



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

**Tennessee Division**

December 1, 2022

404 BNA Drive, Suite 508  
Nashville, Tennessee 37217  
Phone (615) 781-5770

Mr. Butch Eley  
Commissioner  
Tennessee Department of Transportation  
James K. Polk Building, Suite 700  
Nashville, TN 37243

In Reply Refer To:  
HDA-TN

Subject: 2023 Tennessee Department of Transportation Title VI Implementation Plan

Dear Commissioner Eley:

The Federal Highway Administration (FHWA) Tennessee Division Office has reviewed the Tennessee Department of Transportation's (TDOT) 2023 Title VI Implementation Plan, submitted by TDOT in accordance with Title 23 Code of Federal Regulations (CFR) Part 200.9. Based on this review, the FHWA approves TDOT's 2023 Implementation Plan.

Thank you for your continued commitment and support of Title VI and related initiatives.

Sincerely,

**PAMELA M  
KORDENBROCK**

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M KORDENBROCK  
Date: 2022.11.30 09:41:19  
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Pamela M. Kordenbrock  
Division Administrator

cc: Mr. Gilberto DeLeon, Deputy Division Administrator, FHWA TN Division  
Mr. Sean Santalla, Program Development Team Leader, FHWA TN Division  
Ms. Joi Hamilton Jones, Civil Rights Specialist, FHWA TN Division  
Mr. Joe Galbato, Deputy Commissioner / Chief Financial Officer, TDOT  
Ms. Cynthia Howard, Title VI Director, TDOT



Tennessee Department of  
Transportation  
Title VI Implimentation Plan

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2023



Deputy Governor &  
Commissioner of Transportation  
Butch Eley

Civil Rights Division Director  
Vince Malone

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## Standard DOT Title VI Assurances

The Tennessee Department of Transportation (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving and Federal financial assistance from the Federal Highway Administration, Federal Transit Authority, and Federal Airport Authority it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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 the program or activity for which the Recipient receives Federal financial assistance from the Tennessee Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program:

The United States Department of Transportation (US DOT)

Standard Title VI/Nondiscrimination Assurances

DOT Order No.: 1050.2A

The *Tennessee 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)/United States Department of Transportation (USDOT)*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

*Modal Operating Administration may include additional Statutory/Regulatory Authorities here.*

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.*

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

*Modal Operating Administration may include additional General Assurances in this section or reference an addendum here.*

#### Specific Assurances

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

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

*"The Tennessee 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 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.

Modal Operating System may include additional Specific Assurances in this section.

By signing this ASSURANCE, the Tennessee Department of Transportation also agrees to comply (and require any Subrecipients, sub-grantees, contactors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA/USDOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA/USDOT. You must keep records, reports, and submit the material for review upon request to FHWA/USDOT, 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.

Tennessee 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, other recipients, subrecipients, sub-grantees, contactors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-aid Highway program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**Name of Recipient:** Tennessee Department of Transportation

**By:** *Howard H. Eley*  
Butch Eley, Deputy Governor & Commissioner of Transportation

**Dated:** 9/30/2022

## 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, (US DOT) and the Federal Highway Administration (FHWA), 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. [include Modal Operating Administration specific program requirements.]
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. [Include Modal Operating Administration specific program requirements.]
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 FHWA/USDOT 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 (FHWA/USDOT, 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 FHWA/USDOT 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 FHWA/USDOT 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 Tennessee Department of Transportation (TDOT) will accept title to the lands and maintain the project constructed thereon in accordance with the laws of the State of Tennessee, the Regulations for the Administration of all programs, and the policies and procedures prescribed by the Federal Highway Administration (FHWA), Federal Transit Authority (FTA), Federal Aviation Administration (FAA), and the Federal Motor Carrier Safety Administration (FMCSA) 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 TDOT 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 Tennessee Department of Transportation (TDOT) 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 TDOT its successors and assigns.

The TDOT 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 TDOT 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 Tennessee Department of Transportation (TDOT) 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, TDOT 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 TDOT 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 (Title of Recipient) and its assigns. \*

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

#### Appendix 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 Tennessee Department of Transportation (TDOT) 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, TDOT 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, TDOT will there upon revert to and vest in and become the absolute property of TDOT 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.)

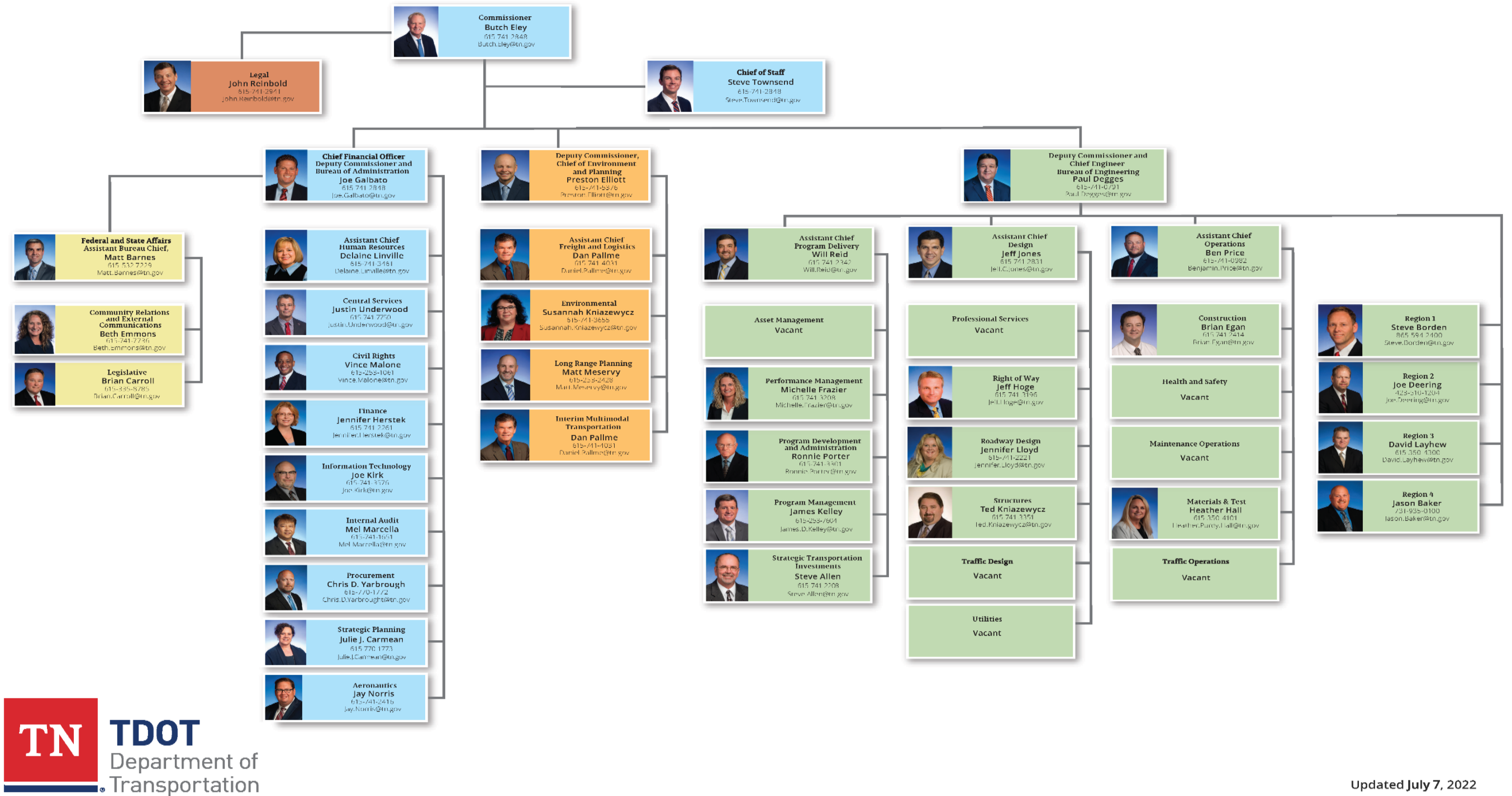
## Appendix E

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).

