



## State of New Jersey

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

PHILIP D. MURPHY  
*Governor*

FRANCIS K. O'CONNOR  
*Commissioner*

TEHESHA L. WAY  
*Lt. Governor*

October 1, 2024

Via Upload to Civil Rights Connect

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


Dear Mr. Clark:

In accordance with 23 CFR Part 200.9 (b) (11), we are pleased to provide the New Jersey Department of Transportation's Title VI Nondiscrimination Compliance Plan Update for Federal Fiscal Year 2025 beginning October 1, 2024.

Our Accomplishments Report for the period ending September 30, 2024, and Goals for Federal Fiscal Year 2025 will be uploaded on or before November 15, 2024.

Should you have any questions or need additional information regarding the contents of these documents, feel free to contact me or our Nondiscrimination Programs Supervisor, Chrystal Section at 609-963-2047.

Sincerely,

  
Vicki Tilghman-Ansley,  
Director, Division of Civil Rights and  
Affirmative Action

Attachments ([Uploaded to Civil Rights Connect](#))

c: J. Ovesen (FHWA), C. Section (NJDOT)



# **New Jersey Department of Transportation**

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



## **Title VI Compliance and Implementation Plan**

**FEDERAL FISCAL YEAR 2025  
Beginning October 1, 2024**



**"No person 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 assistance."**

**—Civil Rights Act of 1964**

**Phil Murphy  
Governor**

**Francis K. O'Connor  
Commissioner**

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## Title VI Policy Statement

It is the policy of the NJDOT to effectuate Title VI of the Civil Rights Act of 1964 (hereinafter referred to as Title VI) and NJAC 10:5-31 et. seq. which together provide in part that no person in the United States shall, on the grounds of race, creed, color, national origin, age, ancestry, nationality, gender, disability, religion, affectional or sexual orientation, gender identity or expression, income level or ability to read, write or speak English, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity which is administered by the NJ Department of Transportation (NJDOT). Accordingly, NJDOT expects every manager, supervisor, employee, and subrecipient of Federal Funds administered by the NJDOT to be aware of and apply the intent of Title VI in performing their assigned duties and responsibilities. (see Appendix A).



### Title VI Nondiscrimination Policy Statement

It is the policy of the New Jersey Department of Transportation to abide by Title VI of the Civil Rights Act of 1964, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Executive Order 12896 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 42 U.S.C. 6401, 28 U.S.C. Section 324, Sections 503 and 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, The Civil Rights Restoration Act of 1987, Executive Order 11246 for Equal Employment Opportunity, the Vietnam Era Veterans Readjustment Assistance Act of 1972, N.J.S.A. 15:22-1 et. seq., New Jersey Law Against Discrimination N.J.S.A. 10:5-1 et. seq. and implementing regulations at N.J.A.C. 17:27 et. seq., and other related nondiscrimination laws, statutes, Executive Orders or policies.

*No person shall, on the grounds of race, creed, color, national origin, age, ancestry, nationality, marital/domestic partnership/civil union status, gender, disability, religion, affectional or sexual orientation, gender identity or expression, family status, pregnancy, atypical cellular or blood trait, genetic information, military service, veterans status, income level or ability to read, write or speak English, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in any New Jersey Department of Transportation program, activity or service.*

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

New Jersey Department of Transportation  
Division of Civil Rights and Affirmative Action  
Title VI Nondiscrimination Program Unit  
1815 Parkway Avenue  
PO Box 600  
Trenton, New Jersey 08625  
Telephone: (609) 961-2047

*Francis K. O'Connor*  
Francis K. O'Connor  
Commissioner

9/24/2024  
Date

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## I. Introduction

The New Jersey Department of Transportation (NJDOT) is pleased to present our Annual Compliance Update Plan for Title VI Nondiscrimination Program covering Federal Fiscal Year (FFY) 2025 beginning October 1, 2024. As a direct recipient of Federal Financial Assistance, this Plan is compiled to demonstrate and document our compliance with Title VI of the Civil Rights Act of 1964.

To support our transportation programs, projects and operations, NJDOT receives Federal funds from the U.S. Department of Transportation operating administrations including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). Consequently, and as a condition of the receipt and acceptance of these funds, the department administers a Nondiscrimination Program that complies with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations and authorities, and clarifies roles, responsibilities, and procedures established to ensure compliance with Title VI.

Through our Title VI Nondiscrimination Program, we ensure that the department's mission, decisions, and activities, when carried out include methods to avoid and mitigate discrimination. These measures include but are not limited to engaging the public to learn how the department's transportation-related actions will improve the state of transportation for all users; be responsive to recommendations; ensure community coordination; and verify department actions are nondiscriminatory by taking all reasonable and creative steps to engage New Jersey's diverse communities in our transportation decision-making process. This allows the department to modify project alternatives through a direct engagement process to avoid, minimize and mitigate adverse effects to all communities.

Although NJDOT's Title VI Nondiscrimination Program continues to evolve, the department takes pride in its deliberate and intentional implementation of Title VI and related nondiscrimination mandates by providing technical assistance, training, oversight and monitoring internal programmatic areas and subrecipients. We also provide outreach to and offer Title VI education and training to the public, minority organization and stakeholders.

NJDOT is committed to both the intent and spirit of the Title VI and its implementing regulations. The following Title VI Nondiscrimination Plan focuses on functional areas with significant public facing responsibilities and provides the policy direction necessary to ensure compliance with Title VI. Effective and efficient implementation takes collaborative effort at all levels of the organization; therefore, this plan also details the structure of the NJDOT's Title VI Program as well as the policies, procedures and activities carried out across the department to comply with and/or exceed nondiscrimination requirements. As a living document, the plan is updated annually to reflect notable changes to programming, organization and methodologies used to achieve nondiscrimination and compliance.

## II. Title VI Standard Assurances

As required by USDOT Order 1050.2A, please refer to a copy of NJDOT's Title VI Nondiscrimination Assurances signed by Commissioner Francis K. O'Connor (see Appendix B).

## III. Statutory/Regulatory Authorities

During the execution of the Title VI Nondiscrimination Program, the NJDOT will comply with the following nondiscrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) and 49 CFR § 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601).
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.).
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.) and 49 CFR § 27.
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.).
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended.
- The Civil Rights Restoration Act of 1987 (PL 100-209).
- Title II and III of the Americans with Disabilities Act (42 U.S.C. § 12131-12189); 49 C.F.R. § 37 and § 38.
- The Federal Aviation Administration's Nondiscrimination Statute (49 U.S.C. § 47123)
- FMCSA Title VI/Nondiscrimination Regulation 49 C.F.R. § 303.

- Executive Order 12898.
- Executive Order 14096
- Executive Order 13166.
- Title IX of the Education Amendments of 1972 (20 U.S.C. 1987 et seq.)

#### IV. Notification to Beneficiaries

A Title VI notification is provided to all subrecipients of NJDOT advising them of their Title VI nondiscrimination responsibilities (see Appendix C). NJDOT's Subrecipients are required to post notices regarding their Title VI nondiscrimination responsibilities in contracts, public areas of their facilities, and project sites.

Our Title VI policy is available on our website for public information and review; and posted in conspicuous locations in our headquarters as well as at our two regional facilities. Moreover, to ensure this information is widely publicized and effectively communicated, NJDOT has developed a Civil Rights brochure that informs the public of our Title VI programs and activities. The brochure is distributed at public meetings, hearings, information centers, and preconstruction meetings with our contractors (see Appendix D). The brochure will be updated as needed and made available in other languages.

The following link provides information available to the public regarding the NJDOT Title VI Program: <https://www.state.nj.us/transportation/business/civilrights/titlevi.shtm>

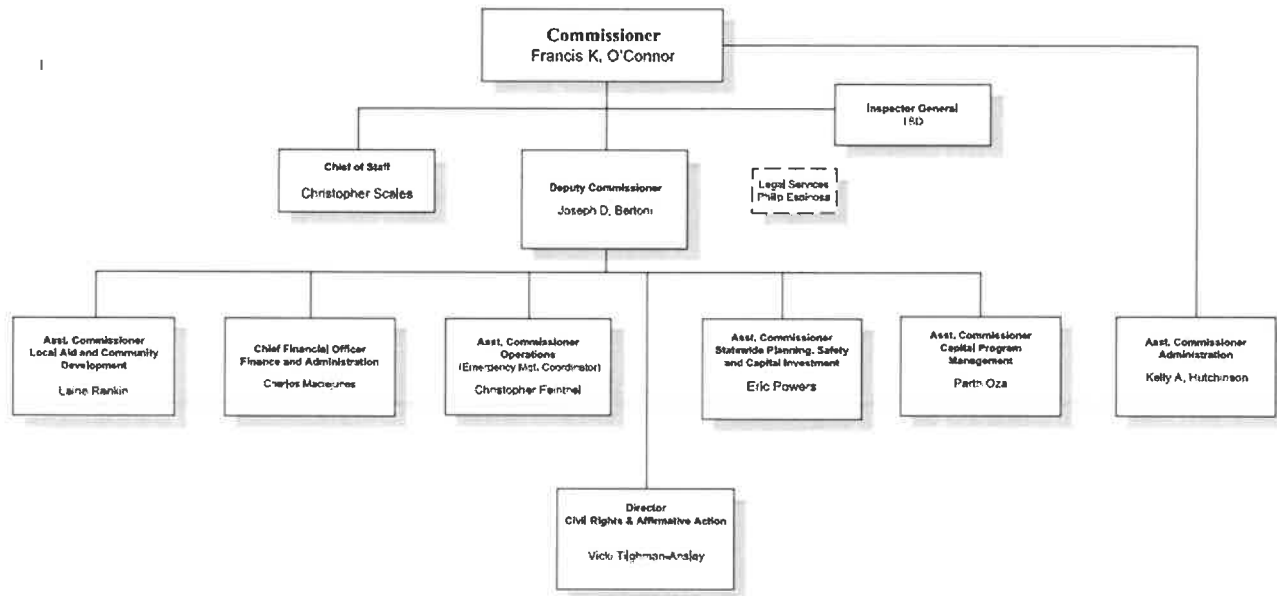
#### V. Organization, Staffing and Responsibilities

##### Commissioner of NJDOT

NJDOT is a hierarchical organization led by the Commissioner of Transportation, which is an Executive level cabinet position, appointed by the Governor of New Jersey. Reporting directly to the Commissioner are the Deputy Commissioner, Chief of Staff, Assistant Commissioner of Administration and Inspector General. Four Assistant Commissioners and the Chief Financial Officer report directly to the Deputy Commissioner. The Assistant Commissioners oversee Operations; Statewide Planning, Safety and Capital Investment; Local Aid and

Community Development; and Capital Program Management. The Chief Financial Officer is responsible for overseeing and administering the department's financial activities. A breakdown of Senior Leadership by gender and race is provided in the appendices. (see Appendix E).

**New Jersey Department of Transportation  
Organization Chart  
Deputy Commissioner**



July 1<sup>st</sup>, 2024

Figure 2-NJDOT Organizational Chart

The Commissioner of the New Jersey Department of Transportation is ultimately responsible for NJDOT's Title VI Nondiscrimination Programs. The Division of Civil Rights and Affirmative Action (herein referred to as DCR/AA) has been delegated responsibility to carry out the appropriate activities that ensure the department remains in compliance with Title VI Nondiscrimination and related mandates.

## **Director Of DCR/AA**

The Director of DCR/AA is responsible for the overall administration, implementation, monitoring and enforcement of the department's various Civil Rights programs and activities.

The DCR/AA reports directly to the Deputy Commissioner who reports to the Commissioner of Transportation. The DCR/AA director participates in meetings as needed to report goals, accomplishments, issues and concerns which includes matters associated with the department's Title VI Nondiscrimination Program and the department's overall Civil Rights program.

## **Division of Civil Rights/Affirmative Action**

The DCR/AA's Title VI/Nondiscrimination Programs Unit is ultimately responsible for initiating and monitoring Title VI Nondiscrimination activities and completing all reporting requirements. Other units within the DCR/AA including Contractor Compliance, Disadvantaged and Small Business Programs (D&SBP) and Internal Equal Employment Opportunity will support and assist with the Title VI tasks as necessary. The above units are staffed by over 13 specialists who are trained in contract compliance, discrimination complaint investigation and Disadvantaged Business Enterprise (DBE) certification and program administration. The supervisory staff in these groups report to the managers, who report to the director and/or deputy director of the DCR/AA as shown in the organization chart that follows.

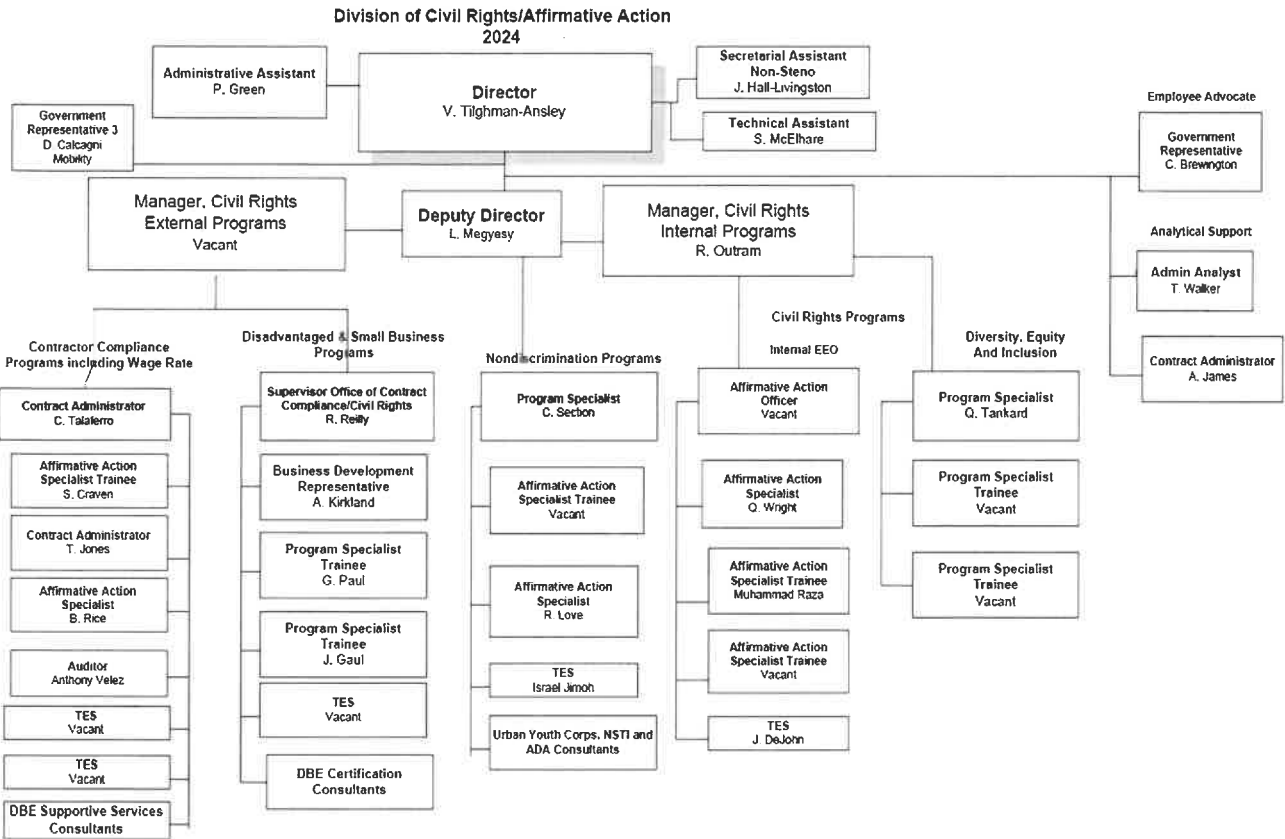


Figure 3 DCR/AA Organizational Chart

## Title VI Nondiscrimination Programs Unit

Under supervision of the Program Specialist/Supervisor, the Title VI Nondiscrimination Programs Unit is responsible for carrying out the day-to-day administration of NJDOT's nondiscrimination program activities to include monitoring of all Title VI activities, some of which are provided below.

