Higher education which includes colleges, universities or other post-secondary institutions.
3. Local education agencies or systems of vocational education or other school systems.
4. An entire corporation, partnership or other private organization or an entire sole proprietorship.
5. The entire plant, a private corporation or other organization, which is a geographically separate facility to which Federal financial funding is extended.

### **What is Federal Financial Assistance?**

Federal financial assistance means more than just money. It is also aid that enhances the ability to improve or expand allocation of a recipient's own resources.

Examples:

- Student aid (releases recipient's funds for other uses)
- Training of employees (permits better use of the employer)
- Grants and Loans, tax-exempt bonds
- Property
- Loan of Personnel
- Tax incentives and tax-exempt status
- Technical assistance, etc.

### **What "Programs or Activities" are covered by Title VI?**

The revised definition states that discrimination is prohibited throughout an entire agency or institution, if any part of that agency or institution receives Federal financial assistance. Examples:

(1)(A) a department, agency, special purpose district, or other instrumentality of a state or local government; or

(B) the entity of such state or local government that distributes such assistance and each such department or agency (and each other state or local government entity) to which the assistance is extended, in the case of assistance to a state or local government;

(2)(A) a college, university, or other postsecondary institution, or a public system of education; or system of vocational education, or other school system.

*(42 U.S.C. § 2000d-(4a))*

Title VI applies to discrimination throughout an agency, not just to actions involving the federally assisted program. Therefore, if an agency receives any Federal financial assistance for any program or activity the entire agency is required to comply with Title VI, not just that particular program.



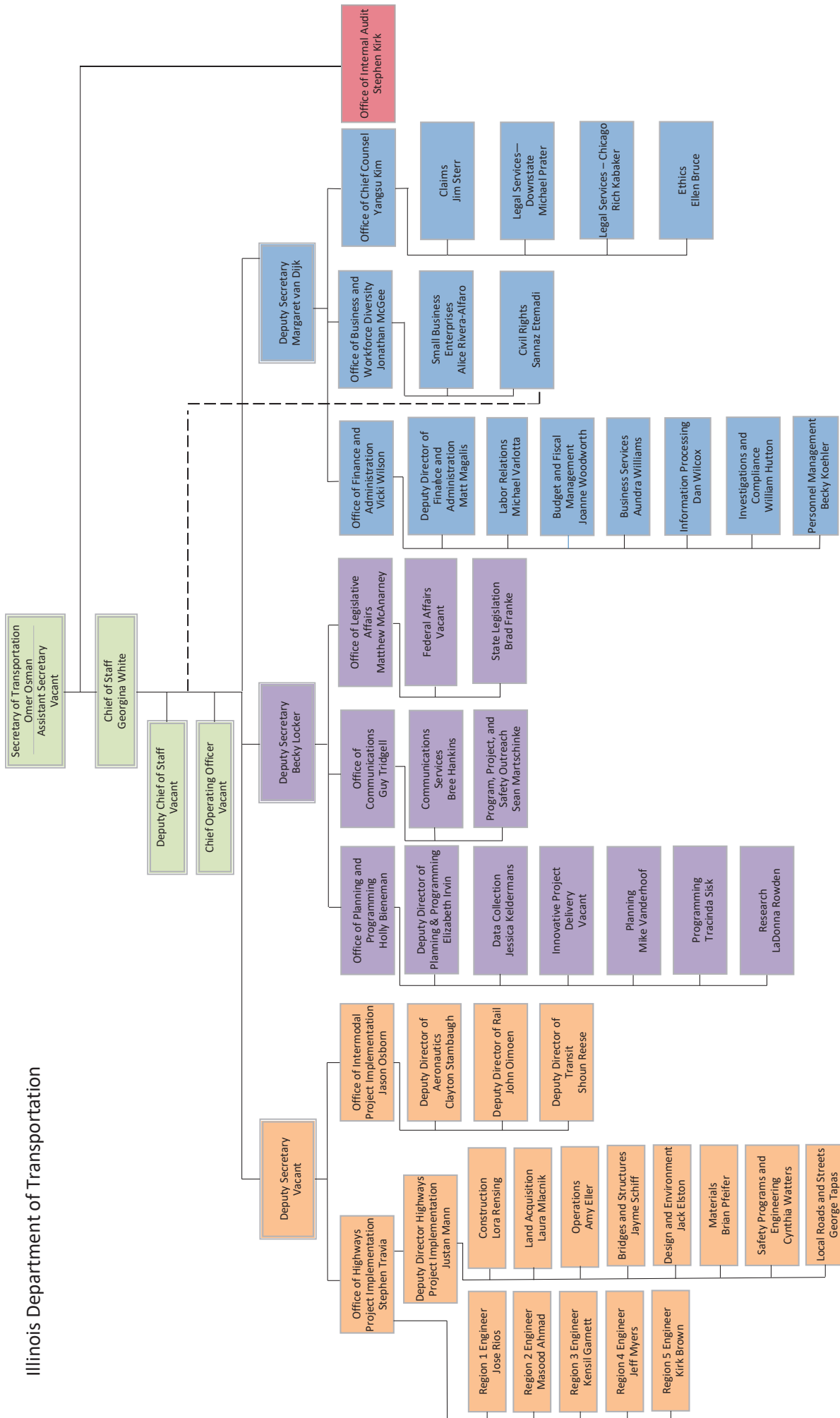
## **How does Title VI apply to Public Policy?**

Title VI is a mechanism that directs the Federal financial assistance, which drives or promotes economic development. By legislative mandate, Title VI examines the following public policy issues:

- Accessibility for all persons
- Accountability in public funds expenditures
- Disparate impact
- Economic empowerment
- Environmental Justice
- Infrastructure development
- Minority participation in decision making
- Program service delivery
- Public-Private partnerships in part or who with public funds
- Site and location of facilities



# Illinois Department of Transportation



## **Organizational Structure**

Under the umbrella of IDOT are the following offices: Offices of the Secretary, Business and Workforce Diversity; Chief Counsel; Finance and Administration; Communications; Internal Audit; Legislative Affairs; Planning and Programming; Intermodal Project Implementation; Highways Project Implementation and Program Development.

## **Organizational Responsibilities**

**Office of the Secretary** guides all IDOT's activities including personnel administration and the development and implementation of transportation policies, programs and activities. The Secretary carries out that accountability by delegating the appropriate authority and responsibility to the directors of the various divisions and offices.

**Office of Business and Workforce Diversity (OBWD)** administers IDOT's Disadvantaged Business Enterprise (DBE) program in accordance with regulations from the U.S. Department of Transportation (DOT). OBWD ensures that DBEs have an equal opportunity to receive and participate in DOT-assisted contracts. In addition, OBWD ensures nondiscrimination in the award and administration of DOT-assisted contracts, and is committed to creating a level playing field on which DBEs can compete fairly for DOT-assisted contracts.

**Office of Chief Counsel (OCC)** provides legal counsel to the Department on both policy issues and proposed actions affecting any of its operating divisions or staff offices. OCC is also responsible for the prosecution of all Departmental litigation in cooperation with the Attorney General. OCC administers tort liability claims, property damage claims and uncollectible receivables. It also processes lien and bond claims against contractors. In addition, OCC coordinates the purchase and service of all insurance policies and administers the Department's self-insurance program.

**Bureau of Civil Rights (BCR)** develops and implements the Department's Equal Employment Opportunity and Affirmative Action programs and ensures its compliance with Federal and/or state law. BCR also provides counseling and informational services to applicants and employees. Further, BCR investigates allegations of discrimination in employment and services, and assists the OCC and the Illinois Attorney General's Office in preparing Departmental responses to allegations of discrimination.

**Office of Communications (OOC)** provides the traveling public with accurate real-time information on transportation projects that affect the areas in which they live and conduct business. OOC has a primary goal of ensuring IDOT policies, actions, and goals are consistently communicated, supported, and enhanced throughout the Department and the state of Illinois.

**Office of Finance and Administration (F&A)** provides timely, high quality services such as centralized business functions, management of the agency's budget, personnel systems and fiscal management, to the divisions and offices of IDOT in support of their efforts to achieve the Department's overall mission. F&A also ensures compliance with state law and Departmental policies.

**Office of Internal Audit (OIA)** provides independent internal audit services to IDOT as required by the Fiscal Control and Internal Auditing Act (FCIAA). OIA is responsible for conducting system development reviews of various information technology projects. The office also tracks management's implementation of its corrective action plans in response to weaknesses noted during internal audits to ensure that appropriate action is taken in a timely manner.

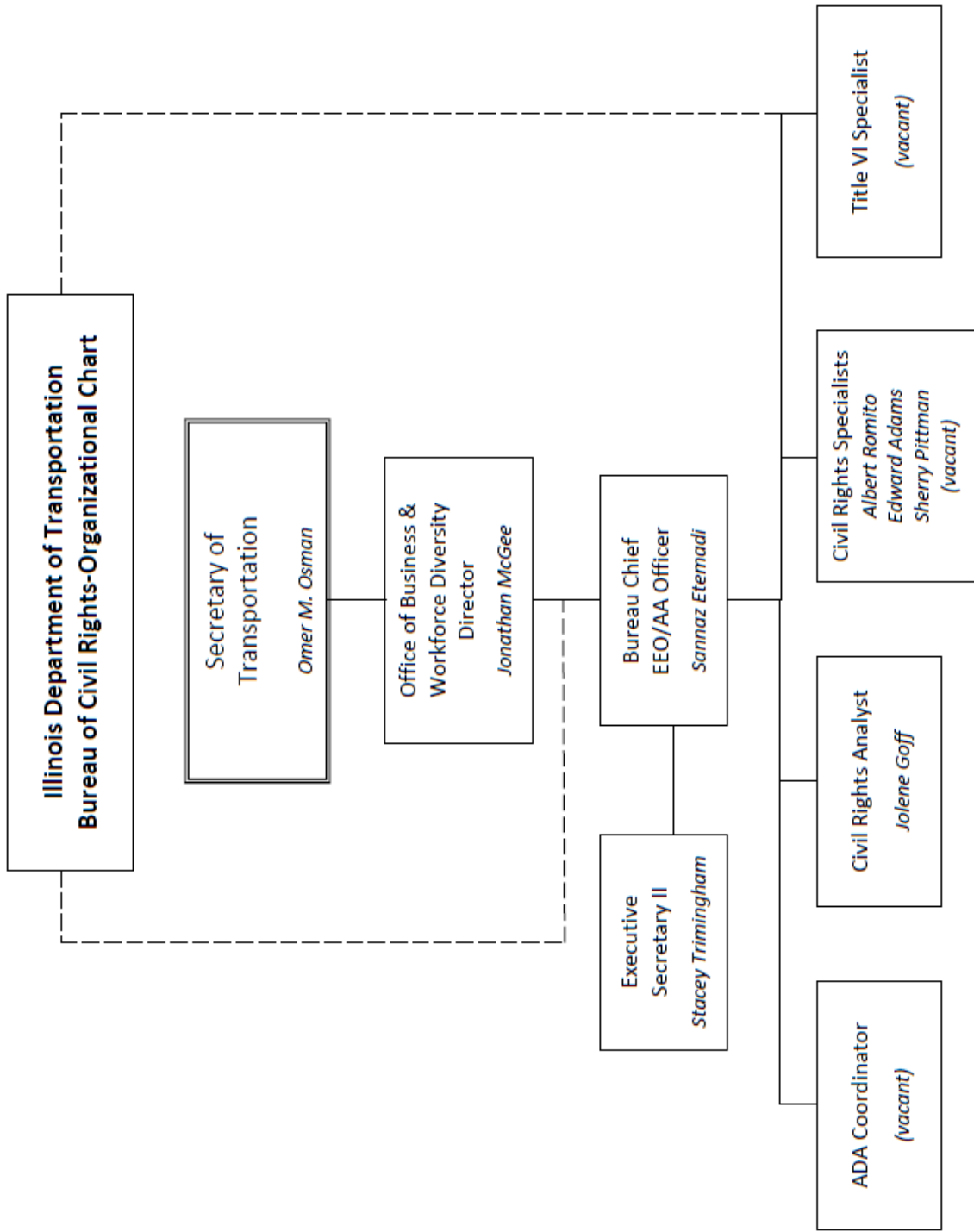
**Office of Legislative Affairs (OLA)** guarantees that IDOT policies, actions and goals are consistently communicated, supported and enhanced through interaction with legislative contacts, state and local officials, and private organizations to guarantee that Illinois constituents' needs are serviced well.

**Office of Planning and Programming (OP&P)** develops plans and programs aimed at improving the state's transportation system. OP&P works with metropolitan planning organizations to develop plans and programs for urban transportation, monitors the physical condition of the transportation system, assesses the need for improvement, and evaluates proposals for major investments in the system. OP&P, cooperatively with Intermodal Project Implementation, administers the state rail-passenger and freight-assistance programs and develops Federal policy and legislative agenda.

**Office of Highways Project Implementation** develops, maintains, and operates the state highway system in a timely, efficient and economical manner. The central bureaus of the DOH develop policies, procedures, standards, and guidelines to accomplish the Department's highway system improvement objectives. The central bureaus monitor district programs to ensure statewide uniformity of policy interpretation and compliance and to ensure program coordination with Federal, state and local agencies.

**Office of Intermodal Project Implementation (OIP)** provides technical assistance and administers state and Federal funding to public transit systems throughout the state, including the three bus and rail transit systems under the Regional Transportation Authority in northeastern Illinois. The funding administered by the Department provides both capital and operating grants. In addition, OIP assists non-profit agencies throughout the state in purchasing special transit vehicles and equipment to serve the elderly and individuals with disabilities.

**Organizational Structure**  
**Bureau of Civil Rights Organizational Structure**



## **Civil Rights Staff**

### **Affirmative Action (AA)/ Equal Employment Opportunity (EEO) Officer**

IDOT's AA/ EEO Officer develops the agency's Affirmative Action Plan, goals and objectives; identifies and solves EEO problems; serves as liaison between IDOT and EEO enforcement authorities; directs agency staff (at the direction of the Secretary) on how to take appropriate action to correct discriminatory practices identified; prepares quarterly reports with recommendations that address any underutilization identified within the Department; and other duties as required.

### **Affirmative Action Plan**

The Bureau Chief of Civil Rights is responsible for developing a written Affirmative Action Plan (AAP) conforming to the requirements designated by the Rules and Regulations of IDHR. The AAP must be reviewed and updated annually and submitted to IDHR for approval.

### **Title VI Coordinator**

The Title VI Coordinator is accountable for monitoring and documenting IDOT's Title VI program to ensure full compliance with all provision of Title VI of the Civil Rights Act of 1964, all applicable Executive Orders, state and Federal laws, rules, and regulations.

The Title VI Coordinator is responsible for ensuring all Civil Rights complaints are expeditiously and correctly processed in accordance with the Department's Title VI complaint procedures.

The Title VI Coordinator is responsible for reviewing all Departmental policies, procedures, and practices to ensure adherence to Title VI directives.

The Title VI Coordinator ensures that the Department's updated Title VI Plan includes accomplishments for the past year, action items for the upcoming year, and that the Title VI Plan is created in a format as prescribed by the Federal Highway Administration, the Urban Mass Transit Act, and the Illinois Department of Transportation.

The Title VI Coordinator provides Civil Rights legal advice, counseling, and training to Department management and employees, so that all levels of employees are informed of their rights and obligations under the Civil Rights Act of 1964, as amended.

### **Title VI Specialist**

The Title VI Specialist position is accountable for coordinating, monitoring, and maintaining the Department's compliance program for Title VI of the Civil Rights Act of 1964. This position further assists the Title VI Coordinator in the implementation and monitoring of the Department's other Civil Rights programs as they relate to Title VII of the Civil Rights Act of 1964.

The Title VI Specialist assists the Title VI Coordinator in the monitoring and preparing of reports in the Title VI Program as they relate to the FHWA, FMCSA, and FTA. The Title VI Specialist ensures that Title VI reports to federal agencies are completed and transmitted in a timely fashion. The Title VI

Specialist is assigned specific district offices and provides technical assistance, counsel, and guidance in the dispatch of all Civil Rights matters. The Title VI Specialist monitors Civil Rights compliance in all programs receiving federal financial assistance, which includes but is not limited to the department's Disadvantaged Business Enterprises, Supportive Services, consultant services, grant programs, construction projects, procurement, and any other programs which receive federal funding.

### **Other Bureau of Civil Rights Staff**

**Civil Rights Analyst/Specialists** are accountable for planning, developing, implementing, and monitoring the Department's Affirmative Action Program. This includes data collection and analysis, selection process, complaint investigation, promotion, recruitment, and training.

**The ADA Coordinator** is accountable for implementing and ensuring that the Department is complying with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

**ADA Policy Engineer** is responsible for developing Americans with Disabilities Act (ADA), Title II engineering policies, and the implementation of the ADA transition plan(s) within the Division of Highways to ensure the programs and projects delivered are in compliance with Federal and state accessibility requirements. This position provides training on accessible design requirements, performing compliance reviews in the field, and assisting with the investigation and resolution of ADA Title II complaints throughout the state. This position is located within IDOT's Bureau of Design and Environment.

## **Organizational Structure**

### **Office of Business and Workforce Diversity and Bureau of Small Business Enterprises**

The Office of Business and Workforce Diversity (OBWD) has been assigned the responsibility for developing and implementing all aspects of the Disadvantage Business Enterprise (DBE) program, and ensuring IDOT is in compliance with all provisions of 49 CFR § 26. The Director of OBWD has direct and independent access to the Secretary of the Illinois Department of Transportation pertaining to DBE program matters. The Director of OBWD has a full-time staff of thirty-three members who devote their time to IDOT's DBE program.

