

Maryland State Highway Administration
Title VI – FMCSA Compliance Plan

For Federal Fiscal Year 2023

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INTRODUCTION

This Title VI Program Compliance Plan was developed to ensure that Maryland Department of Transportation's State Highway Administration (MDOT SHA) is in compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities pertinent to the Federal Motor Carrier Safety Administration (FMCSA) Title VI Program.

The implementation of this Plan is the responsibility of all employees and representatives of MDOT SHA. Furthermore, individual managers involved in the day-to-day responsibilities of the Title VI Program hold the key responsibility for administering, implementing and monitoring the program within MDOT SHA. Specific responsibilities have been delegated to appropriate personnel as outlined throughout this Plan.

This Title VI Program Compliance Plan for FMCSA provides an overview of the policies, procedures, practices, and legal principles of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, *et seq.* This plan is intended to be an abstract of the general principles and issues that concern Federal agency enforcement among recipients and subrecipients of federal financial assistance, and is not intended to provide a complete, comprehensive directory of all cases or issues related to the Title VI Program.

MDOT SHA is committed to achieving full compliance with Title VI of the 1964 Civil Rights Act and all related non-discrimination authorities. Through its policies, assurances and procedures, MDOT SHA makes every effort to ensure that no person is excluded from participation in, denied the benefits of, or otherwise subject to discrimination in any MDOT SHA program or activity on the basis of race, color, national origin, sex, disability, age, income-level and English proficiency.

This 2023 Title VI Program Compliance Plan for Federal Motor Carrier Safety Administration (FMCSA) incorporates by reference the current approved 2022 Title VI Plan for the Federal Highway Administration (FHWA). The FMCSA Title VI Plan includes those items required by FMCSA that differ from the FHWA plan or are not included in the FHWA plan.

Comments and suggestions on this Title VI Program Compliance Plan, as to future updates, both published and unpublished policies, procedures and guidelines, may be addressed to:

Maryland State Highway Administration
Office of Equal Opportunity
Judith de Vastey, Title VI Program Manager
211 East Madison Street, Mailstop MLL-3
Baltimore, Maryland 21202
Main Number: 410-545-0404, Toll Free: 1-888-545-0098

This Plan is intended only to provide information and program updates to Federal agencies and other interested entities, and is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against the State of Maryland, Maryland Department of Transportation, or MDOT SHA.

II. POLICY STATEMENT

The MDOT SHA agrees to comply with 49 CFR Part 21 and 49 CFR Part 303. The MDOT SHA Agency-wide Title VI Program Coordinator is Judith de Vastey. This policy statement has been signed by MDOT SHA Administrator, Tim Smith and attached as Appendix A.

III. FMCSA TITLE VI PROGRAM ASSURANCE

The MDOT SHA Motor Carrier Division (MCD), as the lead Motor Carrier Safety Assistance Program (MCSAP) Agency, has been delegated the responsibility and authority to effectively implement the FMCSA's Title VI Program, in coordination with the MDOT SHA Title VI Program Coordinator.

The signed United States Department of Transportation Standard Title VI/Non-Discrimination Assurances (DOT Order No. 1050.2A) have been included as Appendix B.

IV. DESCRIPTION OF FEDERAL-AID PROGRAMS

The Motor Carrier Safety Assistance Program (MCSAP) is a comprehensive enforcement and outreach program to enhance safety and reduce crashes on the highway involving commercial trucks and buses. The program includes:

- traffic enforcement of moving violations by commercial vehicles;
- roadside inspections of commercial vehicles;
- new Entrant Safety Audits of required safety data at a carrier's place of business;
- compliance reviews of required safety data at a carrier's place of business;
- education and outreach to the industry and general motoring public; and
- collection of safety data and the development of databases for the storage, retrieval and analysis of those data.

The general motoring public, including minority groups, benefit from the activities and initiatives of the MCD's MCSAP by traveling on safer highways with less secondary congestion resulting from commercial vehicle crashes- "Everyone gets home safe". Commercial truck and bus drivers and their companies are both the participants and the beneficiaries of the MCSAP. All commercial vehicle companies and their drivers are held accountable to comply with the Federal Motor Carrier Safety Regulations without regard to race, color, national origin, sex, age, or disability, including income-level and Limited English Proficiency (LEP). All are subject to the fines and other sanctions for non-compliance.

Traffic enforcement of commercial vehicles is performed based on the visual observation of the violation of Maryland traffic laws (commonly speeding or ignoring a traffic control device). All such traffic stops are made with no regard to race, color, national origin, sex, age, or disability, including income-level and LEP. Policy and practice for conducting North American Standard Inspections of vehicles and drivers have been developed by the Commercial Vehicle Safety Alliance and strictly adhered to by MDOT SHA Maryland MCSAP inspectors. Selection of a vehicle for a roadside inspection may be random or triggered by a poor carrier Compliance Safety Accountability

(CSA) safety rating or obvious visual violation. Policy and practice for conducting New Entrant Safety Audits and compliance reviews are mandated by the Federal Motor Carrier Safety Administration.