- Providing technical assistance and advice on Title VI and related policy matters to department program officials.
- Monitoring department programs and activities for Title VI compliance.
- Conducting Comprehensive Title VI Programmatic Reviews on special emphasis program areas and activities when necessary to cover aspects not addressed through the day-to-day approach.

- Investigating Title VI complaints and preparing reports of findings, conclusions and recommendations.
- Providing technical guidance to project managers and units on a project-by-project basis.
- Attending project scoping and core group meetings.
- Collaborating with NJDOT program managers in developing Title VI information for dissemination to the public.
- Coordinating with other Civil Rights program personnel in the reviewing of Title VI activities and issues.
- Working with program managers to resolve problems identified as discriminatory practices and policies pursuant to Title VI and related statutes.
- Monitoring NJDOT's subrecipients for compliance and implementation of Title VI activities.
- Establishing procedures to resolve noncompliance determinations.
- Coordinating Title VI training programs.
- Preparing and completing an annual report detailing all NJDOT's Title VI activities, accomplishments, complaints and initiatives.
- Updating the Title VI Program as necessary to reflect changes in organization, policy or program implementation.
- Increasing public/community awareness of the department's activities.
- Developing and updating Title VI information for dissemination to the public and where appropriate, in languages other than English; and
- Communicating with FHWA officials on a regular basis regarding areas requiring attention as it relates to effective implementation of the department's Title VI Program.

#### **NJDOT Administrators and Programmatic Decision Makers**

There are two types of discrimination prohibited under Title VI and its related statutes: Disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (i.e., intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or

benefits to members of a protected group. In disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

Title VI prohibited forms of discrimination include, but may not be limited to: The denial of services, financial aid, or other benefits provided under a program; distinctions in the quality, quantity, or manner in which a benefit is provided; segregation or separation of persons in any part of the program; restricting enjoyment of any advantages, privileges, or other benefits provided to others; differing standards or requirements for participation; methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; and/or discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

Compliance with Title VI and its related nondiscrimination statutes is a shared responsibility among the programmatic areas within the department. Accordingly, those who head program areas must ensure nondiscrimination within their programmatic area of responsibility. These individuals are also responsible for identifying any potential adverse effects their programs and/or activities may have on protected groups; and seek guidance from DCR/AA's Nondiscrimination Programs Unit to avoid or mitigate these impacts.

Additionally, NJDOT's efforts to prevent such discrimination must address, but not be limited to, how a program or activity: Impacts the public; provides accessibility; allows equal access to benefits; encourages and facilitates participation; provides services equitably; initiates contracting and training opportunities; investigates complaints; allocates funding; and prioritizes projects. The nondiscrimination evaluation criterion applies to all offices within NJDOT. However, we place special emphasis on core programs and services that directly affect the public through activities such as: Project Planning and Design, Environmental, Right-of-way, Construction and Maintenance, Traffic Operations and Safety, Contracting, and Public Involvement and Communications. Additionally, as a state agency administering programs that receive Federal Financial Assistance, NJDOT must establish a Title VI compliance program for all subrecipients that obtain federal assistance through the NJDOT.

## Title VI / Environmental Justice Task Force Liaisons

The Title VI/Environmental Justice (EJ) Task Force is a committee or group of department employees assembled to provide the necessary support to ensure that Title VI and nondiscrimination and EJ are given appropriate consideration. The task force is made up of the department's designated Title VI/EJ Liaisons representing various divisions, regions and work units across the department. Each liaison is charged with monitoring programs and activities in their respective program area and reporting related data and accomplishments to the Title VI Nondiscrimination Program Unit supervisor and/or staffers. The responsibilities of liaisons include, but are not limited to the following:

- Participate in all applicable Title VI Nondiscrimination and EJ training or information sessions.
- Maintain all relevant statistical nondiscrimination and EJ data for the respective program areas.
- Prepare and submit quarterly Title VI/EJ data to the Nondiscrimination Programs Unit.
- Work with respective division managers or programmatic area administrators to implement Title VI Nondiscrimination and EJ policies where appropriate in all programs and activities.
- Ensure Title VI Nondiscrimination and EJ information and/or material is available to division staff.
- Disseminate Title VI Nondiscrimination and EJ material to the public when encountered in the implementation of programs, activities and projects.
- Advise the Title VI Nondiscrimination Programs Unit of any potential Title VI concerns and seek guidance for methods to address these matters.
- Refer all Title VI Nondiscrimination complaints to the Title VI Nondiscrimination Programs Unit; and
- Assist the Nondiscrimination Programs Unit in conducting reviews of respective programmatic areas, programs or activities.

In March 2023, a reinvigorated Title VI/EJ Task force was formed. The Title VI Program Specialist contacted directors to appoint subject matter experts (SMEs) in the following program areas to work on the task force: Project Management, Division of Environmental Resources, Local

Aid & Economic Development, Operations, Office of Community and Constituent Relations and Bureau of Landscape Architecture & Environmental Solutions (BLAES), and Statewide Planning. Currently, the task force is completing the EJ Policy & Procedure to standardize the department's practices in addressing Environmental Justice consistently throughout the department.

### **Requirements of Programmatic Areas**

The Title VI Nondiscrimination Unit uses specific reporting tools to monitor compliance across the department on an ongoing basis. Programmatic areas, with the assistance of their respective Title VI Liaison are required to collect and complete data collection forms annually. Please see the "Data Collection and Analysis" section for more information.

## **VI. Internal Review Procedures**

The Title VI Nondiscrimination Unit periodically conducts Title VI compliance reviews of NJDOT's programmatic areas to determine their status of compliance with the requirements of Title VI of the Civil Rights Act, 49 CFR Part 21 and 23 CFR Part 200.

Programmatic areas are selected for review based on the nature of their programs and activities to include their public-facing responsibilities. Consideration is also given to review program areas where a discrimination complaint has been filed against NJDOT and an activity associated with the program area was identified as an issue. The goal is to annually conduct at least one, full comprehensive review of a programmatic area and follow up on the corrective actions of previously reviewed areas to maximize the application, understanding and awareness of Title VI compliance.

### **Title VI Comprehensive Review Procedures**

Staffers in the Title VI Nondiscrimination Unit work with the unit supervisor to identify programmatic area(s) to be reviewed each Federal Fiscal Year (FFY). The Title VI Coordinator and/or personnel assigned review responsibilities will develop a Title VI Comprehensive Review Questionnaire tailored to the specific programmatic area. The Deputy Commissioner and/or

Assistant Commissioner, as appropriate, will be notified of the intent to conduct a Title VI Comprehensive Review of the programmatic area. The draft review script and questionnaire will be provided for their review and concurrence. A formal notification, along with the Comprehensive Review Outline will be sent to the Assistant Commissioner of the programmatic area and the Director or appropriate leadership, notifying them of the upcoming review schedule. An introductory meeting will be held with key staffers to discuss the background, purpose and general details of the planned review. A questionnaire/inquiry form will be developed to request information about the services and activities of the select programmatic area(s), which is significant for the desk audit. The inquiry form is generally required to be returned to the Title VI Nondiscrimination Unit within two (2) weeks of receipt. The questionnaire will be reviewed by the Program Specialist/Supervisor and/or personnel conducting the review prior to scheduling the onsite meeting. The onsite review will last approximately two to five days and will consist of interviews with program staff and examination of programmatic documents and related data.

The Title VI Nondiscrimination Programs Unit staffer(s) conducting the review will prepare a report of findings within 30 days from the last day of the onsite review. The final report of findings will be provided to the Deputy Commissioner, Assistant Commissioner of the programmatic area and the programmatic area Director. If deficiencies are identified and corrective actions are necessary, the Title VI Nondiscrimination Programs Unit will work with the Director of the programmatic area to develop a corrective action plan with a schedule of dates to achieve compliance. FHWA will be provided with a copy of the report of findings and corrective action plan if necessary. The Title VI Nondiscrimination Programs Unit will continue to monitor the programmatic area to ensure adherence to the established corrective action plan and ongoing compliance with Title VI and its nondiscrimination requirements.

#### **Standard Title VI Language**

Each Title VI Comprehensive Review Questionnaire form includes the following information:

##### **Title VI Background**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in any program or activity receiving Federal financial assistance. However,

the broader application of nondiscrimination law is found in order statutes, regulations and executive orders. Section 324 of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. The Americans with Disabilities Act of 1990 prohibits discrimination based on disability, prohibits discrimination in the provision of access to public buildings and requires that rest areas be accessible by wheelchair. The Age Discrimination Act of 1975 prohibits age discrimination. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients and contractors, regardless of funding source of programs and activities.

In addition to the above-mentioned statutory authorities, the 1994 Federal Executive Order 12898 on Environmental Justice amplifies Title VI by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of federal-aid projects on minority populations and low-income populations. Furthermore, with the introduction of Federal Executive Order 14096, the Federal commitment of environmental justice is strengthened to deliver and apply environmental justice for all communities through methods driven by scientific research, high-quality data, and meaningful engagement with communities who raise environmental justice concerns. Federal Executive Order 13166 on Limited English Proficiency is also enforced under Title VI as it clarifies the Title VI responsibility of National Origin discrimination and requires Federal-aid recipients to take steps to ensure meaningful access to their programs, services and information by people with Limited English Proficiency.

## **Review Methodology**

The Title VI Comprehensive Review process was developed and intended to allow the Title VI Nondiscrimination Unit staffers to understand the programs and activities of a programmatic area as well as determine whether the operations, as carried out meet the requirements of Title VI and its related nondiscrimination statutes. The Review process consists of the following methods:

- **Desk Audit**

This qualitative review method focuses primarily on the Title VI Comprehensive Questionnaire developed and tailored for the specific programmatic area. This questionnaire allows the Title VI staff to develop a preliminary determination on whether the programmatic area complies with Title VI and its nondiscrimination requirements. Documents such as policies, procedures, data collection methods, public information material are requested and reviewed.

- **Interview**

The Title VI staff will interview managerial programmatic area staff as well as frontline staff to better understand the day-to-day operations. This part of the review process will allow Title VI staff to determine whether the operations of the programmatic area incorporate necessary Title VI obligations and their familiarity with Title VI and Nondiscrimination requirements as it relates to their specific programs and activities.

- **Examination of Documents and Data**

This process allows Title VI staff to review the documents and specific data which the programmatic area records and maintains. The Title VI staff will be able to determine whether the data collection efforts capture the required Title VI information relevant to the programmatic area's programs and activities.

- **Field Visit/Shadowing**

To achieve a more immersed experience and when applicable, Title VI staff may determine a field visit and/or shadowing of frontline staff is necessary. This process would allow Title VI staff to experience the day-to-day operations of projects, programs and activities.

## Steps of Title VI Comprehensive Review

The Title VI Nondiscrimination Unit tailors its internal Title VI Comprehensive Review to the programmatic area, and generally consists of the following steps:

1. Identify the programmatic area to be reviewed based on the previously noted assessments.
2. Develop and finalize the Title VI Comprehensive Review Questionnaire modified for the specific programmatic area. The questions are reviewed and approved by the Supervisor of the Title VI Nondiscrimination Unit.
3. A formal document notifying the programmatic area of the upcoming review and process is prepared and sent to the Assistant Commissioner, a copy of which is provided to the Deputy Commissioner and/or Commissioner for approval and signature.
4. An introductory meeting to discuss the details of the review is held with the Assistant Commissioner and his/her Division Director(s) and other key staff.
5. A formal Title VI Review Questionnaire along with other related information are sent to the Assistant Commissioner of the programmatic area to be reviewed. Copies of the package are also distributed to the Division Director(s) of the programmatic area being reviewed.
6. The programmatic area(s) should complete and return the Title VI Review Questionnaire along with all supporting documents to the Title VI Nondiscrimination Unit within two (2) weeks of receipt of package.
7. Each questionnaire is reviewed by the Title VI Nondiscrimination Programs Unit staffer conducting the review.
8. The Title VI Nondiscrimination Programs Unit staffer conducting the Title VI Review will brief the Program Specialist/Supervisor of the Title VI Nondiscrimination Programs Unit on the responses to questionnaire, early findings and areas to be discussed with the Director of the programmatic area.
9. The Title VI Nondiscrimination Programs Unit staffer along with the Program Specialist/Supervisor will meet with the Director of the programmatic area to discuss responses to the questionnaire, mutually identify projects and processes to be audited and establish a schedule to complete review of the specific projects and processes.

10. The Title VI Nondiscrimination Programs Unit staffer assigned to the review will conduct the desk audit review of the identified projects and processes.
11. Following the completion of the desk audit review, the staffer(s) conducting the review will identify key individuals to query for the interview portion of the review.
12. Interviews of all identified individuals within the programmatic area will be scheduled.
13. The Title VI Nondiscrimination Programs Unit staffer will conduct the interviews and record all pertinent information.
14. Following the completion of the interview process, the Title VI Nondiscrimination Programs Unit staffer will document findings and identify deficiencies.
15. Prior to conducting the formal write-up of the review, the Title VI Nondiscrimination Programs Unit staffer along with the Program Specialist/Supervisor and DCR/AA Director if appropriate will meet with the Director of the programmatic area to discuss findings. This meeting will also give the Director an opportunity to provide clarification or additional information in order to prove or disclaim the findings.
16. The Title VI Nondiscrimination Programs Unit staffer will prepare a formal write-up of the review. This write-up will include findings as well as identification of deficiencies. The report will also offer suggestions for improvements needed and policies and procedures requiring modification or further development.
17. The Title VI Nondiscrimination Programs Unit staffer will provide the report of findings to the Program Specialist/Supervisor of the Title VI Nondiscrimination Unit for review/approval and submitted to the Director for final approval.
18. The final report of findings will be provided to the Assistant Commissioner and Director of the programmatic area.
19. A follow-up meeting may be scheduled if corrective actions are required.
20. Findings and a plan for rectifying deficiencies will be provided to FHWA.
21. The Title VI Nondiscrimination Programs Unit will continue to monitor the programmatic area to ensure progress towards corrective actions and provide technical guidance as necessary.

## **Follow-up Monitoring and Technical Guidance**

Following the completion of the report of findings, the Title VI Nondiscrimination Programs Unit will continue to follow up and monitor the programmatic area to ensure progress towards achieving compliance in areas cited for corrective action and/or improvement. The Title VI Nondiscrimination Programs Unit staffer assigned to the review will collaboratively develop and coordinate a schedule with the Director of the programmatic area to rectify all deficiencies. This schedule will accompany the corrective action plan.

The Title VI Nondiscrimination Programs Unit will provide technical guidance throughout the corrective action process. Technical guidance can be requested or be prompted by the Supervisor of Title Nondiscrimination Unit. Guidance can range from assistance in incorporating Title VI language in contracts, official documents and public engagement material; procuring translation services; training staff in Title VI; developing data collection material, etc.

If the programmatic area is not cited for deficiencies and does not require corrective action, the Title VI Nondiscrimination Programs Unit may provide recommendations to enhance Title VI considerations within programs and activities.