# Organization and Staffing



Updated July 7, 2022

Figure 1: TDOT Organizational Chart

# CIVIL RIGHTS DIVISION ORGANIZATIONAL CHART

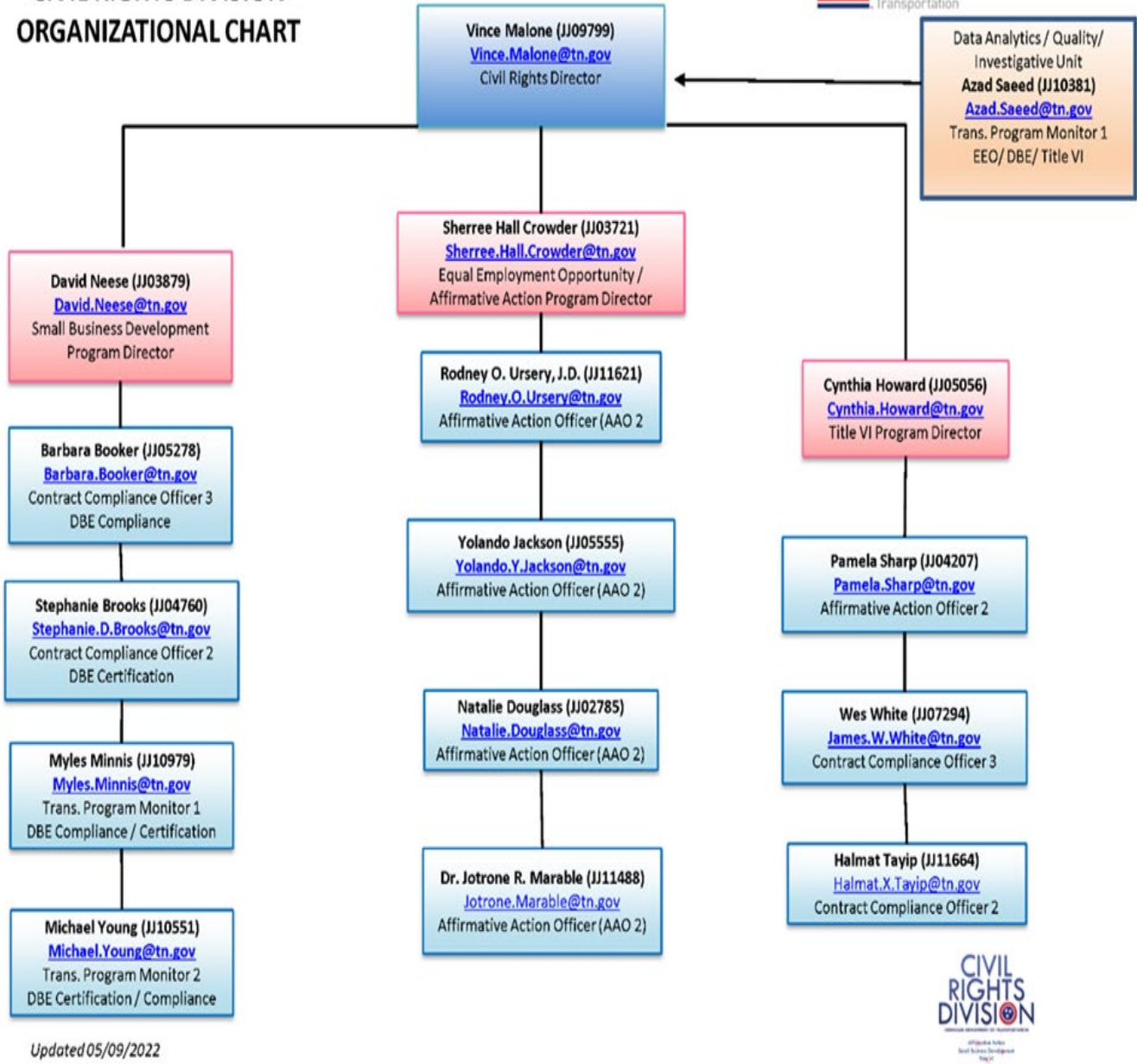


Figure 2: Civil Rights Division Organizational Chart

## Duties and Responsibilities of the Title VI Program Staff:

### 1. Civil Rights Division Director

The Tennessee Department of Transportation's (TDOT) Civil Rights Division's (CRD) Director is responsible for ensuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and has directed that nondiscrimination is required in all TDOT programs and services. The Director, who reports directly to the Deputy Commissioner of TDOT, provides leadership, guidance, direction, and support for TDOT's Title VI Program. Pursuant to 23 CFR 200.9 (b) (1), the Director has established an adequately staffed Civil Rights Division to fulfill the Title VI statutory and regulatory requirements.

### 2. Title VI Program Director

The Title VI Program Director oversees the Title VI Program, providing day-to-day guidance and support. The Title VI Program is in the Civil Rights Division. The Title VI Program Director, who reports directly to the CRD Director, is charged with the responsibility for training, implementing, monitoring, investigating, and resolving Title VI complaints, and ensuring TDOT and its subrecipients are following Title VI regulations. The Title VI Program is staffed by 3 Title VI Specialists.

The Title VI Program Director:

- Develops and coordinates the implementation of TDOT's Title VI and Nondiscrimination Program;
- Processes, investigates, and resolves all Title VI complaints in accordance with the Title VI complaint procedure and time limitation;
- Coordinates the Title VI and Nondiscrimination Program with all TDOT Divisions and other program area managers or designees, including subrecipients;
- Prepares annual reports to Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Tennessee Human Rights Commission (THRC);
- Resolves any deficiencies which may be discovered in TDOT's Title VI/Nondiscrimination Program;
- Collects statistical data necessary to evaluate the effectiveness of compliance with Title VI requirements of TDOT's subrecipients;
- Develops Title VI information for dissemination to the public in its education and outreach program, where appropriate;
- Monitors TDOT procedures and programs for compliance with Title VI requirements in all program areas;
- Establishes procedures for resolving Title VI problem areas;



- In accordance with 23 CFR 200.9 (a) (4), conduct reviews of program areas and subrecipients annually to determine the effectiveness of Title VI programs;
- Advises on Title VI matters;
- Reviews TDOT's divisions and subrecipients procedures and guidelines as they relate to various program directives, manuals, and other regulations to determine compliance with Title VI Civil Rights provisions. Where corrections are necessary, the Title VI Program Director will coordinate with the appropriate actions;
- Provides and prepares data, information, and reports as requested by the Director, and,
- Maintains knowledge of and adheres to TDOT's Title VI and Nondiscrimination Program.

### 3. Title VI Specialist

- Works closely with the Title VI Program Director to develop and implement policies and procedures to monitor and ensure Title VI compliance in all TDOT's programs and activities;
- Conducts Title VI training and provides technical assistance;
- Assists subrecipients (contractors, consultants, suppliers, vendors, universities, colleges, planning agencies, cities, counties and all TDOT's divisions) in devising and implementing Title VI programs;
- Reviews TDOT's divisions and subrecipients procedures for Title VI compliance;
- Makes recommendations on corrective action;
- Reviews Public Meeting transcripts for Environment Justice and Title VI issues; Where necessary, make recommendations to Title VI Program Director for corrective action;
- Conducts pre-award and post award reviews;
- Conducts onsite compliance reviews;
- Identifies deficiencies and remedies in subrecipients Title VI program;
- Maintains Title VI program website; and,
- Develops, writes, and disseminates biannual E-Newsletter.

### 4. Title VI Advisory Committee

The Title VI Advisory Committee serves as an administrative advisory committee to the Civil Rights Division's Title VI Program. The committee helps ensure TDOT programs, contractees, and service beneficiaries comply with the provisions of Title VI.

The committee's primary responsibilities are to:

- Makes recommendations to ensure equal access and services are provided to all individuals;
- Assists in the identification and elimination of discrimination;
- Reviews the Title VI activities and be advisory partners to the Title VI Program;
- Reviews the Title VI Plans on an annual basis and to make recommendations, if deemed necessary;
- Serves as a resource for identifying racial and ethnic media outlets to ensure various population groups are given equal opportunity to participate in TDOT's programs and services; and,
- Advises and assist the Civil Rights Division's Title VI Program on how to accomplish the Program's goals effectively and efficiently.

#### 5. Title VI Liaison Committee

The Title VI Liaisons play an important role in disseminating information to the various regions, divisions, and departments throughout TDOT. Additionally, they serve as the point of contact to assist the Civil Rights office Title VI Program with ensuring that Title VI and related federal and state antidiscrimination mandates are followed in all TDOT's programs and activates.

The Title VI Liaison's key responsibilities include:

- Maintains knowledgeable of the Title VI complaint process;
- Participates in the coordination and facilitation of Annual Employee Title VI training;
- Disseminates critical project related information in languages other than English, as needed;
- Coordinates and executes Title VI educational collateral materials;
- Collects and maintains data on race and gender (contractors, vendors, subrecipients, and beneficiaries to include any Environmental Justice residents or communities); and,
- Monitors, collects, and reports LEP encounters and expenditures.

## Program Review Procedures



TDOT's **Long Range Planning Division** collects and analyzes data to aid in the planning, development, and management of statewide transportation studies. Their planning tools help guide the policies and programs of TDOT and its various divisions.

The division identifies transportation needs through the analysis of travel and safety data. Specific responsibilities include developing the statewide long range transportation plan, preparation of corridor studies, University research, travel data collection, feasibility studies and metropolitan and rural transportation

planning coordination. The division is also responsible for Geographic Information System Mapping and uses the current census data.

The Title VI Program staff reviews all planning documents for e.g., the TN 25 Year Statewide Long Range Plan, State Transportation Improvement Program (STIP) etc. for Title VI issues, to include effective public Involvement and outreach efforts, consideration of the minority and low income populations input in transportation decisions, whether the potential for disproportionate or discriminatory impacts have been adequately addressed, and if there are in suggested mitigation to lessen adverse impacts.



The **Environmental Division** is responsible for the preparation of environmental documents required for The National Environmental Policy Act (NEPA) for federal and statefunded transportation projects in Tennessee. Data is collected and analyzed in the development of the environmental documents.

This office compiles and collates information on various social, economic, and environmental issues for each transportation project. This information includes a discussion of the purpose and need, social and economic structure of the affected community, land use, farmland,

energy, conservation, floodplains, hazardous waste, visual concerns as well as the construction impacts. This information, combined with the technical studies reports containing information about impacts to streams, wetlands and other ecological and water resources, historical and archaeological resources, air quality and noise, is presented in the environmental documents.

These documents can range from the most basic classification known as Categorical Exclusion (CE) for the projects through the more comprehensive Environmental Assessment (EA), to the most complex Environmental Impact Statement (EIS). The Environmental Documentation office coordinates project development with federal, state, local officials, and the public.

The Division of Environment's staff conducts on-site data collection, coordinates with resource agencies and other TDOT divisions to minimize impacts, prepares designs and conducts follow-up

monitoring for mitigation sites, and prepares reports for inclusion in environmental documents or to satisfy specific statutes. Avoidance of impacts to social and cultural resources is the initial goal of this office. When unavoidable impacts to resources occur, the Environment Division works closely with internal and external entities to mitigate those impacts; it often requires preserving archaeological resources, providing vegetative screening to historic properties near highway projects, and designing noise barriers for neighborhoods affected by high levels of highway noise. Understanding the community makeup, its values, and goals, is crucial to implementation of a transportation facility that meets both its transportation goals but also blends into and enhances the community.