All new companies in interstate commerce (New Entrants) must have a safety audit within 90 days, regardless of minority status. Carriers with poor CSA safety ratings will be identified on the FMCSA “AB List” (carriers with the worst safety ratings) and will be contacted directly by the FMCSA or by the Commercial Vehicle Enforcement Division (CVED) of the Maryland State Police to schedule compliance reviews of agencies with poor CSA safety ratings. The review will evaluate safety and compliance documents and procedures. Other reasons that could trigger a compliance review include verifiable complaints or poor performance in a previous safety audit. These interdictions are made with no regard to minority status.

Education and outreach are directed towards commercial vehicle companies, their drivers, and the general motoring public. Outreach to the commercial vehicle industry is largely focused on safety and regulatory guidelines. Such information is provided in the Maryland Motor Carrier Handbook, the Maryland Truckers Map, and a variety of state and federal brochures. Safety presentations are also made to groups, such as the Hispanic Bus Drivers Association, upon request. Safety messages to the general motoring public appear on billboards, gas pump toppers and transit bus posters advising drivers not to tailgate or cut-off trucks on the highways.

The collection of safety data in Maryland includes all driver/vehicle inspections, commercial vehicle crashes, and the outcome of safety audits and compliance reviews. All these safety data are uploaded to the federal database, SAFETYNET, and provide the means for FMCSA to develop a safety rating on carriers. Evidently, crashes and poor inspections lead to a poor rating and increase the likelihood of being inspected more frequently or being selected for a compliance review. The number of vehicles and drivers and the number of miles traveled will also influence the safety rating; however, minority status will not be an influencing factor on carrier ratings. Carriers can challenge crash or inspection data they believe to be inaccurate through the FMCSA DataQ’s program.

V. NOTIFICATION TO BENEFICIARIES/PARTICIPANTS

MDOT SHA has district offices and shops throughout Maryland that are open to the public. MDOT SHA staff generally encounters the public by the roadside or during public meetings. Other contact with the public is generally done via telephone or in writing. Contact with the public participating in the MCSAP generally occurs at roadside, at a Truck Weigh and Inspection Stations (TWIS) or at the MCD Office in Hanover, Maryland. The “Public Notice of Title VI Program Rights” (Public Notice) can be found in Appendix C and is required to be prominently displayed in TWIS throughout Maryland and in the MCD Automated Hauling Permits Section in Hanover, Maryland. During FFY 2021 all TWIS locations were inspected to ensure that the Public Notice was prominently displayed. A summary of accomplishments for FFY 2022 can be found in Appendix D

Title VI messages informing individuals of their obligations and rights under this statement are posted on various MDOT SHA and MCD internal and external internet pages. MCSAP participants perform their duties without regard to race, color, national origin, sex, age, or disability, including income-level and LEP. Nondiscriminatory clauses appear in the Maryland Motor Carrier Handbook and Maryland Truckers Map. The Maryland Motor Carrier Handbook can be found at <https://www.roads.maryland.gov/OOTS/motorcarrierhandbook.pdf>.

The Maryland Trucker’s Map is available upon request. Subrecipients will be provided with a Title VI brochure in FFY 2022 which can be handed out at roadside traffic stops and inspections. Title VI Program information is currently accessible to the public and can be found at <https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=424>.

OEO worked with MDOT SHA web developers to upload the MDOT SHA Public Notice on the MDOT SHA internet site. Please visit https://roads.maryland.gov/OEO/Public_Notice_of_Rights.2022.pdf for access to the Notice in English and https://roads.maryland.gov/OEO/Public_Notice_of_Rights.SPANISH.2022.pdf for the Notice in Spanish. The MCD uploaded the Public Notice on their direct website for public access. The notice can be found at: https://www.roads.maryland.gov/OOTS/Public_Notice_of_Title_VI_Program_Rights.pdf

All safety messages are vital, especially with LEP minorities who may not have other sources to acquire information about truck parking, legal truck routes, size & weight regulations, permit procedures, hazardous materials transportation, and other relevant information. MDOT SHA intends to disseminate information to the LEP communities and members of the public are made aware of the Public Notice. During FFY 2021, MCD inspected the TWIS locations to ensure that the Public Notice was posted in Spanish at the TWIS locations. This task has been completed .