## **Changes to Review Process**

The Title VI Comprehensive Review process, schedule and selection of programmatic areas are intended to be flexible and may be altered due to, but not limited to, the following factors:

- Urgent or critical Title VI issue
- Title VI Complaint(s) and investigation
- Staffing and organizational changes
- New programs or activities
- Changes in policies, protocol or rollout of projects
- Patterns indicating noncompliance
- Any additional considerations and factors

## Title VI Comprehensive Reviews FFY-2024

Civil Rights commenced a comprehensive Title VI review on select program areas housed within Operations, formerly referred to as Transportation Operations Systems and Support (TOS&S). The primary reasons Operations was selected for review included the following: 1) Reorganizations have added to and changed the business of NJDOT Operations, and therefore this review will help better understand the activities and responsibilities of Operations; 2) There are no records of any Title VI reviews completed on TOS&S; and 3) Several of the services and activities of Operations include public facing responsibilities. Additionally, this review included a broad discussion with management staff where we provided the background, general responsibilities of nondiscrimination, and the purpose and importance of the Title VI review. Finally, due to the number of organizational changes that have taken place within TOS&S, this review will include a detailed examination of the workforce and staff assignments.

Due to programmatic changes and the department's reorganization, the Title VI Nondiscrimination Unit's comprehensive review of Operations was paused but was recently resumed. Thus far we have completed desk audits of two primary divisions of Operations. Specifically, Regional Operations and Transportation Mobility. A Title VI in-depth questionnaire was provided to both divisions for completion which was used to make preliminary determinations on whether their programmatic areas compliance with Title VI and its nondiscrimination requirements. The questionnaires have been reviewed by Title VI staff and feedback along with recommendations were developed and incorporated to request clarification in some instances and/or recommend improvements to mitigate and avoid discrimination in other areas.

In October 2024, the Title VI Nondiscrimination Unit will continue the desk audit reviews during which we will interview managerial and front-line Regional Operations and Transportation Mobility staff; examine documents/data and perform field visits/shadowing of the divisions to understand the day-to-day operations of projects, programs and activities to determine if these procedures incorporate necessary Title VI obligations. During November 2024, Operations Regions and Transportation Mobility leadership will be provided recommendations to strengthen their compliance with Title VI. The Title VI Nondiscrimination will continue to provide support and guidance to the divisions to ensure they maintain compliance.

During Calendar Year 2024, the Title VI Nondiscrimination Unit developed plans to conduct a Title VI Comprehensive Review of one or more of the following program areas: Project Management, Right of Way and Local Aid.

## VII. External Review Procedures

A subrecipient is a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

NJDOT identifies its subrecipients as those receiving Federal financial assistance through NJDOT which is generated from the following US Department of Transportation's Operating Administrations: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), Federal Motor Carrier Safety Administration (FMCSA), or any other Federal agencies. These subrecipients include but are not limited to local public agencies and Metropolitan Planning Organizations. The department notifies all of its subrecipients of their obligations and responsibilities to comply with NJDOT's Title VI Program requirements that prohibit discrimination on the basis of race, creed, color, national origin, age, ancestry, nationality, marital/domestic partnership/civil union status, gender, disability, religion, affectional or sexual orientation, gender identity or expression, familial status, atypical cellular or blood type, genetic information, military service, veteran status, income level or ability to read, write or speak English. The Memorandum, Title VI Nondiscrimination Notice to Subrecipients of Federal Financial Assistance, signed by NJDOT's Commissioner, (see Appendix C) and can be found on the department's Civil Rights webpage that follows below: <https://www.state.nj.us/transportation/business/civilrights/titlevi.shtm>

Our subrecipients are required to annually submit, at minimum, the following Title VI documentation: Signed Title VI Policy Statement and signed Title VI Standard Assurances. The local public agencies, more specifically the 21 counties who were provided Title VI training, are required to submit the following, in addition to the minimum requirements: Minority/Female

Utilization Business Plans, Affirmative Action/EEO Plans and ADA Transition Plans. The Title VI Nondiscrimination Unit provides subrecipients with templates, guidance documents and samples of requirements.

The Title VI Nondiscrimination Unit conducts compliance reviews of its subrecipients to ensure that persons are not excluded from participation in any program or activity being administered, or denied any benefit provided by such program or activity. These review measures also ensure that no person has been discriminated against based on race, color, national origin, sex, age, limited English proficiency, low-income, disability, or other protected category.

#### **Subrecipient Compliance Review Selection**

Due to limited staff and the significant number of subrecipients, the unit is modifying its approach to ensure subrecipients comply with Title VI. More specifically, we will be requesting that subrecipients complete a checklist to confirm and certify their compliance with Title VI requirements to include the annual submission of Title VI documents. This process helps identify compliance status of subrecipients and areas requiring corrective action. The Title VI Nondiscrimination Unit will select subrecipients for a full compliance review based on one or more of the following factors:

- Receipt of formal or informal Title VI/Nondiscrimination complaint.
- Annual submission has revealed deficiencies.
- Incomplete submission.
- Annual submission was not received.
- Size of subrecipient.
- Scope of work.
- Implementation of a major program, project or activity.
- Amount of funding in comparison to other subrecipients; and/or
- Follow-up to Federal compliance review

## Method of Review

The Title VI Nondiscrimination Unit conducts either a desk audit or an on-site review of its subrecipients. Depending on the reason for selection or result of a desk audit, the unit may determine both methods of review are required.

- **Desk Audit**

This qualitative review method focuses primarily on the Title VI Questionnaire and checklist (see Appendix F). This questionnaire and checklist allow the Title VI staff to develop an initial assessment of whether the subrecipient complies (on paper) with Title VI and its nondiscrimination requirements. Documents such as policies, procedures, data collection methods, public information material are requested and reviewed.

- **On-site Review**

This method of review will consist of examination of records and data maintained by the recipient; shadowing and observing a program or activity; and interviews with administrative and frontline staff.

Determining the need for an on-site review will be under the discretion of the Supervisor of the Title VI Nondiscrimination Unit and may be based on the following:

- Title VI/Nondiscrimination complaint received
- Missing critical component(s) to Title VI Program
- Implementation of program or activity which cannot be fully understood through a traditional desk audit.

## Review Procedures

1. Upon selecting subrecipient(s) to be reviewed, the Director of Civil Rights and Affirmative Action will notify Planning, Multimodal and Grants Administration (PMGA) as necessary to be sure they are aware of the review and related details.
2. The Title VI Coordinator will prepare a letter and compliance review package for the subrecipient. The letter will notify the subrecipient of its upcoming Title VI

Compliance Review and requirements. The letter will be delivered no later than thirty (30) days from the start of the compliance review.

3. The Title VI Coordinator and staff participating in the review will evaluate subrecipient submissions and draft comments and concerns.
4. Preliminary findings of the desk audit will be presented to the Supervisor of the Title VI Nondiscrimination Unit.
5. The Title VI Coordinator will set up a meeting with subrecipient staff to discuss preliminary findings, recommendations, et cetera.
6. The Supervisor of the Title VI Nondiscrimination Unit will determine whether an on-site review will be necessary.
7. A report of findings will be prepared within sixty (60) days and shared with the subrecipient.
8. If deficiencies were identified and corrective action is necessary, a corrective action plan must be developed.
9. The Title VI Coordinator will work closely with the subrecipient to develop the corrective action plan and corresponding schedule to achieve compliance.
10. Deficiencies must be rectified within one (1) year from the date of review findings.

**NOTE:** In the event a subrecipient is uncooperative and/or fails to comply with the recommendations and corrective action plan, NJDOT will prepare a letter notifying the subrecipient of its deficiency status. A copy of the letter will be forwarded to FHWA for recommendation of further action.

#### **Title VI Subrecipient Reviews FFY-2024**

The Unit continues to work closely with the Metropolitan Planning Organizations (MPOs) to provide technical guidance, review required documentation, offer recommendations for improvements and training. In addition, the Unit has developed a Title VI Guidance Document and Checklist to assist the MPOs with their Title VI reporting requirements for NJDOT (Appendix F). As noted above we are working to improve our Title VI compliance requirements with Local Public Agencies (LPAs). Please see information on Local Public Agency Title VI Self-Assessment/Certification that follows (Appendix G).

## **Title VI Subrecipient Reviews FFY-2024**

The Title VI Nondiscrimination Unit anticipates conducting compliance review(s) of one or both of the following:

- One Metropolitan Planning Organization
- One Local Public Agency

## **Local Public Agency Title VI Self-Assessment/Certification FFY-2024**

As a steward of federal funding, NJDOT must, in turn, ensure that its subrecipients comply with Title VI, Environmental Justice (EJ) and Executive Order (EO) 12898 Limited English Proficiency mandates similarly. More specifically, subrecipients must ensure that their programs and services are provided to all in a nondiscriminatory manner.

Local Public Agencies (LPAs) that received federal funding by way of NJDOT through a Local Aid grant or another pass-through mechanism are required to sign an assurance stating that its organization had existing Title VI compliance measures in place.

The Title VI Nondiscrimination Programs Unit created a Self-Assessment/Certification Checklist during Calendar Year 2024 (see Appendix G). This form is used to document and record NJDOT's federal funding subrecipients' compliance with Title VI requirements. Beginning July 2024, twenty-six (26) municipalities and/or counties were contacted by telephone regarding the process and received the checklist. To date, ten (10) checklists have been completed and returned to the unit.

To further support the self-assessment process, LPAs who had concerns and questions regarding their Title VI obligations and responsibilities were invited to attend two upcoming, instructor-led Title VI Trainings for Calendar Year 2024: Rutgers Center for Advanced Infrastructure and Transportation (CAIT) Local Technical Assistance Program (LTAP) class on October 15 and 16; and the FHWA Resource Center's in-person training on November 14 at the NJDOT Bordentown Training Facility. For more information on these trainings, please refer to section VIII Training of this plan.

## VIII. Data Collection and Analysis

The Title VI Nondiscrimination Unit continues to work on educating internal staff and subrecipients about data collection requirements related to Title VI, Environmental Justice and Limited English Proficiency. The Title VI Nondiscrimination Unit is currently in the process of improving data collection templates specifically tailored to programmatic areas and their respective operations. To date, the following programmatic areas annually submit data collection information to the Title VI Nondiscrimination Unit:

- Division of Civil Rights and Affirmative Action (Contractor Compliance; Disadvantaged and Small Business Enterprise; Internal Equal Employment Opportunity; ADA Unit)
- Bureau of Landscape, Architecture and Environmental Standards (BLAES)
- Division of Environmental Resources
- Division of Procurement-Construction Services
- Division of Procurement-Professional Services
- Division of Right-of-Way
- Office of Community & Constituent Relations

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

1. The types of demographic data collected by the programmatic area as it relates to the delivery of services.
2. Methods of disseminating Title VI/Nondiscrimination to the public, consultants and internal staff.
3. Efforts to identify Limited English Proficient (LEP) populations as it relates to the delivery of services.
4. Steps to provide 'meaningful' access to programs, activities and services.
5. Specific efforts made by the programmatic area to provide 'meaningful' access.
6. LEP requests received by the programmatic area.
7. Cost incurred in providing oral interpretation or translation services.

8. Data collection and sources used to identify minority and low-income populations as it relates to the delivery of services.
9. Performance of environmental justice analyses.
10. Specific projects with identified environmental justice impacts.
11. Measures taken to prevent or mitigate disproportionately high or adverse impacts to minority and low-income populations.
12. Specific efforts to reach minority and low-income populations to promote their participation in decision-making processes.
13. Complaints of discrimination.
14. Staff training, knowledge and understanding of Title VI/Nondiscrimination and its requirements.
15. Access to Title VI posters and notices for internal staff and the public.
16. Methods and sources used to publish public notices, advertisements, or other information.
17. Efforts made in securing the services of minority or female group consultants.
18. Accomplishments related to Title VI, Environmental Justice and LEP.

In addition to the above information, the following is also requested from specific programmatic areas either on an ongoing basis or annually:

#### **Environmental Resources**

- Copies of all Categorical Exclusion, Environmental Assessment and Environmental Impact Statement documents.

#### **Right-of-Way**

- Type of notice and timeframe when a property is acquired through the right-of-way process.
- Documentation of new method or process used to acquire real property in minority communities (price, selection, negotiation, etc.).

- Process and strategies used to ensure nondiscrimination in the selection, acquisition of right-of-way, property management, fee contracts and other commitments with persons for services and expenses incidental to the acquisition of right-of-way.
- Efforts made in securing the services of minority/female contractors; and
- The method and sources used to publish advertisements/information involving the ROW condemnation process.

#### **Landscape Architecture Environmental Solutions**

- Copies of all Categorical Exclusion, Environmental Assessment and Environmental Impact Statement documents.

#### **Procurement-Construction Services and Professional Services**

- The method and sources to publish solicitations and/or efforts to reach minority and women-owned consultant firms.

#### **Community & Constituent Relations**

- Projects or activities with significant public interest and comment; and
- New or unique methods of public engagement.

### **IX. Training**

Managers and those responsible for implementing NJDOT's programs, activities and services must be knowledgeable, aware, and sensitive to Title VI and nondiscrimination. Therefore, NJDOT is committed to providing periodic Title VI Nondiscrimination awareness events, activities and training for all department staff and subrecipients. Those involved in program activities that require a more thorough knowledge of Title VI and nondiscrimination statutes are targeted for instructor-led training. These efforts help ensure a basic understanding of and continued compliance with Title VI and its related nondiscrimination mandates in all department

programs and activities. Typically, training sessions are held periodically throughout the year for internal units as well as our subrecipients. The primary purpose of training is to increase internal staff and subrecipients' knowledge and performance in the application, implementation, monitoring and enforcement of the department's Title VI Nondiscrimination Program.

The Title VI Nondiscrimination Unit worked with the NJDOT Bureau of Research and Rutgers University's Center for Advanced Infrastructure and Transportation and Local Technical Assistance Program (CAIT and LTAP) to continue offering comprehensive Title VI training to the department's internal staff and its subrecipients. During Calendar Year 2023 (FFY 2024) Rutgers CAIT/LTAP delivered two, interactive virtual training classes via the Zoom platform. All classes were held in half-day sessions from 9 a.m. until 12:30 p.m. on October 10 and 11 and November 29 and 30. Each class had 30 participants including staff from NJDOT; the three MPOs: New Jersey Transportation Authority (NJTPA), South Jersey Transportation Organization (SJTPO) and Delaware Valley Regional Corporation (DVRPC); and subrecipients.

Rutgers CAIT/LTAP will deliver one training class in Calendar Year 2024 which will be held in two, half-day virtual sessions via the Zoom platform on October 15 and 16 from 9:30 a.m. until 1:00 p.m.

Updates to this annual training include modifying materials to add select references to Biden-Harris era initiatives, if appropriate, to reflect guidance related to the implementation of Federal Executive Order 14096, (i.e., Revised Environmental Justice Order) "Revitalizing Our Nation's Commitment to Environmental Justice for All," issued in April 2023. Executive Order 14096 builds on and supplements the foundational efforts of the Environmental Justice Federal Executive Order 12898. Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities through the Federal Government and Justice 40." USDOT and FHWA efforts aligned with the Executive Order have included a USDOT Equity Action Plan, a disadvantaged communities mapping tool, and other tools. Additional guidance on the deployment and evolution of existing or new tools may be warranted to acknowledge these initiatives in the training materials, including a more detailed description and examples from the USDOT Equitable Transportation Community (ETC) Explorer. Revisions were made to the data tools and resources exercise and other training materials, as appropriate, to reflect the deployment and/or evolution of

these data tools and resources by Federal or other agencies. Observations from NJDOT CR/AA from prior rounds of Title VI reviews have informed refinements to the data collection exercise.