The Title VI Program staff reviews all Environmental documents e.g., Environmental Impact Studies (EIS), Environmental Assessment (ES), and Draft Environmental Impact Statements (DEIS) for Title VI issues, to include effective public Involvement and outreach efforts, consideration of the minority and low income populations input in transportation decisions, whether the potential for disproportionate or discriminatory impacts have been adequately addressed, and if there are in suggested mitigation to lessen adverse impacts.



The **Right-of-Way Division** is responsible for the appraisal and acquisition of land needed for state highway construction and relocation of families and businesses affected. This division is also responsible for the coordination and relocation of utility and railroad facilities necessary for highway construction projects. Excess land is administered and disposed of through this division.

The Title VI Program staff reviews Right-of-Way processes and data, to determine whether there is diversification in the use of appraisers, and whether relocation advisory assistance was provided equitably and without discrimination to displaced individuals.



The **Construction Division** is responsible for preparing proposals and letting to contract all TDOT transportation highway and bridge projects. Contract administration on TDOT projects and writing TDOT specifications and special provisions are also the responsibility of this division. The Construction Division is also responsible for the pre-qualification of all contractors that perform TDOT projects. The division also approves all first-tier subcontracts for our road and bridge construction.

The CRD's Equal Employment/Affirmative Action Program collects data, monitors, and reviews contractors for compliance with federal nondiscrimination mandates and Disadvantage Businesses Enterprise (DBE) utilization.



The **Roadway Design Division** consists of the Design Standards and Policy, Contract Management, Aerial Surveying, and Consultant Management sections. The key responsibility of the Design Standards and Policy Section is to provide guidance and oversight for TDOT personnel by establishing roadway design criteria, maintaining, and developing roadway design standards and training manuals, ensuring roadway plans meet the state and federal policies as well as the targeted quality assurance and compliance standards.

The division's responsibilities include support activities such as maintaining the TDOT GNSS Reference Network for ground surveyors and providing CADD support and Microstation training and for TDOT personnel and consultant firms. This section also reviews locally administered projects for the Program Development Division for Quality Assurance and Compliance. The Aerial Surveys office is tasked with the planning and acquisition of digital imagery, which is then used in the assembly of and the delivery of geo-referenced mosaics encompassing the entire geographic extent of the state of Tennessee as well as high-resolution aerial images for use in precision corridor design for engineering projects. The Contract Management section performs the pre-qualification of consultant engineering firms, advertisement of consultant projects, oversight, and payment of contracts, and provides pavement design, value engineering studies, plan sales, and file management. The Consultant Management section oversees consultant developed roadway projects. In addition to the CRD Title VI Program staff analyzing the 5 Core Division's processes, procedures, and subsequent documentation for Title VI implications/issues, this office collects and reviews all the internal divisions for Title VI implications/issues. This office evaluates the following areas, when applicable, to the specific division, department, and regions:

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether a demographic profile of the State that includes identification of minority and low-income populations has been developed;
- Whether a process has been developed to identify the needs of minority and low-income populations and whether demographic information have been used to assess the distribution of benefits across these groups;
- Whether there is an analytical process in place to assess the benefits/burdens of transportation system investment on minority and low-income populations, and what data source and tools are used to support such an analysis;
- Whether there is a public involvement strategy for engaging Environmental Justice (EJ) communities in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially about minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods used to ensure that issues/concerns raised by EJ communities as well as other affected groups are considered in the decision-making process;

- Number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with dollar value;
- Methods used to encourage the use of female and minority planning contractors and sub-contractors;
- Status of any Title VI complaints received regarding transportation planning or the public involvement process; and,
- Any significant accomplishments made during the review period.

Additionally, the Title VI Program staff conducts an annual internal assessment/review of each, including the 5 core divisions, division and region within the agency. These reviews exam:

- Composition of internal and external transportation committees and efforts made to promote diversity in membership;
- Data collected;
- LEP usage and money expended in this effort and efforts made to provide effective communication with the LEP communities;
- Efforts made to address/mitigate any possible disparate impacts on the Environmental Justice communities (EJ);
- Dissemination of Title VI information to contractors;
- Placement and use of the Title VI nondiscrimination poster
- DBE utilization and its promotion;
- Title VI complaints received; and,
- Efforts made to involve the EJ communities in the decision-making process.

## Subrecipient Review Procedures

Title VI Program staff utilizes a staggered compliance review schedule in monitoring its subrecipients' Title VI programs. The Staggered Compliance Review Process (SCRCP) was designed to assist the Title VI Program staff in managing its monitoring and training workload; specifically, it staggers the desk assessments and onsite reviews over a three-year period for subrecipients who have demonstrated a strong commitment to Title VI and its mandates. On the subrecipients third year anniversary, they will undergo a full compliance review.

Biennially, on a subrecipient's anniversary, they are required to submit an annual "No Change Affidavit" and Assurance statement. If changes occur in the existing Title VI program, the subrecipient is required to notify the Civil Rights Division (CRD) within 7 calendar days and provide documentation demonstrating the agency's Title VI program is still in compliance. Subrecipients are required to submit an annual assurance statement with a desk assessment, onsite review and/or with the submission of a "No Change Affidavit" and assurance.

TDOT has 471 subrecipients. The Title VI Program staff is projected to complete 338 compliance reviews for the FFY, 72% (with an overall completion of 468 compliance reviews 99% for federal and state fiscal year). Staff is currently developing virtual compliance review procedures.

## Data Collection – Reporting – Analysis

The Title VI Program staff utilizes its internal Title VI Assessments and to collect, analyze, and report data on race, color, and national origin of all divisions and regions in the agency, including assessments specific to the 5 core divisions. The Title VI Program staff utilizes its external Title VI Assessments to collect, analyze, and report data on race, color, and national origin of its subrecipients, including assessments specific to the agency, e.g., Metropolitan Planning Organizations, Local Government, Airport, and Transportation Providers.





Tennessee Department of Transportation  
2022 TITLE VI ENVIRONMENTAL INTERNAL ASSESSMENT



The 2022 Title VI Environmental Assessment is due on September 16, 2022.  
Please submit to the TDOT Civil Rights Division by the deadline. Thank you.

**I. Division/Region Information**

Division/Region: \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_ Official Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

Indicate the funding source(s) utilized by your division/Region along with the dollar amount for this reporting period, e.g., FAA, FTA, FHWA. If none, indicate "N/A". (If needed, add addendum sheet(s).)

Federal: \_\_\_\_\_ Amt: \_\_\_\_\_ State: \_\_\_\_\_ Amt: \_\_\_\_\_

Provide a brief description of program/activity funded:

Federal: \_\_\_\_\_ Amt: \_\_\_\_\_ State: \_\_\_\_\_ Amt: \_\_\_\_\_

Provide a brief description of the program/activity funded:

Federal: \_\_\_\_\_ Amt: \_\_\_\_\_ State: \_\_\_\_\_ Amt: \_\_\_\_\_

Provide a brief description of program/activity funded:

Federal: \_\_\_\_\_ Amt: \_\_\_\_\_ State: \_\_\_\_\_ Amt: \_\_\_\_\_

Provide a brief description of program/activity funded:

**II. Data Collection is a required activity of the USDOT as it is the key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e., disproportionately benefiting or harming one group over another is a violation of Title VI.**

**In the delivery of the services provided, please include one project where data was collected and analyzed, as it relates to any surveys, reports and/or project studies conducted during FY 2021 - 2022.**

**III. Dissemination of Title VI Information**

**1. Is the Title VI Non-discrimination statement/poster displayed in your division/office/region?**

Yes  No

**2. Are posters or program brochures available in languages other than English as needed?**

Yes  No

**3. Is information about Title VI disseminated to your contractor(s) and/or sub-contractor(s)?**

Yes  No

**IV. Limited English Proficiency (LEP)**

**1. What steps are taken to ensure “meaningful” access in your programs, activities and services to LEP persons?**

Translation assistance is communicated as available upon request.

**2. Did your division incur any cost for translation and/or interpreting services this FY?**

Yes  No

**If yes, provide dollar amount expended\_\_\_\_\_.**

**Provide a brief description of services and attach copies of any documents your department/office/region had translated.**

**V. Procurement of Contracts**

**1. Briefly describe the methods used to solicit certified Disadvantaged Business Enterprises (DBEs) and other small, minority and women-owned businesses.**

The Environmental Division obtains services in accordance with TDOT Policy 301-01.

2. How are consultants/contractors monitored for Title VI compliance?

3. Provide a sample (1) of any invitations to bid, public meeting/hearing notices, request for proposals and/or any advertisements issued to the public (with nondiscriminatory language). Also, briefly list media used to publish such document(s), e.g., radio, television, magazines, website, newspaper. Highlight any minority advertisers used.

**VI. Boards, Committees and Commissions**

1. List all advisory board(s), committee(s), commission(s) or any transportation decision-making body(ies) and provide a breakdown by race and gender of the membership. (If needed, use addendum sheet.)