IDOT's Bureau of Small Business Enterprises (SBE) located within the Office of Business and Workforce Diversity (OBWD) administers the U.S. Department of Transportation's Disadvantaged Business Enterprise program mandated by Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21). SBE's Bureau Chief is responsible for developing and implementing all aspects of the DBE program, and ensuring IDOT is in compliance with 49 CFR § 26.

The OBWD's SBE is responsible for reviewing and approving construction DBE utilization plans for IDOT's Divisions of Highways, Aeronautics, and Public and Intermodal Transportation, track the final payments to contractors, and approve the final DBE goal modifications. SBE creates recommendations on pre and post-award goal modifications, monitors other contract modifications, and sanctions. SBE personnel conduct labor, On-The-Job (OJT), and Equal Employment Opportunity (EEO) contract compliance field reviews.

SBE provides guidance to contractors to ensure they are informed as to their requirements to be in compliance with Federal and state labor laws governing prevailing wages, and performs compliance monitoring of construction contractors' OJT training activities. SBE compiles external EEO statistical data for submission to Federal and state authorities, and develops and communicates compliance initiatives within IDOT's Division of Highways, Aeronautics, and Public and Intermodal Transportation.

### **Construction-site and Contract Monitoring**

The OBWD's SBE monitors DBE performance for commercially useful function, and reviews and approves DBE substitutions and final modifications. SBE provides assistance and guidance to DBEs, prime contractors, and IDOT field personnel regarding the DBE program.

OBWD's SBE Contract Compliance Section reviews and responds to complaints by conducting investigations as appropriate. The Contract Compliance Section is assisted by IDOT's nine district offices which have a Contract Compliance (EEO) Officer who reports to the district Regional Engineer, and is responsible for matters related to the DBE program. The Department's representative on each project is the resident engineer. The resident engineer is responsible for monitoring and reporting irregularities, problems or concerns to the district office and/or to the Bureau of Small Business Enterprises.

IDOT employs full-time Contract Compliance (EEO) Officers to ensure IDOT's compliance with all applicable state and Federal laws and statutes, including Title VI, and to promote and develop an inclusive work environment within IDOT facilities and on the locations of IDOT construction projects.

Under IDOT's organizational structure, Contract Compliance Officer are responsible for ensuring that IDOT contractors are in compliance with the employment and labor requirements stipulated in their contracts through construction site inspections, and the inspection and review of the contractor's payroll documentation.

The Contract Compliance Officer work with both prime and sub-contractors to keep the contractors informed of business opportunities available through IDOT. The Contract Compliance Officer communicates with contractors to establish the DBE goals for contracts based on the available percentage of certified DBE contractors within an IDOT district that are available, willing, able to perform the services for a specific pay item.

The Contract Compliance Officer receives training at the state and Federal level pertaining to Equal Employment Opportunity (EEO), diversity in the workplace, and other available training programs available from the State of Illinois and the U.S. Department of Transportation.

### **Contract Assurances**

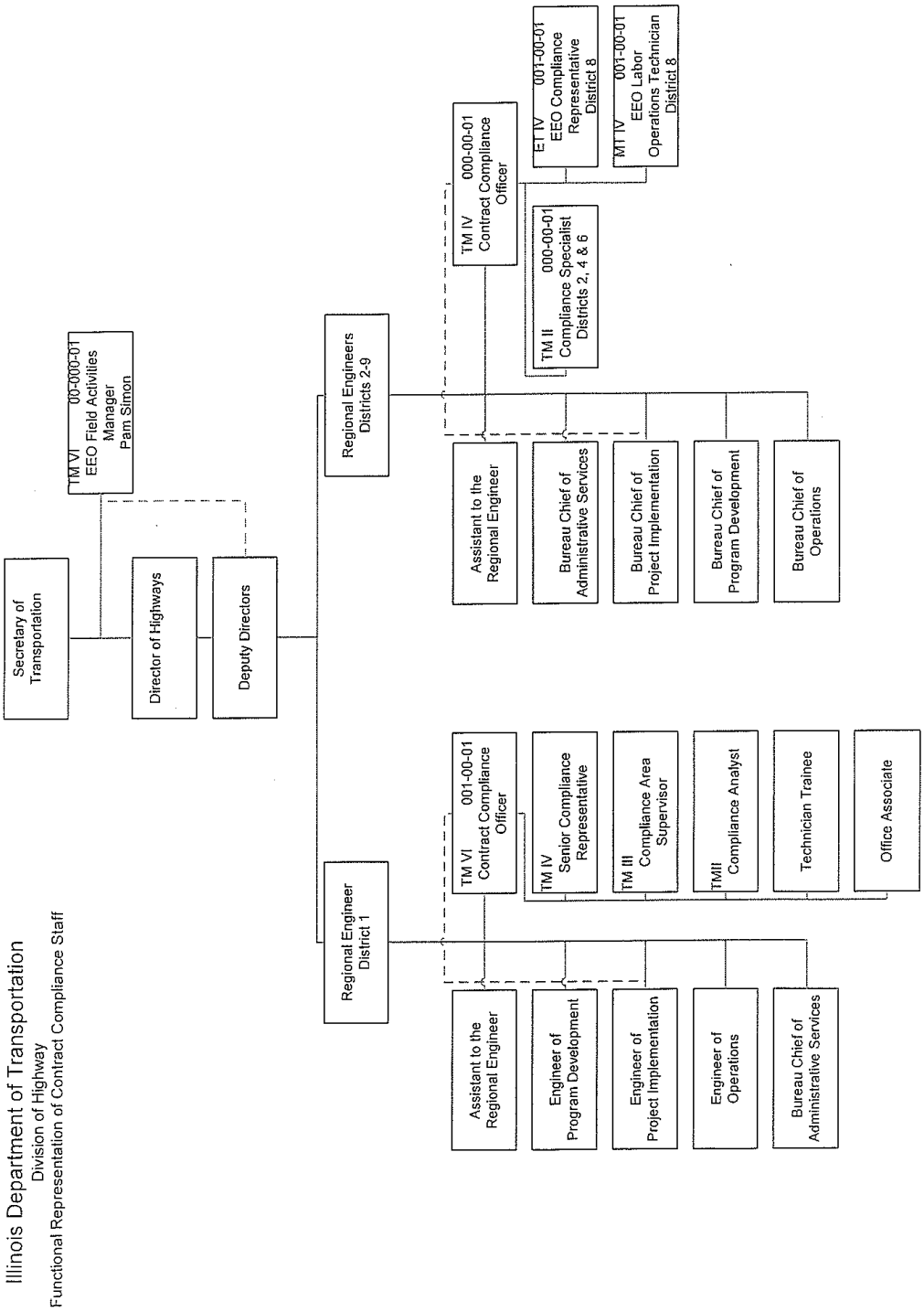
The Department ensures that the following clause is placed in every U.S. Department of Transportation assisted contract and sub-contract:

“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 § 26 in the award and administration of the USDOT 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 remedy as the recipient deems appropriate.”



# Organizational Structure

## Contract Compliance Unit Organization Chart



Dist/EEO Representative  
1.8.12

## **Organizational Responsibilities**

### **Contract Compliance Officers Responsibilities**

IDOT employs Contract Compliance Officers to ensure that contractors on Federally-aided highway construction projects are meeting their contractual obligations as subrecipients of funds received from the U.S. Department of Transportation through the Federal Highway Administration. IDOT employs nine Contract Compliance Officers (Equal Employment Opportunity Officers), with one Contract Compliance Officer located in each IDOT district office. The Contract Compliance Officers report to the Regional Construction Engineer located within their district office. All nine Contract Compliance Officers are full-time IDOT employees, and dedicate all their job duties to completing the task and responsibilities required of Contract Compliance Officers by IDOT. All of IDOT's Contract Compliance Officers have more than ten years of experience working for the Department. IDOT's Disadvantaged Business Enterprise (DBE) Contract goals for construction projects are established within the IDOT district office. Contractor compliance is monitored by the Contract Compliance Officer, and by employees located within IDOT's Office of Business and Workforce Diversity. Both the Contract Compliance Officers and the members of the Office of Business and Workforce Diversity conduct onsite inspections of construction sites, and review contractors' payroll data. The staff of Contract Compliance Officers varies by the IDOT district, title, and the current number of vacancies.

#### **Contract Compliance Officer Responsibilities:**

1. Monitors conformance to existing EEO and Labor Compliance Policies and conducts reviews and studies. Provides interpretation and analysis of policies which are of a sensitive and confidential nature.
2. Recommends courses of action and programs to the Regional Construction Engineer regarding Labor and EEO compliance provisions.
3. Supervises and performs contract EEO/Labor Compliance and On-The-Job Trainee records inspection of contractors performing work for IDOT.
4. Coordinates and monitors the Disadvantaged Business Enterprise (DBE) Program.
5. Recommends DBE goals on projects for each letting.
6. Recommends set-aside projects for letting.
7. Establishes and maintains continuous status of percentages of district goals, and ensures they are met.
8. Makes recommendations regarding "pre" and "post" award waivers on construction contracts and contractors.
9. Supervises and conducts inspections relative to contract compliance reviews and complaints. Ensures the compilation of current and accurate EEO statistical data for submission to Federal and state authorities.

10. Informs the contractor of their EEO/Title VI obligation and reporting requirements prior to the beginning of a construction project.
11. Attends EEO and Title VI training hosted by Federal and state entities on an annual basis.

## **Office of Planning and Programming**

In cooperation with Federal, state, regional and local agencies and other public stakeholders, the Office of Planning and Programming (OP&P) develops and maintains a continuing, comprehensive, and multi-modal (highway, public transportation, rail and airport) planning and programming process to foster safe, efficient and economical transportation services. IDOT is committed to providing all residents of Illinois a transportation system that serves the needs of residents without regard to race, color, national origin, or income level. IDOT recognized that the transportation planning process needs to be cognizant and informed of the needs of minorities, low-income individuals, and populations with Limited English Proficiency. Under the leadership of Secretary Schneider, OP&P has increased its outreach efforts to be more inclusive of minority and low-income needs.

The Office of Planning and Programming utilizes an evaluation criterion to examine and measure the distribution, benefits and burdens of transportation investments included in the Multi-Year Plan, the Long Range Transportation Plan, and the Statewide Transportation Improvement Program. Statistical data is collected and maintained to verify transportation improvement projects and the level and quality of transportation services are being planned and programmed without regard to race, color, or national origin. Demographic information is utilized in each urbanized area. Demographic information is extracted from the 2008-2012 U.S. Census Bureau's American Community Survey.

In metropolitan areas, transportation planning is a collaborative process led by the Metropolitan Planning Organizations (MPOs) and other key stakeholders in the regional transportation system. The responsibility for transportation planning lies with designated MPOs. The process is designed to foster involvement by all interested parties, such as, the business community, community groups, environmental organizations, and the general public through proactive public participation process conducted by the MPO in coordination with IDOT and transit operators.

The process promotes consistency between transportation improvements and state and local planned growth and economic development patterns. All Federally-funded projects and all regionally significant projects must be included in each metropolitan area's TIP. By law, this planning process must include an identified public involvement process. Public involvement meetings during the transportation planning process should include not only representatives from IDOT, public transportation operators, special interest groups, and local transportation agencies, but also, local land-use partners, Federal, state, and local environmental, regulatory and resource agencies, community representatives, and modal transportation providers.

An MPO's participation plan should identify required stakeholder involvement, as well as, next steps for additional involvement needed to support the transportation planning process including the development of the MPO's TIP. This participation plan must provide reasonable opportunities for all parties to comment.

The State Transportation Improvement Program (STIP) is a federally mandated program of highway and transit projects that is developed from the MPO, Transportation Improvement Programs (TIP), and the IDOT highway and public transportation improvement programs. The STIP is a four-year program. The Draft STIP is published for public review and comment after the Illinois General Assembly approves IDOT's operating budget for the year.

All projects identified in the TIPs developed by the MPOs in the urbanized areas in Illinois are submitted to IDOT's Central Office for evaluation and consideration for inclusion into the STIP. Each of the MPOs has a federally required and accepted public involvement process that they utilize for the development of their TIPs.

Pursuant to Federal law, the STIP is developed in consultation with affected local officials with responsibility for transportation in non-metropolitan areas. The law establishes a list of "interested parties" who are to be provided with the opportunity to participate in the statewide planning process. For all of the non-metropolitan areas of the state, the STIP identifies projects contained in IDOT's current annual and multi-year highway improvement programs, as well as, the five year public transportation improvement program.

The STIP is published in draft form and is announced through a press release to media outlets. Notifications are sent to all of Illinois' County Board Chairpersons inviting public review and comment of the Draft STIP. Advertisements are placed in approximately 74 newspapers throughout the state notifying the general public of the availability of the Draft STIP for review and comment. Included within the Draft STIP are enclosed comment forms and a list of numbers to contact to deliver input on the Draft STIP.

IDOT's District 1 is the most densely populated of all IDOT districts and has the most ethnically diverse population. As a result, more publications are utilized within the District, including the most widely read minority publications. The Draft STIP is available for viewing on IDOT's website for the thirty-day public review and comment period.

The role of the Bureau of Statewide Program Planning regarding stakeholder involvement for the Draft STIP is to respond to public comments, and to modify the Draft STIP as necessary. Communications are sent through Regional engineers to document public comments and responses to comments.

When the thirty (30) day comment period is closed, the final version is sent to the Federal Highway Administration incorporating modifications from public comments and IDOT's internal review. The approved STIP is available on IDOT's website.

The Long-Range Transportation Plan is developed periodically by the Department to define long range policies, needs, and goals for transportation in Illinois. The Long-Range Transportation Plan is developed with extensive stakeholder involvement pursuant to Federal planning regulations codified in 23 CFR 450. These regulations require the Long-Range Transportation Plan be developed in consultation with state, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. The law establishes a list of "interested parties" who are to be provided with the opportunity to participate in the statewide planning process.

Publication of the Multi-Year Plan (MYP) serves as a starting point for input, commentary, and discussions with the General Assembly, the public, and other interested parties regarding the annual highway program budget appropriation, as well as, transportation issues in Illinois. Stakeholder involvement with respect to the MYP is continuous and ongoing. Each successive MYP is built on the previous program published the prior year, and includes review and modification of funded projects, analysis of need and available funding, priorities for addition, priorities for addition of new projects, and the effects of stakeholder involvement from previous MYP.

## **Bureau of Land Acquisition**

The Bureau of Land Acquisition is responsible for developing policies for the statewide land acquisition program. This program includes the functions of appraisal, negotiation, acquisition, relocation assistance, property management, right-of-way engineering, and signboard and junkyard control. The Bureau is responsible for developing and administering standards of review for operational performance and for reviewing all right-of-way expenditures.

IDOT ensures that property rights for construction of transportation projects are in accordance with Title VI of the Civil Rights Act of 1964, the Federal Uniform Relocation Assistance and Real Property Act. These laws require that people affected by transportation projects are treated fairly and equitably. These activities require ongoing interaction with the public during all phases of the project, particularly in the following areas:

- Appraisals
- Property Management
- Acquisitions
- Condemnations
- Relocation Assistance Programs

IDOT's Land Acquisition Policies and Procedures Manual (Land Acquisition Manual) assists IDOT in ensuring that all real property is acquired in a standard and uniform process that treats all property owners in an equitable and nonbiased manner. Furthermore, the Land Acquisition Manual ensures IDOT's compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR 24) and Title VI of the Civil Rights Act of 1964.

The procedures and standards for land acquisition (Right of Way) for highway programs are standardized through its Land Acquisition Manual. IDOT's Land Acquisition Manual was created in collaboration with all IDOT Districts, IDOT's Central Bureau of Land Acquisition (CBLA), and with approval from FHWA.

Prerequisites for programming of any right of way work (preliminary activities, advance acquisition, right of way acquisition, and relocation assistance) include the following:

1. The project is part of the approved Proposed Improvement Program. If not shown in the Proposed Improvement Book, a program addition is processed.
2. The project is shown on the State Transportation Improvement Program (STIP).
3. The project development and route selection meet with the approval of the local public agencies involved.

FHWA must authorize projects with Federal dollars in the right of way activities prior to any negotiation work beginning. For preliminary right of way work, FHWA authorization may be requested only after “corridor approval” on new corridor project or after public involvement has occurred.

Preliminary right of way activity consists of title work, preparation of plans, plats and legal descriptions, relocation studies, and appraisal work. The initiative to obtain authorization for preliminary right of way work begins in the IDOT District by notifying IDOT’s CBLA of the need for preliminary right of way authorization. CBLA secures FHWA authorization to proceed with preliminary right of activities in conjunction with the project agreement that is submitted electronically to FHWA. After design approval is obtained, FHWA authorization is requested before any negotiation activities are initiated.

Appraisers, negotiators, and relocation agents must have the necessary background, experience, and ability to demonstrate good judgment in the area of eminent domain acquisition and relocation. All realty specialists must be qualified staff or on the approved fee list, which is approved and maintained by the CBLA.

Land Acquisition Policies and Procedures Manual Chapter 4.1.13 entitled Negotiator’s Report states:

Negotiators maintain in the parcel file a current written record including, but not limited to, the pertinent points of each discussion or contact with the property owner, the date(s) and place(s) of such contact, offers made, the owners’ reaction thereto, and the signature or initials of the negotiator following each entry on the record. Use the Negotiator’s Report (LA 4110) for this purpose. All entries to the Negotiator’s Report are required to be made within 24 hours of the initial contact. This report is considered part of the project parcel file at initiation. This report is beneficial to the negotiator and others within the Department and the FHWA in reviewing the history of the negotiation and in the analysis of negotiation procedures.