The FHWA Resource Center will deliver a six-hour, in-person Title VI Training on November 14, 2024, at the NJDOT Bordentown Training Facility. Staff involved in NJDOT's Transportation decision-making process to include, Planners, Environment, Engineers, Realty or Right of Way Specialists, Financial Specialists, Maintenance, as well as Recipients, Subrecipients, Local Public Agencies, MPOs, Direct (non-traditional grant recipients). NJDOT leadership or representative may attend as well. The training will cover the following topics:

- Title VI/Nondiscrimination Background and Context
- Nondiscrimination in the Federal-aid Highway Program
- Title VI/Nondiscrimination Program Authorities
- Roles, Responsibilities and Requirements for Title VI Compliance
- Implementing Title VI in the Major Program Areas- The Multidisciplinary Approach
- Data Collection and Conducting Title VI Reviews
- Title VI and Community/Public Involvement
- Strategies for Maintaining and Sustaining Title VI Nondiscrimination Program

The Title VI Nondiscrimination Unit continues to provide technical guidance and training resources to our subrecipients on Title VI requirements and responsibilities.

### **Training Efforts for Subrecipients**

Rutgers will deliver one training session, which will take place in two, half-day virtual classes via the Zoom platform during Calendar Year 2024 on October 15 and 16. These sessions will cover the elements of Title VI and activities to ensure nondiscrimination as well as the following items:

- Subrecipient responsibilities at the agency level (methods of administration), such as:
  - submission of signed Standard Title VI assurances
  - submission of annual Title VI Nondiscrimination Implementation Plan
    - Title VI Nondiscrimination Policy Statement

- organization and structure of civil rights unit
- monitoring and review process
- Procedures for assuring compliance and enforcement, such as:
  - processing of Title VI complaints
  - ensuring contract provisions are included in Federally funded contracts
  - addressing education and outreach
  - Title VI training
  - dissemination of Title VI information to beneficiaries and stakeholders
  - Data collection procedures and methods.
- Accomplishment report & work plan
  - development of Title VI procedures to ensure nondiscrimination in services, programs and activities, including involving the public, minorities, disabled, limited English proficient and other underserved populations
  - Limited English Proficiency Implementation or Language Access Plan
  - contract provisions such as FHWA-1273 and NJDOT's Civil Rights Special Provisions
- Subrecipient responsibilities in the project delivery process:
  - integrating Title VI, environmental justice and limited English proficiency into the project delivery
  - NEPA and public outreach and participation processes, including the development of a community profile, identifying minority, low income, disabled and other underserved populations within a project's study area

- the need for an adequate EJ analysis when minority, low income, limited English proficient, disabled and other underserved populations are identified in the project study area
- An impact assessment
- Meaningful public engagement
  - public outreach and participation: Who and How
  - barriers to achieving meaningful public involvement
  - considering and including the underserved

Subrecipients will also participate in the FHWA Resource Center's six-hour, in-person Title VI Training with NJDOT staff on November 14, 2024, at the NJDOT Bordentown Training Facility.

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

## X. Complaint Disposition Process

NJDOT's Title VI complaint process is outlined in its FHWA Title VI Nondiscrimination Plan and detailed on the department's website under the Title VI webpage. The process to file a complaint is as follows:

The New Jersey Department of Transportation will investigate written complaints that have been filed by any person or class of persons who believe they have been subjected to discrimination or retaliation based on race, color, sex, national origin, low-income or disability. Complaints against the NJDOT will be forwarded to the FHWA for review and investigation, as required.

To file a complaint, an individual or his/her representative should:

- Write and sign the complaint and include the complainant's name, address and telephone number.

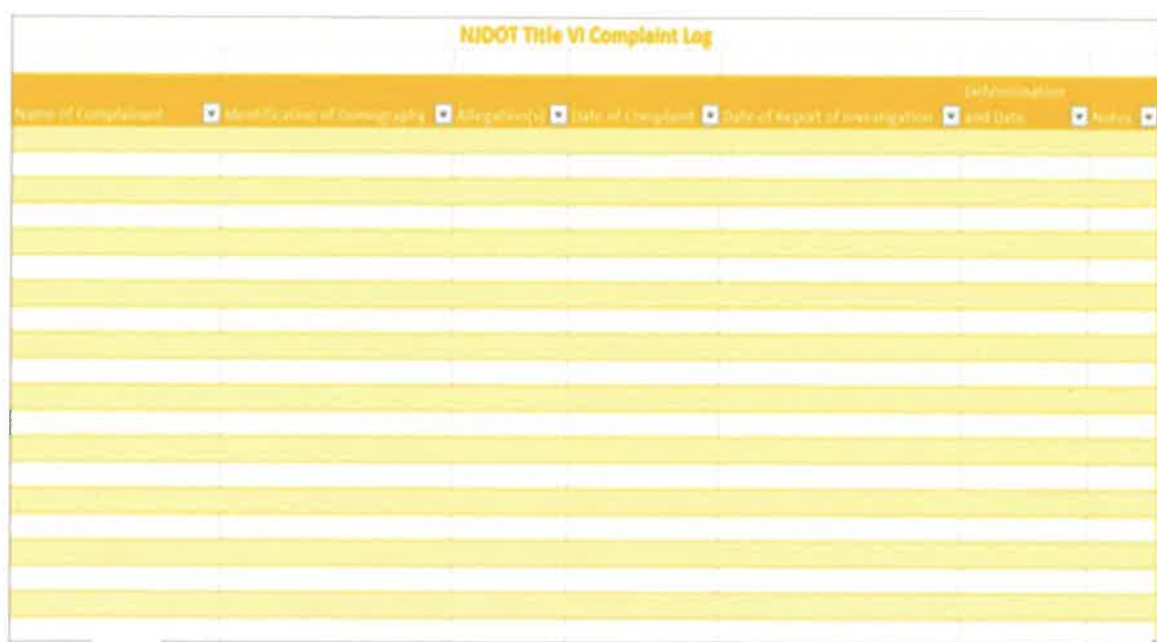
- Initiate the filing no more than 180 days after the date of the alleged act of discrimination; the date when the individual(s) became aware of the alleged discrimination; or where there has been a continuing course of conduct, the date that the conduct was discontinued or the latest instance of the conduct.
- The Director of the Division of Civil Rights and Affirmative Action will acknowledge in writing the receipt of every complaint filed with the department within ten business days of receipt. If additional information is required, the DCR/AA Director will extend the response time by ten business days. If the complaint is rejected or denied, the Director will inform the complainant of the appropriate appeal authority and set up a timeline for an appeal.
- With the complainant's consent and in the best interests of all parties involved in the complaint, attempts may be made to resolve the matter informally. However, if the complainant is dissatisfied with NJDOT's decision, he or she will be advised that they may bring the matter to the attention of the US Department of Transportation and the US Department of Justice.
- If the complaint is deemed to have merit, the Title VI Coordinator will supervise a thorough investigation and submit a written Report of Findings to the department's Director of Civil Rights and Affirmative Action for determination.
- Within 60 days of the receipt of the complaint, NJDOT will notify the complainant of the department's findings, the proposed disposition of the matter, the avenues available for appeal and the timeline to appeal if there is disagreement with the department's determination. The proposed remedy will include the actions necessary to correct and prevent future occurrences.
- NJDOT will issue a letter of findings for all Title VI investigations completed and/or develop informal settlements and resolutions, which will also be in writing when finalized. In accordance with regulations at 23 CFR 200, NJDOT will forward a copy of the complaint and a copy of the State's investigative report to the FHWA Division Office within 60 days of the date the complaint was received. The FHWA may grant an extension of an additional 60 days for justifiable reasons. NJDOT has the

responsibility to periodically inform the FHWA, New Jersey Division Office of the status of all complaints.

Subrecipients are required to investigate complaints. The agency, itself should carry out its responsibilities to be the first line of defense and course of redress for Title VI Nondiscrimination complaints. If the agency is unable to satisfactorily resolve a complaint, the agency should forward the complaint, along with a record of its disposition to NJDOT's Division of Civil Rights and Affirmative Action (Title VI Coordinator) or, if the complainant disagrees with a decision rendered by the agency, the complainant has the right to request an appeal to NJDOT or the appropriate Federal agency, as applicable, for final determination and/or resolution. NJDOT requires its subrecipients to notify the Division of Civil Rights and Affirmative Action (Title VI Coordinator) of any Title VI/Nondiscrimination complaints received.

### Complaint Records

NJDOT maintains an intake log for Title VI/Nondiscrimination complaints (Figure 4). The complaint log can be made available to FHWA upon request. To date, NJDOT has not received a Title VI/Nondiscrimination complaint.

The image shows a screenshot of a spreadsheet titled "NJDOT Title VI Complaint Log". The spreadsheet has a yellow header row with the following columns: "Name of Complaint", "Identification of Demographic", "Allegation(s)", "Date of Complaint", "Date of Report of Investigation", "End Date", and "Notes". Below the header, there are 10 empty rows with alternating yellow and white background colors for data entry.

Name of Complaint	Identification of Demographic	Allegation(s)	Date of Complaint	Date of Report of Investigation	End Date	Notes

Figure 4-Title VI Complaint Log

## **XI. Compliance and Enforcement Procedures**

The Title VI Nondiscrimination Unit administers and enforces the Title VI Program and its requirements across the department. Each programmatic area, with direction from the Director or other authoritative figure, is responsible for ensuring compliance in their specific area of responsibility. Title VI monitoring, coordinating and documentation is the responsibility of the Unit who may also request assistance from the program area Title VI/EJ Task Force Liaison. Whenever possible, implementation and monitoring of the Title VI Nondiscrimination Program will be jointly undertaken by the Title VI Nondiscrimination, Contractor Compliance, Disadvantaged and Small Business Enterprise (DBE), Internal EEO Units along with the appropriate Title VI/EJ Task Force/Liaisons.

The Title VI Nondiscrimination Unit is currently in the process of developing an overall Department-wide Title VI Policy and Procedure which will outline each programmatic area's roles and responsibilities in effectuating Title VI in their programs, services, and activities (see Appendix H). This document seeks to further clarify the department's requirements and responsibilities to achieving and maintaining Title VI compliance.

When programmatic areas are deemed to be in noncompliance status based on findings of a Title VI Comprehensive Review, the programmatic area will be given a specific schedule tailored to correspond with the corrective action plan. The programmatic area will be required to rectify all deficiencies within the established timeframe. In the event the programmatic area is unable to meet the timeframe for corrective action, the programmatic Director must provide, in writing, to the DCR/AA (Title VI Coordinator) the following:

- Justification for extension
- Summary of progress towards achieving compliance
- Expected date of achieving full compliance

### **Monitoring, Compliance and Enforcement of Subrecipients**

As outlined in the above section on Reviews of Subrecipients, the Title VI Nondiscrimination Unit monitors subrecipients for compliance annually through their submission

of Title VI documents. Upon review of the provided documents, the Title VI Coordinator will notify subrecipients if they require corrective action. Receipt of required Title VI documents and compliance status of subrecipients will be logged and maintained for records and reference purposes.

### **Monitoring, Compliance and Enforcement of Contractors**

Contractors are monitored for compliance with Civil Rights and nondiscrimination requirements by the Contractor Compliance Unit. Contractors are notified of their Civil Rights requirements and responsibilities and provided a package of nondiscrimination posters and information at pre-construction meetings.

In the event of a contractor's noncompliance with nondiscrimination contract provisions, NJDOT will impose such contract sanctions as it or FHWA may determine appropriate, including but not limited to:

- Withholding payments to the contractor under the contract until the contractor complies; and/or
- Cancelling, terminating, or suspending a contract, in whole or part.

## **XII. Review of State Directives**

The DCR/AA Director, Supervisor of the Title VI Nondiscrimination Unit and/or the Title VI Coordinator and other staff are involved in processes to review, recommend and comment on policies, procedures, and practices of the department. Examples of these activities and processes follow:

- The DCR/AA Director will participate as necessary and present information during Senior Leadership meetings.
- The Legislative and Regulatory Affairs Unit regularly notifies the DCR/AA about pending legislation that may affect the division's programs or activities.
- The Program Specialist/Supervisor of Title VI Nondiscrimination works with Title VI/EJ liaisons in ensuring Title VI and Environmental Justice requirements are addressed in programs and activities across the department.

- The Title VI Coordinator reviews all environmental documents, project-specific public involvement action plans, public notices and other relevant documents for compliance with Title VI requirements.
- The DCR/AA Director communicates with FHWA liaison and institutes all Federal mandates and directives with the assistance of Civil Rights staff; and
- The Title VI Nondiscrimination Unit proactively reviews department policies and directives to ensure compliance with Title VI/nondiscrimination mandates.

### XIII. Dissemination of Information

In addition to the efforts to notify the public outlined in the “Notification to Beneficiaries” section above, NJDOT ensures the public has access to information regarding the programs and activities of the department through several means.

- NJDOT maintains a website with up-to-date information regarding projects, road closures, detours, public meetings, request for proposals, public comments, filing nondiscrimination complaints, et cetera.
- The website content can be translated to different languages using Google Translate.
- Members of the public can request project specific material be translated prior to a public meeting or public information session by contacting a special accommodations coordinator in the Office of Community and Constituent Relations.
- Announcements or public notices are also placed in community centers or commonly frequented public places; and
- NJDOT Title VI Nondiscrimination internet website has been updated to provide the public with current information which includes:
  - Title VI Notice of Nondiscrimination Policy Statement, Assurances and FAQs
  - Links to language identification tools

- Online mapping resources with latest available American Community Survey and/or 2020 Decennial Census data, including the following items:
  - Environmental Justice Population map
  - Hispanic Population Map
  - Language Spoken by County
  - Populations Below Poverty Map

- Social media is a tool we also use to disseminate information to the public, connect with audiences and build relationships with communities.

## XIV. Public Involvement

### Public Involvement Program and Public Involvement Action Plan

The department emphasizes the importance of the public involvement process during the project pipeline process. Public involvement ensures that commitments made by the department during all stages of a project – from planning and scope development through construction, are adhered to, and alternative designs are considered and seriously to guard against discrimination and disproportionately high and adverse impacts on minority and low-income communities. The department considers its public involvement process equally critical during the concept development and preliminary engineering phases and ensures adherence to the public involvement process during these phases of the project pipeline process. The Title VI Nondiscrimination Unit encourages public involvement through all stages, if possible.

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

information about the community, determine how a project impacts the community, and help build a consensus between the community and NJDOT are beneficial during this public involvement process. The plan ensures public input on proposed projects involving major social, economic, environmental or transportation impacts. The Project Manager and/or consultant develops the Public Involvement Action Plan and forwards it to the Division of Community and Constituent Relations for final review and signature. The Title VI Coordinator reviews all project-specific Public Involvement Actions Plans for compliance with Title VI, Environmental Justice and Limited English Proficiency requirements and provides recommendations as needed.

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

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

In accordance with the USDOT EAP, E.O. 13985, and Justice 40, NJDOT is in the process of developing a department-wide Public Involvement Action Plan that will provide a more comprehensive and cohesive interdisciplinary approach to ensure equity in our transportation decision making process. As part of our ongoing effort to improve and strengthen our Title VI Program, the Title VI Nondiscrimination Unit intends to maximize collaborative efforts with the Office of Community and Constituent Relations in this endeavor. The Title VI Coordinator has been working closely with the Office of Community and Constituent Relations to institute public involvement recommendations.

## **XV. Limited English Proficiency**

To ensure limited English proficient (LEP) persons are appropriately provided access to benefits and services offered and meaningfully participate in decision-making activities, the

department reasonably ensures vital documents are translated and available for LEP persons. The NJDOT website is imbedded with the Google Translate feature which provides LEP persons the ability to navigate the information and notifications as needed. Also, the department has established a Linguistics Pool, which is comprised of department staff who have volunteered to provide basic oral interpretation services to members of the public. NJDOT will procure the services of a professional consulting firm for oral interpretation and translation services that are of legal and/or confidential nature.

The Title VI Nondiscrimination Unit has developed a draft Limited English Proficiency Policy and Procedure (Appendix I) and update of the department's Limited English Proficiency Guidelines/Plan (now referred to as the Language Access Plan) are tailored to our business and details the reasonable steps to ensure LEP individuals can access and participate in the department's programs and activities (Appendix J). Additionally, the Linguistics Pool is being updated to reflect departmental staff changes and capabilities.