Name of Board or Commission		
Race	Total #	%
African American		0.00%
Caucasian		0.00%
Asian		0.00%
Hispanic		0.00%
Native American/Indian		0.00%
Pacific Islander		0.00%
Other		0.00%

2. Briefly describe how members are selected to the listed committee/board, e.g., by title/position, appointment, etc.

**VII. Complaint Information**

List any Title VI complaints of discrimination filed with your division/office/region for the reporting period to include the following:

Date of complaint: \_\_\_\_\_

Name of person who filed the complaint: \_\_\_\_\_

Nature and Resolution of the complaint (brief statement)

**VIII. Major Accomplishments**

**Please list and provide a summary of accomplishments within your division/office/region relative to any or all of the following:**

- 1. Providing opportunity for the public, particularly Environmental Justice (EJ) persons, neighborhoods, and communities to participate in the decision-making process;**
  
- 2. Promoting and providing diversity in the membership of decision-making bodies;**
  
- 3. Addressing/mitigating any possible disparate impacts on EJ communities;**
  
- 4. Ensuring effective communications with persons with Limited English Proficiency (LEP); and**
  
- 5. Increasing procurement/contracting opportunities for certified Disadvantaged Business Enterprises (DBEs) and other small, minority and women-owned businesses.**

**IX. Public Involvement**

- 1. Provide documentation describing efforts to identify and involve minority and low-income residents and communities within the project service area in the decision-making process:**



**Tennessee Department of Transportation  
Civil Rights Division**



**2022 Metropolitan Planning Organization Title VI Compliance Assessment**

Civil Rights Division; Suite 1800 James K. Polk Building; 505 Deaderick Street, Nashville, Tennessee 37243  
Telephone Number: 615.741.3681 – Email: [TDOT.TitleVIProgram@tn.gov](mailto:TDOT.TitleVIProgram@tn.gov)

**I. Agency Contact Information**

Name of Administrative Head \_\_\_\_\_ Job Title \_\_\_\_\_

Agency Name \_\_\_\_\_

Agency Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip Code/County \_\_\_\_\_

Agency Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Name of Title VI Coordinator \_\_\_\_\_ Job Title \_\_\_\_\_

Title VI Coordinator's Address (If different from above.) \_\_\_\_\_

City/State \_\_\_\_\_ Zip Code/County \_\_\_\_\_

Title VI Coordinator's Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Website Address/URL \_\_\_\_\_

**\*Please notify the Title VI program staff if your Title VI Coordinator changes.**

**II. Title VI Training Information**

1. Has the Title VI Coordinator participated in TDOT's Title VI Program training within the past three years?

Yes  No  Date of Last TDOT Title VI Training \_\_\_\_\_

If yes, provide a copy of the training certificate or date of training.

If no, visit the TDOT Title VI website and take the online Title VI training or register to attend a virtual regional training. <https://www.tn.gov/tdot/civil-rights/title-vi-program/title-vi---training.html>

**2022 Metropolitan Planning Organization Title VI Compliance Assessment**

2. What method is used to train staff on Title VI of the Civil Rights Act of 1964 and other related nondiscrimination mandates?

3. How frequently is staff provided Title VI training?

**III. Organization - 42 USC 2000et seq.; 49 CFR Part 21; 28CFR Part 42, subpart F, Executive Order 12898 on Environmental Justice and Title VI; FTA C4702.1B; FTA C4703.1.**

1. Planning Commission(s), Board(s), and/or Advisory Body(ies) should reflect the racial/ethnic composition of the community affected by their programs.

Provide a breakdown for all MPO staff, transportation - related appointed board(s), advisory body(ies) or commission(s) by race and gender.

Body	Caucasian	Hispanic/ Latino	Black/ African America	Asian	American Indian /Alaska Native	Native Hawaiian /Pacific Islander	Other, Specify
Population							
Committee 1							
Committee 1							
Committee 1							

\*Use addendum sheet to add additional committees.

2. How are members of the board(s)/or commission(s) selected? If there are by-laws, please provide a copy.

3. How often do members of the board(s), commission(s), and/or advisory bodies meet? Are there regularly scheduled meetings?







**2022 Metropolitan Planning Organization Title VI Compliance Assessment**

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2. Provide a copy of the MPO's Public Participation Plan that includes an outreach plan to engage the minority, low income, and the limited English proficient (LEP) population.
3. Provide a copy of the MPO's plan for providing language assistance to LEP persons.
4. Describe how traditionally underserved media sources are included in all notification processes for public meetings or public reviews of agency documents.
  
  
  
  
  
  
  
  
  
  
5. Describe how meeting locations and formats encourage or facilitate participation by traditionally underserved populations (minority and/or low income communities).



Tennessee Department of Transportation  
Civil Rights Division



2022 Metropolitan Planning Organization Title VI Compliance Assessment

V. Contracting Opportunities – 42 USC 2000d et seq.; 49 CFR Part 21.5(b) (2) & (3); 28 CFR Part 42, Subpart F

1. List primary or subcontracting opportunities for planning studies, corridor studies, or other work which have been provided to minorities and women owned firms in the last 12 months. Provide a copy of your agency’s procurement plan. \* As a subrecipient of federal funds your agency is required to monitor, track, and report DEB utilization.

Include documentation for the following information:

- The number and nature of consultant contracts used by the MPO.
- The number of certified Disadvantaged Business Enterprises and other small, minority and women – owned businesses (by race) used by the MPO, including the nature of the work, type and description of projects, and locations.
- Outreach methods used by the MPO to attract certified Disadvantaged Business Enterprises and other small, minority and women – owned businesses.

2. Documentation - 23 USC 109(h); Executive Order 12898; 49 CFR Part 21; Title VI; FTA C4702.1B; FTA C4703.1.

1. Have there been any special studies of traditionally under-served or low income communities conducted in the past three years? What type studies? Purpose?

Yes  No  if yes, please provide a brief narrative on the type of study.

**2022 Metropolitan Planning Organization Title VI Compliance Assessment**

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**Program Specific Requirements**

**The following applies to planning areas with a population of 200,000 or greater**

**VI. Community Impact Assessment – 23 USC 109(h) lists the types of adverse social and economic impacts that must be investigated and documented.**

1. Describe how community value, social, neighborhood issues; environmental justice and any discrimination issues are normally addressed by the MPO.

**VII. Service Equity – Executive Order 12898 Cumulative Impacts; 42 USC 2000d et seq.; 49 CFR Part 21; 28 CFR Part 42, Subpart F; FTA C4702.1B. In the context of land use planning, cumulative impacts of the benefits and burdens (regional plan level), please address the following:**

1. Describe to what extent the MPO coordinates with citizens and community-based agencies, groups and/or organizations in defining communities within the MPO's geographic area of responsibility in assessing potential benefits and impacts of transportation system investments, particularly related to traditionally under-served populations and other traditionally under-utilized populations.





Tennessee Department of Transportation  
Civil Rights Division



2022 Metropolitan Planning Organization Title VI Compliance Assessment

VIII. Title VI Assurance

As required by the contractual agreement, \_\_\_\_\_ will comply with the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs of the Tennessee Department of Transportation.

\_\_\_\_\_ assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and as amended, and the Civil Rights Restoration Act of 1987 (P.I. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Tennessee Department of Transportation (TDOT).

\_\_\_\_\_ further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs or activities are federally funded or not.

In the event \_\_\_\_\_ distributes federal financial assistance to a consultant, contractor or subcontractor and other participants, \_\_\_\_\_ will include Title VI nondiscrimination language in all written agreements and will monitor the consultant, contractor or subcontractor and other participants for compliance. The Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 CFR 200 and 49 CFR 21. As required by the contractual agreement, \_\_\_\_\_ will comply the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs of the Tennessee Department of Transportation (TDOT).

IX. Declaration of Respondent

I declare that I have completed this Title VI Compliance Assessment to the best of my knowledge and believe it to be true and correct.

\_\_\_\_\_  
Title VI Coordinator Date

X. Declaration of Administrative Head

I declare that I have reviewed and approved the information provided in this assessment and to the best of my knowledge and believe it is true, correct and complete.

\_\_\_\_\_  
Administrative Head Date

## Title VI Training

For the SFY 2021– 2022 reporting period, CRD TDOT Title VI Program staff utilized its online Title VI training module to provide annual Title VI training to TDOT’s employees. The training module provides an overview of Title VI and applicable nondiscrimination mandates, regulations, and laws. Just as important, the training module provides resources and guidance to employees, ensuring that an employee is aware of responsibilities and how to find resources quickly to ensure Title VI compliance in all TDOT’s activities and programs. The training also outlines steps to ensure effective and meaningful guidance to eliminate barriers to the LEP communities. During the reporting period, TDOT trained 99% of its workforce, 3,703.

The CRD Title VI Program staff also utilizes its external online training module to satisfy and provide subrecipients training in an expeditious manner. Staff provides individual (one-on-one) technical training to subrecipients on an “as needed basis” and specialized training upon request.

All TDOT’s subrecipients are trained on Title VI of the 1964 Civil Rights Act and all nondiscrimination mandates, triennially. Subrecipients are required to maintain a current training status, and must complete training by their, respective, three-year anniversary (of the original training date). In accordance with 23 CFR §200.9, TDOT is responsible for conducting training programs on Title VI and related statutes. During the reporting period, TDOT trained 358 (76%) of its subrecipients out of 471.

During this reporting period the CRD TDOT Title VI Program staff conducted 4 virtual regional Title VI trainings.

The CRD TDOT Title VI Program staff relies on its Internal Title VI Liaisons to disseminate information and materials to their respective divisions/department/regions’ staff to ensure effective enforcement.

**TITLE VI TRAINING CONDUCTED**

Entity Trained	Number of Participants	Training Date
TDOT Annual Employee Title VI Training	3,703	March 03, 2022 – July 15, 2022
TDOT Online Subrecipient Title VI Training	1,281 (individuals) (297 subrecipients)	July 1, 2021 – June 30, 2022
Region Virtual Title VI Training	15	May 25, 2022
Region Virtual Title VI Training	22	March 23, 2022
Region Virtual Title VI Training	16	September 1, 2021
Region Virtual Title VI Training	8	September 3, 2021

**Table 1: Title VI Training Conducted**

**PROPOSED FUTURE TITLE VI TRAINING DATES**

Type of Training	Proposed Dates
Virtual – Subrecipient Title VI Training	March 22, 2023
Virtual – Subrecipient Title VI Training	June 21, 2023
Virtual – Subrecipient Title VI Training	August 23, 2023
Virtual – Subrecipient Title VI Training	November 15, 2023
TDOT Annual Employee Title VI Training	April 1- June 30, 2023
TDOT Online Subrecipient Title VI Training	Ongoing

**Table 2: Proposed Future Title VI Training Dates**

As indicated in the table above, TDOT’s Title VI staff has trained approximately 358 of TDOT’s 471 (76%) subrecipients and 99% of TDOT’s of its 3,703 employees during the reporting period.

## Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by TDOT or its subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Program Director may be utilized for resolution, at any stage of the process. The Title VI Program Director will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

### Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with TDOT's Title VI Program Director. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements.
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity (ies) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for TDOT to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.



2. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to TDOT for processing. Upon receipt of the complaint, the Title VI Program Director will determine its jurisdiction, acceptability, and need for additional information as well as investigate the merit of the complaint. In cases where the complaint is against one of TDOT's subrecipients of federal funds, TDOT will assume jurisdiction and will investigate and adjudicate the case. Complaints against TDOT will be referred to FHWA or the appropriate federal agency for proper disposition pursuant to their procedures.
3. In order to be accepted, a complaint must meet the following criteria:

The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The allegation(s) must involve a covered basis such as race, color, national origin. The allegation(s) must involve a program or activity of a federal-aid recipient, subrecipient, or contractor.
4. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
5. Once TDOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within seven calendar days. The complaint will receive a case number and will then be logged into TDOT's records identifying its basis and alleged harm.
6. In cases where TDOT assumes the investigation of the complaint, TDOT will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of TDOT written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. TDOT's final investigative report and a copy of the complaint will be forwarded to FHWA (or appropriate federal agency) and affected parties within 60 calendar days of the acceptance of the complaint.
8. TDOT will notify the parties of its final decision. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to FHWA (or appropriate federal agency). In accordance with 1500-01-03-.06, CONDUCT OF INVESTIGATIONS, TDOT will report the commencement of an investigation to the Commission within ten (10) days.



**TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT)  
CIVIL RIGHTS DIVISION TITLE VI COMPLAINT FORM**



The following information is needed in order to process your complaint.

1. What is/are the basis(es) on which you believe these alleged discriminatory actions were taken?

Race

Color

National Origin

Other, explain: \_\_\_\_\_

2. What is/are the date(s) of alleged discrimination? \_\_\_\_\_

3. Complainant's Contact Information:

Name:		
Mailing Address:		
City:	State:	Zip Code:
Home Telephone Number:	Work Telephone Number:	Cell Telephone Number:

4. Name of agency, department, or program that you believe discriminated against you: Agency or Department:

Name:		
Mailing Address:		
City:	State:	Zip Code:
Telephone Number:		

5. In your own words, describe the alleged discrimination. Explain what happened and who you believe was responsible (add additional sheets of paper for space).

\_\_\_\_\_

\_\_\_\_\_

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6. List names and contact information of persons who may have knowledge of the alleged discrimination.

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7. Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? Check all that apply.

- Federal Agency
- Federal Court
- State Agency
- State Court
- Local Agency

If so, provide information about a contact person at the agency/court where the complaint was filed.

Name:		
Mailing Address:		
City:	State:	Zip Code:
Telephone Number:		

The complaint will not be accepted if it has not been signed. Please sign and date this complaint form below. You may attach any written materials or other supporting information that may be relevant to your claim.

---

Print Name

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Signature

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Date:

Submit complaint form and any additional information to:

TDOT Civil Rights Division  
Title VI Program Director 505 Deaderick Street, Suite 1800  
Nashville, Tennessee 37243  
Phone: 615.741.3681 Toll Free: 1.888.370.3647 Fax: 615.741.3169

\*A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act.

\*If this allegation is regarding employment discrimination, please contact the **Tennessee Human Rights Commission** or the **Equal Employment Opportunity Commission**.

\* Title VI complaints may also be filed with the **Tennessee Human Rights Commission, Federal Highway Administration, Federal Transit Authority, Federal Aviation Administration, and the U.S. Department of Justice**.

TN Human Rights Commission  
William T. Snodgrass BLD/TN Towers, 312 Rosa  
Parks AVE, 23<sup>rd</sup> Floor, Nashville, TN 37243  
Phone: 800.251.3589

Equal Employment Opportunity Commission  
50 Vantage Way, Suite 202  
Nashville, TN 37228-9940  
Phone: 800.660.4000  
TTY: 800.669.6820

FHWA Office of Civil Rights  
1200 New Jersey AVE, S.E., 8<sup>th</sup> Floor E81-314  
Washington, DC 20590  
Phone: 202.366.0693

FTA Office of Civil Rights  
Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor -TCR  
1200 New Jersey AVE, S.E.,  
Washington, DC 20590  
Phone: 888.446.4511

Federal Aviation Administration  
Office of Civil Rights  
RM 1030, ACR-1  
800 Independence AVE, SW  
Washington, DC 20591  
Phone: 888.954.8688

US Department of Justice  
Civil Rights Division  
Federal Coordination and Compliance Section, NWB  
950 Pennsylvania AVE, N.W.  
Washington, D.C. 20530  
Phone: 202.514.0716



## *Appeals Process*

If a complainant is not satisfied with the result(s) of an investigation that alleged discrimination on the basis of race, color, and/or national origin, the complainant will be advised of the right to appeal to TDOT (resulting from an investigation by a TDOT subrecipient).

If the complainant disagrees with TDOT's subrecipient's decision, he or she may send a written appeal to the Director Civil Rights office. If the complainant has documentation to support the appeal, the documentation must be submitted with the complainant's appeal.


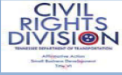
In an appeal, the complainant must explain why he or she believes the information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the determination in the case. Failure to do so may result in the denial of the appeal.

In order to be timely, an appeal (including any supporting documentation) must be submitted within **60 days of the date of the determination letter**. The Civil Rights office Director may exercise discretion in granting a waiver of the 60-day timeframe where:

1. the complainant was unable to submit the appeal within the 60-day timeframe because of illness or other incapacitating circumstances and the appeal was filed within 30 days after the period of illness or incapacitation ended; or
2. unique circumstances generated by agency action have adversely affected the complainant.

A written response to an appeal will be issued within 30 business days. The decision of the Civil Rights office constitutes the agency's final decision. The decision will inform the complainant that he or she "may have the right to file a private suit in federal court or whether the Civil Rights office finds a violation."

**Send appeal to:** Tennessee Department of Transportation  
Civil Rights Division  
ATTN: Vince Malone, Director  
505 Deaderick ST. Suite 1800  
James K. Polk Building  
Nashville, TN 37243

 <span style="margin-left: 200px;">2022 Complaint Log</span> 									
#	Case Number	Intake Date	Complainant	Respondent	Date of Alleged	Date Opened	Race/Color/NO	Final Report	Disposition
2									
3									
4									

**Table 3: 2022 Complaint Log**

(See TDOT Investigative manual in **Appendix**)

## Dissemination of Title VI Information

TDOT's Public Involvement Plan meets federal requirements for a summary of public involvement in plans, programs and projects considered and undertaken by the department. The mission and organizational structure of TDOT both encourage and foster public involvement.

### **Community Relations Division**

This division is headed by a director who serves as the chief spokesperson for the agency. The mission is to provide leadership in promoting TDOT, integrating the concerns of our customers into our processes and promoting a consistent message. This involves conducting community outreach activities, managing public meetings and hearings, establishing relationships with the news media and community groups (to include minority organizations and stakeholders), assisting the public in accessing TDOT's services, answering questions and concerns, and providing better communication both inside and outside the department. IN addition to headquarters communications, constituent services and public involvement staff, each of TDOT's four regions have a community relations officer (CRO).

### **Office of Constituent Services**

The primary responsibility of the office of Constituent Services is to provide a process for customers, constituents, and partners to communicate with TDOT and to facilitate solutions to their issues. This office coordinates public hearings and meetings in accordance with the TDOT Public Involvement Plan, oversees the agency correspondence system, surveys customers, and helps foster better customer service.

### **Public Involvement and Communication Office**

The basic responsibility of this office is to enhance and improve communication between TDOT and its stakeholders and customers and to provide accurate and timely information to the public. TDOT uses multiple communication tools to carry out its responsibility including the agency website, publications, and social media, all of which are coordinated through this office. This office is also responsible for internal communication through newsletters and other forms of verbal, written and electronic communication. Since public involvement is an important process, this office implements strategies to ensure the public is fully informed and can be involved in developing, building, and maintaining our state transportation system.

In addition to using traditional and minority media to publish public meeting notices, the Public Involvement and communication office post notices on its website. TDOT's nondiscrimination policy is displayed on the Title VI website and throughout each of its facilities, every region office and in headquarter offices. Additionally, the policy is posted in advertisements, solicitation for employment, contracts, and at every public meeting and hearing.

## **TDOT Division's Dissemination of Information on Programs and Services**

TDOT Divisions that provide grant opportunities generally utilize their division's website to advertise grant opportunities, programs, and services. As needed, Request-For-Proposals (RFPs) are solicited in minority and non-minority media as well as the respective division's website.

## **TDOT Division's Complaint Procedures**

The Civil Rights Division publishes its Title VI complaint procedures on its websites. Additionally, the nondiscrimination poster that is posted at all public meetings and hearings, provides contact information for individuals wanting to file a complaint.

## **TDOT CRD Title VI Staff: Minority participation on Planning and Advisory Boards**

The Civil Rights Division Title VI staff provides training and technical assistance to TDOT subrecipients. The need to diversify boards and commission is discussed and encouraged during training and while providing technical assistance.