To assist in monitoring right of way activities to ensure compliance with Title VI of the Civil Rights Act of 1964, the negotiator should note the classification in the Title VI (Non-discrimination) block in the Negotiator’s Report. S/he should also indicate in the proper blank, the gender of the first-named owner of record shown on the Title Commitment or other evidence of ownership (M-Male, F-Female). In case of a trust, corporation, or business entity where no individuals are named, no entry is required.

Land Acquisition Policies and Procedures Manual Chapter 5 entitled Relocation Assistance and Payments Program states:

The purpose of the relocation assistance and payments program is to provide for the relocation and reestablishment of persons, businesses, farm operations, and non-profit organizations displaced as a result of the acquisition of right of way for state highway construction projects. It establishes a means of providing relocation assistance and

moving cost payments, replacement housing assistance payments, and other related expense payments in order that such displaced persons or businesses are treated fairly, consistently and equitably and do not suffer disproportionate injuries as a result of programs.... It is also designed to promote public confidence in the Department's land acquisition program, as well as to assure compliance with Federal requirements in order to assure Federal participation on Federally-assisted projects.

The provisions of the relocation assistance and payments program and these policies and procedures apply to the relocation of any displaced person for all state highway construction projects and Federally-aided local public agency highway projects. Any person who qualifies as a displaced person must be fully informed of their rights and entitlements to relocation assistance and payments provided by the Uniform Act and these provisions...

Land Acquisition Policies and Procedures Manual chapter 5.1.1 entitled Compliance with State and Federal Fair Housing Laws (Civil Rights) states:

To implement established state and Federal laws regulating the sale or rental of housing affirmatively, the regional engineer will:

1. Assist displaced persons as required and to the extent possible, in ensuring against discriminatory practices in the sale or rental of housing.
2. Inform displaced persons fully of their fair housing rights and options in selecting replacement housing in areas of their choice and the assistance available from the state in ensuring displaced persons that their fair housing rights will be protected in accordance with Title VIII of the Civil Rights Act of 1968 and the HUD Amendment Act of 1974.
3. Provide copies of state and Federal publications dealing with fair housing.
4. Advise the displaced persons of name and address of the state agency responsible for receiving and processing housing discrimination complaints.
5. Develop housing resources using only "open housing", *i.e.*, available to all without discrimination on the basis of race, color, religion, and sex or national origin.

The procedures outlined and required in IDOT's Land Acquisition Policies and Procedures manual ensures that IDOT's acquisition of real property is conducted in a manner that treats all real property owners in fair and equitable manner, and that non disparate impact arises due to a class or status protected by state or Federal law.



For the reporting period, IDOT did not receive, nor is it aware, of any complaints arising from a disparate impact or disparate treatment of real property owners stemming from a class or status protected under state or Federal law. IDOT will continue to ensure that its acquisition of real property is conducted in a manner which is in compliance with the letter and spirit of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended.

**The Land Acquisition Program Title VI Work Plan:**

1. Ensure equal opportunity in all aspects of procuring real estate service contracting and appraisal agreements. Follow adopted IDOT vendor procurement policies in the acquisition of contracted services.
2. Maintain data on awards to minority and female appraisers, and provide data to the Title VI Coordinator on a quarterly basis.
3. Follow guidelines for property acquisition as well as applicable laws and regulations including Title VI.
4. Adhere to Departmental policy of apprising affected property owners, tenants and others involved in right-of-way acquisition of their rights and options regarding negation, relocation, condemnation and other aspects of the acquisition process.
5. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI assurances.
6. Ensure that appraised values and communications associated with the appraisal and negation operations result in equitable treatment.
7. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
8. Maintain statistical data funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

## Environmental Justice

In 1994, President Clinton signed *Executive Order 12898: "Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations"* which focused attention on Title VI by providing that, "...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 and low-income populations in the United States..."

There are three fundamental environmental justice principles:

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

Environmental justice improves the transportation decision making process by the following:

1. Making better transportation decisions that meet the needs of all people.
2. Designing transportation facilities that fit more harmoniously in communities.
3. Enhancing the public-involvement process, strengthen community-based partnerships, and provide minority and low-income populations with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
4. Improving data collection, monitoring and analysis tools that assess the needs of and analyze the potential impacts on minority and low-income populations.
5. Partnering with other public and private programs to leverage transportation-agency resources to achieve a common vision for communities.
6. Avoiding disproportionately high and adverse impacts on minority and low-income populations.
7. Minimizing and/or mitigating unavoidable impacts by identifying concerns early in the planning phase and providing offsetting initiatives and enhancement measures to benefit affected communities and neighborhoods.

The Illinois Department of Transportation (IDOT) has the vision of being recognized as the premier transportation agency in the United States. In pursuing this vision and in complying with state and Federal statutes, including Executive Order 12896: *“Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations.”* IDOT has implemented Context Sensitive Solutions (CSS) into the plan and design phase of transportation initiatives, when deemed appropriate. CSS allows IDOT to engage all of the stakeholders (business interests, community groups, special interest groups, environmentalists, etc.) simultaneously in the planning and development of transportation projects.

IDOT defines Context Sensitive Solutions as “Through early, frequent, and meaningful communication with stakeholders, and a flexible and creative approach to design, the resulting projects should improve safety and mobility for the traveling public, while seeking to preserve and enhance the scenic, economic, historic and natural qualities of the settings through which they pass.”

The Department’s Context Sensitive Solution goals for transportation projects are as follows:

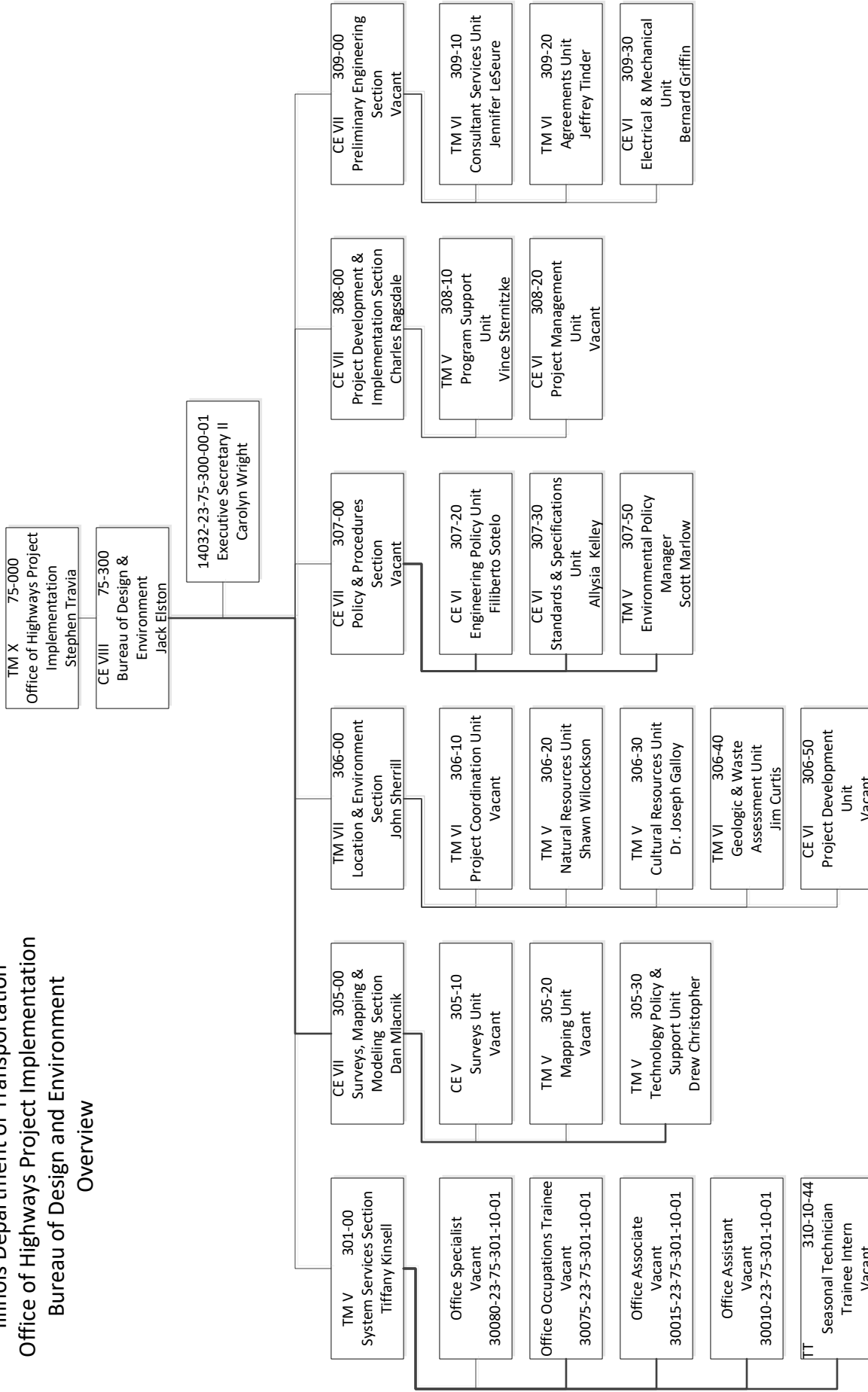
1. To meet the State’s transportation needs adequately;
2. To exist in harmony with their surroundings; and
3. To add lasting value to the communities they serve.

Adherence of CSS principles and IDOT’s commitment to public inclusion in the transportation planning process is administered through IDOT’s collaboration with Metropolitan Planning Organizations, the Division of IDOT that is responsible for the oversight of a transportation project, and IDOT’s Office of Planning and Programming. (For more detail, please refer to the Flow Chart in Appendix C.)

The CSS process involves IDOT study teams using multiple outreach methods to engage residents of the transportation study areas including:

1. Community Advisory Groups (CAG);
2. Public Meetings;
3. E-mail notifications;
4. A project website and e-mail address;
5. Project brochures and fact sheets; and
6. Small group meetings.

# Illinois Department of Transportation Office of Highways Project Implementation Bureau of Design and Environment Overview



## Bureau of Design and Environment

The Bureau of Design and Environment (BDE), located in IDOT's Division of Highways is responsible for developing standards, specifications, and policies for the State highway system to provide an economical, safe, and comfortable movement of people and goods within the State. BDE develops highway standards and provides support services for district highway design programs; coordinates and prepares Federal-aid program documents; and processes plans and contract documents through the letting and contract award stage. In addition, BDE is responsible for developing policies for the preparation, coordination, final review, and approval of project location studies and environmental documents.

The Chicago Region Environmental and Transportation Efficiency (CREATE) Program will invest billions in critically needed capital improvements to increase the efficiency of the region's railroad infrastructure. The CREATE Program will reduce train and automotive delays through the Chicagoland area by focusing railroad traffic on hour rail corridors that will be improved to handle passenger and freight traffic more efficiently.

The CREATE Program is a groundbreaking partnership between the State of Illinois, the City of Chicago, Metra, Amtrak, Association of American Railroads, and U.S. Department of Transportation. A Project of regional and significance, CREATE includes 70 critically needed rail and highway infrastructure improvements in Northeast Illinois. CREATE is already improving the quality of life for Illinois residents, and increasing the efficiency of freight and passenger rail service throughout the region.

With the way train tracks currently intersect with each other and with roads, and because the regional freight railroads defer to Amtrak and Metra in track utilization, it can take up to thirty hours for freight trains to pass through the Chicago region. Delays in rail freight threaten the economic vitality of the region, lead to increased traffic congestion on roadways, generate unnecessary levels of air pollution, raise safety concerns, affect adversely the reliability and speed of rail passenger service, and make it harder for farmers to make a profit.

At-grade rail crossings, communities are negatively impacted by chronic traffic delays on roadways. With funding from the State of Illinois, the City of Chicago, and the U.S. Department of Transportation, Metra, Amtrak, and the nation's major freight railroads, CREATE has begun to alleviate these problems. With IDOT adhering to the practice and principles of Context Sensitive Solutions, IDOT is able to engage stakeholders (residents, real property owners, business owners, environmental groups, etc.) during the planning stages to inform stakeholders of the purpose of projects, receive feedback from the community of CREATE plans, and to plan mitigation needs of a CREATE project.

<b>CREATE Project Status (January 2014)</b>	
20	completed projects
9	projects under construction
6	projects in final design
13	projects in environmental review
22	projects awaiting funding

The traditional methods to handle the environmental analysis for the component projects would be on a project-by-project basis, or with a Tiered or Programmatic Environmental Impact Statement (EIS) for the CREATE Program as a whole. The project-by-project method could be vulnerable to legal challenges that would cause unnecessary delays in construction. The Tiered EIS approach would be cumbersome to

low-risk projects. Taking these factors into consideration, IDOT, the Chicago Department of Transportation, and the Federal Highway Administration (FHWA) Illinois Division Office developed the Systematic, project Expediting, Environmental Decision-making (SPEED) Strategy. (For more detail, please refer to the SPEED Strategy Flow Chart in Appendix D.)

The SPEED Strategy is a comprehensive method of evaluation that supports systematic decision-making allowing low risk component projects to move forward. It evaluates potential environmental impacts in a proportionally graduated manner. The SPEED Strategy provides a methodical project screening and decision making, and proportionally assesses impacts while still enabling rapid start-up of the low risk projects, and limiting risk of delays from legal challenges based on segmentation issues.

The SPEED Strategy began with the development of the CREATE program Feasibility Plan.

The CREATE Program-Feasibility Plan is a compilation of existing documents and includes:

1. Program Level Goals and Strategies;
2. the Joint Statement of Understanding;
3. the Component Project Chronology and Selection Rationale;
4. a List of Component Projects;
5. a Public Outreach Summary;
6. a Public Involvement Summary for this document;
7. a description of the National Public Benefits as a result of CREATE; and
8. a description of the Local and Regional Public Benefits as a result of CREATE;

The second step in the SPEED Strategy was the CREATE Program – Component Project Preliminary Screening. This step established each project through:

- identifying its objective/intent;
- providing a work description; and
- providing projects limits.

Each component project is subjected to three tests during this screening, logical termini, independent utility, and restriction of alternatives. The outputs of this stage are:

- the identification of linked projects,
- preliminary Purpose of Need for all stand-alone component projects and linked projects.

All stand-alone component projects identified in the screening step (step two) were processed through an Environmental Class of Action Determination (ECAD). The FHWA Illinois Division and IDOT cooperatively developed the ECAD process. The ECAD process evaluates and documents the anticipated impacts of component projects. It also allows FHWA to make a determination of what environmental

class of action the component project should be processed as (categorical exclusion (CE), Environmental Assessment (EA), or EIS).

During the required public involvement process for the ECADs, if a component projects includes an alternative that results in road closures, those alternatives, as well as possible mitigation measures, will be presented for public review and comment.

The final decision to implement those closures will be made based on this public input. If FHWA determines through the ECAD that the project is classified as CE, the project can then proceed to authorization for detailed design and construction. If FHWA determines through the ECAD that the project should be elevated to an EA, an EA would need to be completed to determine if any significant impacts are involved in the implementation of the project.

If the EA does not identify any significant impacts, the FHWA issues a Finding of No Significant Impacts (FONSI). The project can proceed to authorization for detailed design and construction.

If the ECAD process or an EA identifies significant impacts as a result of implementing a project, an EIS is required. After the FHWA completes and approves the Draft and Final EIS, it will issue a Record of Decision (ROD). If a build alternative is selected in the ROD, the project can then proceed to authorization for detailed design and construction.

## **CREATE**

IDOT was able to identify the presence of minority, female, elderly and low-income populations within the impacted area by using data from the U.S. Census Bureau; interviewing local planning and transportation engineering staff; and coordinating with elected officials.

Using the same data, IDOT determined that it did not have to translate materials into other languages for the CREATE project. All advertisements and outreach material included the following information:

This meeting will be accessible to persons with disabilities. Anyone needing special assistance should contact (Name) at (Phone Number). Persons planning to attend who will need a sign language interpreter or other similar accommodations should notify the TTY.TTD number (800) 526-0844/ or 711; TTY users (Spanish) (800) 501-0864 or 711; and for Telebraille dial (877) 526-6670 at least five days prior to the meeting.

A targeted public involvement program was implemented for the CREATE Project to ensure that stakeholders had meaningful opportunities to participate in the project development process. The targeted public involvement program ensured compliance with the National Environmental Policy Act (NEPA), related laws, and regulations. It also ensured compliance with Federal and state laws requiring the implementation and deployment of Context Sensitive Solutions (CSS).

The Context Sensitive Solutions process is designed to ensure that transportation solutions are developed to respond to and to reflect the values and concerns of the neighborhoods and communities impacted by a transportation project. This is accomplished through providing a contextual audit, obtaining concurrence on the Problem Statement, providing a range of alternatives to be studied, and obtaining the preferred alternative. IDOT's implementation of CSS allows for transportation investments to be planned with the needs of transportation users in advance, taking into account the need purpose and benefits of a

transportation investment, mitigation needs, and clear and constant communication to affected residents. The CSS process has reduced the need for mitigation measures after construction has begun.