MDOT SHA will include the Public Notice in communications with the public, including brochures and information provided at virtual or in person public meetings. The information provided will include the procedures to be followed by members of the public to file a discrimination complaint against either MDOT SHA or a subrecipient.

VI. SUBRECIPIENT COMPLIANCE REPORTS

Subrecipients are local governmental entities, which include colleges, municipalities, counties, and cities, that receive state and/or federal financial assistance through the MCSAP. MDOT SHA/MCD has approximately 19 subrecipients receiving MCSAP fund, all of which are state or local enforcement agencies, to perform MCSAP duties as previously identified. MCSAP subrecipients are as follows:

1. Anne Arundel County Police Department
2. Baltimore County Police Department
3. Calvert County Sheriff's Department
4. Carroll County Sheriff's Department
5. Centreville Police Department
6. Charles County Sheriff's Department
7. Frederick County Sheriff's Office
8. Harford County Sheriff's Office
9. Howard County Police Department
10. Kent County Sheriff's Office
11. Maryland Department of the Environment
12. Maryland Department of State Police
13. Maryland Transportation Authority Police
14. Montgomery County Police Department
15. Prince George's County Police Department
16. Queen Anne's County Sheriff's Department
17. Rockville City Police Department
18. Seat Pleasant Police Department
19. Washington County Sheriff's Office

These subrecipients were identified through either a request from the subrecipient or an invitation to apply from the MDOT SHA MCD. A master list of agency contacts, funding levels, and performance is maintained by MCD and available for review by FMCSA upon request.

As a participant in this federal program, MCSAP subrecipients must sign the USDOT Assurances (DOT Order No. 1050.2A) and agree to carry out the requirements of the Title VI program as defined in the Title VI Plan. All MCSAP subrecipients must sign an MOU with the lead MCSAP agency to receive funding in this federal program. That MOU includes, as an attachment, a signed copy of the United States Department of Transportation Standard Title VI/Non-Discrimination Assurances (DOT Order No. 1050.2A) and appendices.

To ensure that MCSAP subrecipients meet their program plan requirements, MDOT SHA OEO developed a checklist in FFY 2020 to evaluate the subrecipient plans. FMCSA and MDOT SHA collaborated to enhance the checklist to reflect key items required for the FMCSA Title VI Program. For the upcoming FFY 2023, the MCSAP division will utilize the FMCSA approved checklist (Appendix E) to evaluate subrecipient plans. The FFY 2023 plans with the checklist will be submitted to OEO by May 2023. Key things in the checklist to look for are:

1. The subrecipient Public Notice on the subrecipient website, if applicable
2. Publicly accessed facilities managed by the subrecipient must have the Public Notice posted
3. Title VI Program Assurances signed and dated
4. Title VI Program Unbiased Enforcement Policy Statement signed and dated (a Title VI Coordinator must be identified)
5. A documented Standard of Operating Procedure for complaint disposition must be provided by the subrecipient
6. All MCSAP inspectors of the subrecipient must receive Title VI training provided by the MCD and FMCSA during their annual re-certification.

FFY 2023 subrecipient plans including an inspection selection policy will be fully executed and returned to the MCD prior to the receipt of funds in FFY 2023. The subrecipient plan requirements have been revised and the changes will be documented in the FFY 2023 subrecipient program plans. Each Title VI Plan requires the identification of a Title VI Program Coordinator to whom questions and complaints may be referred, including address, phone number and email.

Prior to conducting reviews of the subrecipient's Title VI Program, MDOT SHA will inform subrecipients of their obligations and requirements as a recipient of federal funds. Subrecipients will be required to submit their signed assurances and the Title VI plan for review. Once subrecipients have submitted their Title VI program compliance plan, MDOT SHA intends to perform a desk audit of 2-3 subrecipients, as well as all their subrecipient plans.

OEO and MCD worked together during FFY 2022 to evaluate the FFY 2022 subrecipient plans utilizing the established checklist. All noted deficiencies have been documented and shared with the subrecipients. Most deficiencies have been corrected. It was agreed upon with the FMCSA Title VI Program Coordinator that outstanding deficiencies will be corrected for the FFY 2022 Subrecipient Plans. MDOT SHA intends to work with subrecipients during FFY 2022 to ensure that their program plans meet federal requirements. To assist with plan analysis, MCD will continue to utilize the FMCSA approved checklist to evaluate FFY 2023 subrecipient plans.

MCD agrees to:

1. Utilize the FMCSA approved checklist to evaluate each subrecipient's program plan submitted for FFY 2023.
2. Submit all plans with evaluated checklists to OEO by May 31, 2023 to allow OEO ample time to review.
3. Notify sub recipients via e-mail of any deficiencies identified by OEO including a deadline to correct.
4. Submit corrected sub recipient program plans to OEO by June 30, 2023.

