I. POLICY STATEMENT

In accordance with Title VI of the Civil Rights Act of 1964 and subsequent statutes, regulations and executive orders, the New York State Department of Transportation (NYS DOT) is committed to preventing and eliminating unlawful discrimination on the basis of race, color, national origin, sex, age, disability, or low income or limited-English proficiency in the operation, implementation, access and use of NYS DOT programs, activities and facilities.

II. POLICY SCOPE AND GUIDANCE

This policy is being issued in accordance with Federal Title VI Regulations (23 CFR Part 200) and serves to explain how NYS DOT will comply with Federal Title VI/Nondiscrimination requirements. Companion procedures will be issued to provide more detailed guidance as needed, to include guidance on the Title VI complaints procedures and the process to monitor and review NYS DOT programs and sub-recipients regarding the Title VI requirements. The NYS DOT Title VI Plan also provides additional guidance on NYS DOT’s Title VI program and related activities.

This policy complements the larger NYS DOT Civil Rights Policy Statement (1.1-4) but it must be understood that the Title VI requirements are separate and apart from the requirements associated with equal employment, and the requirements to ensure Disadvantaged Business Enterprises (DBEs) have equal opportunity to receive and participate in construction contracts supported by Federal funds. Title VI is focused on nondiscrimination within NYS DOT programs and services, not on employment discrimination or contract compliance. NYS DOT maintains separate plans, policies and procedures regarding those issues.

III. NYS DOT ROLES AND RESPONSIBILITIES

The Commissioner of NYS DOT has the ultimate responsibility to ensure the agency complies with Federal Title VI requirements. In doing so, the Commissioner has issued an overarching Civil Rights Policy Statement directing that all NYS DOT Divisions, Offices, Bureaus and Regions plan, develop and implement their programs, services and activities in a non-discriminatory manner. The Commissioner has also signed a Title VI Assurance, as required by FHWA, affirming NYS DOT’S commitment to Title VI of the Civil Rights Act.
The Commissioner has issued an Official Order (1715) delegating authority to the Director of the Office of Civil Rights (OCR) for civil rights functions, including those related to Title VI. These functions include policy direction, oversight and coordination of NYS DOT’s civil rights programs. The Director of OCR also serves as the Agency’s Title VI Coordinator. In this capacity, the Director of OCR coordinates and oversees compliance with Title VI policies and mandates.

As Title VI/Nondiscrimination is an enterprise-wide effort, in addition to the Title VI staff within OCR, NYS DOT administers its Title VI program responsibilities with the assistance of Title VI Coordinators within each Region and a number of Main Office program areas. The Title VI Coordinators help to support and promote Title VI/Nondiscrimination across NYS DOT. Each Region and any program area identified by OCR will be expected to appoint and maintain a Title VI Coordinator. See Appendix A for information on the roles and responsibilities of the Title VI Coordinators.

IV. TITLE VI REQUIREMENTS

OCR will provide the necessary oversight, guidance and technical assistance to help NYS DOT meet the Federal Title VI/Nondiscrimination requirements, as outlined below.

Assurances: NYS DOT will maintain signed Title VI assurances (signed by Chief Executive Officer), and submit the assurances to the FHWA.

Title VI Plan/Accomplishments Report: OCR will prepare a yearly Title VI Accomplishment Report and submit an annual updated Title VI Implementation Plan to the FHWA Division office. NYS DOT programs and Regions will assist OCR with the development of the annual Plan/Accomplishments Report.

Training: OCR will conduct and/or coordinate training on Title VI and related statutes to ensure NYS DOT staff and sub-recipients understand the Title VI requirements and related responsibilities.

Complaints Procedures: OCR will maintain procedures for prompt processing and disposition of Title VI complaints and maintain a complaints log. OCR will also investigate all Title VI complaints in a timely fashion.