IDOT reviewed two CREATE pre-Draft Environmental Impact Statements for the 75<sup>th</sup> Street Corridor Improvement Project and the Grand Crossing Rail Project. IDOT and FHWA are aware of the potential for disproportionately high and adverse impacts to minority and low-income populations. Therefore, IDOT and FHWA identified and evaluated additional mitigation measures and offsetting benefits, which will be considered for implementation as part of the proposed Project. Practicable mitigation measures with merit and support shall be included in the Final Environmental Impact Study or the Record of Decision. The two studies were not released to the public during the reporting period; therefore, the public did not provide any comments on the document.

In both studies, the majority of residents were either minorities or low-income. The Studies concluded that any impact, whether beneficial or adverse, would be borne by populations protected under Title VI and Executive Order 12898.

IDOT, through its Division of Public and Intermodal Transportation (DPIT) and Bureau of Design and Environment's (BDE) Environmental Section is working with the FHWA, Illinois Division staff, to develop a policy for analyzing the potential impacts of CREATE Programs on minority and low-income populations. IDOT anticipates that it and FHWA will adopt this policy by May of 2014.

During public involvement activities, the Community Advisory Group members, elected officials, and local residents identified following general concerns:

1. Noise and vibration levels (existing and predicted).
2. Lack of jobs and employment opportunities for neighborhood residents.
3. Community impacts, including land acquisition and relocations.
4. Maintenance of existing infrastructure and railroad property.
5. Construction impacts (temporary), including noise, vibration, and dust.

IDOT is unaware of any formal Title VI Complaints against the Department. However, IDOT is aware of an issue involving a citizens' group, which is named the Citizens Coalition of Greater Grand Crossing Rail Project (CC of GCRP).

The CC of GCRP contacted the United States Environmental Protection Agency's (U.S. EPA) Region V Administrator to discuss concerns pertaining to Environmental Justice.

In response to the citizens' concerns, IDOT and the U.S. EPA conducted a conference call on June 13, 2012, to discuss public involvement and outreach activities associated with IDOT's CREATE Grand Crossing Rail Project. IDOT provided the U.S. EPA with additional information and material related to IDOT's public involvement and outreach efforts. IDOT currently has no additional knowledge on the status of this matter.



## **Bureau of Design and Environment Title VI Work Plan**

The Bureau of Design and Environment will continue to coordinate with the Offices, Divisions, and teams within IDOT to ensure that the public has meaningful access and input in the transportation decision-making process.

The Bureau of Design and Environment will continue to identify areas projects that will have an impact on minority and low-income populations. When applicable, BDE will identify areas where Limited English Proficient (LEP) populations reside ensuring that LEP populations have proper notice, and access to meaning access and involvement in the transportation decision-making process.

The Bureau of Design and Environment will work with internal resources to ensure all notices and advertisements use politically correct and sensitive language.

## Procurement

IDOT has many opportunities for private business to do business with IDOT. IDOT uses private firms for professional services and construction to obtain specialized skills and to be an economic generator within the state. For engineering, architectural, land surveying, and professional services, IDOT has a prequalification process that evaluates firms based on their professional experience and qualifications.

IDOT currently has 400 firms that are prequalified to do engineering, architectural, and land surveying work for IDOT. Prequalified firms are required to submit updated statements of experience and financial condition annually.

IDOT advertises for professional services four times a year via the Professional Transportation Bulletin (PTB), and makes this schedule public via the PTB schedule. The PTB contains information pertaining to the advertisements for offering of interest for professional engineering, land surveying, and architectural services for IDOT projects. Firms selected to complete IDOT projects are Quality Based, and adhere to the requirements of 30 ILCS 535/1.

If IDOT does not have the specialized expertise, IDOT utilizes an outside contractor. Any firm interested in bidding on IDOT highway construction contracts as a prime contractor must be prequalified. The prequalification process is governed by Title 44 of the Illinois Administrative Code Section 650.

There are 750 firms currently prequalified to bid on highway and local highway projects in Illinois. Prequalification grants a firm permission to bid on construction contracts, local agency projects, and a prequalified prime contractor is automatically classified as a “registered subcontractor. To become prequalified; firms must understand the Rules for Prequalification, determine categories for prequalification.

IDOT prequalifies firms in 42 prequalification categories ranging from highway structures to hydraulic dredging, and submit an application. Each prospective bidder must furnish evidence to IDOT that it has complied with the Illinois Department of Human Rights’ Rules and Regulations, Section 8.1 prior to being issued a bidding proposal. Firms are informed on contracting opportunities through Transportation Bulletins and Contractor’s Bulletins.

To ensure that quality materials are used in highway projects, IDOT maintains a system of sampling, testing, documentation, and reporting of test results. Producers and/or suppliers interested in providing materials to be used in IDOT construction projects must register with IDOT. Specific products can only be tested by IDOT or an IDOT approved laboratory.

## Research and Technology

IDOT has partnered with the University of Illinois – Urbana –Champaign (UIUC) to assist the Department in meeting its research objectives. The goal of the Illinois Center for Transportation (ICT) is to lead the discovery, development, and implementation of solutions that improve transportation safety, efficiency, and sustainability. Founded in 2005, ICT has approved more than 146 research projects, and has completed more than 90 to date. Fourteen universities have participated in ICT research projects, and more than 110 researchers have contributed to ICT’s research success.

### ICT Research Process: From Idea to Implementation

1. **Call for IDOT Research Ideas** – IDOT establishes Technical Advisory Groups (TAGs), one for each research focus area. Each TAG is comprised of representatives from IDOT, academia, industry, and government agencies with expertise in that specific research area. TAGs identify specific transportation needs as priorities for new research. ICT then posts these research needs on the ICT website, [ict.illinois.edu](http://ict.illinois.edu), and invites interested parties to submit their research ideas for consideration by downloading the Proposed Research Idea Form. The submission deadline is October 1<sup>st</sup>.
2. **Evaluation of Proposals** – After each Call for Research Ideas deadline, TAGs will review the research ideas in their focus area, prioritize them, and recommend projects to the ICT Executive Committee for funding consideration.
3. **Selection of Funded Research Projects** – The ICT Executive Committee makes the final decision on which Proposed Research Ideas are funded as research projects administered by ICT. The ICT Executive Committee is chaired by the IDOT Director of Highways (or designee) and is comprised of the ICT Director, Directors of the Offices and Divisions of IDOT, and a FHWA representative.
4. **Selection of the Project Technical Review Panel** – For each ICT/IDOT research project, IDOT appoints a Technical Review Panel (TRP), chaired by an IDOT staff member, to oversee and guide the research. TRP members are selected based upon their expertise to ensure subject proficiency and diversity on each panel. Each TRP is responsible for reviewing and approving the research work plan, budget, project deliverables and final report, as well as providing regular feedback to the researchers. The TRP also prepares and administers a research implementation plan.
5. **Selection of the Principal Investigator** – The Principal Investigator (PI) can be a researcher from the University of Illinois, another university, another agency, or a consultant. ICT, with input from IDOT, determines if there are known researchers from the University of Illinois who can serve as the PI for each research project. In cases where selection of a suitable research is not clear, the ICT issues a formal request for research proposal (RFP) open to any researcher to

respond. These RFPs are widely advertised and posted on the ICT website to obtain a diverse response. The project's TRP then reviews all proposals and recommends a proposal to the ICT Director for development of a contract. In case of equivalent proposals, preference will be given to in-state educational institutions.

6. **Work Plan Preparation** – Once a PI is selected for a research project, the PI works with the TRP to develop a detailed work plan, which includes budget, implementation strategy, and deliverables.
7. **Project Research** – It is recommended that the research team and TRP meet quarterly to discuss the project's progress. The PIs are required to keep accurate records of their data analysis and work performed and required to submit brief quarterly reports on their research progress. Each project's status and most recent quarterly report are available on the ICT website.
8. **Completed Projects** – After the researcher completes his/her project and is ready to disseminate the findings and conclusions, s/he works with the TRP and an ICT technical advisor to finalize the project report, which is posted to the ICT website and submitted the TRID.
9. **Implementation** – IDOT and the PI work throughout the project to identify implementable deliverables and expected benefits from each project. IDOT staff spearheads the research implementation, putting the research into practice.

### Studies

- Study Works toward Improving Turf Establishment at IDOT Construction Sites
- Study Seeks More Efficient Roadway Lighting
- Study Examines Effects of Flaggers and Spotters in Work Zones on Highways and Freeways;
- Study Educates Truckers for Improved Traffic Flow
- Study Maximizes Track Coat Effectiveness
- Project Improves Design for Driven Piles in Pile Load Testing
- Study Improves Safety of Bridge Timber Piles and Expands Useful Lifespans
- Study Improves Safety in Moving Lane Closures
- Projects Aim to Increase Rest Area Sustainability
- Research Allows for Increased Use of Locally Sourced Aggregates
- Improved Design Provides Thinner, Safer, Quieter, Cost-Effective, and More Durable Overlays
- Challenges and Opportunities in Using RAP and RAS in Illinois Pavements

## **Title VI Discrimination Complaint Procedures**

### **Who can file?**

Any person who believes that he or she, individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a complaint. The complaint must be based on race, color, national origin, and including “sex” under FHWA regulations. (A copy of the form can be found in Appendix E.)

Complaints must be filed within one hundred eighty (180) days of the date of the alleged act of discrimination or, where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints must be filed in writing. If the complaint is verbal, a representative of the Bureau of Civil Rights (BCR) will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. (Please refer to IDOT’s Notice of Rights to the Public under Title VI in Appendix F.)

### **What must you include in the complaint?**

Complainant must include the following information in the complaint:

1. Name, address, and telephone number of the complainant or representative.
2. The name, address and telephone number of the attorney or authorized representative, if you are being represented.
3. Name(s), address(es) and title(s) of alleged discriminating officials or entity.
4. Basis of your complaint, the motivating factor for the discrimination (*i.e.*, race, color, national origin, or sex).
5. Date on which alleged discriminatory act(s) or event(s) occurred. Please note that we cannot accept a complaint about an incident that took place more than one hundred eighty (180) days prior to the filing of the complaint. If the discrimination occurred more than one hundred eighty (180) days prior to filing your complaint, you may request a waiver of the filing requirement.
6. The complaint must describe the facts and circumstances surrounding the claimed discrimination.
7. The nature of the incident that led the complainant to feel discrimination was a factor.
8. Names, addresses and telephone numbers of witnesses or persons that have direct knowledge of the incident.
9. Date complaint was received by Bureau of Civil Rights (BCR).
10. List other agencies (state, local or Federal) with which the complaint has been filed.

11. Complainant's signature and/or complainant's representative and date.

If the complaint has incomplete information or if additional information is needed, the BCR will contact the complainant in writing within three (3) days and request the complainant to complete Illinois Department of Transportation's (IDOT) discrimination complaint form (Please see Appendix E). If the complainant fails to provide the requested information within sixty (60) days, BCR may administratively close the complaint for failure to provide sufficient information or this could be considered good cause for a determination of no investigative merit.

At the complainant's request, the BCR will provide language or sign interpreter assistance. The complaint may be sent or faxed to the following address or telephone number:

Title VI Coordinator  
Bureau of Civil Rights  
2300 South Dirksen Highway, Room 317  
Springfield, Illinois 26764  
Telephone: 217-782-2762  
Fax: 217-524-4063

You can download a copy of the Title VI Complaint form at: <http://www.idot.illinois.gov/about-idot/civil-rights/index>.

Or you can obtain a copy of the Title VI Complaint form by calling the number above.

Complainants have the right to complain directly to the appropriate Federal agency; however, they must do so within one hundred eighty (180) calendar days of the last alleged incident.

A complainant may file a Title VI Complaint with the U.S. Department of Transportation by contacting DOT at:

Federal Highway Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
3250 Executive Park Drive  
Springfield, Illinois 62703  
Telephone: (217) 492-4600  
Fax: (217) 492-4621

When a complainant makes multiple claims and some of the basis do not fall within the purview of Title VI (*e.g.*, discrimination based on sex, disability, age, religion, etc.), the investigator should clearly identify each claim and the protected class being invoked. The investigator will separate those issues not covered under Title VI and forward them to the appropriate parties/office for investigation.

## **Recording the Complaint**

Upon receipt of a complaint, it is logged into the Bureau of Civil Rights Tracking System (BCR Tracking System).

## **Accepting the Complaint**

After logging the complaint, Bureau of Civil Rights (BCR) will determine if BCR has jurisdiction. The BCR will determine jurisdiction based on:

1. Whether the complaint is timely;
2. Mootness;
3. Whether the basis of the allegations involved is covered under Title VI;
4. Whether the allegations involve a program or activity of an IDOT Federal-aid recipient, subrecipient or contractor; and
5. Other relevant factors.

When jurisdiction is determined, the complaint will be accepted for processing. If the Title VI office does not accept the complaint, it will issue a letter providing an explanation regarding this issue.

All complaints will be investigated promptly. Reasonable measures will be taken to preserve any information that is confidential. The BCR will assign an investigator to investigate the complaint. The complainant and the IDOT Federal aid recipient, subrecipient, or contractor will be notified. A copy of the complaint will also be forwarded to the alleged discriminatory service or program official including the name and telephone number of the investigator assigned to investigate the complaint.

Complaints filed against IDOT, where it is named as a respondent, will be forwarded to the appropriate DOT component under which the complained-of program or activity falls. Complaints filed against IDOT's Federal aid recipients, subrecipients, and contractors shall be investigated by IDOT's Title VI Office at BCR. If the BCR does not have jurisdiction based on this scenario, the complainant will be notified of BCR's decision.

If BCR rejects the complaint for any reason described above, it will send out a letter within ten (10) days of receipt notifying the complainant of BCR's decision with the reason for the rejection—*i.e.*, untimely etc.

## **Acknowledging the Complaint**

After the BCR accepts the complaint, the Title VI Coordinator will send out an acknowledgment letter, within five (5) days, notifying the complainant that the complaint has been accepted for investigation, providing the anticipated timeline for completion, and setting a schedule for in-person interview or written questionnaire for the Complainant within five (5) days, if necessary.

## **Notifying the Name Party Subject(s) of the Complaint**

Within five (5) days of accepting the complaint, BCR will notify the named party that s/he is the subject of the complaint.

## **Investigating the Complaint**



1. The Title VI Coordinator will inform the complainant that s/he has a right to have a witness or representative present during the interview and s/he can submit any documentation s/he perceives as relevant to proving his/her complaint.
2. When the Title VI Coordinator receives a complete complaint, the Title VI Coordinator will contact the respondent giving them five (5) calendar days to respond to written questions or to engage in an interview.
3. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
4. The Title VI Coordinator will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned and what documentation should be reviewed.
5. The Title VI Coordinator will contact the complainant at the conclusion of the investigation, but before writing the final report. This will give the complainant an opportunity to give a rebuttal statement only at the end of the investigation process.
6. Within forty (40) calendar days of acceptance of the complaint, the Title VI Coordinator will prepare a draft investigative report for the Bureau Chief of Civil Rights' review. The report shall include:
  - a) The written complaint containing the allegation, basis and date of filing;
  - b) Summarized statements taken from witnesses;
  - c) Finding of facts;
  - d) Opinion(s) (based on all evidence in the record) that the incident is substantiated or unsubstantiated; and
  - e) Remedial action(s) for substantiated cases.
7. The Bureau Chief of Civil Rights will have ten (10) days to make comments to the Title VI Coordinator. The Title VI Coordinator will instruct the investigator to address any comments and modify the report as needed and made final.
8. The report will then be presented to the Department's Civil Rights Committee for a determination about the allegations and any actions to be taken. The Committee consists of the Bureau Chief of Civil Rights, the Chief Counsel, the Director of Finance and Administration, and the Secretary's designee.
9. Within sixty (60) calendar days of the date the complaint was accepted by the Bureau of Civil Rights (BCR), the investigation will conclude and a final report will be sent to the appropriate unit of the U.S. Department of Transportation (FAA/FHWA/FTA) and the respondent. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities and the Title VI Coordinator shall request an extension.

10. If corrective action(s) is recommended the respondent will be given thirty (30) calendar days to inform the Title VI Coordinator of the actions taken for compliance.
11. Corrective actions can be in the form of actions to be taken at a future date after the initial thirty (30) days with projected time period(s) in which action will be completed.
12. Within ninety (90) days of the receipt of complaint, the Secretary of IDOT will notify the complainant in writing; detailing the findings, conclusions, proposed disposition and/or any corrective action taken. This notification will advise the complainant of the following possible avenues of appeal if dissatisfied with the decision: U.S. Department of Transportation or Division of Local Assistance, Office of Civil Rights.

### **Appealing the Complaint**

1. The complainant has the right to appeal all written reports to Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), whichever is the appropriate funding agency.
2. This appeal must be made in writing to the Title VI Coordinator within fourteen (14) days of receipt of the Department's final report.
3. The appeal must specifically cite the portion(s) of the finding with which the complainant disagrees and his/her reason(s) for the disagreement.
4. FAA, FHWA or FTA's review of the finding will be based on the entire record.
5. If FAA, FHWA or FTA concludes that the Respondent is in compliance with laws/regulations and the complainant disagrees, the Complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.

### **Sanctions**

In the event the Respondent fails or refuses to comply with the terms of this agreement, the Secretary may take any or all of the following sanctions:

1. Cancel, terminate, or suspend the funding in whole or in part.
2. Refrain from extending any further assistance to the Respondent under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Respondent.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
4. Refer the case to the U.S. Department of Transportation for appropriate legal proceedings.

## **Subrecipient Monitoring Procedures**

IDOT will conduct compliance reviews periodically of subrecipients. We will review select recipients of Federal-aid highway or other Federal funds to ensure that they are adhering to Title VI requirements. Subrecipients will be chosen based on a variety of factors including the amount of aid received, size, location, racial composition, etc. Conducting the review will confirm operational guidelines provided to consultants, contractors and subrecipients, including Title VI language, provisions and related requirements. (Please refer to Appendix E, G, and H.)