OEO agrees to:

1. Review the subrecipients plans for compliance with Title VI Program requirements.
2. Provide comments and/or signature verifying the Title VI Manager's review on each subrecipient evaluated checklist.
3. Develop a plan with MCD to notify subrecipients of deficiencies with a deadline to correct.

The results of the desk audits will be available for review by the FMCSA National Title VI Program Manager and Maryland Division Administrator or their designee upon request. MDOT SHA may also conduct a more in-depth review or conduct a site visit if the results of a desk audit show the possibility of a subrecipient being non-compliant.

FMCSA Title VI Compliance Plans have been developed for subrecipient use; however, there are subrecipient specific data that MDOT SHA will be required to evaluate in accordance with the FMCSA approved checklist.

MDOT SHA has provided the FMCSA Enforcement Memo, dated June 15, 2016 in previous semi-annual enforcement meetings and included it as part of the mandatory annual recertification. During FFY 2021, MCSAP intended to hold live enforcement meetings and work with the subrecipients to ensure that LEP translation services were made available for the public. Due to the COVID-19 pandemic, MCSAP postponed the live enforcement meeting and extended the LEP translation subrecipient requirements for FFY 2022 . During FFY 2023, OEO will work with MCD to develop a method to capture information how subrecipients communicate with LEP populations such as:

- Any contractual services for LEP translation or interpretation,
- Any systems used to communicate with LEP population, such as Google Translate, and
- On-call interpretation service and I-Speak cards

VII. TITLE VI PROGRAM TRAINING

During FFY 2021, OEO developed a web-based Title VI Training for MDOT SHA employees. MCD and OEO will ensure that the Title VI Core course is updated and available to staff biennially. The course, once developed and implemented, will be offered in Cornerstone as an essential core course in FFY 2023.

For MDOT SHA staff, training data will be collected, tracked and stored using MDOT SHA's Organizational Development Division (ODD) tracking tool in Cornerstone. Cornerstone will allow OEO to run training reports on any training that is processed in the system. This will allow MDOT SHA to keep track of the training participants and determine who needs training. MDOT SHA will provide training records to the FMCSA National Title VI Program Manager for FFY 2023-2024.

VIII. ACCESS TO RECORDS

All records relating to the Title VI Program will be available to the FMCSA National Title VI Program Manager, Maryland Division Administrator or their designee, upon request. Records required for the Basic MCSAP Grant or other special grants applications will be included in those grant submissions. Records pertaining to the FMCSA Title VI Program, including compliance reviews and compliant investigations, will be made available to FMCSA staff upon request during normal business hours.

IX. COMPLAINT DISPOSITION PROCESS

In an effort to proactively demonstrate that subrecipients are fully committed to FMCSA's Title VI program, each subrecipient will identify a Title VI coordinator to ensure non-discrimination in MCSAP activities. The Title VI coordinator is responsible for ensuring that participants in the MCSAP are aware of the federal requirements, as defined by the FMCSA and other appropriate statutes and authorities pertaining to Title VI. Title VI Program complaints arising from the MCSAP will be reported immediately to the MCD but will be handled by the subrecipient in accordance with their agency's Title VI Program complaint disposition procedures. The on-going status of any subsequent investigation and ultimate disposition will also be reported timely by the subrecipient and maintained in an MDOT SHA Complaints log for all subrecipients.

Subrecipients will review all allegations of discrimination while conducting MCSAP activities within their own agencies. If allegations can be substantiated, the incident and ongoing proceedings will be reported to the MCD in MDOT SHA and, immediately forwarded to OEO or the appropriate authority. The MDOT SHA Title VI Manager will investigate any complaint received regarding a subrecipient.

Any complaint relating to the Americans with Disabilities Act (ADA) should be forwarded to MDOT SHA's ADA Title II Coordinator for review and processing at:

Maryland State Highway Administration
Office of Equal Opportunity
Attention: Title II Coordinator
211 East Madison Street, Mailstop MLL-3
Baltimore, Maryland 21202
Office#: 410-545-0327, Toll Free: 1-888-545-0098

If the Complainant is dissatisfied with the MDOT SHA disposition of the case, the Complainant may file a separate complaint with FMCSA.