## **TDOT's Use of Minority Media**

TDOT utilizes minority media for Request-for-Proposals (RFPs), employment solicitations, outreach efforts, and public meeting and hearing notices (when a project is located and/or affects a minority community). Currently, TDOT does not monitor the percentage of information disseminated on minority media. Going forth, The Title VI Program staff will develop and implement procedures for collecting this data.

## **TDOT's Interaction with Minority Organizations and Communities**

Recognizing the importance of transportation in everyone's life, TDOT strives to ensure the minority and low-income communities have a voice in the transportation decision-making process. Prior to starting a new project, the Environmental Division utilizes GIS mapping to identify the communities that will be affected by the project. Concerted effort is made, when a minority and/or low-income community is identified, to prepare an outreach plan to ensure the community is aware and can participate in discussions. This effort involves identifying stakeholders, community leaders, and identifying the appropriate minority media to use. Community leaders are solicited to help spread the word or to provide recommendations on best ways to engage the community, hold public meetings, etc.

The following items are considered in the review and are reported to the FHWA and THRC in TDOT's annual Title VI update:

- Strategies used to ensure that all components of the public outreach process comply with Title VI.
- Whether a demographic profile of the State that includes identification of minority and low-income populations has been developed.
- Whether a process has been developed to identify the needs of minority and low-income
- populations.



- Whether there is effective follow-up to questions/ concerns of participants.
  - Whether there is a public involvement strategy for engaging minority and low-income populations as well as LEP persons in transportation decision-making and reducing participation barriers.
  - Efforts made to engage minority and low-income, and Limited English Proficient persons in the public outreach effort and public outreach efforts made to utilize media targeted to these groups.
  - Status of any Title VI complaints received regarding the public involvement process.
  - Any significant accomplishments made during the review period.
  - Any significant actions planned for the ensuing year.
  - The Title VI Program staff reviews notices, solicitations for bid opportunities, public meeting notifications, and public meeting/hearing transcripts for Title VI implications/issues.
  - Additionally, the Title VI Program staff publishes a biannual E-Newsletter that is distributed internally to TDOT employees and externally to TDOT subrecipients.
1. Methods used by TDOT to inform the public about the process for obtaining grants or bidding on contracts of which the agency has oversight, include:
    - a. TDOT website post Bid letting opportunities
    - b. TDOT CRD disseminates information as follows:
      1. Title VI Implementation Plan is published on the CRD website.
      2. Title VI Complaint Procedures are published on the CRD website.
      3. TDOT's Nondiscrimination Policy is published on the CRD website.
      4. TDOT's Programs and Services are published on its website.
      5. Minority Participation on Planning boards and Advisory Boards is published on the CRD's website via the Title VI Implementation Plan.
      6. TDOT's website is user-friendly and provides a wealth of information for letting, bids, construction projects, etc.

## Review of STA Directives

The Title VI Program staff reviews planning and procedural manuals, directives, guidelines, meeting and hearing transcripts, and policies for Title VI compliance, paying particular attention to the Environmental Justice and LEP communities. TDOT divisions ensure that the Title VI staff are included the review processes, and recommendations are made as needed.

The Title VI Program staff employs several processes to review TDOT's directives, policies, and practices:

The Title VI Program staff works collaboratively with the Title VI Advisory Committee, a group consisting of division directors or their appointees, who help to make and implement policies. The committee works to ensure TDOT's directives are in keeping with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates; and,

The Title VI Program staff works collaboratively with the Title VI Liaison Committee, a group consisting of appointees from each division and region within TDOT. The Title VI Liaisons work to ensure TDOT's directives are in keeping with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates and that established procedures and safeguards are adopted and implemented within their respective division and/or region.

- The Title VI Program staff is included in the review process when TDOT directives are drafted and polices implemented. This process affords the Title VI Staff an opportunity to review for any possible Title VI issues.
- The Title VI Program staff reviews all environmental documents, public meeting and hearing transcripts to ensure staff is aware of any potential Title VI issues.
- The Civil Rights Director serves on decision-making committees as a Civil Rights Advisor to ensure directives are in accordance with the federal and state nondiscrimination laws, rules, and regulations.
- The Title VI Program staff works cooperatively with FHWA Division Civil Rights staff to implement federal nondiscrimination directives.
- The Title VI Program staff conducts annual internal reviews on each division and region within TDOT to collect data for analysis and reporting purposes.
- The Title VI Program staff conducts annual internal assessments on each division and region within TDOT to monitor and ensure compliance with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates.

## Compliance and Enforcement Procedures

*Deficiencies, Remedies, and Sanctions: (23 C.F.R. § 200.11)* **TDOT may determine, after the completion of a pre-award or post-award desk audit review, compliance review or complaint investigation**, that a recipient is not in compliance with Title VI. Deficiencies can take the form of technical violations, such as failing to include an equal opportunity statement on a poster, or filling out an assurance form incorrectly, or more serious, overt discriminatory practices that have the effect of denying equal access to program funds.

### **Noncompliance procedures as specified in 23 C.F.R. § 200.11:**

- a. CRO Executive Director/Title VI Director will forward report with a cover letter to the subrecipient and/or internal program areas for corrective action.
- b. CRO Executive Director/Title VI Director will schedule a meeting or teleconference with subrecipient and/or internal program areas, to be held no later than 30 days from receipt of deficiency report.
- c. Subrecipients and/or internal program areas placed in deficiency status shall be given a reasonable time, not to exceed 90 days after receipt of deficiency letter, to voluntarily correct deficiencies.
- d. CRO Executive Director/Title VI Program Director shall seek cooperation from subrecipient and/or internal program to correct deficiencies found during review. The Title VI Program staff will provide technical assistance and guidance needed to aid the subrecipient and/or internal program areas comply voluntarily.
- e. When the recipient fails or refuses to voluntarily comply with requirements within allotted timeframe, the CRO Executive Director/Title VI Program Director will seek assistance from the Director of the funding program, i.e, Local Program, Long Range Planning, Governor Highway Safety Office, etc. in getting the subrecipient into compliance.
- f. If voluntarily compliance is not possible, case file and recommendation that the subrecipient and/or internal program areas found in noncompliance is submitted to Chief of Administration and Commissioner of Transportation.
- g. After review, TDOT will send recommendations to Federal Highway Administrator and/or Federal Transportation Administration. Should the Federal Highway Administrator and/or or Federal Transportation Administration recommendation concur with recommendation, the file is referred to the Office of the Secretary, US DOT for appropriate action in accordance with 49 C.F.R. (Also See 23 C.F.R. §200.11(a)-(f)).

When Compliance Cannot be Achieved Voluntarily: *(49 C.F.R. § 21.13)*

1. Referral to DOJ for litigation in Federal court, these “other means” include administrative avenues such as:
2. Consulting with or seeking assistance from State or local agencies with nondiscrimination enforcement authority; Refusal to Grant or Termination of Funds: (*49 C.F.R. § 21.13*). In the event that compliance cannot be achieved, Title VI also provides one other sanction in the event that a State DOT may refuse to grant or may terminate funds after notice and an opportunity for a hearing. DOT guidelines provide procedures for conducting fund termination or denial hearings. They also permit, in limited circumstances, a State DOT to defer action on an assistance application temporarily pending initiation and completion of the notice and hearing. Such temporary suspension of funds allows agencies to prevent the continuation of the alleged discrimination pending a final determination.

# Limited English Proficiency

## Limited English Proficiency Policy Statement

It is the policy of the Tennessee Department of Transportation not to discriminate against any person who is limited English proficient (LEP). In accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the Department takes reasonable steps to provide LEP persons meaningful access to its programs and activities. This commitment applies to the Department's federal and state funded programs and activities.

## TDOT Four Factor Analysis

**Factor 1:** Number or Proportion of LEP Persons eligible to be served or likely to encounter TDOT programs and activities. To determine the number of LEPs in TDOT's service area (statewide), the CRD utilized the population estimations provided in the US Census Bureau's American Community Survey 1-year estimate.

The data was used to determine:

1. The LEP populations represented in the state;
2. Percentages of LEPs in the service areas;
3. Whether LEP groups reach or exceed the Safe Harbor Provision, or 5% or 1,000 persons of the total population qualified to be served for written translations of vital documents; and,
4. Where the greatest population of LEPs resident in Tennessee.

**Factor 2:** Frequency with which LEP individuals come in contact with TDOT programs, activities or services.

Based on the assessments conducted in LEP utilization, there has been contact with LEP individuals in the service areas during the 2021 - 2022 reporting period.

**Factor 3:** Nature and importance of the program, activity or services provided by TDOT to the LEP population.

TDOT is a multimodal agency with statewide responsibilities in roadways, aviation, public transit, waterways, and railroads. Transportation plays an importance role in the lives of the LEP individuals and all residents of Tennessee. When transportation decisions are made, the LEP and EJ communities are normally impacted the greatest. TDOT is committed to providing safe and reliable transportation services to the LEP population as well as all residents of Tennessee.

**Factor 4:** Resources available to TDOT and overall costs to provide LEP assistance.

Currently, TDOT's resources consist of a department employee volunteer list. In situations where TDOT employees cannot provide services, i.e., an unfamiliar language or dialect, a legal matter or

need for expert testimony, TDOT utilizes AVAZA for its translation and interpreting needs. Payment for these professional services is expended when service is rendered.

**TDOT Divisions/Programs Responsibilities**

EO 13166 directs recipients of federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to its programs, activities, and services.