A follow-up review will be conducted within one hundred eighty (180) days of the initial review to ascertain if the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the subrecipient refuses to comply, IDOT may, with FHWA's concurrence, initiate sanctions pursuant to 49 C.F.R. 21.

## **Sanctions**

In the event the Respondent fails or refuses to comply with the terms of this agreement, the Secretary may take any or all of the following sanctions:

1. Cancel, terminate, or suspend the funding in whole or in part.
2. Refrain from extending any further assistance to the Respondent under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Respondent.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
4. Refer the case to the US Department of Transportation for appropriate legal proceedings.

## **Language Assistance Plan for Addressing Limited English Proficiency**

### **Policy Statement**

It is the policy of the Illinois Department of Transportation (IDOT) to take reasonable steps to provide meaningful access to its programs, activities and services for persons with Limited English Proficiency (LEP). The policy is to ensure that IDOT employees will communicate effectively with LEP individuals, and that LEP individuals will have access to important programs and information. IDOT is committed to complying with Federal requirements in providing free meaningful access to its programs, activities and services for LEP individuals.

### **Who is Limited English Proficient (LEP)**

LEP individuals do not speak English as their primary language and therefore have a limited ability to read, write, speak, or understand English. Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently. LEP status may be context-specific – an individual may have sufficient English language skills to communicate basic information (name, address etc.) but may not have sufficient skills to communicate detailed information in English.

### **Background**

Federal law prohibits discrimination based on national origin. National origin discrimination includes discrimination based on a person's inability to speak, read, write or understand English. Recipients of Federal funds must provide meaningful access to LEP individuals.

On August 11, 2000, Executive Order 13166, titled, "**Improving Access to Services by Persons with Limited English Proficiency**," was issued. Executive Order 13166 requires Federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP cannot fully and equally participate in or benefit from those programs and activities. Section 2 of the Executive Order 13166 directs each Federal department or agency "to prepare a plan to improve access to...Federally conducted programs and activities by eligible LEP persons...."

### **Framework for Deciding when Language Services are Needed**

**IDOT will take the following steps to ensure meaningful access to its programs, services, and activities for LEP individuals in a manner that balances the following four factors:**

## Four-Factor Analysis:

**Factor One:** The number or proportion of LEP persons eligible to be serviced or likely to be encountered by IDOT.

### IDOT District One

		Speak English Less than Very Well	Percentage
District Population	7,763,561		
Spanish	1,412,201	658,858	8.48
Polish	180,187	91,298	1.17
Chinese	79,303	40,917	0.52
Tagalog	71,707	20,868	0.26
Arabic	47,062	15,900	0.20

### IDOT District Two

		Speak English Less than Very Well	Percentage
District Population	730,385		
Spanish	49,943	22,061	3.02
German	2,288	401	0.00
Italian	1,456	513	0.00
French (incl. Patois, Cajun)	1,371	336	0.00
Polish	1,351	615	0.00

### IDOT District Three

		Speak English Less than Very Well	Percentage
Total Population	572,376		
Spanish or Spanish Creole	37,906	15,748	2.75
German	1,614	299	0.00
French (incl. Patois, Cajun)	1,201	274	0.00
Polish	1,198	253	0.00
Tagalog	1,165	190	0.00

### IDOT District Four

		Speak English Less than Very Well	Percentage
Total Population	515,094		
Spanish or Spanish Creole	11,345	4,045	0.78
German	1,618	238	0.00
Other Asian languages	1,457	347	0.00
French (incl. Patois, Cajun)	1,178	366	0.00
Chinese	1,065	494	0.00

**IDOT District Five**

		Speak English Less than Very Well	Percentage
Total Population	497,748		
Spanish or Spanish Creole	16,333	5,400	1.08
Chinese	6,458	3,936	0.79
Korean	3,680	1,926	0.39
German	3,180	618	0.12
Hindi	1,969	490	0.00

**IDOT District Six**

		Speak English Less than Very Well	Percentage
Total Population	507,222		
Spanish	9,591	3,184	0.62
German	1,633	245	0.04
French (incl. Patois, Cajun)	1,139	363	0.07
Chinese	777	411	0.08
Italian	623	68	0.01

**IDOT District Seven**

		Speak English Less than Very Well	Percentage
Total Population	373,324		
Spanish	5,415	1,804	0.48
German	1,693	442	0.11
Other West Germanic languages	772	237	0.06
French (incl. Patois, Cajun)	523	120	0.03
Chinese	495	236	0.06

**IDOT District Eight**

		Speak English Less than Very Well	Percentage
Total Population	707,854		
Spanish	13,161	4,344	0.61
German	3,290	373	0.05
French (incl. Patois, Cajun)	1,181	292	0.04
Tagalog	820	222	0.03
Chinese	815	250	0.03

**IDOT District Nine**

		Speak English Less than Very Well	Percentage
Total Population	329,366		

Spanish	5,427	1,603	0.49
German	1,078	195	0.06
Chinese	677	264	0.08
Other West Germanic	440	211	0.06
Arabic	439	615	0.18

**Factor Two:** The frequency with which LEP persons using a particular language come in contact with IDOT.

**Propio Language Services**

Summary of Languages Used by: Propio Usage--Account 3864

Current Date: 5/8/2014

Billing Period: 1/1/2013 to 5/8/2014

<b>Language</b>	<b># of Calls</b>	<b>Minutes</b>	<b>Cost</b>	<b>% of Total</b>
Haitian Creole	1	3	\$1.92	0.3%
Polish	1	5	\$3	0.5%
Russian	1	11	\$7.04	1.2%
Spanish	123	937	\$599.68	98.0%
<b>Grand Total</b>	126	956	\$611.84	100.0%

**Factor Three:** The nature and importance of the IDOT program, activity, or service provided to the person's life:

For example, the Division of Traffic Safety (DTS) provided information that they are currently running Spanish-language Public Service Announcements (PSAs) for the following campaigns:

1. **Click it or Ticket – Seat Belt message**
  - a) TV – 30 second spots
  - b) Radio – 15 and 30 second spots
  - c) On-line – 30 second in-banner video
2. **Drive Sober or Get Pulled Over – Alcohol message**
  - a) TV – 30 second spots
  - b) Radio – 15 and 30 second spots
  - c) On-line – 30 second in-banner video
3. **Work Zone Safety – Drive safely in work zones message**

- a) TV – 30 second spots
- b) Radio – 15 and 30 second spots
- c) On-line – 30 second in-banner video

The Division of Traffic Safety also publishes a variety of safety materials in English and Spanish, which include:

1. Parents' Guide to Infant Seats (Step 1)
2. Parents' Guide to Toddler Seats (Step 2)
3. Parents' Guide to Booster Seats (Step 3)
4. Parents' Guide to Seat Belts (Step 4)
5. Chad Stickers
6. Booster Seat Bookmark
7. Ready for a Safety Belt? Bookmark
8. Illinois Safety Belt Use
9. Stop Aggressive Driving
10. Take it to the Limit bookmark
11. Take it to the Limit poster
12. DUI Cost Palm Card

**Factor Four:** The resources available to IDOT, and costs associated with different language service options.

IDOT has employees who are bilingual in languages such as Spanish, French, Hindi and Chinese. Further, Propio Language Services charges IDOT sixty-four cents (\$0.64) per minute, per call for a qualified interpreter to assist with the needs of the LEP individual.

## **Definitions**

Primary Language

The language an individual is most effectively able to communicate.



Limited English Proficient Person	Any person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English. Such individuals are entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.
Interpretation	The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Qualified interpreters are generally required to have undergone rigorous and specialized training.
Translation	The replacement of written text from one language into an equivalent written text in another language. Translation requires special knowledge and skills.
Bilingual	The ability to speak two languages fluently and communicate directly and accurately in both.
Direct Communication	Monolingual communication in a language other than English between a qualified bilingual employee or other bilingual person and an LEP individual (e.g., Spanish to Spanish).
Vital Documents	Any document that contains information that is critical for obtaining or maintaining the services or benefits that are supported by Federal funds, or that are required by law.
“I Speak” language identification cards	A tool to identify the language of individuals encountered who do not speak English.

**LEP Monitoring and Updating the LAP**

IDOT has designated the Title VI Coordinator as its LEP Coordinator. Monitoring and implementation of the Language Assistance Plan (LAP) will be conducted by the managers in each service area. The Plan will be reviewed annually by the LEP Coordinator to determine whether updates are needed. The LEP Coordinator will:

1. Coordinate identification of language service needs and strategies so that IDOT employees will have access to appropriate language services in their interactions with LEP individuals.
2. Ensure the agency’s compliance with the LEP Policy and Plan.

3. Identify training needs for IDOT employees on implementation of the LAP and the use of Propio Languages Services. Provide annual training on LEP Policy and Plan, including training new employees as part of the orientation process.
4. Establish and maintain IDOT's language assistance resource list.
5. Establish a bilingual staff list. Review qualifications of bilingual staff to ensure quality and skill level. Ensure all employees receive a copy of this list and know the procedure for contacting interpreters.
6. Maintain type and frequency on selected interactions with LEP individuals and provide reports to management, as appropriate. A language log will be maintained by each division representative, including the front desk. The data collected under various language groups shall be specific enough to inform the LEP Coordinator as to the language groups for whom interpretation and translation services are needed. The records of interactions with LEP individuals will be maintained in each service area.
7. Provide notice of the language assistance services in the following areas:
  - a) Posters in public areas.
  - b) "I Speak" language identification cards at reception area.
  - c) IDOT Website.
8. Conduct an annual review analyzing changes in:
  - a) Census data.
  - b) Current LEP populations affected or encountered.
  - c) Frequency of encounters with LEP language groups.
  - d) The nature and importance of activities to LEP individuals.
  - e) The availability of resources, including technological advances, sources of additional resources, and the cost incurred.
  - f) Whether the existing LAP is meeting the needs of LEP individuals.
  - g) Whether IDOT employees understand the LAP, and how to implement it.
  - h) Whether identified sources for assistance are still available.

### **Language Assistance Options**

IDOT will provide meaningful access to LEP individuals. If an LEP individual asks for language assistance, or an IDOT employee identifies an LEP individual who needs assistance, IDOT will make reasonable efforts to provide free language assistance.

The following options are used for providing language services:

## **1. Oral Interpretation Services**

### **In-House Services**

Quality oral interpretation services will be provided to all LEP individuals. Depending on the circumstances, reasonable oral interpretation assistance could be offered through a bilingual employee, family member or Propio Language Services. It is the LEP individual's decision whether to use family members or friends as interpreters. Additional attention will be exercised when the LEP individuals chooses to use a minor.

IDOT will ensure:

- a) The LEP individual's choice is voluntary.
- b) The LEP individual is aware of the possible problems if the preferred interpreter is a minor child. No adverse action will be taken using a child (anyone under the age of 18) as an interpreter.
- c) The LEP individual knows that IDOT will provide a competent interpreter at no cost.

### **Outside Services**

When interpretation services are needed, IDOT will first attempt to provide services using its qualified bilingual employees. When qualified bilingual employees are unavailable, or when qualified bilingual employees lack the skills to provide reasonable and timely oral interpretation assistance, IDOT will provide services using qualified interpreters thru Propio Language Services.

## **2. Written Interpretation Services**

### **Vital Forms and Documents**

Using the four-factor analysis, IDOT will identify the particular languages most frequently encountered by LEP individuals. Vital documents/written materials and most commonly used forms will be translated into the identified languages. The use of "tag lines" on other correspondence will be used to advise recipients to contact IDOT if they cannot read the English document.

### **Deciding Which Language Assistance Option for IDOT Use**

The types of language assistance resources IDOT decides to use will depend on the four-factor analysis, and may differ based on the type of activity. For more rarely-encountered languages, Propio Language Services may be a preferred option.

### **Personnel/Human Resource Planning**

The Language Assistance Plan for IDOT's management includes planning in personnel and human resource matters, including:

1. Consideration of language needs and inclusion of second language skills in recruitment, hiring, and promotion plans.
2. Providing training opportunities to improve existing language skills for IDOT employees.
3. Informing new employees of IDOT's duty to offer free language assistance in compliance with Federal requirements.

## **Training**

Training IDOT employees to understand how to access language services is important to IDOT. Initial and periodic training will be conducted for IDOT employees coming into contact with LEP individuals.

Training will include:

1. An in-depth discussion of the Language Assistance Plan.
2. How to respond to Limited English Proficient callers.
3. How to respond to written communications from Limited English Proficient individuals.
4. How to respond to Limited English Proficient individuals who contact IDOT in person.
5. How to use the "I Speak" language identification cards.
6. Which IDOT employees are available to provide interpretation.
7. The location of translated documents.

Bilingual employees will receive additional training that will address:

1. How to adhere to their roles as interpreters without deviating into a role of a counselor, legal advisor, or another role.
2. The specialized knowledge of the area of service or programs that LEP individuals are applying or participating (if necessary).
3. How to be competent and knowledgeable in providing interpretation that preserves confidentiality.

## **Monitoring**

The LEP Coordinator will monitor LEP compliance by:

1. Setting forth clear expectations for IDOT employees regarding language assistance.
2. Implementing a system to monitor effectiveness of the LAP and its implementation.

3. Seeking feedback on the quality and effectiveness of the language service resources available and utilization by IDOT employees.
4. Reviewing programs and the language resources available at least once per year (or as appropriate). Making adjustments as necessary and appropriate to ensure meaningful access in providing language services.

## **Language Assistance Measures and Internal Controls**

The following procedures will be used to provide language assistance:

### **1. Telephone Communication:**

LEP callers often have an English speaking person present when they call.

- a) Ask the English speaking person to identify the language need of the caller.
- b) Contact the IDOT employee who has been designated to interpret from the approved list of available employees. If unavailable or if IDOT does not currently have an employee to interpret then contact Propio Language Services to interpret for the LEP individual.
- c) Document the number of LEP contacts, nature of call, and District where the calling originated.

### **2. Written Communication:**

Contact the IDOT employee(s), from the approved list, that has been designated to translate documents.

### **3. Walk-ins and Individuals at the Front Desk that Need Translation Services:**

- a) Identify the language service required using the “I Speak” cards.
- b) Contact the IDOT employee that has been designated to interpret from the approved list. If unavailable or if IDOT does not currently have an employee to interpret then contact Propio Language Services to interpret for the LEP individual.
- c) Document the number of LEP contacts, nature of call, and District where the call originated.

A notice to advise LEP individuals of their right to an interpreter free of charge will be posted at the front desk.

## **Language Complaint Process**

LEP individuals wishing to file a grievance or complaint with IDOT should contact the LEP Coordinator by email at [DOT.Complaint@Illinois.gov](mailto:DOT.Complaint@Illinois.gov) or (217) 782-2762. The LEP Coordinator will report the complaint to the Bureau Chief of Civil Rights. A written response to the individual will be made within 15 days. The individual has 10 days to respond to the notice of decision.

LEP individuals can file a discrimination complaint in accordance with Federal regulations. Information of their right to file a discrimination complaint is contained in various program materials and IDOT’s

website. The complaint form is available on the IDOT website in English and Spanish. Other languages are available as requested.

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# Appendix A



## Authority and Other Applicable EEO Laws

The Federal and state EEO laws, rules and regulations that affect the Illinois Department of Transportation are identified. When there is a discrepancy between Federal law and state or local law, Federal law supersedes the latter unless state or local law is more stringent.

### Federal Laws:

1. **Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d** prohibits discrimination by government agencies that receive Federal funds. No person in the United States shall be excluded from participation in or otherwise discriminated against on the grounds of race, color, or national origin under any program or activity receiving Federal financial assistance. If an agency is found in violation of Title VI, that agency may lose its Federal funding.
2. **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794** prohibits discrimination based on disability for entities receiving Federal financial assistance. Section 504 states (in part): No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.
3. **Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101** prohibits discrimination against persons with disabilities in private employment, public accommodations, transportation, state and local government services, and telecommunications. It covers employers in industries affecting commerce that have 15 or more employees for each working day in each of 20 or more calendar weeks in the preceding calendar year. The employment title of the law (Title I) prohibits employers from discriminating against a "qualified individual with a disability" regarding job applications, hiring, advancement, discharge, compensation, training, or other job-related privileges. In addition, employers are required to make any reasonable accommodation for such persons provided no "undue hardship" is imposed.
4. **Americans with Disabilities Act Amendments of 2008, (ADAAA)** changes the definition of the term "disability," clarifying and broadening that definition—and therefore the number and types of persons who are protected under the ADA and other Federal disability nondiscrimination laws.
5. **Executive Order 11246** prohibits any entity with Federal government contracts total \$10,000 or more in a 12-month period, from discriminating in employment based on race, color, religion, sex, or national origin.
6. **Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency,"** requires Federal agencies to examine the program, activities, and services they provide, identify any need for language services to those with limited English proficiency (LEP), and develop and implement a system to provide those

services so LEP persons can have meaningful access to them. Since DOT provides Federal financial assistance to other parties, such as states, those entities must also develop guidance for their recipients on complying with LEP requirements.