Complaints alleging violations of Title VI filed against MDOT SHA should be filed in writing directly with the following **INTERNAL** MDOT SHA office at:

Maryland State Highway Administration
Office of Equal Opportunity
Attention: Title VI Manager
211 East Madison Street, Mailstop MLL-3
Baltimore, Maryland 21202
Office#: 410-545-0404, Toll Free: 1-888-545-0098

Complaints alleging violations of Title VI by various units, divisions or departments of MDOT SHA should be filed in writing directly with the following **EXTERNAL** agencies:

U.S. Department of Transportation (USDOT)

Federal Highway Administration (FHWA)
George H. Fallon Federal Building
Attention: Civil Rights Specialist
31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201

U.S. Department of Transportation (USDOT)

Federal Highway Administration Headquarters,
Office of Civil Rights – Investigations and Adjudication Unit
Southeast Federal Center
1200 New Jersey Avenue, SE
HCR-40, Room E81-101
Washington, DC 20590
202/366-0693 or Fax: 202/366-1599
TTY: 202/366-5751

U.S. Department of Justice

Civil Rights Division
950 Pennsylvania Avenue, N.W.
Criminal Section, PHB
Washington, DC 20530

NOTE: Information regarding the Title VI complaint process will be made available to the general public via MDOT SHA’s website at <https://www.roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=427> (See Appendix E – External Complaint Form).

Information regarding the Title II complaint process will be made available to the general public via MDOT SHA’s website at <https://www.roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=572> (See Appendix F – ADA/504 Complaint/Grievance Form).

To the extent required and permitted by the Federal and State law, the contents of an investigation file will be maintained as confidential by MDOT SHA OEO. It is understood that files will be disclosed to appropriate MDOT SHA personnel and federal authorities in accordance with Federal and State laws. MDOT SHA will retain files in accordance with records retention schedules and all Federal guidelines. A complaint log will be maintained by the MDOT SHA OEO Title VI Manager and made available upon request to FMCSA. There were no complaints filed during FFY 2022.

X. STATUS OF CORRECTIVE ACTIONS IMPLEMENTED BY APPLICANT TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING A TITLE VI PROGRAM COMPLIANCE REVIEW

The MCD does not currently have any deficiencies that were identified in a Title VI Program Compliance Review. If the FMCSA finds MDOT SHA's MCSAP Title VI Program in a non-compliant or deficient status, then MDOT SHA will correct its programs and activities to comply with federal regulations through Voluntary Corrective Action Plan (VCAP), which is approved by the Deputy Administrator for Administration and shared with the MDOT SHA Administrator. The VCAP will outline a plan to correct all FMCSA recommendations and identified deficiencies to the FMCSA Maryland Division Administrator for approval. Once the VCAP is approved, OEO will notify the Program Areas of FMCSA findings and MDOT SHA VCAP. OEO will work with the Program Areas to ensure that the items in the VCAP are addressed and implemented accordingly. If during the annual program reviews or from complaints MCD has identified a trend or pattern of discrimination, the MCD will notify the OEO Title VI Manager for guidance. A plan will be drafted on how best to remedy the trend or pattern of discrimination.

XI. COMMUNITY PARTICIPATION PROCESS

MDOT SHA is dedicated to providing excellent customer service in all areas but does not conduct motorist licensure and motor vehicle registration activities or services. Therefore, for the purposes of this plan, this section does not apply to MDOT SHA.

XII. CMV INSPECTION SELECTION & UNBIASED ENFORCEMENT POLICIES

MDOT SHA is not an enforcement agency, so it requires no such policies. To achieve motor vehicle enforcement and inspection, the MDOT SHA has developed an Unbiased Enforcement Policy and Inspection Selection Policy which enforcement subrecipients use to ensure nondiscrimination in their daily standard operations. These policies are included in the subrecipient program compliance plans and signed by the agency official. The MCD has two trainers that will monitor agency enforcement and inspections on a random basis throughout FFY2023.

To ensure compliance with FMCSA nondiscrimination and unbiased enforcement practices and appropriate inspection selection process, MDOT SHA has required the following of its MCSAP subrecipients for FFY 2023:

- An annual program plan outlining nondiscrimination policy, to include complaint log and complaint process procedures, designated Title VI Program Coordinator, signed program assurances, and training programs.
- Posted Notice to Beneficiary on subrecipient's website.
- Posted Notice to Beneficiary on all truck weigh inspection station
- A process or method to provide LEP services to individuals with limited ability to speak English.
- MDOT SHA recognizes that the implementation of such programs takes time and will work in partnership with subrecipients to ensure that the unbiased enforcement policies are carried out effectively. SHA commits to providing to FMCSA OCR at least a few

examples provided by Sub-Grantees during FFY 2023 as they are provided to SHA for FMCSA's record

Appendix A: Signed Policy Statement

Administrator's Title VI Program Policy Statement

I. Purpose

To ensure that no person shall, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in the operations of the Maryland Department of Transportation Maryland State Highway Administration (MDOT SHA) or of any department, agency, or entity to which MDOT SHA extends federal financial assistance such as universities, counties, and municipalities.