## XVI. NJDOT Commitment

The New Jersey Department of Transportation remains committed to upholding Title VI of the Civil Rights Act of 1964 and its related statutes in all programs, policies, activities and services. In addition, we take a proactive approach to ensuring that it is prioritized in all programmatic areas of the department.

Please reference our **Accomplishments and Goals Report for FFY 2024** in which we provide specific examples of work and activities the NJDOT and Division of Civil Rights and Affirmative Action are engaged in to proactively ensure nondiscrimination in all department programs and activities.



# **New Jersey Department of Transportation**

## **Appendices**

### **Title VI Nondiscrimination Compliance Plan**

**Federal Fiscal Year October 1, 2024**

**Appendix A-** Title VI Policy Statement

**Appendix B-** Title VI Standard Assurances

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# APPENDICES

# Appendix A

Title VI Policy Statement



# State of New Jersey

DEPARTMENT OF TRANSPORTATION

P.O. Box 600

Trenton, New Jersey 08625-0600

PHILIP D. MURPHY

Governor

FRANCIS K. O'CONNOR

Commissioner

TAHESHA L. WAY

Lt. Governor

## Title VI Nondiscrimination Policy Statement

It is the policy of the New Jersey Department of Transportation to abide by Title VI of the Civil Rights Act of 1964, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 42 U.S.C. 4601, 23 U.S.C. Section 324, Sections 503 and 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, The Civil Rights Restoration Act of 1987, Executive Order 11246 for Equal Employment Opportunity, the Vietnam Era Veterans Readjustment Assistance Act of 1972, N.J.S.A 52:32-31.1 et. seq., New Jersey Law Against Discrimination N.J.S.A. 10:5-1 et. seq. and implementing regulations at N.J.A.C. 17:27 et. seq., and other related nondiscrimination laws, statutes, Executive Orders or policies.

*No person shall, on the grounds of race, creed, color, national origin, age, ancestry, nationality, marital/domestic partnership/civil union status, gender, disability, religion, affectional or sexual orientation, gender identity or expression, family status, pregnancy, atypical cellular or blood trait, genetic information, military service, veterans status, income level or ability to read, write or speak English, be excluded from participation in, be denied the benefit of, or otherwise subjected to discrimination in any New Jersey Department of Transportation program, activity or service.*

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

New Jersey Department of Transportation  
Division of Civil Rights and Affirmative Action  
Title VI Nondiscrimination Programs Unit  
1035 Parkway Avenue  
PO Box 600  
Trenton, New Jersey 08625  
Telephone: (609) 963-2047

*Francis K. O'Connor*

Francis K. O'Connor  
Commissioner

*9 / 26 / 2024*

Date

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# Appendix B

Title VI Standard Assurances

**The United States Department of Transportation (USDOT)**

**Standard Title VI/Non-Discrimination Assurances**

**DOT Order No. 1050.2A**

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

Statutory/Regulatory Authorities

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

12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

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

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

#### **General Assurances**

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

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

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

#### **Specific Assurances**

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

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

all of its federally-assisted programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

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

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

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



New Jersey Department of Transportation

by Francis K. O'Connor  
Francis K. O'Connor, Commissioner

DATED 9/26/2024

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 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

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

#### (HABENDUM CLAUSE)

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

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

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

## APPENDIX C

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

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

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

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

## APPENDIX D

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

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

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

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

## APPENDIX E

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

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

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

# Appendix C

Title VI Notice to Sub-Recipients



# State of New Jersey

DEPARTMENT OF TRANSPORTATION

P.O. Box 600

Trenton, New Jersey 08625-0600

PHILIP D. MURPHY  
*Governor*

FRANCIS K. O'CONNOR  
*Commissioner*

TAHESHA L. WAY  
*Lt. Governor*

## **MEMORANDUM**

**TO:** Subrecipients of Federal Financial Assistance

**FROM:** Francis K. O'Connor, Commissioner

**SUBJECT:** Title VI Nondiscrimination Notice to Subrecipients of Federal Financial Assistance

---

The New Jersey Department of Transportation's Nondiscrimination Policy is to abide by Title VI of the Civil Rights Act of 1964, and other related mandates including Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and the assurances set forth in the Department's Title VI Compliance and Implementation Plan to ensure that "no person in the State of New Jersey shall on the basis of race, color national origin, sex, creed, age, disability, low-income, or limited English proficiency (LEP); be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity" which is administered by the Department, regardless of funding source (i.e. State, Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, Federal Railroad Administration, or Federal Motor Carrier Safety Administration).

NJDOT hereby notifies all subrecipients, including but not limited to, local public agencies receiving federal financial assistance through NJDOT from the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA), Federal Railroad Administration (FRA) or Federal Motor Carrier Safety Administration (FMCSA), or other Federal agencies, that subrecipients must comply with NJDOT's Title VI Program requirements that prohibit discrimination on the basis of race, creed, color, national origin, age, or ability to read, write or speak English.

Subrecipients shall notify potential subcontractors or suppliers of the Title VI obligations under the contract for all solicitations by competitive bidding or negotiation for contract work, including the procurement of materials or leases of equipment.

Subrecipients shall include Title VI contract provisions in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Title VI regulations.

In the event of a subrecipient's non-compliance with nondiscrimination provisions of the contract, NJDOT shall impose such contract sanctions as it, FHWA and/or FTA, FAA, FRA or FMCSA may determine to be appropriate, including but not limited to withholding of payments to the subrecipient under the contract until the contractor complies, and/or; cancellation, termination, or suspension under the contract, in whole or in part.

Any person, subrecipient, or contractor who believes that they have been subjected to an unlawful discriminatory practice under Title VI and/or another nondiscrimination provision has a right to file a formal complaint within one hundred eighty (180) days following the alleged discriminatory action. Any such complaint must be filed in writing or in person with:

**New Jersey Department of Transportation  
Division of Civil Rights and Affirmative Action  
Title VI Nondiscrimination Programs Unit  
1035 Parkway Avenue  
PO Box 600  
Trenton, NJ 08625  
(609) 963-2047**

Francis K. O'Connor

**Francis K. O'Connor  
Commissioner**

9/26/2024

**Date**

# Appendix D

Title VI Brochure and LEP Brochure

## How do I file a complaint with NJDOT?

Any person or group who believes they have been discriminated against may file a signed, written complaint with the New Jersey Department of Transportation within 180 days of the violation. In addition, a complaint may also be filed within 180 days of the alleged discrimination with an appropriate federal agency.



To file a complaint with NJDOT Division of Civil Rights and Affirmative Action, you may contact them at the following address and number:

**NJDOT/Division of Civil Rights/AA  
Title VI Unit**  
1035 Parkway Avenue, P.O. Box 600  
Trenton, NJ 08625-0600  
(609) 963-2047  
Email: [titlevi@dot.nj.gov](mailto:titlevi@dot.nj.gov)



To file a complaint with United States Department of Transportation, please contact them at the following address and number:

**US Department of Transportation  
Federal Highway Administration  
Office of Civil Rights**  
400 7th St., SW, Rm. 4132  
Washington, DC 20590  
Phone: 1-202-366-0693  
Fax: 1-202-366-1599

Revised 2024

### Title VI Complaint Form

#### SECTION I: GENERAL INFORMATION

Name of Complainant: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

#### SECTION II:

##### AGENCY, CONTRACTOR, INSTITUTION

Please provide the name of the agency, contractor or institution that discriminated against you:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

How were you discriminated against? Please give specific information and the basis of the discrimination, i.e., status as a minority, low income, etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When and where did the discrimination take place? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were there any witnesses?

Please provide names and addresses.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Please provide any additional information on a separate piece of paper.

YOUR GUIDE to

## Title VI Environmental Justice



New Jersey Department of Transportation  
Governor Philip D. Murphy  
Commissioner Francis K. O'Connor

## What is Title VI?

Title VI of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs and activities supported by Federal funding. It specifically states: **“no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”** 42 USC §2000d



## What does Title VI cover?

Title VI of the Civil Right Act of 1964 and supplemental legislation covers all federal aid except those federally funded contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries, or where the purposes of federal assistance is to provide employment. The Act does not apply to discrimination based on age, sex, geographical locale or wealth.

## Who is covered under Title VI?

Any person who is discriminated against based on **race, color or national origin**. Minorities are covered, including Black, Hispanic, Asian American and American Indian or Alaskan Native. Undocumented aliens are also covered. The elderly, children, the disabled and other populations (such as female head of household) *may* be covered because of concentrations in certain protected communities.



## What is Environmental Justice (Executive Order 12898)?

Executive Order 12898, enacted in 1994 by President Clinton, requires each federal agency and its recipients when implementing programs, policies or activities to the greatest extent practicable by law develop a strategy that prevents **“disproportionately high and adverse human health or environmental effects”** on low-income and minority populations in the United States.

## What are examples of “adverse effects” noted in Executive Order 12898?

- The denial of, reduction in, or significant delay in the receipt of or benefits of NJDOT programs, policies, or activities
- Adverse impact on employment
- Air, noise and water pollution or soil contamination
- Destruction of natural resources
- Destruction of community cohesion or its economic vitality
- Destruction or disruption of public and private facilities or services
- Displacement of persons, businesses, farms or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income community from the broader community
- Bodily impairment, infirmity, illness or death



## ¿Cómo presento una queja ante el NJDOT?

Cualquier persona o grupo que crea que haya sido discriminada puede presentar una queja por escrito, firmada, ante el Departamento de Transportes de Nueva Jersey dentro de los 180 días de la violación. Además, también se puede presentar una queja dentro de los 180 días de la supuesta discriminación ante una agencia federal apropiada.



Para presentar una queja ante la División de Derechos Civiles y Acción Afirmativa del NJDOT debe contactarlos en la siguiente dirección, número de teléfono:

**NJDOT/Division of Civil Rights/AA  
Title VI Unit**  
**1035 Parkway Avenue, P.O. Box 600**  
**Trenton, NJ 08625-0600**  
**(609) 963-2047**  
**Email: [titlevi@dot.nj.gov](mailto:titlevi@dot.nj.gov)**



Para presentar una queja ante el Departamento de Transportes de los Estados Unidos, sírvase contactarlos a la siguiente dirección y número de teléfono:

**US Department of Transportation  
Federal Highway Administration  
Office of Civil Rights**  
**400 7th St., SW, Rm. 4132**  
**Washington, DC 20590**  
**Número de teléfono: 1-202-366-0693**  
**Fax: 1-202-366-1599**

## Formulario de Queja del Título VI

### SECCIÓN I: INFORMACIÓN GENERAL

Nombre del reclamante: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_  
Persona de contacto: \_\_\_\_\_  
Número de teléfono: \_\_\_\_\_  
Número de fax: \_\_\_\_\_

### SECCIÓN II: AGENCIA, CONTRATISTA, INSTITUCIÓN

Sírvase proporcionar el nombre de la agencia, contratista o institución que discriminó contra usted:

Nombre: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

¿Cómo discriminaron contra usted? Sírvase brindar información específica y la base de la discriminación, es decir, estatus como una minoría, de bajos ingresos, etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

¿Cuándo y dónde tuvo lugar la discriminación?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

¿Hubo algún testigo?

Sírvase proporcionar los nombres y direcciones.

Nombre: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Número de teléfono: \_\_\_\_\_  
Nombre: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Número de teléfono: \_\_\_\_\_

Sírvase proporcionar cualquier información adicional en una hoja de papel aparte

YOUR GUIDE to

## Title VI Environmental Justice



New Jersey Department of Transportation  
Governador Philip D. Murphy  
Comisionado Francis K. O'Connor

## ¿Qué es el Título VI?

El Título VI de la Ley de Derechos Civiles de 1964 prohíbe la discriminación sobre la base de raza, color, o país de procedencia en programas y actividades apoyadas por financiación Federal declara específicamente que: **“Ninguna persona en los Estados Unidos deberá ser excluida de participar, por motivos de raza, color o país de procedencia, de que se le denieguen los beneficios, o de que sean sujetos a discriminación bajo cualquier programa o actividad que reciba ayuda financiera”**. 42 USC §2000d



## ¿Qué cubre el Título VI?

El Título VI de la Ley de Derechos Civiles de 1964 y la legislación suplementaria cubre toda la ayuda federal excepto aquellos contratos de seguro y garantías financiados federalmente. No cubre el empleo, excepto en lugares donde las prácticas de empleo resulten en discriminación contra el programa de beneficiarios, o donde la finalidad de la ayuda federal es la de brindar empleo. La ley no se aplica a discriminación en base a edad, sexo, local geográfico o riqueza.

## ¿Qué está cubierto bajo el Título VI?

Cualquier persona contra la que se discrimina en base a la **raza, color o país de procedencia**. Las minorías están cubiertas incluso los negros, Hispanos, Asiáticos Americanos e Indios Americanos o nativos de Alaska. Los extranjeros indocumentados también están cubiertos. Los ancianos, los niños, los discapacitados y otras poblaciones (como las mujeres jefes del hogar) *pueden* estar cubiertas debido a las concentraciones en ciertas comunidades protegidas.



## ¿Qué es la Justicia Ambiental (Orden Ejecutiva 12898)?

La Orden Ejecutiva 12898, aprobada en 1994 por el Presidente Clinton, requiere que cada agencia federal y sus beneficiarios cuando están implementando los programas, políticas o actividades en la mayor medida practicable y permitida por ley que previene **“los efectos altamente desproporcionados y adversos en la salud humana o los efectos ambientales”** en las poblaciones de minorías y en las poblaciones de bajos ingresos en los Estados Unidos.

## ¿Cuáles son los ejemplos de “efectos adversos” que se observa en la Orden Ejecutiva 12898?

- La denegación de, la reducción en, o la demora significativa en el recibo de o los beneficios de los programas, políticas, o actividades de NJDOT
- Impacto adverso en el empleo
- Polución del aire, ruido y del agua o contaminación del suelo
- Destrucción de los recursos naturales
- Destrucción de la cohesión de la comunidad o de su vitalidad económica
- Destrucción o trastorno de las instalaciones o servicios públicos y privados
- Desplazamiento de personas, negocios, granjas o de organizaciones sin fines de lucro
- Aumento en la congestión del tránsito, aislamiento, exclusión, o separación de comunidades de minorías o de bajos ingresos de la comunidad en general
- Impedimento físico, padecimiento, enfermedad o muerte



## LEP Resources

*In the event that you are in need of LEP services, here is a breakdown of resources available free of charge to LEP persons through NJDOT:*

- **"I Speak" Cards**—Front Line NJDOT staff will have these cards to help them determine what language a walk-in LEP person is speaking and to contact appropriate interpreter support.
- *If an LEP person contacts NJDOT by phone, the staff member will try to obtain the LEP person's telephone number and place them on hold as they contact someone from the NJDOT linguistics pool or a telephonic interpreter service to assist them in securing interpreter support for the LEP person.*
- *Interpreter support can be arranged by contacting the Title VI Nondiscrimination Unit at 609-963-2047*

Any person or group that believes they have been discriminated against by the New Jersey Department of Transportation may file a signed, written complaint with the New Jersey Department of Transportation within 180 days of violation. In addition, a complaint may also be filed within 180 days of the alleged discrimination with the US Department of Transportation, Federal Highway Administration or any other such agency having authority to investigate Title VI discrimination complaints.