7. **Uniformed Services Employment and Reemployment Rights Act (USERRA), 42 U.S.C. § 4301-4335** USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
8. **Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. §2000ff** this law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (*i.e.* an individual's family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

#### **Illinois State Laws:**

1. **Illinois Human Rights Act, 775 ILCS 5/1-101** prohibits discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.
2. **The State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430/15-5 et. seq.**, provides protection to employees who: Disclose or threaten to disclose to their supervisor or any public body an act or omission that the employee reasonably believes to be a violation of law, rule or regulation by another employee; provide information or testify before any public body conducting an investigation hearing or inquiry into a violation of law, rule, or regulations; or Assist or participate in a proceeding to enforce the Ethics Act.
3. **The Illinois Equal Pay Act of 2003, 820 ILCS 112/1** prohibits employers with four or more employees from paying unequal wages to men and women performing the same or substantially similar work, requiring equal skill, effort, responsibility and under similar working conditions; unless such wage difference is based upon a seniority system, merit system, a system measuring earnings by quantity or quality of production or factors other than gender. This law expands the Federal Equal Pay Act of 1963 by covering more workers, providing better enforcement mechanisms and improving public awareness.
4. **The Illinois Civil Rights Act of 2003, 740 ILC 23/5** prohibits State, county, or local government in Illinois from discrimination by (1) excluding a person from participation in, deny a person the benefits of, or subject a person to discrimination under any program

or activity on the grounds of that person's race, color, national origin, or gender; or (2) utilizing criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, national origin, or gender.

5. **Executive Order 2010-02** establishes the Governor's Office of the New Americans (GONA) to collaborate with State agencies and community organizations, to identify best practices and develop policies that are culturally and linguistically sensitive to the unique needs of immigrant communities to assist New Americans in overcoming barriers such as language. Pursuant to the executive order, it required State agencies to develop a New Americans Plan to address limited English proficient (LEP) persons' language issues. As part of GONA's assessment of current LEP policies, it created a survey for State agencies to assess language services.

# Appendix B

## **Title VI complaints**

We received two complaints in the past year.

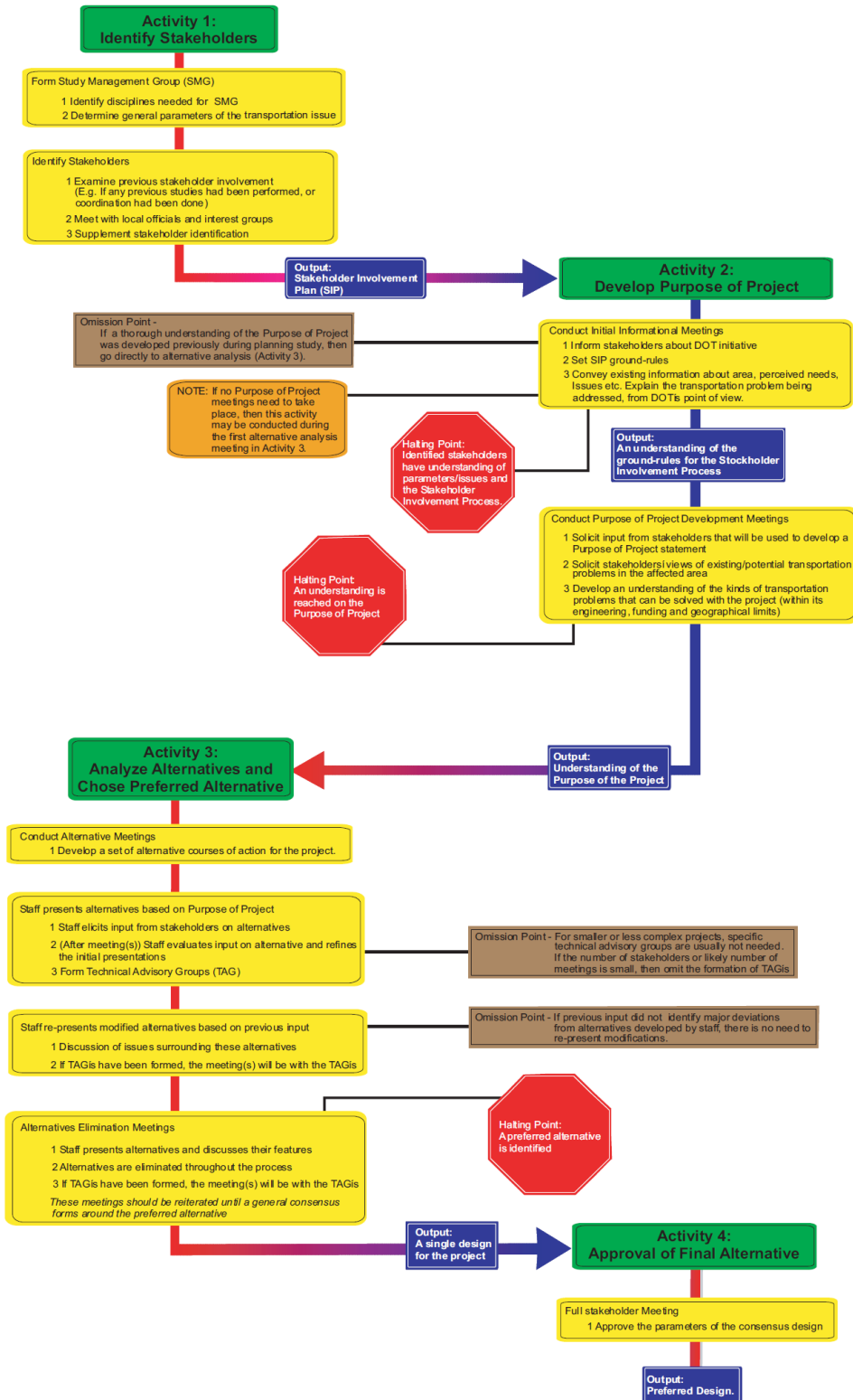
Case #3340 – Complainant notified IDOT of an alleged incident that involved an IDOT contracted entity employee who behaved in an inappropriate manner during an interaction with a traveler. IDOT's internal investigator reviewed all of the documentation provided. IDOT's Investigator found that the Contracted entity took appropriate action in this manner – they provided a copy of a disciplinary write-up on the employee in question. In addition, the Contracted entity stated they would complete additional training of employees in these areas. Matter closed.

Case #3335 – Complainant alleges that she was treated poorly and in a dangerous fashion when her vehicle was removed from the interstate after breaking down by one of our Emergency Traffic Patrolman. She alleges this was based on race. Complainant requested \$300,000 in relief in her complaint. When contacted by investigators, she refused to speak to them. Internal investigation showed that ETP driver followed protocols in place for COVID and denied any poor or dangerous treatment of complainant. Matter to be closed.

# Appendix C

**Context Sensitive Stakeholder Engagement Process**

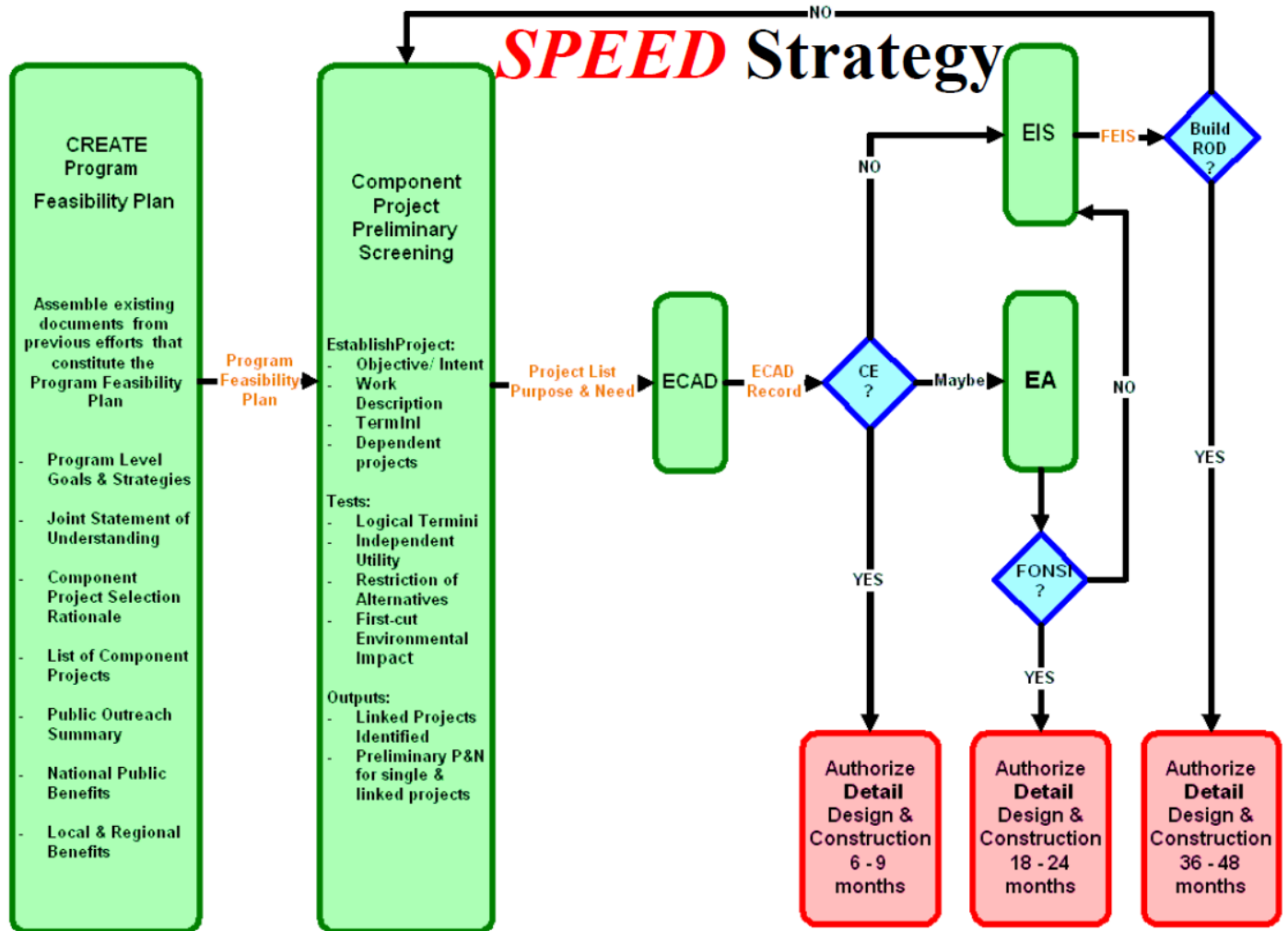
# Stakeholder Involvement Process





# Appendix D

# SPEED Strategy Process Chart



# Appendix E

**Title VI Complaint Form**



**Illinois Department  
of Transportation**

**Title VI Complaint Form  
(Environmental Justice and Related Statutes)**

To submit a Title VI Complaint to the Illinois Department of Transportation, please print and complete the following form, sign and return to:

Illinois Department of Transportation  
Attention: Title VI Specialist  
Bureau of Civil Rights  
2300 South Dirksen Parkway, Room 317  
Springfield, Illinois 62764

For questions or a full copy of the Illinois Department of Transportation's Title VI policy and complaint procedures, please submit a written request to the above address, visit <http://www.idot.illinois.gov/home/Civil-Rights>, call (217) 782-2762, or email form as an attachment to [dot.complaint@illinois.gov](mailto:dot.complaint@illinois.gov)

SECTION I			
Name:	Email Address:	Phone:	
Address:	City:	State:	Zip:
SECTION II			
1. Are you filing this complaint on your own behalf? <input type="checkbox"/> Yes (go to Section III) <input type="checkbox"/> No (go to #2)			
2. If you answered "no" to question 1, please describe your relationship to the person (complainant) for whom you are filing and why you are filing for a third party.			
3. Have you obtained permission of the aggrieved party (complainant) to file this complaint on his or her behalf? <input type="checkbox"/> Yes <input type="checkbox"/> No			
SECTION III			
1. Date of Incident			
2. If applicable, name of person(s) who allegedly discriminated against you:			
Discrimination based on:			
<input type="checkbox"/> Race	<input type="checkbox"/> Sex	*Disability. If disability discrimination, please complete the disability complaint form.	
<input type="checkbox"/> Color	<input type="checkbox"/> Age		
<input type="checkbox"/> National Origin/LEP	<input type="checkbox"/> Religion		
3. Please provide a brief explanation of the incident and how you feel you were discriminated against, including how you feel others may have been treated differently than you. If you require additional space or have additional written material pertaining to your complaint, please attach to this form.			

4. Why do you believe discrimination occurred?			
5. What remedy are you requesting? Be specific.			
6. Please list any person(s) we may contact for additional information to support or clarify your complaint.			
Name:		Phone:	
Address:	City:	State:	Zip:
<b>SECTION IV</b>			
1. Have you previously filed a Title VI Complaint with the Illinois Department of Transportation?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Have you filed this complaint with any other federal, state, or local agencies or with any state or federal court?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If "yes", please check all that apply:			
<input type="checkbox"/> Federal Agency		<input type="checkbox"/> State Court	
<input type="checkbox"/> Federal Court		<input type="checkbox"/> Local Agency	
<input type="checkbox"/> State Agency			
3. If filed at an agency and/or court, please provide information for your point of contact at the agency/court where the complaint was filed: Agency/Court			
Contact Name		Address	Phone Number
<b>SECTION V</b>			
<b>PLEASE NOTE: The Illinois Department of Transportation cannot accept your complaint without a signature.</b>			
I affirm that I have read the above charge and it is true to the best of my knowledge.			
<b>Complainant's Signature:</b>		<b>Date:</b>	
_____ Printed or Typed Name of Complainant:			

# Appendix F

## **Public Notice**

### **Notifying the Public of Rights under Title VI**

#### **Illinois Department of Transportation (IDOT)**

The Illinois Department of Transportation (IDOT) conducts its programs, activities, and services without regard to race, color, and national origin (and including “sex” under FHWA regulations) in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Illinois Department of Transportation.

For more information on the Illinois Department of Transportation’s Civil Rights program, and the procedures to file a complaint, contact (217)782-2762, (TTY (866)-273-3681); email [DOT.Complaint@Illinois.gov](mailto:DOT.Complaint@Illinois.gov); or visit our administrative office at:

Illinois Department of Transportation (IDOT)  
Bureau of Civil Rights, 3<sup>rd</sup> Floor  
2300 South Dirksen Parkway,  
Springfield, Illinois 62764-0001

For more information, visit [www.dot.il.gov](http://www.dot.il.gov).

A complaint may be filed directly with the Federal Highway Authority by contacting FHWA’s Office of Civil Rights at:

The Federal Highway Administration  
3250 Executive Park Drive  
Springfield, Illinois 62703  
Telephone: (217) 492-4600  
Fax: (217) 492-4621

If you need this information translated into another language, please contact Magdalena Sparovich at (217) 557-3383.



# Appendix G

## **Title VI Subrecipients' Questionnaire**



As a recipient of Federal grant funding, the Illinois Department of Transportation (IDOT) is required to ensure that all subrecipients are in compliance with Title VI of the Civil Rights Act of 1964 ("Title VI"), rules, regulations, and Executive Orders, which govern Title VI on federally funded projects. To ensure that subrecipients of Federal Highway Administration funding are in compliance with these requirements, your organization must complete the following questionnaire in its entirety.

If you have questions on how to complete this form, please contact: Illinois Department of Transportation, Bureau of Civil Rights, Room 317, 2300 S. Dirksen Parkway, Springfield, IL 62764 or call (217) 782-2762. Questionnaire may also be returned via email to: Dot.civilrights@illinois.gov.

Applicant Name:

Project Name:

Date of Report:

PART I: TITLE VI PLAN & COMPLAINT PROCEDURES

- 1. Does your organization have a Title VI Program/Policy?  Yes  No
  - A. If yes, does your organization's Title VI Program include:
    - (i) A Public Involvement/Public Engagement Process:  Yes  No
    - (ii) A Limited English Proficiency Policy?  Yes  No
    - (iii) A Language Assistance Plan?  Yes  No
    - (iv) A Title VI Complaint Form?  Yes  No
    - (v) A Title VI Complaint Procedure?  Yes  No
    - (vi) A notice to the public of their ability to file a discrimination complaint against your Agency under Title VI?  Yes  No
    - (vii) A public notice/or notices informing beneficiaries about services, activities, and programs?  Yes  No
    - (viii) Are your notices to the public offered in languages that meet the criteria for "Safe Harbor" status?  Yes  No
    - (ix) An Assurance(s) that your programs, services or facilities will be operated in a nondiscriminatory manner?  Yes  No

If you answered "Yes" above, then you must submit a copy of your organization's Title VI Policy and Complaint Form. Please attach these documents to this questionnaire.

If "No", in the space provided below, please explain how your organization plans to meet Title VI requirements.

[Empty rectangular box for providing explanation of Title VI requirements]

**PART 2: NON-DISCRIMINATION POLICY & STATEMENT**

Does your organization have a non-discrimination policy that is incorporated into a Statement of Non-discrimination?  Yes  No

If you answered "Yes" above, then you must submit a copy of your organization's non-discrimination policy statement of non-discrimination. Please attach these documents to this questionnaire.

If "No", in the space provided below, please explain.

**PART 3: TITLE VI COORDINATOR/SPECIALIST**

Does your organization have a person employed who is responsible for handling civil rights issues and/or a Title VI Coordinator/Specialist?  Yes  No

If "Yes," then please provide the following information about the Title VI Employee:

Name:	Title:	Mailing Address:
Phone Number:	Fax Number:	E-mail Address:

Please be sure to attach the following documents to this questionnaire, as needed:

- Title VI Plan
- Title VI Complaint Form and Complaint Procedures
- Non-discrimination Policy/Statement of Non-discrimination
- LAP Plan and/or LEP Policy

**SIGNATURE OF AUTHORIZED REPRESENTATIVE**

By signing below, I certify that I am authorized to sign this questionnaire on behalf of my organization, and that the information contained in this report is accurate and complete to the best of my knowledge.