Civil Rights Unit: NYS DOT will maintain a civil rights unit (i.e., OCR). The Director of OCR will have a direct reporting relationship Commissioner. In addition to the Title VI staff within OCR, each Region and any program area identified by OCR will be expected to appoint and maintain a Title VI Coordinator.

Anti-discrimination Procedures: NYS DOT will develop and maintain procedures to identify and eliminate discrimination; promptly resolve deficiencies, and document remedial actions in writing.

Directives/Guidance: NYS DOT will review program directives and where applicable include Title VI and related requirements (e.g., manuals, specifications and guidance).

Public Information/Outreach: NYS DOT will develop Title VI information for dissemination to the general public, when appropriate, in languages other than English, and ensure outreach efforts are
inclusive and nondiscriminatory.

**Data:** NYSDOT will collect and analyze statistical data (i.e., race, color, national origin, sex) of participants in and beneficiaries of NYSDOT programs, (i.e., relocates, impacted citizens, and affected communities). This information will be used to help understand community demographics and guide outreach efforts as part of the transportation planning and project developed processes.

**Program Monitoring:** OCR will perform ongoing monitoring and conduct annual reviews of pertinent NYSDOT program areas and/or regional activities (e.g., Planning, Construction, Right of Way, etc.). The reviews will serve as a means of providing technical assistance in the implementation of the Title VI requirements, and a mechanism to identify improvement opportunities. Programs and Regions will also be expected to self-monitor their programs and activities to help ensure nondiscrimination.

**Sub-recipient Monitoring:** OCR will also monitor and conduct reviews of sub-recipients (e.g., Municipalities, Metropolitan Planning Organizations, etc.). Due to the large number of sub-recipients that receive Federal funding, OCR intends to use a risk-based approach to identify the sub-recipients to review in a given year. Sub-recipients will also be expected to self-monitor their programs and activities to help ensure nondiscrimination.

### III. RELATED POLICY AND AUTHORITATIVE SOURCES

**NYSDOT Policies and Official Orders**

**NYSDOT Policy 1.1-4 (Civil Rights Policy Statement)** – Confirms NYDOT’s commitment to prevent and to eliminate discrimination in all of its operations and services.

**Official Order 1715** – Delegates to the Director of OCR civil rights functions including policy direction, oversight and coordination of the NYSDOT’s civil rights programs, including Federal and State reporting to ensure equal opportunity and nondiscrimination throughout all of NYSDOT’s activities.

**New York State Laws**

**New York State Human Rights Law Article 15 (1945)** - Guarantees nondiscrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and/or sexual orientation.

**New York State Executive Orders**

**Executive Order No. 26 (Governor Andrew M. Cuomo, 2011)** – Directs State agencies that provide direct public services to translate vital documents in the six most common non-English languages spoken by individuals with limited-English proficiency in the State of New York, based on United States census data, and relevant to services offered by each of such agencies. Each of these agencies must provide interpretation services between the agency and an individual in his or her primary language with respect to the provision of services or benefits.

**Federal Laws, Executive Orders and Regulations**
Civil Rights Act of 1964 - Prevents discrimination in Federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional right to vote. Title VI - Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving Federal financial assistance.

Americans with Disabilities Act (ADA) of 1990 - Prohibits discrimination against people with disabilities in employment, public access to services, transportation, public accommodations and telecommunications services.

Executive Order No. 12898 - Requires Federal agencies to make achieving Environmental Justice (EJ) part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations.

Executive Order No. 13166 - Requires each Federal agency to examine the services it provides and to develop and to implement a system by which persons with limited English proficiency (LEP) can meaningfully access those services; and work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

FHWA Title VI Regulations (23 CFR Part 200) - Provide guidelines for: (a) Implementing the Federal Highway Administration (FHWA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, and (b) Conducting Title VI program compliance reviews relative to the Federal aid highway program.
APPENDIX A
TITIJE VI COORDINATOR ROLES AND RESPONSIBILITIES

The specific roles and responsibilities of the Title VI Coordinators are outlined below. The frequency and scope of these activities may differ depending on the program area or Region, but these roles and responsibilities encompass the universe of potential activity for the Title VI Coordinators.