TDOT ensures that effective communication exist between service providers and the LEP person. To accomplish effective communication, the following actions and discussions are considered appropriate at a division/program level:

- Perform a needs assessment;
- Provide for oral language assistance;
- Notify LEP customers of the availability of language assistance services;
- Translate vital documents in languages other than English into appropriate language;
- Train staff;
- Develop written procedures; and,
- Monitor and evaluate access to language assistance.

Activities	Responsibilities	
	TDOT Divisions & Programs	Title VI Program
1. Assessing and addressing the needs of eligible persons	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance	X	X
6. Reporting accomplishments and goals	X	X
7. Data collection and analysis	X	X
8. Ensuring that programs and activities provide for a full coordinated process (interdisciplinary approached)	X	X

**Table 4: Table of LEP Responsibilities**

## 1. Train Staff on Policies and Procedures

The Title VI Program staff provides annual Title VI training to its workforce, which includes LEP guidance:

- a. How to identify the language needs of an LEP individual;
- b. How to access and provide the necessary language assistance services;
- c. How to work with interpreters;
- d. How to get documents translated; and,
- e. How to track and document the use of language services.

## 2. Monitors, Evaluates, and Updates the LEP Plan

The Title VI Program staff periodically monitors, evaluates, and updates the plan, policies, and procedures.

- a. Evaluates TDOT's response to complaints or suggestions by LEP individuals, communities
- b. Monitors LEP expenditures, quarterly;
- c. Monitors the effectiveness of LEP program/plan and makes amendments, as needed;
- d. Collects data on LEP encounters;
- e. Logs translation and interpreting usages; and,
- f. Reports annual on LEP encounters and funds expended;

## 3. Provides Notices of Language Assistance

TDOT informs LEP individuals of their edibility for benefits, programs, and services in languages they understand.

Develop has written procedures on TDOT's LEP Plan. Guidance is be provided to all employees through written procedures that address the following:

- a. Identification and assessment of language needs;
- b. Oral language assistance: including vendor charges for services, procedures on how to access and to request translation assistance;
- c. The need for written translation of materials and publications;
- d. Oral and written notification of the availability of language assistance;
- e. Staff training on language service provision; and,
- f. The need to monitor access to language assistance.

## 4. Monitors and Evaluates Access to Language Assistance

## 5. Collects Data and Keeps Records. Data Collection Mechanisms Include the Following:

- a. Race of LEP person Ethnicity of LEP person;
- b. Primary language of the population in the program service area;
- c. Primary language of customers served;
- d. Data upon which the division-based language needs assessment Number of LEP persons, by language group, who received language services; and,

- e. Number of LEPs in a Project Area.

Objective Data is Necessary to Identify:

- a. Transportation needs of all persons within boundaries of plan and projects;
- b. Impacts and persons impacted;
- c. Persons to include in the decision-making process;
- d. Champion(s) for various modes and transportation option;
- e. Strategies to address project/transportation impacts;
- f. Priorities for investments;
- g. Sources for financing investments; and,
- h. Strategies to disseminate information.

6. Technical Assistance

The TDOT CRD Title VI Program is responsible for providing TDOT division/programs with technical assistance. This includes advising divisions/programs of LEP requirements, implementing, and assisting in developing individual program plans and mechanisms.

Language Assistance Resources

- a. Internal Employee Language Translation Assistance TDOT maintains an up-to-date listing of employees (statewide) who have volunteered their interpreting and translation skills.
- b. AVAZA Language Service Corporation has secured the Tennessee State Government contract for providing over the phone interpreting, face-to-face interpreting, and document translation.
- c. "I Speak Card" - Language identification card allows the LEP person to visually identify language spoken.





**AVAZA**  
Language Services Corp.

## LANGUAGE IDENTIFICATION GUIDE

	Point here and an interpreter will be assigned to you, at no cost.	
Do you speak English?	Point here and an interpreter will be assigned to you, at no cost.	English
<b>¿Habla Español?</b>	<b>Señale aquí y se le asignará un intérprete sin costo.</b>	<b>Spanish</b>
هل تتكلم العربية؟	أشّر هنا والمترجم سيكون موجوداً مجاناً.	Arabic
ته کوردی دمهآخه؟	ئەشارەت ڤێڕی بکە تەرجومان بۆ تەحازر دکهین ، به خورای.	Kurdish (Behdini)
ئەها کوردی قسه دهکەت؟	ئەشارەت لێره بکە مۆتەرجمیت بۆنامانه دهکەین ، به خۆرای.	Kurdish (Sorani)
آيا شما فارسي صحبت ميکنيد؟	تۆوه سه به چهتر ملام، بێنک فراشما اجنوا به رگا رانگان در اختيار شما قرار ميگيرد.	Farsi
Bạn nói tiếng Việt phải không?	Chỉ vào đây và sẽ có người thông dịch viên giúp đỡ Bạn, Bạn không phải trả gì hết.	Vietnamese
Maku hadashaa afka somaaliga?	Haikaan farta ku-fiiq turjubaan lacag la-an ayaad heleysaa.	Somali
Da li govornite Bosanski?	Pokažite ovdje i prevodilac će vam biti obezbijedžen, besplatno.	Bosnian
Parlez-vous français?	Ici, un interprète sera assigné pour vous, sans avoir payé.	French
ອ່ານເວົ້າພາສາລາວໄດ້ຫຼືບໍ່?	ກະລຸນາເຫັນຈຳນວນທີ່ຕ້ອງມີຈຳນວນພາສາລາວແບ່ງໃຫ້ຄົນໂດຍບໍ່ໄດ້ເຮັດຈ່າຍ.	Laotian
你会讲中文吗？	請點在這裡我們將為你免費提供翻譯服務。	Chinese (Mandarin)
日本語を話せますか？	ここを指して下さい。無料の通訳者を指定します。	Japanese
Je-una azungumza Kiswahili?	Nyosha kidofa hapa na utatafsiriwa bila kulipa chochote.	Kiswahili
Voce fala Português?	Aperte aqui e um intérprete lhe será fornecido sem custo algum.	Portuguese
क्या आप हिंदी बोल सकते हैं ?	इशारा यहाँ पर किजिये, भाषांतर करनेवाले बिनामुल्क मिल जायेंगे।	Hindi
한국어를 하십니까?	이곳을 지적해주시면 통역자가 무료로 호출됩니다.	Korean
Вы говорите по-русски?	Укажите сюда, и совершенно бесплатно Вам будет предоставлен переводчик.	Russian
እንግሊዝ ቋንቋ ትናገሩ?	በብድህ ማዘዝያ ያመለክቱ ያለምንም ክፍያ እስተርጓሚ ይመደብሉታል!	Amharic
Eske ou pale kreyòl?	Pwen isit la e yon entèprèt ap vin ede'w gratis.	Haitian Creole
Jin kueni Thuok nuera?	Wane eme deri thuok nuera jek ke kuic du a thil kok.	Nuer
તમે ગુજરાતી બોલી શકો છો?	અહિયા ઇશારો કરો, અર્થાંતર કરનાર વિનામુલ્યે મળી જશે.	Gujarati
Türkçe biliyormusunuz?	Burayı gösterirseniz, ücretsiz tercuman size yardım edecektir.	Turkish
คุณพูดภาษาไทยหรือเปล่า?	กรุณาบอกให้ทราบด้วยนิ้วชี้ของคุณการคนแปล	Thai
Afaan Oromoo nidubata	Harkake asiti baasi gargasa Afaan hikkaa malaqa duwa argaata.	Oromo

Avaza Language Services Corp.  
5209 Linbar Dr. Suite 603  
Nashville, TN 37211  
www.avaza.co

tel: 615.534.3400  
fax: 615.810.8506  
800.482.8292

© 2011 Avaza Language Services Corp.

Figure 3: Avaza Language Service "I Speak Card"

## Compliance and Enforcement

TDOT Divisions/Title VI Program Director are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions/programs. Additionally, the designated Title VI Liaison will continuously monitor their respective division/programs to ensure LEP requirements are fulfilled, report quarterly on LEP service usage, and report annually on the accomplishments and upcoming goals relating to LEP activities to the TDOT CRD Title VI Program.

To date, the Title VI Program staff assesses whether TDOT's division/program's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the division/program's activities and services. The division/program's appropriate use of methods and options detailed in this LEP plan is monitored to ensure the agency complies with LEP requirements and the Title VI of the Civil Rights Act of 1964 mandates.

During FY 2021-2022, TDOT had 12 LEP encounters, expending a total of \$1,111.11. Two documents required Spanish translations, expending a total of \$430.26. Interpreters were used for Spanish speaking persons, expending \$304.85. An interpreter was used for a Korean speaking person, expending \$376.00.

LOG OF LEP ACTIVITIES				
	Quarter LEP Activities	Language Encountered	Cost Incurred	Type of Service
1	4 <sup>th</sup>	Spanish	\$0	Translation (internal employee volunteer)
2	4 <sup>th</sup>	Spanish	\$66.57	Document Translation
3	4 <sup>th</sup>	Spanish	\$7.70	Over-the-phone Interpretation
4	4 <sup>th</sup>	Spanish	\$110.00	Over-the-phone Interpretation
5	4 <sup>th</sup>	Spanish	\$13.20	Over-the-phone Interpretation
6	4 <sup>th</sup>	Spanish	\$75.60	Over-the-phone Interpretation
7	4 <sup>th</sup>	Spanish	\$82.95	Over-the-phone Interpretation
8	4 <sup>th</sup>	Spanish	\$7.15	Over-the-phone Interpretation
9	4 <sup>th</sup>	Korean	\$376.00	IN-person Interpretation
10	1 <sup>st</sup>	Spanish	\$4.95	Over-the-phone Interpretation
11	2 <sup>nd</sup>	Spanish	\$363.69	Document Translation
12	2 <sup>nd</sup>	Spanish	\$3.30	Over-the-phone Interpretation
<b>Total LEP Expenditures</b>			\$1,111.11	

Table 5: Log of LEP Activities

The following LEP Language Assessment form is used to collect data, evaluate, and report each division's/program's activities to the TDOT CRD quarterly.