II. Authority

As a recipient of federal funds, MDOT SHA is required to adhere to Title VI of the Civil Rights Act of 1964 (42 USC 2000d *et. seq.*) and related Nondiscrimination authorities, which includes and is not limited to, the following:

- Federal-Aid Highway Act of 1973 Section 162(a);
- Civil Rights Restoration Act of 1987;
- Executive Order #12898-Environmental Justice;
- Executive Order # 13166 –Limited English Proficiency;
- 49 CFR Part 21 & 303; and
- 23 CFR Part 200
- Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A.

III. Applicability

This Title VI Program Policy Statement applies to all MDOT SHA operations to include: all offices, divisions, districts, shops, and locations. As applicable, this statement includes MDOT SHA contractors, consultants, and anyone who acts on MDOT SHA's behalf. Additionally, this Policy Statement applies to the operations of any department, agency, or entity to which MDOT SHA extends federal financial assistance.

IV. Definitions

Federal financial assistance is defined as any federal dollars designated to MDOT SHA which supports any program, activity or service by way of grant, loan or contract, other than a contract of insurance or guaranty. This includes use of equipment, donations of surplus property, and other forms of assistance.

V. Policy

It is SHA's policy to commit to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and related Nondiscrimination authorities. MDOT SHA assures that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any MDOT SHA program, activity or service. MDOT SHA further assures every effort will be made to ensure non-discrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not.

Specific Forms of Discrimination Prohibited

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation of persons in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

Environmental Justice

SHA is also committed to assure every effort will be made to prevent the discrimination of low-income populations as a result of any impact of its programs or activities in accordance with Executive Order 12898. MDOT SHA assures fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies MDOT SHA will meaningfully engage all sectors of the public, including low-income and minority populations, potentially affected by MDOT SHA projects. To help ensure the fair distribution of the benefits and burdens associated with MDOT SHA programs, activities, and projects, MDOT SHA is guided by the following Environmental Justice Principles:

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

Appendix B: Signed FMCSA Assurances

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Maryland State Highway Administration (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 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*);
- 49 C.F.R. part 27 (*entitled Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (*entitled Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (*entitled Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (**FMCSA’s Title VI/Nondiscrimination Regulation**);
- 28 C.F.R. part 35 (*entitled Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and **FMCSA** intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

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, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Maryland State Highway Administration receives Federal financial assistance from DOT, including the **FMCSA.**”*

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

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) 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 the **FMCSA** Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Maryland State Highway Administration 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, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;

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

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

By signing this ASSURANCE, Maryland State Highway Administration also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, 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.

Maryland State Highway Administration 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 Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on [insert State], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

The Maryland State Highway Administration

By _____

Tim Smith

Tim Smith

Date _____

06/27/2022

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 Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (**FMCSA**), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
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 **FMCSA** 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 **FMCSA**, 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 **FMCSA** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **FMCSA** 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.

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

APPENDIX B

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 Department of Transportation as authorized by law and upon the condition that the ***(Title of Recipient)*** will accept title to the lands and maintain the project constructed thereon in accordance with ***(Name of Appropriate Legislative Authority)***, the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the 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 ***(Title of Recipient)*** all the right, title and interest of the 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 ***(Title of Recipient)*** 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 ***(Title of Recipient)***, its successors and assigns.

The ***(Title of Recipient)***, 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, national origin, sex, age, disability, income-level, or LEP 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 ***(Title of Recipient)*** 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, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the 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 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 effectuate the purpose of Title VI.)

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

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (***Title of Recipient***) 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 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, national origin, sex, age, disability, income-level, or LEP 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, (***Title of Recipient***) 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 (***Title of Recipient***) 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 effectuate the purpose of Title VI.)

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

APPENDIX D

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP 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, national origin, sex, age, disability, income-level, or LEP 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, (**Title of Recipient**) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

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

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- 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, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. 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 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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 non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

Appendix C: Public Notice of Title VI Program Rights

Public Notice of Title VI Program Rights

The Maryland Department of Transportation State Highway Administration (MDOT SHA) gives public notice of its' policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding MDOT SHA's Title VI Program can contact its Title VI Program Coordinator – Judith de Vastey at the address noted below:

MDOT State Highway Administration
Office of Equal Opportunity
211 E. Madison Street, MS-LL3
Baltimore, MD 21202

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Judith de Vastey
Title VI Manager
MDOT State Highway Administration
Office of Equal Opportunity
211 E. Madison Street, MS-LL3
Baltimore, MD 21202
Email | jdevastey@mdot.maryland.gov
Phone | 410-545-0404

Aviso Público de los Derechos del Programa Título VI

La Administración de Carreteras del Estado del Departamento de Transporte de Maryland (MDOT SHA) da aviso público de su política para mantener y asegurar el pleno cumplimiento de los requisitos de no discriminación del Título VI de la Ley de Derechos Civiles de 1964 y las autoridades de No Discriminación relacionadas. El Título VI y las autoridades de no discriminación relacionadas estipulan que, a ninguna persona en los Estados Unidos de América, por motivos de raza, color, origen nacional, sexo, edad, discapacidad, nivel de ingresos o dominio limitado del inglés, se le negarán los beneficios, o se le opondrá discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal.