Printed Name: \_\_\_\_\_ Printed Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Appendix H

# Subrecipient Monitoring Checklist



## Subrecipients' Title VI Compliance Monitoring Checklist

SUBRECIPIENTS TITLE VI COMPLIANCE MONITORING CHECKLIST		
Name of Subrecipient: _____		
<b>Checklist Items</b>		
1. Do you have Assurances that your programs or facilities will be operated in a non-discriminatory manner?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Do you have a Limited English Proficiency Policy?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Do you have a Language Assistance Plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Do you have Title VI complaint procedures?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Do you have a Title VI complaint form?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Do you have a method to track complaints, investigations, and findings of discrimination?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Do you provide public notice pertaining to services, activities, and programs?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. If you provide public notices, are your notices offered in languages that meet the criteria for "Safe Harbor" status?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Do you provide notice to the public of their ability to file a discrimination complaint against your Agency under Title VI?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Do you keep accurate and complete records necessary to ascertain whether you are complying with Title VI?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>** PLEASE provide examples of all applicable documents and attach comments to correspond with questions number, when applicable.</b>		
Person who submitted information for the checklist, please indicate by signing below. Your signature attests that the answers given above are true and accurate.		
Subrecipient's Representative: _____	Title: _____	Date: _____
IDOT Monitor: _____	Title: _____	Date: _____

# Appendix I



**I. OVERALL STRATEGIES AND GOALS**

1. What strategies and efforts has the planning process developed for ensuring, demonstrating, and substantiating compliance with Title VI?

2. What measures have been used to verify that the multi-modal system access and mobility performance improvements included in the plan and Transportation Improvement Program (TIP) or Statewide Transportation Improvement Program (STIP) and the underlying planning process, comply with Title VI?

Yes     No    3. Has the planning process developed a demographic profile of the metropolitan planning area or State that includes identification of the locations of socio-economic groups, including low-income, minority, and Limited English Proficient (LEP) populations, as covered by the Executive Order on Environmental Justice and Title VI provisions?

Yes     No    4. Does the planning process seek to identify the needs of low income, minority, and LEP populations?

Yes     No    5. Does the planning process seek to utilize demographic information to examine the distributions across these groups of the benefits and burdens of the transportation investments included in the plan and TIP (or STIP)?

6. What methods are used to identify imbalance?



II. SERVICE EQUITY		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	1. Does the planning process have an analytical process in place for assessing the regional benefits and burdens of transportation system investments for different socio-economic groups?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	2. Does it have a data collection process to support the analysis effort?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. Does this analytical process seek to assess the benefits and impact distributions of the investments included in the plan and TIP (or STIP)?
4. How does the planning process respond to the analyses produced?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	5. Have imbalances been identified?
III. PUBLIC INVOLVEMENT		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	1. Does the public involvement process have an identified strategy for engaging minority, low-income, and LEP populations in transportation decision making?
2. What strategies, if any, have been implemented to reduce participation barriers for such populations?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. Has their effectiveness been evaluated?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	4. Has public involvement in the planning process been routinely evaluated as required by regulation?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	5. Have efforts been undertaken to improve performance, especially with regard to low-income, minority, and LEP populations?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	6. Have organizations representing low-income, minority, and LEP populations been consulted as part of this evaluation?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	7. Have their concerns been considered?

8. What efforts have been made to engage low-income, minority, and LEP populations in the certification review public outreach effort?

Yes  No 9. Does the public outreach effort utilize media (such as print, television, radio, etc.) targeted to low-income, minority, or LEP populations?

10. What issues were raised, how are their concerns documented and how do they reflect on the performance of the planning process in relation to Title VI requirements?

11. What mechanisms are in place to ensure that issues and concerns raised by low-income, minority, and LEP populations are appropriately considered in the decision making process?

Yes  No 12. Is there evidence that these concerns have been appropriately considered?

Yes  No 13. Has the Metropolitan Planning Organization (MPO) made funds available to local organizations that represent low-income, minority, and LEP populations to enable their participation in planning processes?

\_\_\_\_\_  
Printed Name Signature Date

**Mail to:**  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 317  
Attention: Title VI Specialist  
Springfield, Illinois 62764

**Email to:**  
[dot.civilrights@illinois.gov](mailto:dot.civilrights@illinois.gov)

# Appendix J

## Language Assistance Program Assessment

### Title VI of Civil Rights Act and Executive Order 13166

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations require that recipients of Federal financial assistance ensure meaningful access to their programs and activities for Limited English Proficient individuals.<sup>1</sup> To assist financial aid recipients' compliance with these requirements, the U.S. Department of Justice (DOJ) published guidance. The U.S. Department of Justice issued the DOJ Guidance in response to Presidential Executive Order (EO) 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), which directs every Federal agency that provides financial assistance to publish guidance about how their recipients can ensure compliance with Title VI.<sup>2</sup> Thereafter, the U.S. Department of Transportation issued Guidance in December 2005, which was modeled after the DOJ Guidance.<sup>3</sup>

Limited English Proficiency (LEP) is a term used to describe people who do not speak English as their primary language and who also have a limited ability to read, write, or understand English.

### U.S. Department of Transportation, Code of Federal Regulations 49 CFR Part 21

Part 21- Nondiscrimination in Federally-Assisted Program of the Department of Transportation-- Effectuation of Title VI of the Civil Rights Act of 1964. The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end 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 receiving Federal financial assistance from the Department of Transportation.<sup>4</sup> Pursuant to the DOT LEP Guidance and FTA Circular 4702.1A, certain FTA recipients or subrecipients, such as those serving very few LEP persons or those with very limited resources may choose not to develop a written LEP plan. However, "the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities. Recipients or subrecipients electing not to prepare a written language implementation plan should consider other ways to reasonably provide meaningful access."<sup>5</sup>

<sup>1</sup> Title VI provides 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 that receives Federal financial assistance. *See* DOT LEP Handbook for Public Transportation Providers (April 13, 2007). The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. *See Infra DOT*

<sup>2</sup> *See* Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (June 18, 2002) (DOJ Guidance).

<sup>3</sup> The U.S. Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (DOT LEP Guidance, Federal Register, vol. 70, no. 239, pp. 74087-74100, December 14, 2005).

<sup>4</sup> 49 C.F.R. Part 21, § 21.1.

<sup>5</sup> (DOT LEP Guidance Section V (4)). *See* Page 6 LEP Handbook.

The U.S. Department of Transportation provided guidance to State Departments of Transportations that requires recipients of Federal aid to “...take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge...”

### **Executive Order 2010-02**

On March 31, 2010, Governor Quinn issued Executive Order, EO2010-02, which established the Governor’s Office of the New Americans (GONA).<sup>6</sup> On April 9, 2012, GONA entered into collaborations with State agencies and community organizations, to identify best practices and develop policies that are culturally and linguistically sensitive to the unique needs of immigrant communities to assist New Americans in overcoming barriers such as language. Pursuant to the executive order, it required State agencies to develop a New Americans Plan to address limited English proficient (LEP) persons’ language issues. As part of GONA’s assessment of current LEP policies, it created a survey for State agencies to assess language services.

The DOT Guidance establishes an analytical framework that balances four factors in determining what measures are reasonably required to ensure meaningful access to language services. The four factors are:

1. The number or proportion of LEP persons that are likely beneficiaries of a recipient’s services.
2. The frequency with which LEP persons come into contact with the recipient’s programs or activities.
3. The nature and importance of the program, activity, or service the recipient provides.
4. The resources available to the recipient and the related costs.<sup>7</sup>

<sup>6</sup> Executive Order EO-2010-02, “Executive Order Creating Governor’s Office of New Americans,” (March 31, 2010).

<sup>7</sup> 67 Fed. Reg, at 41,459-61.

## **LEP Assessment**

In 2012, the BCR conducted a survey to assess the Department's compliance with the DOT Guidance. We used the four factors to determine whether IDOT is in compliance with Title VI—*i.e.*, taking reasonable steps to ensure that LEP persons have meaningful access to its programs, activities, and services.

We created a survey, which covered various aspects of divisions, offices, and bureaus. As part of this survey, we attempted to identify divisions, offices, and bureaus that serve large numbers of LEP persons. The survey identified each entity and asked about potential services derived from that entity; policies and procedures followed to provide language assistance; and methods used to give language services.

Based on the survey, we created a report, which evaluated the performance of IDOT under the four-element balancing test, and made specific recommendations for improving agency outcomes under each prong. In the following sections, the report explained the scale and methodology of the review and described the policy-making efforts of IDOT to provide language access to LEP persons. Then, the report evaluated how effectively IDOT does the following: took into account the size and variety of the State's LEP service population, and its interactions with LEP groups; provided language services during certain interactions with the public; trained employees about language issues; served LEP communities through outreach and recruitment; provided written language resources; and maximized its resources to provide language services.

Ultimately, through BCR's observations and recommendations, including the recommendation that IDOT create a Language Access Plan (LAP), the Report sought to identify ways in which IDOT could improve its services to LEP individuals. To that end, IDOT has drafted an Order on Limited English Proficiency, which memorializes protocol and procedure for providing access to LEP individuals. (Please see Appendix J).

## **Background**

IDOT's fiscal year runs from July 1<sup>st</sup> through June 30<sup>th</sup>. IDOT reports an operational budget of \$ 2.662 billion for Fiscal Year 2013 and a proposed budget of \$ 2.712 billion for Fiscal Year 2014.

IDOT breaks the State down by region and district boundaries. There are five regions and nine districts within Illinois. IDOT divides the regions into the following five areas, which include the nine districts:

Region 1 covers the following counties: (District 1) Cook, Kane, Lake, McHenry, and Will; Region 2 covers the following counties: (District 2) Jo Daviess, Stephenson, Winnebago, Boone, Carroll, Ogle, Lee, Whiteside, Henry, and Rock Island (District 3) DeKalb, LaSalle, Kendall, Grundy, Kankakee, Livingston, Ford, Iroquois, and Bureau; Region 3 covers the following counties: (District 4) Mercer, Warren, Henderson, McDonough, Fulton, Knox Stark, Peoria, Putnam, Marshall, Woodford, and Tazewell (District 5) McLean, Dewitt, Piatt, Douglas, Edgar, Champaign, and Vermilion; Region 4 covers the following counties: (District 6) Hancock, Adams, Pike, Brown, Schuyler, Cass, Morgan, Scott, Macoupin, Montgomery, Christian, Sangamon, Menard, Logan, Mason (District 7) Macon, Moultrie, Shelby, Fayette, Effingham, Jasper, Coles, Cumberland, Clark, Crawford, Richland, Lawrence, Wayne, Edwards, Wabash, and Clay; and Region 5 covers the following counties: (District 8) Calhoun, Greene, Jersey, Madison, Bond, Clinton, St. Clair, Monroe, Randolph, Washington, and Marion (District 9)

Jefferson, Perry, Jackson, Union, Alexander, Pulaski, Massac, Johnson, Pope, Hardin, Gallatin, White, Saline, Hamilton, Williamson, and Franklin.

Region 1 (District 1), which includes Cook County, is the most diverse area in the state.

### **Number or Proportion of LEP Persons in the Service Population**

The IDOT should determine the number or proportion of LEP persons in its service population. The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed. Ordinarily, persons eligible to be served, or likely to be directly affected, by a recipient's programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient's service area. When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) whose English proficient or LEP minor children and dependents encounter the services of DOT recipients.<sup>8</sup>

Recipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. In conducting this analysis, it is important to include language minority populations that are eligible beneficiaries of recipients' programs, activities, or services that may be underserved because of existing language barriers; and consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.<sup>9</sup>

Based on the 2010 Census, the State of Illinois has a population of 12,830,632 of persons ages 5 and older. Of that population, 71.5 percent were White; 15.8 were Hispanic or Latino; 14.5 percent were African American or Black; 4.6 percent were Asian American; and 0.3 were American Indian or Native Alaskan.<sup>10</sup>

Of the total population for the State of Illinois, of persons ages 5 and older, 9.6% are LEP persons. There are 724,783 Spanish or Spanish Creole language speakers who are ages 5 and older who speak English "less than very well," which is the largest number of LEP individuals; there are 132,106 Asian language speakers ages 5 and older who speak a variety Asian languages "less than very well," which is the second largest number of LEP individuals. The Asian languages category is broken down in the following way: Chinese<sup>11</sup> 42,967; Korean 26,995; Tagalog 21,720; Vietnamese 11,858; Japanese 6,226; Thai 3,409; Laotian 2,814; Hmong 195; Mon-Khmer/Cambodian 1,606; and Other Asian languages 13,206. There are 97,817 Polish language speakers ages 5 and older who speak Polish "less than very well," which is the third largest number of LEP individuals.

The following table illustrates the diversity of the State's language groups of individuals ages 5 and older.<sup>12</sup>

<sup>8</sup> See DOT LEP Guidance Section V (1).

<sup>9</sup> *Id.*

<sup>10</sup> U.S. Census Bureau, 2010, Foreign-born Population by Country of Birth: 2010, American Community Survey.

<sup>11</sup> Includes: Mandarin and Cantonese.

<sup>12</sup> U.S. Census Bureau 2010, American FactFinder, Fact Sheet, Illinois State at <<http://factfinder.census.gov>>.

Illinois Residents Language Proficiency

	Illinois		Percent of specified language speakers			
			Speak English "very well"		Speak English less than "very well"	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	12,061,228	+/-2,147		+/-0.2	9.20%	+/-0.2
Speak a language other than English	22.60%	+/-0.2	59.20%	+/-0.6	40.80%	+/-0.6
Spanish or Spanish Creole	13.10%	+/-0.1	56.70%	+/-0.9	43.30%	+/-0.9
Other Indo-European languages	5.80%	+/-0.2	64.80%	+/-1.3	35.20%	+/-1.3
Asian and Pacific Island languages	2.80%	+/-0.1	56.20%	+/-1.5	43.80%	+/-1.5
Other languages	0.90%	+/-0.1	68.30%	+/-2.9	31.70%	+/-2.9
<b>SPEAK A LANGUAGE OTHER THAN</b>						
Spanish or Spanish Creole	1,584,438	+/-14,210	56.70%	+/-0.9	43.30%	+/-0.9
5-17 years	391,670	+/-7,626	79.60%	+/-1.3	20.40%	+/-1.3
18-64 years	1,105,272	+/-10,354	50.90%	+/-1.0	49.10%	+/-1.0
65 years and over	87,496	+/-2,416	28.30%	+/-2.3	71.70%	+/-2.3
Other Indo-European languages	699,031	+/-19,230	64.80%	+/-1.3	35.20%	+/-1.3
5-17 years	94,728	+/-6,068	85.90%	+/-2.1	14.10%	+/-2.1
18-64 years	487,296	+/-14,592	64.90%	+/-1.5	35.10%	+/-1.5
65 years and over	117,007	+/-5,477	47.00%	+/-2.4	53.00%	+/-2.4
Asian and Pacific Island languages	332,574	+/-10,172	56.20%	+/-1.5	43.80%	+/-1.5
5-17 years	39,725	+/-3,207	79.30%	+/-4.1	20.70%	+/-4.1
18-64 years	250,949	+/-8,201	56.30%	+/-1.8	43.70%	+/-1.8
65 years and over	41,900	+/-2,053	33.80%	+/-4.2	66.20%	+/-4.2
Other languages	112,726	+/-10,069	68.30%	+/-2.9	31.70%	+/-2.9
5-17 years	21,122	+/-3,970	83.80%	+/-5.8	16.20%	+/-5.8
18-64 years	79,800	+/-7,320	68.40%	+/-3.1	31.60%	+/-3.1
65 years and over	11,804	+/-2,290	40.30%	+/-9.1	59.70%	+/-9.1
<b>CITIZENS 18 YEARS AND OVER</b>						
All citizens 18 years and over	8,934,979	+/-19,014	95.10%	+/-0.1	4.90%	+/-0.1
Speak a language other than English	15.20%	+/-0.2	67.70%	+/-0.8	32.30%	+/-0.8
Spanish or Spanish Creole	7.70%	+/-0.1	69.90%	+/-1.0	30.10%	+/-1.0
Other languages	7.50%	+/-0.2	65.50%	+/-1.2	34.50%	+/-1.2



## **Tracking the Frequency of Contacts with LEP Persons**

Once IDOT identifies the LEP communities within the state, the Guidance next instructs that it should ascertain the frequency of contact IDOT has as a whole with LEP persons, which includes the number and manner of contact IDOT has with its LEP population. Recipients should assess the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely the agency will need enhanced language services. The steps that are reasonable for a recipient that serves an LEP person rarely will be very different than those expected from a recipient that serves LEP persons daily.

According to the Guidance, recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service daily, a recipient has greater duties than if the same individual's program or activity contact is irregularly or infrequently. However, even recipients that serve LEP persons on an irregular or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question.<sup>13</sup>

Some IDOT Communications Centers like the District 1 Operations Communications Center, logs telephone contact with the public.<sup>14</sup> The District 1 Communications Center informed us that it logs all telephone calls they receive.<sup>15</sup> However, the staff indicated that they do not track telephone encounters or language assistance requests with LEP individuals.

Some divisions have used a language line service called Proprio Language Services, a private vendor offering telephonic interpreting services, to assist in interpretation and to track frequency of contact for encounters LEP individuals.<sup>16</sup> Based on the summary of information IDOT received from Proprio, we have determined that employees requested language assistance for Spanish-speakers.