To file a complaint with NJDOT Division of Civil Rights and Affirmative Action, you may contact them at the following address and number:

**NJDOT/Division of Civil Rights/AA  
Title VI Unit  
1035 Parkway Avenue, P.O. Box 600  
Trenton, NJ 08625-0600  
(609) 963-2047**

To file a complaint with the United States Department of Transportation, please contact them at the following address and number:

**US Department of Transportation  
Federal Highway Administration  
Office of Civil Rights  
400 7th St., SW, Rm. 4132  
Washington, DC 20590  
Phone: 1-202-366-0693  
Fax: 1-202-366-1599**

### New Jersey Department of Transportation

Division of Civil Rights and Affirmative Action  
Title VI Nondiscrimination Unit  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625-3009  
Phone: 609-963-2047



## YOUR GUIDE to Limited English Proficiency (LEP) Under Title VI



### New Jersey Department of Transportation



### New Jersey Department of Transportation

Governor **Philip D. Murphy**  
Lieutenant Governor **Tehesha L. Way**  
Commissioner **Francis K. O'Connor**

# Limited English Proficiency (LEP)

## Legal Authority

♦ ♦ ♦ ♦ ♦

The New Jersey Department of Transportation (NJDOT) is committed to compliance with the provisions of Title VI of the Civil Rights Act of 1964:

"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." 43 USC §2000d

**Executive Order 13166** requires Federal agencies and those agencies receiving federal funds to examine the services they provide, identify any need for 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. It is expected that agency plans will provide for meaningful access consistent with, and without unduly burdening the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance, such as NJDOT, provide meaningful access to their LEP applicants and beneficiaries.

## Frequently Asked Questions

**Who is a Limited English Proficient (LEP) individual?**

*Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are considered Low-Literacy or Limited English Proficient "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.*

**What is a recipient of federal financial assistance?**

*Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Subrecipients are also covered, when federal funds are passed from one recipient to a subrecipient. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations.*

**What are recipients of federal funds and federal agencies required to do to meet LEP requirements?**

*Recipients and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The Four-Factor Analysis is done to provide an individualized assessment that balances the following:*

1. *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;*
2. *The frequency with which LEP individuals come in contact with the program;*
3. *The nature and importance of the program, activity, or service provided by the program to people's lives and;*
4. *The resources available to the grantee/recipient or agency, and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small businesses or small nonprofits.*

*Based on the four-factor analysis, LEP persons will be notified of language services that are available, free of charge.*

**Does LEP apply to all conditions?**

**Hearing or Visual Impairments**

Sign language interpretation and Braille texts are accommodations of disabilities provided under the Americans with Disabilities Act and/or Section 504 of the Rehabilitative Acts of 1973.

Large Print

**Illiteracy**

LEP individuals protected by the Executive Order and Title VI are those who not only cannot speak, read, or write English, but primarily speak, read or write a language other than English.

**Road Signs**

Road signs are optional translation services that NJDOT could provide (already provided in some areas), but is not mandated under LEP guidelines.



**Employment Issues**

Human Resources issues and employment issues are not covered in the LEP guidelines within Title VI.

# Appendix E

NJDOT Senior Leadership by Race and Gender

**NEW JERSEY DEPARTMENT OF TRANSPORTATION**

**SENIOR LEADERSHIP**

**(By Title, Gender and Race)**

**OCTOBER 1, 2024**

<b>TITLE / FUNCTION</b>	<b>GENDER</b>	<b>RACE</b>
COMMISSIONER	MALE	WHITE
DEPUTY COMMISSIONER	MALE	WHITE
CHIEF OF STAFF	MALE	WHITE
CHIEF FINANCIAL OFFICER	MALE	WHITE
INSPECTOR GENERAL	MALE	WHITE
ASST. COMR. – ADMINISTRATION	FEMALE	WHITE
ASST. COMR. – LOCAL AID & COMMUNITY DEVELOPMENT	FEMALE	WHITE
ASST. COMR. – CAPITAL PROGRAM MANAGEMENT	MALE	ASIAN
ASST. COMR. – OPERATIONS	MALE	WHITE
ASST. COMR. – STATEWIDE PLNG., SAFETY & CAPITAL INVESTMENT	MALE	WHITE

# Appendix F

Title VI Checklist for MPOs



# Metropolitan Planning Organizations

## Title VI Nondiscrimination Requirements

Please use this checklist to ensure compliance with Title VI of the Civil Rights Act of 1964 and its related nondiscrimination mandates and requirements.

### Title VI Notice/Policy Statement

- \_\_\_ Develop a standard Title VI Notice/Policy Statement that notifies beneficiaries of the MPO's commitment to ensuring nondiscrimination in all of its programs, activities and operations.
- \_\_\_ Indicate commitment to nondiscrimination in the MPO's programs and activities administered by the MPO or a contractor, whether federally funded or not, that: *"no person shall on the grounds of race, creed, color, national origin, age, ancestry, nationality, gender, disability, religion, affectional or sexual orientation, gender identity or expression, income level, ability to read, write or speak English be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination or retaliation under any program or activity..."*
- \_\_\_ Designate and ensure Notice is signed by the appropriate executive authority.
- \_\_\_ Ensure Notice is on official letterhead or another official format.
- \_\_\_ Post Notice in all MPO buildings, facilities and conspicuous locations.
- \_\_\_ Ensure employees are aware of the MPO's policy to abide by Title VI of the Civil Rights Act of 1964 and its related statutes.

### Title VI Standard Assurances

- \_\_\_ Develop a Title VI Standard Assurances document.
- \_\_\_ Review document to confirm all standard Title VI Statutory/Regulatory Authorities are included.
- \_\_\_ Certify that all areas where it refers to "public agency" is changed to the name of the MPO.
- \_\_\_ Attach all appropriate Standard Title VI Assurance Appendices A-E in submission.
- \_\_\_ Ensure Title VI Standard Assurances are signed by the appropriate executive authority.
- \_\_\_ Attach all appropriate Standard Title VI Assurance Appendices A-E in all of the MPO's contracts.

### Title VI Implementation Plan

- \_\_\_ The Plan should detail the MPO's Title VI Program.
- \_\_\_ Include meeting minutes or resolution indicating Board of Directors' approval of Title VI Program.
- \_\_\_ Should include signed Title VI Notice and Standard Assurances.
- \_\_\_ Organizational chart or breakdown of staff and corresponding responsibilities (should also include racial breakdown of non-elected advisory council).
- \_\_\_ Complaint disposition process (see section below for specific requirements).
- \_\_\_ Internal and external review procedures (describe internal and sub-recipient monitoring and compliance and enforcement efforts).
- \_\_\_ Training
- \_\_\_ Methods of dissemination of information.
- \_\_\_ Data collection policies and procedures.
- \_\_\_ Public engagement methods, strategies and activities.
- \_\_\_ The Implementation Plan shall be attached with appendices which include, but not limited to: complaint log, public notices/flyers or other material, collected data, et cetera.

---

### **Language Assistance Plan (LEP)**

- \_\_\_ Procedures for providing meaningful access to limited English proficient (LEP) individuals.
- \_\_\_ Results of Four Factor Analysis.
- \_\_\_ Benefits and services available for LEP individuals.
- \_\_\_ Efforts to notify LEP persons of the availability of language assistance services.
- \_\_\_ MPO's notable LEP strategies and activities.
- \_\_\_ MPO's process to monitor, evaluate and update Plan.
- \_\_\_ Detail efforts to train internal employees on providing LEP assistance services.
- \_\_\_ Translation of vital documents (which documents have been translated and what languages?).

---

### **Complaint Disposition Process**

- \_\_\_ Procedures for filing a complaint.
- \_\_\_ MPO's procedures for tracking and investigating a complaint.
- \_\_\_ Title VI Complaint Form.
- \_\_\_ Demonstration of the MPO's maintenance of a complaint log.
- \_\_\_ Ensure Title VI Complaint Form is posted on the MPO's external website.
- \_\_\_ Notify NJDOT Title VI Coordinator upon receipt of a Title VI/nondiscrimination complaint.

---

### **Public Participation Plan**

- \_\_\_ Procedures for public participation.
- \_\_\_ Strategies or methods used to engage the public in the MPO's programs and activities.
- \_\_\_ Goals and desired outcomes of the MPO's public participation efforts.
- \_\_\_ Examples of notable strategies and efforts.

---

### **Boards and Planning Advisory Bodies**

- \_\_\_ Develop, maintain and update membership data on all transit-related, non-elected planning boards, advisory councils or committees (where membership is selected by the agency).
- \_\_\_ Racial breakdown of membership.
- \_\_\_ Should maintain and display data in table format.
- \_\_\_ Table should be included with Title VI Implementation Plan submission.
- \_\_\_ Agency should also detail specific efforts to encourage the participation of minorities on such committees.

---

### **\*Title VI Equity Analysis**

- \_\_\_ Agency should conduct a Title VI Equity Analysis if the agency has constructed a facility, such as a vehicle storage facility, maintenance facility, operations center, or any other similar facility.

# Appendix G

Local Public Agency Title VI Self-Assessment/Certification



**New Jersey Department of Transportation**  
**Title VI Program**  
**Local Public Agency Self-Assessment/Certification**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. Nondiscrimination provisions apply to all programs and activities of Federal-aid recipients regardless of their funding source. Environmental Justice (EJ) Executive Order (EO) 12898 amplifies Title VI by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of federal-aid projects on minority and low-income populations. In April, 2023, EO 14096 was introduced and revitalizes the commitment to ensure EJ for all citizens and communities. Limited English Proficiency (LEP) Executive Order 13166 is also enforced under Title VI, as it further clarifies the Title VI responsibility of National Origin discrimination and requires Federal-aid recipients to take steps to ensure meaningful access to their programs, services and information by individuals with Limited English Proficiency (LEP). Public entities must also ensure they follow 28 CFR Part 35 – Nondiscrimination on the Basis of Disability and Americans with Disabilities Act (ADA) which prohibits discrimination on the basis of disability.

As a primary recipient of Federal funds, the New Jersey Department of Transportation (NJDOT) must comply with Title VI, its amendments and the nondiscrimination mandates noted above. As a steward of federal funding, NJDOT must, in turn, ensure that its subrecipients comply with these mandates similarly. More specifically, subrecipients must ensure that their programs and services are provided to all in a nondiscriminatory manner.

Accordingly, if your organization received federal funding by way of NJDOT through a Local Aid grant or another pass-through mechanism, you signed (or should have signed) an assurance stating that your organization had existing Title VI compliance measures in place.

Following this information is a Self-Assessment Checklist we are using to document and record our federal funding subrecipients' Title VI standing. We request that you complete this form to record your organization's compliance with Title VI nondiscrimination requirements and return it to the NJDOT, Division of Civil Rights/Affirmative Action's Title VI/Nondiscrimination Unit's email address ([titlevi@dot.nj.gov](mailto:titlevi@dot.nj.gov)) by no later than **Friday, September 20, 2024**. Any questions concerning this checklist can also be directed to the unit supervisor, Chrystal Section who can be reached by phone (office 609-963-2046/cell 609-358-3523) or [chrystal.section@dot.nj.gov](mailto:chrystal.section@dot.nj.gov). Please confirm receipt of this email to ensure you received the documents.



**New Jersey Department of Transportation**  
**Title VI Program**  
**Local Public Agency Self-Assessment/Certification**

\_\_\_\_\_  
(Insert Name of Entity/Organization Here)

\_\_\_\_\_  
(Insert Mailing Address Here)

Please check the box Yes or No next to the statement to confirm your organization's status of compliance with the Title VI/Nondiscrimination requirements/provisions. If necessary, please use the "Comments" section to explain your response.

<b>Policies and Procedures</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Has documented, in writing, its policies and procedures related to Title VI.			
Includes Title VI assurances in all contracts and agreements.			
Is aware of its responsibilities under Limited English Proficiency.			
Implements Environmental Justice requirements where applicable.			
<b>Implementation and Oversight</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Has designated at least one person to oversee implementation and compliance with Title VI and other nondiscrimination requirements.			
(Please provide name of primary employee and organizational chart to show overall organization and staff person designated responsibility to coordinate and oversee Title VI and nondiscrimination)			
<b>Federal Funding</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Receives federal funds from NJDOT and/or other state/federal entities.			
Has utilized federal funds in the award of contracts/agreements for period beginning October 1, 2021, and ending September 20, 2023.			
(Please provide a list of the contracts/agreements awarded including the dollar value of award and name of firm(s) who received contracts/agreements)			



**New Jersey Department of Transportation**  
**Title VI Program**  
**Local Public Agency Self-Assessment/Certification**

<b>Data Collection</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Collects demographic data such as race, color, national origin, and primary language of individuals to help ensure that programs and services are delivered in a nondiscriminatory manner.			
Have analyzed our demographics in the past year to evaluate and ensure adequacy of data for meeting the requirements of Title VI, Environmental Justice, Limited English Proficiency, and other nondiscrimination provisions.			
<b>Nondiscrimination Notice of Rights – Communicated</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Posts Notice of Rights under Title VI on our website as well as signage in our office locations where members of the public receive services or participate in programs.			
<b>Complaint Procedures</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Has a Title VI complaint procedure and complaint form in place.			
Has access to a language interpretation service when necessary for critical programs, services, information.			
<b>Public Participation</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Has a public participation plan that addresses how it will conduct community outreach and engage diverse populations to ensure equal access to programs, services and information.			
Considers equitable access for all, including engagement to help inform decision making for programs and projects.			



**New Jersey Department of Transportation**  
**Title VI Program**  
**Local Public Agency Self-Assessment/Certification**

<b>Title VI Training</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Ensures that organizational staffers and particularly those intimately involved in the delivery of our programs and services are regularly trained in Title VI and other nondiscrimination requirements.			

**Certification:**

This checklist was completed by: \_\_\_\_\_

\_\_\_\_\_  
(Please provide name, title, contact phone and email address)

As an official representative of \_\_\_\_\_ I certify that the checklist represented above is an accurate reflection and representation of our compliance with Title VI and its related mandates.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Please return the completed form by  
the due date directly to:**

**[titlevi@dot.nj.gov](mailto:titlevi@dot.nj.gov)**

# Appendix H

Draft Title VI Nondiscrimination Policy & Procedure



# DEPARTMENT OF TRANSPORTATION POLICY/PROCEDURE

Policy No.

Page 1 of 8

<b>Title VI Nondiscrimination Programs</b>	Effective Date:  2024	Commissioner Approval: Diane Gutierrez-Scaccetti  Sponsor Name Civil Rights and Affirmative Action Approval:  Contact Telephone #: (609) 963-2052
--------------------------------------------	-----------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------

## I. PURPOSE AND SCOPE

As a condition of receiving Federal financial assistance from the United States Department of Transportation, the New Jersey Department of Transportation (NJDOT) is required to comply with Title VI of the Civil Rights Act of 1964 (Title VI) and its related nondiscrimination statutes. Title VI prohibits discrimination on the basis of race, color or national origin in all programs and activities of Federal-aid recipients and contractors regardless of their funding source. Non-compliance may result in loss of Federal funding (**Federal financial assistance**).

This policy provides standards to ensure that the NJDOT's programs, policies and activities are carried out in a nondiscriminatory manner.

This policy applies to all units in the Department.

## II. DEFINITIONS

Division – Division of Civil Rights and Affirmative Action (DCRAA); specifically for this policy, the DCRAA, Title VI Nondiscrimination Unit and Title VI Coordinator.

Federal Financial Assistance:

(1) Assistance that non-Federal entities receive or administer in the form of:

- (i) Grants;
- (ii) Cooperative agreements;
- (iii) Non-cash contributions or donations of property (including donated surplus property);
- (iv) Direct appropriations;
- (v) Food commodities; and
- (vi) Other financial assistance (except assistance listed in paragraph (2) of this definition).

(2) For § 200.203 and subpart F of this part, *Federal financial assistance* also includes assistance that non-Federal entities receive or administer in the form of:

- (i) Loans;
- (ii) Loan Guarantees;

## Policy/Procedure

No.

Title VI Nondiscrimination  
Programs

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(iii) Interest subsidies; and

(iv) Insurance.