Cualquier persona que desee más información sobre el Programa Título VI de MDOT SHA puede comunicarse con el Coordinador del Programa Título VI – Judith de Vastey, a la dirección que se indica a continuación:

Administración de Carreteras del Estado de MDOT
Oficina de Igualdad de Oportunidades
211 E. Madison Street, MS-LL3
Baltimore, MD 21202

Cualquier persona que crea que, individualmente o como miembro de cualquier clase específica de personas, ha sido objeto de discriminación por motivos de raza, color, origen nacional, sexo, edad, discapacidad, nivel de ingresos o dominio limitado del inglés, tiene derecho a presentar una queja formal. Dicha queja debe presentarse por escrito y presentarse dentro de los 180 días siguientes a la fecha del supuesto suceso:

Judith de Vastey
Gerente de Título VI
Administración de Carreteras del Estado de MDOT
Oficina de Igualdad de Oportunidades
211 E. Madison Street, MS- LL3
Baltimore, MD 21202
Correo electrónico | jjdevastey@mdot.maryland.gov
Teléfono | 410-545-0404

Appendix D: Summary of Program Accomplishments

FMCSA FFY 2022 New Goals Timeline

Date	Task	Responsible office	Date Task was performed
March 31, 2022	Make the necessary edits to the Title VI Brochure to ensure FMCSA and MCD acceptance	MCD	2/11/22
March 31, 2022	Send Brochure to communications for review and approval	MCD	5/13/22
June 30, 2022	Print final copy of brochure and provide Subrecipients with a copy	MCD	06/08/22
March 30, 2022	Coordinate efforts with the subrecipients to review current status for physical and/or internet posting of the Public Notice	MCD	10/01/22 – 06/24/22
June 30, 2022	Confirm visual documentation to the OEO Title VI Manager that each notice is visible to the public.	MCD	05/25/22 – 06/24/22
June 30, 2022	Utilize the FMCSA approved checklist to evaluate FFY 2022 subrecipient plans.	MCD	05/25/22 – 06/24/22
All plans should be submitted to OEO by June 30, 2022	Submit the FFY 2022 plans and the checklist to OEO	MCD	06/24/22
May 31, 2022	Provide Documentation to OEO that the Brochure was shared with subrecipients.	MCD	06/08/22
July 15, 2022	Notify sub recipients via e-mail of any deficiencies identified by OEO and MCD including a deadline to correct and copy OEO staff on the correspondence.	MCD	
July 31, 2022	Submit corrected sub recipient program plans to OEO.	MCD	N/A

FFY 2022	Develop Title VI Training for MDOT SHA staff	OEO	August 2022
FFY 2022	Review the visual documentation for the posted Notice to Beneficiaries provided from MCD	OEO	October 2022
FFY 2022	Provide Title VI training for MDOT SHA staff	OEO	January 2023

Appendix E: Subrecipient Evaluation Checklist

B	Title VI Program Assurance						
I.	Is the FMCSA Title VI Program Assurance signed by the CEO and included in the Plan?						
II.	Is the Assurance signed for the current FFY?						
C	Description of Federal-Aid Programs						
I.	Does Applicant provide a description of the Federal-Aid program for which they are applying?						
II.	Does the Applicant provide an updated summary of activities?						
D	Notification to Beneficiaries/Participants						
I.	Is there a hard copy of the Public Notice of Title VI Program Rights posted in publicly accessed facilities? Provide an image of the posted Public Notice.						
II.	Is the Public Notice of Title VI Program Rights available on the						

	applicant's website? Provide web link to Public Notice.						
E	Sub-recipient Compliance Reports						
I.	Does the Applicant intend to sub-award any FMCSA funds?						
II.	If the applicant does intend to sub-award, how does the Applicant ensure the Sub-Recipient understands its' Title VI Program responsibilities (i.e. provide a Plan and signed Assurance)?						
F.	Training						
I.	Does the Applicant describe its' procedure for conducting periodic Title VI Program training to its personnel? Please explain.						
II.	Does training material include using the Title VI Program Policy Statement and power-point presentation (in-person, web-based, e.t.c.), how often, and by whom?						
III.	If the Applicant sub-awards FMCSA funds, does the Applicant provide training to Sub-Recipient(s) at least every other year?						