MAIN OFFICE TITLE VI COORDINATORS

Specific program areas in the Main Office have a Title VI Coordinator due to the nature of their work, the fact that the program area benefits from federal funds, and/or interacts with sub-recipients (e.g., municipalities, Metropolitan Planning Organizations) or the public in a greater capacity than other program areas.

Specific roles and responsibilities of the Main Office Title VI Coordinators:

- Share information related to Title VI, Limited English Proficiency (LEP), Environmental Justice (EJ) and American with Disabilities Act (ADA) with program staff and sub-recipients as appropriate.
- Attend training to increase one’s understanding of Title VI, LEP, EJ, and ADA.
- Encourage program area staff and sub-recipients to attend Title VI training; notify OCR of training needs.
- Understand NYSDOT’s policies and procedures for Title VI/EJ/LEP/ADA compliance to ensure that the program area’s practices are consistent with these policies and procedures.
- As applicable to the program area, review program area policies, announcements, manuals and written procedures to ensure that Title VI language, where appropriate, is included.
- Direct Title VI complaints to the Title VI Unit and assist OCR with the effort to gather complaint information, if necessary.
- Encourage (to the degree applicable) outreach and community involvement in planning and project development activities.
- Help OCR gather and organize Title VI information and data from program areas.
- Provide material for inclusion in NYSDOT’s annual Title VI report.
- Attend Title VI meetings and conference calls and other Title VI-related meetings as needed.
- Assist OCR with program area and/or sub-recipient compliance reviews, if needed.
- Review, comment and contribute to Title VI-related documents developed by OCR.

REGIONAL TITLE VI COORDINATORS

Regional Directors are ultimately responsible for ensuring Regional activities comply with Title VI, and it is up to each Regional Director to identify a Regional Title VI Coordinator. The Regional Title VI Coordinator should have a broad understanding of Regional activities and easy access to the Regional Director, as the Regional Title VI Coordinator serves as a centralized point of contact to coordinate, gather and disseminate Title VI information to the Region.
Specific roles and responsibilities of the Regional Title VI Coordinators:

- Share information related to Title VI, LEP, EJ and ADA with Regional staff and local stakeholder communities/sub-recipients as appropriate.
- Attend training to increase one’s understanding of Title VI, LEP, EJ, and ADA.
- Encourage Regional staff and sub-recipients to attend Title VI training; notify OCR of training needs.
- Understand NYSDOT’s policies and procedures for Title VI/EJ/LEP compliance to ensure that NYSDOT’s Regional practices are consistent with these directives.
- Direct Title VI complaints to the Title VI Unit and assist OCR with the effort to gather complaint information, if necessary.
- Encourage (to the degree applicable) outreach and community involvement in planning and project development activities.
- Help OCR gather and organize Title VI information and data from the Regions.
- Provide material for inclusion in NYSDOT’s annual Title VI report.
- Attend Title VI meetings and conference calls and other Title VI-related meetings as needed.
- Assist OCR with Regional and/or sub-recipient compliance reviews, if needed.
- Review, comment and contribute to Title VI-related documents developed by OCR.

TRAINING

It is OCR’s responsibility to provide and/or coordinate training for NYSDOT staff and sub-recipients, including Title VI Coordinators. In doing so, OCR will work to ensure that the Title VI Coordinators receive training and guidance to carry out their roles and responsibilities. It will be the responsibility of the Title VI Coordinators to take advantage of these training opportunities and to seek guidance if and when necessary.

TIME COMMITMENT

Title VI Coordinators are not intended to be full-time positions; however there will be a certain level of effort required to carry out the roles and responsibilities outlined above. All Title VI Coordinators should be prepared to devote an appropriate amount of time to their Title VI responsibilities.