IDOT is in the process of implementing procedures that will capture the number of encounters with LEP individuals whether it is in person, or via telephone. This procedure will encompass those IDOT employees that work in offices, bureaus and in the field.

## **The Nature and Importance of the Program, Activity, or Service**

The more important the program, activity, service, or information or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed.<sup>17</sup>

<sup>13</sup> See DOT LEP Guidance Section V (2).

<sup>14</sup> Another Communications Center in District 4 indicated that they did not log telephone calls if they did not take action. However, if a telephone call requires District 4 Communications Center to take action or to monitor, then they will keep a log to refer back to details such as date, time, situation, and/or action taken.

<sup>15</sup> Based on interviews we determined, Communications Centers around the state can receive between two to 50 telephone calls per day, depending on the region. The District 1 Communications Center, which is also Region 1, receives the most telephone calls per day.

<sup>16</sup> Language Line Services operates in the following manner: When an LEP individual is connected to an interpreter; first, the interpreter will attempt to ascertain what language the LEP individual is speaking. Then, the LEP individual can then ask their question in their native language and the interpreter will pose it to the English speaking person (in this case the IDOT employee) to obtain the response and give it to the LEP individual.

<sup>17</sup> See DOT LEP Guidance Section V(3).

IDOT should determine whether denial or delay of access to services or information could have serious or even life-threatening implications for LEP individuals.

IDOT has determined that certain programs, which provide vital information on traffic safety, have been translated into Spanish. In addition, the complaint procedures and complaint form have been translated into Spanish. IDOT is also in the process of translating its webpage into Spanish.

## **Encounters with LEP Persons in-Person or by-Telephone**

### **Highway Maintainers/ Emergency Traffic Patrol**

All employees play a vital role in IDOT's ability to respond to request for assistance to the public. Highway maintainers/emergency traffic patrols (ETPs) employees, however, play an integral part in providing access to public safety services or information to the public. They provide emergency services for stranded or injured motorists.

Highway maintainers/ETPs employ a variety of methods to communicate orally with LEP persons. One way was by pointing to the problem or using some form of hand signals or gestures to muddle through and communicate. Second, we found that bilingual highway maintainers/ETPs, who are Spanish-speakers, are frequently used to provide interpretive services in the course of their duties. Bilingual highway maintainers/ETPs not only use their language skills to address their own calls for service; they also assist fellow highway maintainers/ETPs who request bilingual assistance when they encounter LEP persons. It should be noted that highway maintainers/ETPs primarily provide language assistance when the LEP person encountered was Spanish-speaking.

### **Points of Entry**

Most employees who staff these positions indicated-- that in practice if they encountered an LEP Spanish-speaking individual they would seek language assistance from an IDOT bilingual Spanish-speaking employee on staff. However, if they encountered LEP individuals who spoke a language other than Spanish or the bilingual Spanish-speaking employee was unavailable, IDOT employees would not know how to respond. IDOT is in the process of implementing a General Order, which directs employees on languages assistances mechanisms to employ if they encounter LEP individuals in the course of the job.

IDOT is in the process of using 'I Speak' language identification cards at the points of entry. However, if IDOT does not currently employ an individual that is qualified to interpret in the language needed, or they are unavailable, the employee can contact Proprio Language Services to respond to the needs of the LEP person.

### **Communications Centers**

The Communications Centers also play a significant role in obtaining information from and providing information to the public. Employees at the Communications Centers have direct contact with the public. Staff typically monitors accidents and receive calls from the public, which includes but is not limited to: reporting street light outages, reporting cars on side of road or out of gas, or reporting accidents.

A Communications Center representative reported that all districts have a similar office, which takes calls from the public seeking assistance or reporting information. Some districts have a separate Communications Center; however, smaller districts have incorporated the Communications Center into another office.

Based on information we have discovered that when an LEP individual is attempting to contact the Communications Center by telephone, to access services, there are no cues, which would allow the caller to select another language to communicate in other than English. However, IDOT is in the process of implementing formal protocol to assist LEP individuals. Telephone cues will be added to assist LEP callers in accessing the needed services. In addition, IDOT will train staff on how to use the telephonic interpreting service, Propio Language Services.

### **Claims Center / Pothole Reporting**

In offices, such as the Claims Center, which have direct contact with the public, IDOT is in the process of implementing formal protocol to assist LEP individuals. Telephone cues will be added to assist LEP callers in accessing the needed services. In addition, IDOT will train staff on how to use the telephonic interpreting service, Propio Language Services.

IDOT is in the process of implementing formal protocol to assist LEP individuals. Telephone cues will be added to assist LEP callers in accessing the needed services. In addition, IDOT will train staff on how to use the telephonic interpreting service, Propio Language Services.

### **IDOT's Division of Traffic Safety**

Occasionally, the Division of Traffic Safety (Traffic Safety) receives calls and in person encounters from Spanish-speakers for truck inspections. On those occasions, Traffic Safety has asked a Spanish-speaking bilingual employee from the Bureau of Civil Rights (BCR), who formerly worked in Traffic Safety, to provide interpretive assistance to those truckers who were LEP Spanish-speakers. Based on BCR's recommendation, Traffic Safety has since contracted with Propio Language Services, a telephonic interpretive service for language assistance to LEP individuals to address this issue.

### **Press and Public Relations**

The Division of Traffic Safety (DTS) provided information that they are currently running Spanish-language Public Service Announcements (PSAs) for the following campaigns:

4. **Click it or Ticket – Seat Belt message**
  - d) TV – 30 second spots
  - e) Radio – 15 and 30 second spots
  - f) On-line – 30 second in-banner video
5. **Drive Sober or Get Pulled Over – Alcohol message**
  - d) TV – 30 second spots

- e) Radio – 15 and 30 second spots
  - f) On-line – 30 second in-banner video
- 6. Work Zone Safety – Drive safely in work zones message**
- d) TV – 30 second spots
  - e) Radio – 15 and 30 second spots
  - f) On-line – 30 second in-banner video

The Division of Traffic Safety also publishes a variety of safety materials in English and Spanish, which include:

1. Parents' Guide to Infant Seats (Step 1)
2. Parents' Guide to Toddler Seats (Step 2)
3. Parents' Guide to Booster Seats (Step 3)
4. Parents' Guide to Seat Belts (Step 4)
5. Chad Stickers
6. Booster Seat bookmark
7. Ready for a Safety Belt? bookmark
8. Illinois Safety Belt Use
9. Stop Aggressive Driving
10. Take it to the Limit bookmark
11. Take it to the Limit poster
12. DUI Cost Palm Card

The Spanish-speaking BCR employee also assisted in interpreting and translating numerous documents for the above safety campaigns. Moreover, Traffic Safety uses another Traffic Safety bilingual Spanish-speaker to translate their Occupant Protection materials into Spanish. However, neither of these bilingual Spanish-speaking employees is certified for interpreting or translating.

## **Public Hearings and Meetings**

IDOT will provide interpreters for language assistance to LEP individuals for public hearings or meetings, if requested. IDOT will make available a bilingual and sign interpreters, if the Department has good reason to believe that such services will be necessary to provide meaningful access to community members.

IDOT is in the process of updating the website in order to notify LEP persons of the availability of interpreter services at no charge. In addition all important documents will be translated into Spanish.

## **Community Relationships**

IDOT has strong interaction with various Hispanic community groups. The Department has maintained a partnership with Hispanic community groups to address issues of public safety. IDOT has established and maintained relationships with a multitude of ethnically diverse community and industry groups, including the Illinois Hispanic Chamber of Commerce (IHCC), the Hispanic American Construction Industry Association (HACIA), and the Illinois Association of Hispanic State Employees (IAHSE). IDOT is always analyzing its communication and outreach efforts throughout the Department to identify opportunities to increase its engagement with all communities, including those of ethnically diverse backgrounds and low-incomes.

IDOT has built trust in the LEP Spanish-speaking community. Beginning in 2012, the Division of Traffic Safety deployed a Spanish-speaking employee to provide language assistance during a child seat give-away campaign. During the campaign, the bilingual employee used her language skills to communicate with LEP Spanish-speakers to reassure recipients that the give-away was not a trick for immigration purposes. The bilingual employee informed the LEP Spanish-recipients of the importance of using safety seats for children. IDOT's ongoing child seat give-away campaigns have seen an increase in the utilization by members of the LEP Spanish-speaking community.

## **Community Outreach**

IDOT conducts outreach to encourage and collaborate with local stakeholders to obtain feedback from communities when preparing improvements to the State's transportation system. IDOT's Office of Program & Planning (OP&P) conducts outreach for public comment, it does not advertise its meetings in media outlets that LEP individuals' access. OP&P only advertises its meetings in newsletters and communications that are in English. IDOT it will begin to implement policies or procedures regarding the inclusion of the LEP community to its outreach activities.

## **Oral Communication (Interpretation)**

### **1. Bilingual Employees**

Interpretation is the act of listening to something in one language and orally converting it into another language. Individuals who have interpretive skills can be bilingual or multilingual.

IDOT has formally identified employees as bilingual interpreters. The majority have been identified as bilingual in English and Spanish. Bilingual employees are used on an as needed basis within the

Department. Many bilingual IDOT employees, are either certified or in the process of attempting to become certified to interpret in Spanish.

## **2. Telephonic Services**

In addition to having competent bilingual employees, IDOT communicates with LEP populations through telephonic interpretive services. IDOT has incorporated telephonic services into the Division of Traffic Safety's operations. The Illinois Department of Central Management Services (CMS) contracted with a telephonic service that IDOT may use to assist with communicating with LEP individuals.

## **Written Communication**

IDOT has formally identified employees within the Department to use as translators in converting documents from English to another language. All documents IDOT has translated have been translated from English to Spanish.

Many IDOT staff members who provide translation assistance for document translation are certified to do such. The applicable IDOT employees are utilized throughout the Department to assist in the translation for documents.

### **1. Documents**

IDOT has a variety of documents and material it makes available to the public, which is deemed vital or important. All applicable documents and material are only available in English, and have not been translated into any other language. The documents, materials, and information are as follows:

Division of Highways	It Takes Time Brochure
Bureau of Land Acquisition	Highway Improvements and Property Rights Relocation Brochure
Office of Quality Compliance and Review	IDOT webpage – reporting fraud section; Palm cards with fraud reporting instructions that are handed out to DBEs/Contractors and subcontractors; Posters on fraud reporting.
Office of Communications	IDOT Website Diversity Matters! website Diversity Matters! newsletter

### **2. Signage**

IDOT offices and facilities do not have informational signs displayed in languages other than English. IDOT does not have signage at points of entry at any IDOT buildings, which indicates that language services are available free of charge.

## **Complaints**

IDOT has a written policy that clearly sets forth the procedures that members of the public can follow to file a complaint if s/he feels that they have been aggrieved by the Department or its subgrantees in the delivery of services. In addition, the BCR has also translated the Title VI complaint form into Spanish.

## **Available Resources and Related Costs**

A recipient's level of resources and the costs associated may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets.<sup>18</sup> IDOT should determine whether it has allocated sufficient resources for language assistance for LEP individuals.

The IDOT employs over 5,000 individuals. It is the largest state agency in Illinois. IDOT reports an operational budget of \$ 2.670 billion for Fiscal Year 2012 and \$ 2.662 billion for Fiscal Year 2013. IDOT's enacted budget for Fiscal Year 2014 is \$2.666 billion. IDOT does not allocate budgetary funds for language assistance services in a line item.

IDOT has a number of employees who are bilingual, and can assist in providing language services. Some employees have been certified in skill level and proficiency. The Department has contracted a telephonic interpretive service to assist in providing linguistic services to the public. The telephonic language assistance service has not been fully deployed throughout IDOT. The Illinois Department of Central Management Services (CMS) has made telephonic interpretive service available for IDOT, currently, its use by IDOT employees is limited.

<sup>18</sup> See Section V(4).

# Appendix K



## Draft Order on Limited English Proficiency (LEP)

### Order

It is the policy of the Department of Transportation to provide meaningful access to transportation programs and/or benefits for Limited English Proficiency (LEP) individuals.

### Purpose

The purpose of this order is to establish a framework to provide language assistance to ensure LEP individuals have meaningful access to transportation programs, activities, and services.

### Definitions

1. **Limited English Proficient (LEP).** LEP refers to an individual whose primary language is not English and possesses a limited ability to read, write, speak, or understand the English language. Such person or persons are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter.
2. **Interpretation.** The act of listening to spoken words in one language (the source) and orally interpreting it into another language (the target).
3. **Translation.** The act of replacing a written text from one language into an equivalent written text in another language.
4. **Bilingual.** The ability to use two languages proficiently.
5. **Safe Harbor Rule.** A "safe harbor" means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI. The standard under safe harbor is, if you have an LEP population of 5% or 1,000, in your service area, whichever one is less-- you must translate written material that is vital into that language. The failure to provide written translations under these circumstances does not mean there is noncompliance. Rather these circumstances merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis.

### Guidelines for Implementation

#### 1. Translation

When translating documents from English to Spanish, the translator shall consider following items.

- a) Information translated shall be based on accurate and verifiable facts.
- b) Information translated should fit the fourth (4th) grade literacy level, to ensure that the targeted audience understands the information.

- c) Knowledge in both languages of any specialized terms or concepts particular to IDOT programs or services and of any particular vocabulary and phraseology used by the LEP person, or the ability to explain either in English or the necessary language.
- d) Ability to understand and to follow confidentiality and impartiality rules.
- e) Knowledge of dialects used by the LEP persons for whom they are interpreting.

Marketing communications and outreach materials (brochures and newsletters catering to diversity, highway improvements, public meetings, etc.) must follow the Department's guidelines to ensure meaningful access for LEP persons to programs, activities, and services.

All marketing/recruiting and outreach materials (both print and online) intended for external distribution, which directly impacts the public or beneficiaries shall be printed in English and any language that meets the standard articulated by the Safe Harbor rule. In most cases, the prevalent foreign language is Spanish.

## **2. Telephonic Services**

The Department shall utilize a telephone service which provides a Spanish-language version of the English language menu to further assist LEP individuals in need of language services.

To ensure adequate treatment and the administration of services to LEP individuals, the Department shall:

- a) Monitor Language Line Services (LLS), call frequency, nature of calls, customer service, call quality, etc.
- b) Conduct training with staff directly impacted by these calls to ensure proper utilization of LLS to best address questions/concerns among Illinois' LEP individuals as well as cultural sensitivity.
- c) Review and monitor the Department's response to LEP individuals on a quarterly basis and determine ways to improve services.

## **3. Public Outreach Meetings**

The Department shall also provide language services in the conduct of its outreach efforts which are intended to make the general public aware of its programs, activities, and services. The Department shall ensure that at a minimum, at least one certified bilingual-Spanish staff person is present at public events, if the written requests are received in advance. The Department shall also further ensure to notify LEP persons about the availability of interpreter services and how to access those services for language assistance in public meetings or for obtaining benefits.

## **Signage**

The Department shall provide signs in languages other than English, at points of entry at any IDOT buildings indicating that language services were available free of charge.

## **Complaints**

The Department has a written policy that clearly sets forth the procedures that members of the public can follow to file a complaint if s/he feels that they have been aggrieved by the Department or its subrecipients in the delivery of services. The Department also has a standardized complaint form. There are complaint forms for the LEP public in Spanish.

## **Training for Staff Persons**

The Department shall provide staff training for this policy. A determination of the frequency of staff encounters with LEP individuals shall dictate the level of detail of this training. All employees should have at least minimal understanding of the Department's policy regarding encounters with LEP individuals. However, any employee who is likely to have contact with LEP individuals shall be trained to ensure they know LEP policy and procedure, they work effectively with in-person and telephone interpreters, and understand the dynamics of interpretation among LEP providers and interpreters. LEP training shall be part of the orientation for all new employees who work with LEP individuals. The Department shall document training and orientations on the LEP policy for new employees with the level of detail appropriate to their assigned job responsibilities.

## **Responsibilities**

The following outlines the individual and office responsibilities to ensure compliance with the provisions of this order.

### **Directors, Deputy Directors/Regional Engineers and Bureau Chiefs.**

Each Director, Deputy Director/Regional Engineer and Bureau Chief shall take an active role in the LEP Policy and ensure that the new policy is properly maintained through proper chains of command and methods.

### **Office of Communications.**

The OOC is responsible for assisting in the dissemination of LEP protocols within IDOT using OCC's various avenues of communication, and providing assistance to other offices related to LEP services and protocols.

### **Bureau of Civil Rights.**

The BCR is responsible for:

1. Maintaining Departmental guidelines and regulations to adhere to Title VI of the Civil Rights Act of 1964.
2. Ensuring that LEP individuals can effectively participate in transportation programs and opportunities.
3. Ensuring that LEP individuals are not discriminated under Title VI of the Civil Rights Act.

## **Management**

All managers and supervisors are responsible for reinforcing the Department's commitment to promoting the LEP policy among its stakeholders and continuously identifying ways to provide meaningful access to benefits and services for LEP individuals, to ensure accurate and effective communication between the Department and LEP individual about the types of services and/or benefits available.

## **Employees**

All employees are responsible for complying with the guidelines and regulations with the provisions of this order within each functional area of designated responsibility.

## **Accessibility**

### **Location**

Electronic versions of this order are located on the Policy & Research Center site on InsideIDOT, the Department's internal website.

## **Copies**

Hard copies of this order are available by contacting the Bureau of Business Services' (BoBS) Quality and Document Management Services Section.

## **Closing Notice**

This is a new Departmental Order.