IV.	Does the applicant provide the FMCSA Enforcement Memo MC-ECE-2016-006 to personnel?						
G.	Access to Record						
I.	Does the applicant retain records relating to the effective implementation of Title VI Program requirements which are available for review by the SHA and FMCSA?						
II.	Is there a record of how these documents are made available for review to SHA and FMCSA staff either through periodic submission and/or upon request?						
H.	Complaint Disposition						
I.	How does Applicant process a Title VI Program-related complaint of discrimination from a member of the public (i.e., intake, fact investigation conducted, report of investigation prepared, evaluation made regarding merit allegation(s), resolution or finding, e.t.c.)?						
II.	Does the Sub-recipient keep a complaint log?						

III.	Has the Applicant provided a copy of its' complaint process to SHA?						
I.	Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously identified during a Title VI Program Compliance Review.						
I.	Is there a list of all previously identified deficiencies by the SHA, FMCSA or other agency?						
II.	Is there a status of the Applicant's efforts to address the deficiencies?						
J.	Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies -						
I.	Does the applicant conduct commercial motor vehicle (CMV) safety inspections (and possibly safety audits of commercial motor carriers) and traffic enforcement activities? If yes, Continue Checklist. If no, stop here.						
II	Has the Applicant developed a CMV inspection selection policy or has reviewed an existing policy and has referenced the Commercial Vehicle Safety Alliance's Operational Policy #13 ("Selecting Vehicles for						

	Inspection”) during the development of the policy.Please submit the policy to SHA;						
III	Has Applicant’s CEO signed/approved the policy? If Yes, provide the date of the policy.						
IV.	Has the Applicant submitted the policy to the SHA?						
V.	Has the Applicant developed an Unbiased Enforcement policy which includes references to the CEO-signed FMCSA Title VI Program Assurance (and identifies the protected groups which are identified under the FMCSA Title VI Program)?						
VI.	Has the applicant inserted a statement in the Unbiased Enforcement policy including the following: Public Notice of Title VI Program Rights (include the weblink to the Public Notice), complaint disposition including coordination with the Applicant’s Title VI Program Coordinator, Title VI Program training for personnel conducted annually or every-other-year, and periodic monitoring by the Applicant of						

	the effective implementation of this policy						
VII.	Has the Applicant's CEO signed/approved the policy? If Yes, provide the date of the policy. Please submit the policy to the SHA.						

Appendix F: External Complaint Form



TITLE VI COMPLAINT FORM

Section I				
Name:				
Address:				
Telephone (Home)			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "Yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race		<input type="checkbox"/> Color		<input type="checkbox"/> National Origin
<input type="checkbox"/> Age		<input type="checkbox"/> Sex		<input type="checkbox"/> Disability
<input type="checkbox"/> Income Level		<input type="checkbox"/> Limited English Proficiency		<input type="checkbox"/> Other
Date of the Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				



TITLE VI COMPLAINT FORM – page 2

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
Have you filed a Title VI complaint with any other Federal, State, or local agency, or with any Federal or State Court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency:	<input type="checkbox"/> State Agency:	
<input type="checkbox"/> Federal Court:	<input type="checkbox"/> Local Agency:	
<input type="checkbox"/> State Court:	<input type="checkbox"/> Other	
Please provide information about a contact person at the agency or court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below.

Signature

Date

Please submit this form in person or by mail to the address below:
Maryland Department of Transportation State Highway Administration

Title VI Program Manager
Office of Equal Opportunity
211 E. Madison Street
Baltimore, MD 21202

Appendix G: ADA/504 Complaint/Grievance Form

**Maryland State Highway Administration
ADA/504 Complaint/Grievance Form**

Complainant: _____

Person Preparing Complaint (if different from Complainant): _____

Relationship of Preparer to Complainant: _____

Street Address: _____ Apartment/Unit number: _____

City/County: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Please provide a complete description of the specific complaint or grievance, including date of alleged violation. Use additional pages or provide copies of documentation that may substantiate any allegations. _____

Please specify any locations(s) related to the complaint or grievance (if applicable): _____

Please state as specifically as possible what you think should be done to resolve the complaint or grievance: _____

May we contact you personally? Yes _____ No _____

If yes, please indicate how you'd like to be contacted. Phone _____ E-mail _____ USPS _____

Signature of Complainant/Preparer Date

Return this form to: Maryland State Highway Administration,
ADA Title II Coordinator, Mail Stop M-LL3
707 North Calvert Street
Baltimore, MD 21202

Upon request, copies of this form will be provided in alternative formats. Please contact the ADA Title II Coordinator at the address listed above, via telephone at 410-545-0362; Toll free 1-888-204-0157; TDD 1-800-735-2258. (Maryland Relay)