**TITLE VI PROGRAM  
LIMITED ENGLISH PROFICIENCY (LEP)  
QUARTERLY REPORTING FORM**

NAME: \_\_\_\_\_ HQ/REGION/DISTRICT: \_\_\_\_\_ DATE: \_\_\_\_\_

**1. How were you contacted?**

Walk-In                      Telephone                      In Writing                      Other

**2. How were the interpreting services provided?**

Department Volunteer: \_\_\_\_\_

Department Interpreter: \_\_\_\_\_

Department Translator: \_\_\_\_\_

AVAZA Language Service Corp: \_\_\_\_\_

Other Language Service Provider (Please Specify): \_\_\_\_\_

**3. Language (spoken):** \_\_\_\_\_

**4. Approximate time language services were provided:** \_\_\_\_\_

**5. Cost for language services:** \_\_\_\_\_

**6. Has your division/region/district had any documents translated during the last quarter?**

Yes  If yes, which document(s) : \_\_\_\_\_

No

**7. Cost for translation/interpretation services:** \_\_\_\_\_

**Please send the completed form to:**

Wes White, Title VI Specialist  
Civil Rights Division  
505 Deaderick Street, Suite 1800  
Phone: 615-253-1076 • fax: 615-741-3169 • Email: James.W.White@tn.gov

Revised 12/2015

**Figure 4: LEP Quarterly Report Form**



**TITLE VI PROGRAM  
LIMITED ENGLISH PROFICIENCY (LEP)  
ANNUAL REPORT**

Each quarter a Limited English Proficiency (LEP) report is submitted to the Title VI Liaison of each department in TDOT to collect information on any LEP language assistance used in the previous quarter. The following usage was reported from third Quarter 2021 to second Quarter 2022:

**3<sup>rd</sup> Quarter 2021** – No usage reported

**4<sup>th</sup> Quarter 2021** – Region 1 reports using TDOT internal employee volunteer Javier Reyes to orally interpret Spanish with an LEP individual on 9/20/2021; No additional cost to TDOT

Environment used Avaza services for one document translation from English to Spanish - \$66.57

TDOT Civil Rights Division – English to Spanish phone interpretation - \$7.70

Region 4 – English to Spanish phone interpretations - \$110.00

Region 4 – Phone interpretations, English to Spanish, total \$13.20

Region 4 – Two document translations from English to Spanish, \$75.60 and \$82.95 respectively

ROW Division – English to Spanish telephone interpretation - \$7.15

ROW Division – On-site in person English to Korean interpretation - \$376.00

**1<sup>st</sup> Quarter 2022** – Region 4 – English to Spanish phone interpretation - \$4.95

**2<sup>nd</sup> Quarter 2022** – Long Range Planning Division – English to Spanish power point translation - \$363.69

Region 4 – English to Spanish phone interpretation - \$3.30

No additional language service usage within TDOT departments reported.

**LANGUAGE SERVICE USAGE IS REPORTED QUARTERLY TO:**

Wes White, Title VI Specialist  
Civil Rights Division  
505 Deaderick Street, Suite 1800  
Phone: 615-253-1076 • fax: 615-741-3169 • Email: James.W.White@tn.gov

**Figure 5: LEP Annual Report**

 <b>TDOT Employee Language Interpreting Assistance</b> <small>Last Updated 9/08/2021</small>			
<b>Bid Analysis Division</b>		<b>Division Liaison: Angie Duncan</b>	
Employee	E-Mail	Phone	Language
Rhonda Coleman	<a href="mailto:Rhonda.Coleman@tn.gov">Rhonda.Coleman@tn.gov</a>	615-253-2898	Spanish
<b>Central Services Division</b>		<b>Division Liaison: Gary Bryant</b>	
Employee	E-Mail	Phone	Language
Olga Kostromintina	<a href="mailto:Olga.Kostromintina@tn.gov">Olga.Kostromintina@tn.gov</a>	615-741-4803	Russian
<b>Civil Rights Division</b>		<b>Division Liaison: Wes White</b>	
Employee	E-Mail	Phone	Language
Azad Saeed	<a href="mailto:Azad.Saeed@tn.gov">Azad.Saeed@tn.gov</a>	615-741-3681	Kurdish (Bahdini)
Hal Tayip	<a href="mailto:halmat.x.tayip@tn.gov">halmat.x.tayip@tn.gov</a>	615-532-0112	Kurdish (Bahdini)
<b>Design Division</b>		<b>Division Liaison: Shirlynn Carter</b>	
Employee	E-Mail	Phone	Language
Aso Hawrami	<a href="mailto:Aso.Hawrami@tn.gov">Aso.Hawrami@tn.gov</a>	615-350-4384	Arabic, Kurdish
Donnie Sirichanto	<a href="mailto:Donnie.Sirichanto@tn.gov">Donnie.Sirichanto@tn.gov</a>	615-532-2447	Lao, Thai
Ali Hangul	<a href="mailto:Ali.Hangul@tn.gov">Ali.Hangul@tn.gov</a>	615-741-0840	Turkish
Sampson Udeh	<a href="mailto:Sampson.Udeh@tn.gov">Sampson.Udeh@tn.gov</a>	615-741-4894	Igbo
<b>Environment Division</b>		<b>Division Liaison: Heather Ogg</b>	
Employee	E-Mail	Phone	Language
Eliana De Jesus	<a href="mailto:eliana.dejesus@tn.gov">eliana.dejesus@tn.gov</a>	615-770-1812	Spanish
<b>Finance Division</b>		<b>Division Liaison: Thomas Whitfield</b>	
Employee	E-Mail	Phone	Language
Rasmata Sakande	<a href="mailto:Rasmata.Sakande@tn.gov">Rasmata.Sakande@tn.gov</a>	615-253-1411	French, Mooré
<b>Long Range Planning Division</b>		<b>Division Liaison: Valencia Cooper</b>	
Employee	E-Mail	Phone	Language
Irina Ponorovskaya	<a href="mailto:Irina.Ponorovskaya@tn.gov">Irina.Ponorovskaya@tn.gov</a>	615-741-2139	Russian, Ukranian
Jennifer Marshall	<a href="mailto:jennifer.marshall@tn.gov">jennifer.marshall@tn.gov</a>	615-532-7024	French
Melanie Murphy	<a href="mailto:melanie.murphy@tn.gov">melanie.murphy@tn.gov</a>	615-532-2158	German
Hector Moctezuma	<a href="mailto:Hector.Moctezuma@tn.gov">Hector.Moctezuma@tn.gov</a>	615-350-4571	Spanish
<b>Multimodal Transportation Division</b>		<b>Division Liaison: Maria Viruez</b>	
Employee	E-Mail	Phone	Language
John Onofua	<a href="mailto:John.M.Onofua@tn.gov">John.M.Onofua@tn.gov</a>	615-253-1032	Edo, Ishan, Yoruba
Veda L. Nguyen, P.E.	<a href="mailto:Veda.Nguyen@tn.gov">Veda.Nguyen@tn.gov</a>	615-532-0421	Lao
<b>Occupational Health and Safety Division</b>		<b>Division Liaison: Errol Christos</b>	
Employee	E-Mail	Phone	Language
Savka Ilic	<a href="mailto:Savka.ilic@tn.gov">Savka.ilic@tn.gov</a>	615-253-1024	Bosnian, Serbian, Croatian
<b>Program Development Division</b>		<b>Division Liaison: Chastity Bell</b>	
Employee	E-Mail	Phone	Language
Robert C. Hayzlett	<a href="mailto:Robert.Hayzlett@tn.gov">Robert.Hayzlett@tn.gov</a>	615-741-5321	French
Sherri Davis	<a href="mailto:Sherri.L.Davis@tn.gov">Sherri.L.Davis@tn.gov</a>	615-532-3501	Spanish
<b>Structures Division</b>		<b>Division Liaison: Rebecca Williamson</b>	
Employee	E-Mail	Phone	Language
Tony Halwani	<a href="mailto:Tony.Halwani@tn.gov">Tony.Halwani@tn.gov</a>	615-741-4045	Arabic
Gina Yao	<a href="mailto:Gina.Yao@tn.gov">Gina.Yao@tn.gov</a>	615-741-5490	Mandarin
Ali Omar	<a href="mailto:Ali.Omar@tn.gov">Ali.Omar@tn.gov</a>	615-532-3814	Arabic, Dutch, Kurdish, Turkish, Turkmen
Aram Torabian	<a href="mailto:Aram.Torabian@tn.gov">Aram.Torabian@tn.gov</a>	615-741-7311	Kurdish, Persian
Abdisalan Dahir	<a href="mailto:Abdisalan.Dahir@tn.gov">Abdisalan.Dahir@tn.gov</a>	615-741-6362	Luganda, Norwegian, Swahili, Somali
Ninu Shokath	<a href="mailto:Ninu.Shokath@tn.gov">Ninu.Shokath@tn.gov</a>	615-741-3354	Hindi, Malayalam
Dawod Berwary	<a href="mailto:Dawod.Berwary@tn.gov">Dawod.Berwary@tn.gov</a>	615-741-0795	Arabic, Kurdish
Israel Gloudoua	<a href="mailto:Kakumma.Gloudoua@tn.gov">Kakumma.Gloudoua@tn.gov</a>	615-532-4038	French
Salim Alsaffar	<a href="mailto:Salim.Alsaffar@tn.gov">Salim.Alsaffar@tn.gov</a>	615-741-0072	Arabic

**Figure 6: TDOT Employee Language Interpreting Assistance Roster**