(3) For § 200.216, Federal financial assistance includes assistance that non-Federal entities receive or administer in the form of:

(i) Grants;

(ii) Cooperative agreements;

(iii) Loans; and

(iv) Loan Guarantees.

(4) Federal financial assistance does not include amounts received as reimbursement for services rendered to individuals as described in § 200.502(h) and (i).

FHWA – Federal Highway Administration.

Programmatic Area's Leadership – individual(s) in each unit of the Department, such as Director, Manager and Supervisor, authorized to make personnel and management decisions.

Title VI of the Civil Rights Act of 1964 – states 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.

Title VI Corrective Action Plan – a collaboratively developed plan and schedule, created as a result of the review process, which will demonstrate steps needed to be taken by the unit to rectify any deficiencies found.

Title VI Review Process – to ensure and demonstrate compliance with Title VI, the Department is required to periodically conduct reviews of its internal programmatic and special emphasis areas. This review process allows the Department to determine the effectiveness of the specified areas and their efforts to carry out activities equitably.

Title VI In-Depth Review Questionnaire – a document specifically tailored to the programmatic area's processes and activities to assist in determining compliance with Title VI and nondiscrimination requirements.

Title VI Liaison – an employee in the programmatic area responsible for gathering and preparing data, providing technical guidance and serving as a subject matter expert on Title VI compliance.

### III. RESPONSIBILITY

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The Division of Civil Rights and Affirmative Action (DCRAA), Title VI Nondiscrimination Unit, has been designated by the Commissioner of Transportation with the responsibility to implement and administer the Title VI program to ensure compliance with FHWA requirements. The Unit depends on cooperation and collaboration across the NJDOT to achieve and maintain compliance in all the Department's programs and activities.

The Director of DCR/AA is responsible for the overall administration, implementation, monitoring and enforcement of the department's various Civil Rights programs and activities. The DCR/AA reports directly to the Deputy Commissioner who reports to the Commissioner of Transportation. The DCR/AA director also participates as a member of the department's Senior Leadership Team who meets with the Commissioner on a bi-weekly basis and/or as needed to report goals, accomplishments, issues and concerns which includes matters associated with the department's Title VI Nondiscrimination Program and the department's overall Civil Rights agenda.

The DCR/AA's Title VI Coordinator is responsible for carrying out the day-to-day administration of activities to include initiating and monitoring Title VI activities and completing all reporting requirements. Other units within the DCR/AA including Contractor Compliance, Disadvantaged and Small Business Programs (D&SBP) and Internal Equal Employment Opportunity will assist with these tasks as necessary.

The Title VI Task Force is a committee or group of department employees assembled to provide the necessary support to ensure that Title VI and nondiscrimination is given appropriate consideration. The task force is made up of the department's designated Title VI Liaisons representing various divisions, regions and work units across the department.

Programmatic areas, specifically management and the Title VI Liaisons, are responsible for incorporating recommendations and maintaining Title VI considerations brought about by the In-depth Review in their daily processes. The Liaison is responsible for working with the DCRAA Title VI Coordinator and Nondiscrimination Unit to ensure compliance with Title VI requirements.

#### IV. POLICY AND PROCEDURE

##### Policy

It is the policy of the Department to comply with Title VI of the Civil Rights Act of 1964 is mandatory as a condition of receiving Federal financial assistance from the US Department of Transportation.

##### Procedure

##### A. Major functions of the Title VI Nondiscrimination Programs:

1. Oversee and ensure nondiscrimination in NJDOT programs and activities.
2. Develop and implement procedures and processes for preventing discrimination and addressing and resolving complaints of discrimination in NJDOT programs & activities.

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3. Provide training on Title VI to NJDOT staff, sub-recipients and the public.
4. Establish and maintain collaborative relationships with internal and external stakeholders.
5. Submit an annual update of the Title VI Implementation Plan to Federal Highway for approval.
6. Conduct In-Depth Title VI/EJ Compliance Reviews of core program areas and external programs.
7. Conduct reviews of Metropolitan Planning Organizations (MPOs), and Local Public Agencies (LPAs) to ensure compliance with the provisions of Title VI, EJ and LEP requirements.
8. Publish Title VI/Nondiscrimination information for dissemination to the public and where appropriate ensure that the information is translated in languages other than English.
9. Investigate and ensure prompt and equitable resolution of complaints filed under Title VI/Nondiscrimination.
10. Provide training and technical assistance on Title VI/Nondiscrimination to NJDOT staff, sub-recipients and the public.
11. Participate in Capital Program Screening Committee, Capital Program Committee, Core Group and Scope Team meetings to ensure communities are not adversely impacted by projects.
12. Review environmental impact statements, categorical exclusions, and environmental assessment of proposed NJDOT projects.

### B. Title VI Coordinator Activities:

1. Preparing, completing and submitting the department's annual Title VI Compliance Plan on or before the beginning of each federal fiscal year. The plan details all of NJDOT's Title VI activities, accomplishments, complaints and future plans;
2. Conducting Comprehensive Title VI Programmatic Reviews on special emphasis program areas and activities when necessary to cover aspects not addressed through the day-to-day approach;
3. Providing technical assistance and advice on Title VI and related policy matters to department program officials;
4. Monitoring department programs and activities for Title VI compliance;
5. Investigating Title VI complaints and preparing reports of findings, conclusions and recommendations;
6. Providing technical guidance to project managers and units on a project-by-project basis;
7. Attending project scoping and core group meetings;
8. Collaborating with NJDOT program managers in developing Title VI information for dissemination to the public;
9. Coordinating with other Civil Rights program personnel in the reviewing of Title VI activities and issues;
10. Working with program managers to resolve problems identified as discriminatory practices and policies pursuant to Title VI and related statutes;
11. Monitoring NJDOT's sub-recipients for compliance and implementation of Title VI activities.
12. Establishing procedures to resolve noncompliance determinations.
13. Coordinating Title VI training programs.
14. Updating the Title VI Program as necessary to reflect changes in organization, policy or implementation.

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15. Increasing public/community awareness of the department's activities.
16. Developing and updating Title VI information for dissemination to the public and where appropriate, in languages other than English; and
17. Communicating with FHWA officials on a regular basis regarding areas needing to be addressed and/or improved as relating to the department's Title VI Program.

### C. Title VI/Nondiscrimination Task Force Liaisons:

Each liaison is charged with monitoring programs and activities in their respective program area and reporting related data and accomplishments to the Title VI Coordinator. The responsibilities of liaisons include, but are not limited to the following:

1. Participate in all available Title VI Nondiscrimination training or information sessions.
2. Serving as subject matter expert.
3. Providing technical guidance during the analysis of requested material.
4. Maintain all relevant statistical nondiscrimination data for the respective program areas.
5. Prepare and submit quarterly data to the Title VI Coordinator.
6. Work with respective division's managers or programmatic area administrators to implement Title VI Nondiscrimination policies in all programs and activities.
7. Ensure Title VI Nondiscrimination information and/or material is available to division staff.
8. Disseminate Title VI Nondiscrimination material to the public when encountered in the implementation of programs or activities.
9. Advise the Title VI Coordinator of any potential Title VI or Environmental concerns and seek guidance for methods of addressing such instance.
10. Refer all Title VI Nondiscrimination complaints to the Title VI Coordinator; and
11. Assist the Title VI Coordinator in conducting reviews of respective programmatic areas, programs or activities.

### D. Title VI Compliance Reviews

1. Annually, at the start of each Federal Fiscal Year (FFY), the Title VI Nondiscrimination Unit selects a programmatic area(s) or specific activity for an in-depth review. Selection is based on the nature of the programmatic area's programs and activities including public interface. In addition, formal and/or informal complaints and concerns relating to a specific program or activity will also be considered in the selection process. The Title VI In-depth Review process, schedule and selection of programmatic areas are intended to be flexible and may be altered due to, but not limited to, the following factors:

- Urgent Title VI matter
- Title VI Complaint(s) investigation
- Staffing changes
- New programs or activities
- Changes in policies, protocol or rollout of projects
- Patterns indicating noncompliance

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2. The Title VI Coordinator will develop a Title VI In-depth Review Questionnaire specifically tailored to the programmatic area's processes and activities. The Commissioner and Chief of Staff will be notified of the selected programmatic area and the intent to conduct a Title VI In-depth Review. Notification of the upcoming review via cover letter and the Title VI Questionnaire instructions and package are sent to the Assistant Commissioner of the programmatic area to be reviewed. Copies of the package are also distributed to the Division Director of the programmatic area being reviewed.
3. The Questionnaire must be completed and returned to the Title VI Nondiscrimination Unit within two (2) weeks. The completed Questionnaire and supplemental material provided will be reviewed by the Title VI Coordinator prior to scheduling the onsite portion of the review.
4. The Onsite Review will be conducted in a span of approximately two to five days and will consist of interviews and examination of maintained data records and documents. The review process consists of the following methods:
  - Desk Audit – centers around the Title VI In-depth Questionnaire and provides a preliminary determination on whether the programmatic area is in compliance with Title VI and its nondiscrimination requirements.
  - Interview – Title VI staff will interview managerial and front-line staff in the programmatic area to better understand the day-to-day operations and to determine if these operations incorporate necessary Title VI obligations.
  - Examination of Documents and Data – allows Title VI staff to review documents and specific data maintained by the programmatic area to determine whether the data collection efforts capture the required Title VI information.
  - Field Visit/Shadowing – if deemed necessary by Title VI staff, this process allows Title VI staff to experience the day-to-day operations of projects, programs and activities.
5. The Title VI Coordinator will prepare a report of findings within 30 days from the last day of the Onsite review. A copy of the report will be provided to the Chief of Staff, Assistant Commissioner, and the programmatic area's leadership. If deficiencies are identified and corrective action is required, the Title VI Coordinator will work closely with the programmatic area's leadership to develop a corrective action plan with a schedule to achieve full compliance status. He/she will also provide technical guidance throughout the corrective action process. Guidance can range from assistance in incorporating Title VI language in contracts, official documents, and public engagement material; procuring translation services; training staff in Title VI; developing data collection material, etc.

\*If the programmatic area is not cited for deficiencies and does not require corrective action, the Title VI Coordinator may provide recommendations to enhance Title VI considerations within programs and activities.
6. The Title VI Coordinator will continue to monitor the programmatic area to ensure adherence to the corrective action plan and ongoing compliance with Title VI and its nondiscrimination requirements.

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7. FHWA will be provided a copy of the report of findings and corrective action plan, if deemed necessary. Title VI In-depth Review findings will also be detailed annually in the Title VI Accomplishments Report for FHWA

### **V. AUTHORITY**

23 CFR 200 Title VI Program and Related Statutes

23 CFR 200.9 (b) (5) (6) State Highway Agency Responsibilities

23 CFR 230.301 Appendix A (C) State Highway Agency Equal Employment Opportunity Programs

49 CFR 21 Non-Discrimination in Federally Assisted Programs of the DOT Effectuation of Title VI of the Civil Rights Act of 1964

49 CFR 21.5 Discrimination Prohibited in 49 CFR 21

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) and 49 CFR § 21;

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601);

Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.);

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.) and 49 CFR § 27;

The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.);

Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended;

The Civil Rights Restoration Act of 1987 (PL 100-209);

Title II and III of the Americans with Disabilities Act (42 U.S.C. § 12131-12189); 49 C.F.R. § 37 and § 38;

The Federal Aviation Administration's Nondiscrimination Statute (49 U.S.C. § 47123)

FMCSA Title VI/Nondiscrimination Regulation 49 C.F.R. § 303;

Executive Order 12898;

Executive Order 13166;

Title IX of the Education Amendments of 1972 (20 U.S.C. 1987 et seq.)

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Civil Rights Division | Title VI Of The Civil Rights Act Of 1964 42 U.S.C. § 2000d Et Seq.  
([justice.gov](https://www.justice.gov))

# Appendix I

Draft LEP Policy & Procedure



## DEPARTMENT OF TRANSPORTATION POLICY/PROCEDURE

Policy No.

Supersedes:  
Dated:

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### Limited English Proficiency (LEP) Policy and Procedure

Effective Date:

Commissioner Approval: signature on file

Sponsor  
Approval: signature on file

Contact Telephone #:

## I. PURPOSE AND SCOPE

Title VI of the Civil Rights Act of 1964 requires recipients of Federal financial assistance to take reasonable steps to ensure that their programs, activities and services are accessible to persons with Limited English Proficiency (LEP).

The primary purpose of this policy and procedure is to ensure that employees intimately involved in the delivery of the Department's mission understand the Department's obligation and employees' responsibilities to ensure that all individuals have meaningful access to NJDOT programs, services and activities to include individuals with LEP.

## II. DEFINITIONS

Bilingual Staff Interpreters – Employees who are bilingual are fluent in two languages, one of which is English. They are able to conduct the business of the workplace in either of those languages. Bilingual staff can assist in meeting the Title VI and Executive Order 13166 requirement for federally conducted and federally assisted programs and activities to ensure meaningful access to LEP persons. One of the primary ways that bilingual staff can be used as part of a broader effort to ensure meaningful access is to have them conduct business with LEP individuals directly in the LEP individuals' primary language.

Effective Communication – For purposes of this policy/procedure communication that is sufficient to provide an LEP individual with substantially the same level of services received by individuals who are not deemed LEP. Effective communication transmits information that is received and understood with clarity and purpose.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Language Access Plan (LAP) – A document that outlines how to provide services to non-English speaking or LEP individuals. The LAP helps management and staff understand their roles and responsibilities with respect to overcoming language barriers for LEP individuals. The plan guides and documents how NJDOT will engage with and/or provide information and services to individuals who are non-English speaking or have limited English proficiency. The plan ensures intentional efforts are taken to meaningfully engage with LEP individuals and 1) Define language assistance tasks; 2) Set deadlines and priorities; 3) Assign responsibility; and 4) Allocate the resources necessary to achieve or maintain compliance with language access requirements.

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Language Assistance Services - Oral and written language services needed to assist LEP individuals in communicating effectively with department staff the services necessary to provide LEP individuals with meaningful access and equal opportunity to participate fully in our services, activities, and programs. These services may include in-person interpreters, bilingual staff interpreters, or remote interpreting systems such as telephone or video interpreting.

LEP Coordinator – the individual assigned by NJDOT as the person responsible for coordinating and implementing all aspects of NJDOT language services to LEP individuals.

Limited English Proficient (LEP) Individuals - The acronym for both “limited English proficiency” and “limited English proficient.” The U.S. Census Bureau’s operational definition for LEP is a person’s self-assessed ability to speak English less than “very well.” Individuals who do not speak English as the primary (or preferred) language and who have limited ability to read, write, speak, or understand English.

Meaningful Access - Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP. Meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or services provided to persons who are proficient in the English language.

Preferred/Primary Language - An individual’s primary language is the language in which the individual most effectively communicates.

Qualified Interpreter or Translator - A qualified interpreter or translator is an interpreter who has had their specialized vocabulary proficiency assessed. Command of at least two languages is prerequisite to any interpreting task. The interpreter must be able to (1) comprehend two languages as spoken and written (if the language has a script), (2) speak both languages, and (3) choose an expression in the target language that fully conveys and best matches the meaning of the source language. Qualified interpreters and translators are subject to specific codes of conduct and should be well-trained in the skills, ethics, and subject-matter language. Qualified interpreters and translators are asked to provide information about certifications, assessments taken, qualifications, experience, and training.

Services – A system established to address a public need (e.g., roadway maintenance) and/or to provide information and guidance (e.g., published on how to do business with the NJDOT).

Staff Linguistics Pool – Employees of the agency that serve as a point of contact who can speak, read or write language(s) other than English and have agreed to interpret and/or translate languages for NJDOT’s programs, activities and services, as appropriate. The linguistics pool is maintained by the LEP Coordinator.

Translation - The transposition of a text from one language to another and/or the replacement of a written text from one language into an equivalent written text in another language. For example, during public information centers (PICs), NJDOT’s Office of Community Relations provides written translation of project specific handouts and flyers to the public in languages spoken by communities impacted by NJDOT projects.

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Vital Document - A document will be considered vital if it contains information that is critical for obtaining state or federal services and/or benefits and/or is required by law.

### **III. BACKGROUND**

Title VI of the Civil Rights Act of 1964 provides that no person 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.” National Origin Discrimination includes discrimination on the basis of LEP. Executive Order No. 13166 “Improving Access to Services for Persons with Limited English Proficiency,” is intended to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP).

NJDOT receives Federal funding as part of its overall transportation program budget and is therefore subject to Title VI of the Civil Rights Act of 1964 and Executive Order No. 13166 “Improving Access to Services for Persons with Limited English Proficiency.”

### **IV. RESPONSIBILITY**

The Division of Civil Rights and Affirmative Action (DCR/AA) is responsible for ensuring NJDOT’s compliance with LEP to include developing and updating the department’s Language Access Plan (LAP). The DCR/AA’s Nondiscrimination Programs Unit is delegated responsibility for LEP oversight. However, it is important to note that ensuring meaningful access to LEP individuals is a departmentwide, day-to-day responsibility. As such, all employees are responsible for ensuring their activities, programs and services comply with LEP. Individuals responsible for interfacing (directly or indirectly) with the public for purposes of carrying out the department’s programs/activities should be cognizant of this policy and their responsibility thereto.

### **V. POLICY AND PROCEDURE**

#### Policy

It is the policy of NJDOT to ensure nondiscrimination and meaningful access to our programs, services and activities for LEP individuals, including communication of information contained in vital documents. Further, it is the policy and practice of NJDOT to provide interpreters, translators and other support necessary to comply with E.O. 13166, without cost to the persons being served; and that the public be informed of the availability of this assistance free of charge. The policy of NJDOT is to ensure nondiscrimination and meaningful communication with all communities including LEP individuals.

Language assistance will be provided through use of competent bilingual staff interpreters, contracts or formal arrangements with translation providers, or technology and telephonic interpretation services. All staff will be notified of this policy and procedure, and staff that may

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have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

This policy also provides for communication of information contained in vital documents. All interpreters, translators and other aid needed to comply with this policy shall be provided without cost to the person being served and they will be informed of the availability of such assistance.

This policy applies to all department operations, vital documents and employees involved in the implementation of NJDOT programs, activities and services.

### Procedures

The following information is provided to ensure compliance with LEP and to help department staff understand how to identify LEP persons and effectively address their language/interpretation needs.

## **1. Identifying LEP Persons and their Language**

NJDOT staff will promptly identify the language and communication needs of an LEP person. For example see USDOT's Language Access Plan, [Language Access Plan | US Department of Transportation](#). If necessary, staff will use a language identification card (or "I speak cards," available online at [www.lep.gov](http://www.lep.gov)) or posters to determine the language. In addition, when records are kept of past interactions with the public, the language used to communicate with the LEP person will be included as part of the record.

## **2. Obtaining Interpreter Services**

(a) The LEP Coordinator will maintain an accurate and current list showing the name, language, phone number and hours of availability of bilingual staff interpreters also referred to as the Staff Linguistics Pool.

(b) Contact the appropriate bilingual staff member to interpret.

(c) Contact the Division of Procurement for guidance on obtaining a qualified and/or certified interpreter service through NJ Start. The DCR/AA is also available to serve as a liaison for guidance in properly handling language and communication matters.

## **3. Providing Document Translation Services**

Document translation refers to the conversion of written documents from one language to another. Translating documents requires not only linguistic skills but also knowledge of the subject matter to ensure accuracy and appropriateness of the translated content.

(a) When translation of vital documents is needed, NJDOT program areas may contact the Division of Procurement for guidance in obtaining translation services. The DCR/AA is also available to serve as a liaison for guidance in handling these matters. Program areas are responsible for the cost of acquiring their translation and interpretation services. It is

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recommended that public-facing program areas budget for these services should they be required.

(b) NJDOT will set benchmarks for translation of vital documents into additional languages over time. Vital documents include, but are not limited to applications, consent and complaint forms; notices of rights and disciplinary action; notices advising LEP persons of the availability of free language assistance; written tests that do not assess English language competency, but rather competency for a particular license, job, or skill for which English competency is not required; and letters or notices that require a response from the beneficiary or client. For instance, if a complaint form is necessary in order to file a claim with the department, that complaint form would be vital.

Examples of NJDOT vital documents include the following:

- DCR/AA's Title VI Nondiscrimination Program and ADA Program brochures that explain the public's rights under these programs along with directions on how to file a complaint of discrimination
- Right of Way "Offer to Purchase a Portion of Your Property" letter which describes the state's offer package for parcels to be acquired during the eminent domain process for transportation projects. The package includes the following documents: "How Land is Purchased" Brochure, Offer letter, Administrative Determination of Value, Agreement, Owners Checklist, Individual Parcel Map (IPM), Right of Entry, Legal Description, Deed, Closing Instructions, Schedule A, Payment Voucher, W-9 Form, Transfer of Property Letter, Affidavit of Title
- Office of Community Relations Public Information Centers (PICs) provide public with translated invitations to PICs, and project details in languages spoken by affected communities

Non-vital information includes documents that are not critical to access such benefits and services.

#### **4. Providing Notice to LEP Persons**

NJDOT will inform LEP persons of the availability of language assistance by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided at NJDOT headquarters and regional facilities. Notification will also be provided through one or more of the following: e.g., outreach documents, telephone voice mail menus, local newspapers, and/or community-based organizations.

#### **5. Monitoring Language Needs and Implementation**

NJDOT will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, NJDOT will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from the public and community organizations, etc.

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To further support this policy and effort, language assistance will be provided through the use of competent bilingual staff interpreters, contracts, technology and telephonic interpretation services or formal arrangements with professional translation providers. All staff will be notified and routinely updated on this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including how and when to acquire the professional services of an interpreter.

The Division of Civil Rights and Affirmative action Nondiscrimination Programs Unit will be responsible for regular review/survey of the language access needs of NJDOT's LEP population/communities as well as updating and monitoring the implementation of this policy and procedure, as necessary.

## **VI. AUTHORITY**

Title VI, 42 U.S.C. § 2000d et seq., Civil Rights Division | Title VI of The Civil Rights Act of 1964 42 U.S.C. § 2000d Et Seq. ([justice.gov](https://www.justice.gov))

[Executive Order 13166](#), Improving Access to Services for Persons with Limited English Proficiency (August 16, 2000)

[Executive Order 13985](#), Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021)

[Executive Order 14091](#), Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (February 16, 2023)

## **VII. ADDITIONAL RESOURCES**

LEP.gov - An Official Website of the United States Government (<https://www.lep.gov>)

Policy Guidance Concerning Recipients' Responsibilities to LEP Persons (December 12, 2005)  
[Federal Register :: Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient \(LEP\) Persons](#)

USDOT's LEP Guidance [DOT's LEP Guidance | US Department of Transportation](#)

# Appendix J

Updated Draft LEP/ Language Access Plan

# **NEW JERSEY DEPARTMENT OF TRANSPORTATION**

## **Language Access Plan**



**Contact:**  
**Division of Civil Rights and Affirmative Action**  
**Title VI Nondiscrimination Programs**  
**Chrystal Section**  
**[Chrystal.Section@dot.nj.gov](mailto:Chrystal.Section@dot.nj.gov)**  
**609-963-2047**

## INTRODUCTION

### **Background**

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person's inability to speak, read, write, or understands English is a type of national origin discrimination which is covered under Title VI. It directs each agency (e.g., FHWA) to publish guidance for its respective recipients (e.g., NJDOT) clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to their subrecipients.

### **Policy Statement**

It is NJDOT's policy to provide meaningful access for individuals with LEP to the Department's programs, services, and activities, consistent with Executive Order 13166. We are committed to ensuring that all members of the public, including individuals with LEP, understand how we accomplish our mission and how to engage with our programs and activities. Individuals who have a limited ability to read, speak, write, or understand English are entitled to language assistance services to access NJDOT programs and activities. These services are designed to enable persons with LEP to communicate or interact with NJDOT in person, over the phone, in writing, or through electronic media.

### **Purpose**

The New Jersey Department of Transportation (hereafter referred to as "NJDOT") has developed this *Language Access Plan* (LAP) to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance. For additional guidance regarding LEP, see USDOT's Language Access Plan at: [Language Access Plan | US Department of Transportation](#)

In order to prepare this plan, the NJDOT used the USDOT/Federal Highway Administration (FHWA) Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by NJDOT.
2. The frequency with which LEP persons encounter NJDOT services.
3. The nature and importance of services provided by the NJDOT to the LEP population.
4. The interpretation services available to the NJDOT and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is found in the following section.

## **Meaningful Access: Four-Factor Analysis**

### **1. The number or proportion of LEP persons in the service area who may be served or are likely to require NJDOT services.**

The NJDOT staff reviewed the 2021 American Community Survey 5-Year Estimates for New Jersey and determined that:

- a. 2,806,254 individuals in NJDOT's service area comprising 30% of the population speak a language other than English.
- b. Of those, 1,073,136 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is about 12.3% of the overall population in the service area.
- c. In NJDOT's service area, of those persons with limited English proficiency:
  - 15.58% speak **Spanish**
  - 1.34% speak **Chinese**
  - 1.01% speak **Portuguese**
  - .94% speak **Hindi**
  - .87% speak **Gujarati**
  - .85% speak **Tagalog**
  - .83% speak **Korean**
  - .65% speak **Polish**
  - .63% speak **Haitian**
  - 2% speak all other language

<b>Languages Spoken</b>	<b>Number of Speakers</b>
English	5,918,814
Spanish	1,447,246
Chinese (incl. Mandarin, Cantonese)	124,855
Portuguese	94,540
Hindi	88,133
Gujarati	81,638
Tagalog (incl. Filipino)	79,111
Korean	77,377
Polish	61,101
Haitian	58,741

**Source:** U.S. Census Bureau, Languages Spoken at Home for the Population 5 Years and over, 2018 - 2022 5-Year American Community Survey.

### **2. The frequency with which LEP persons come in contact with NJDOT services**

The NJDOT reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or site visits. NJDOT encounters many communities on a daily basis through numerous activities (i.e. construction projects, Safety Service Patrol (SSP), Highway Operations Technicians, Right of Way Realty Appraisers, etc.). They regularly serve people residing in New Jersey alone who speak over 100 different languages. To translate all written materials into all those languages is unrealistic. Although

recent technological advances have made it easier to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources.

Nevertheless, well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve NJDOT of the obligation to translate those documents into at least several of the more frequently encountered languages and to set benchmarks for continued translations into the remaining languages over time. As a result, the extent of the department's obligation to provide written translations of documents should be determined by the department on a case-by-case basis, looking at the totality of the circumstances considering the four-factor analysis. Because translation is a one-time expense, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis

### **3. The nature and importance of services provided by the NJDOT to the LEP population**

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The department will determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual.

There is no large geographic concentration of any type of LEP individuals in the service area for the NJDOT. The overwhelming majority of the population, 67.8%, speaks only English. As a result, there are several divisions and/or special emphasis areas within the NJDOT that focus on outreach to LEP individuals. The NJDOT Division of Civil Rights, Office of Community Relations, Safety Service Patrol, Highway Operations Technicians, and Right of Way Realty Appraisers are more likely to encounter LEP individuals through work in the field.

### **4. The resources available to the NJDOT, and overall cost to provide LEP assistance**

"Reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits in light of the factors outlined by the US Department of Justice (DOJ) Guidance. A suggestion might be to prioritize so that the language services are targeted where most needed because of the nature and importance of activity involved.

The NJDOT reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises.

The NJDOT contacted local citizens and organizations willing to provide voluntary language translation and interpretation services if needed within a reasonable time period. Other language translation options could be provided by bilingual staff or by telephone from a professional interpretation service for which the NJDOT special emphasis area would pay a fee.

## **Language Assistance**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be eligible to language assistance with respect to NJDOT services. Language assistance can include

interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

**How NJDOT staff can identify an LEP person in need of language assistance:**

- Post notices of the Language Access Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Provide NJDOT staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying NJDOT staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Greet participants at the NJDOT sponsored informational meeting or event. Conversational interaction with participants can help determine LEP needs for future events.

**Language Assistance Measures**

Although there is a small percentage of LEP individuals in the NJDOT service area, NJDOT staff will take reasonable steps to provide the opportunity for meaningful access to LEP individuals who have difficulty communicating English.

Language assistance in servicing the public is accessible by two methods:

1. NJDOT program areas may contact the Division of Procurement for information and guidance on procuring the services of a state contracted translation service provider/interpreter through NJ START. Program areas are responsible for the cost of their units individual services. (Note: Program staff may contact DCR/AA for general guidance).

Vendors services may include the following:

- Translation of vital documents
- Multilingual Voiceover Work
- Desktop Publishing
- Web Information- text translation, downloadable PDF files in targeted languages
- Oral Language interpretation:
  - On-site
  - Telephonic (where needed)
- Alternative Communication Methods & Devices
  - Symbol signs, diagrams, color-coded warnings, illustration, graphics, pictures, etc.

**2. Staff Linguistics Pool**

Employees that serve as a point of contact who can speak, read or write language(s) other than English and therefore will interpret and/or translate languages for the Department's programs, activities and services, as appropriate.

The linguistics pool is maintained by the LEP Coordinator who assists with public outreach activities.

### **Staff Training**

The information below will be disseminated to staff. Training opportunities on these topics also will be provided:

- Title VI Policy and Procedures
- LEP Policy and Procedures
- Description of language assistance services offered to the public.
- Proper use of interpreter service provider's language identification cards
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

All contractors or subcontractors performing work for the NJDOT are required to follow the Language Access Plan.

### **Translation of Documents**

Translation resources have been identified. If services are needed, the NJDOT will consider the following options:

- When staff prepares documents or schedules public meetings whose audience is expected to include LEP individuals, the NJDOT will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).
- NJDOT program areas will assess requests for the translation of documents and provide services, as appropriate.

### **Monitoring**

Monitoring and updating the Language Access Plan – The NJDOT will update the plan as required. At a minimum, the plan will be reviewed and updated when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the NJDOT's service area. Updates to the LAP will include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources).
- Determination as to whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts
- Determination of the adequacy of the NJDOT financial resources to fund language assistance resources.

- Determination of the NJDOT full compliance with the goals of the Language Access Plan.
- Determination of the NJDOT processing of LEP complaints

### **Dissemination of the NJDOT Language Access Plan**

NJDOT will use the below actions in the dissemination of LAP information:

- Post signs in NJDOT public areas informing LEP persons of the LAP and how to access language services.
- Notify LEP persons of the availability, upon request of documents in other languages. This should be placed on agendas and public notices and in the language that LEP persons would understand.
- On NJDOT's website, post the Language Access Plan and procedure to access language services.
- Prepare and post Press Release in non-English languages as necessary.
- Distribute copies of press releases to advocacy groups and other organizations serving LEP populations.

### **Authority**

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

Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021)

Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (February 16, 2023)

Title VI, 42 U.S.C. § 2000d et seq., Civil Rights Division | Title VI Of The Civil Rights Act Of 1964 42 U.S.C. § 2000d Et Seq. (justice.gov)

### **Resources**

LEP.gov, U.S. Department of Justice

NJDOT Limited English Proficiency (LEP) Policy and Procedure (2024)

Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (www.federalregister.gov) (December 12, 2005)

USDOT Language Access Plan.pdf (www.transportation.gov)