

**FFY 2024**

**Title VI/Nondiscrimination Plan**

***Ensuring Justice***

OCTOBER 1, 2024

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## SECTION 1 PROGRAM OVERVIEW

### Introduction

The Iowa Department of Transportation (Iowa DOT) is a recipient of Federal Financial Assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 which forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal Funds.

Title VI does not only apply to the discrete program or activity to which a recipient directs federal funds. Congress clarified its intent regarding the broad coverage of Title VI and related civil rights laws with the Civil Rights Restoration Act of 1987. That Act amended Title VI to say that “programs” or “programs and activities” means “all of the operations of” any department, agency, or instrumentality of a state or local government, any part of which is extended federal assistance. To be clear, if a department of a state or local government receives federal assistance, all of the operations of that department would be covered by Title VI, but not all of the operations of the State or local government as a whole. The amended definition of “programs and activities” also makes clear that Title VI does not only apply to activities of a recipient of federal assistance that are federally funded, but applies to “all the operations of” a recipient, even those that are not federally funded. Title VI also applies to the programs and activities of entities that distribute federal funds to other entities (called “subrecipients”) as well as those actions taken by private firms under contract with the recipient. Taken together, this means that the scope of Title VI is quite expansive.

The Iowa DOT is to ensure that none of its activities or programs treats any part of the community any differently than another. The Iowa DOT expects every manager, supervisor, employee, and sub-recipient of Federal-Aid Funds administered by the Iowa DOT to be aware of and apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Highway Administration (FHWA) requires recipients of Federal-Aid Funds to prepare a plan to clarify roles, responsibilities, and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The Iowa DOT’s Title VI Program Plan focuses on functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964.

## Policy statement of nondiscrimination

The Iowa Department of Transportation, hereinafter referred to as the Iowa DOT, through enactment of this program, hereby prohibits discrimination on the basis of race, color, or national origin in programs and activities of any entity that receive federal assistance. The law provides that: “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance.” 42 U.S.C. § 2000d. Entities, whether public or private, that receive federal assistance (called recipients) from any federal agency, including the Federal Highway Administration (FHWA), must take concrete steps to ensure nondiscrimination in their programs and activities.

The Iowa DOT further assures every effort will be made to ensure nondiscrimination in all its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the Iowa DOT to comply with:

- 49 CFR Part 21; 49 CFR Part 303; Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e
- Uniform Relocation Assistance and Real Property Acquisition Act of 1970, 42 U.S.C. §§ 4601-4655
- 1973 Federal Aid Highway Act, 23 U.S.C. § 324
- Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq
- Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28
- Title VII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631
- Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations); and
- Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency) and The United States Department of Transportation (USDOT) Standard Title VI/Nondiscrimination Assurances DOT Order No 1050.2A. (See: page 25.)

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

The Iowa DOT also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities. In addition, the Iowa DOT will take reasonable steps to provide meaningful access to services for persons. The Iowa DOT will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives, and regulations. In the event the Iowa DOT distributes federal-aid funds to a second-tier subrecipient, the Iowa DOT will include Title VI language in all written agreements.

The Iowa DOT's Civil Rights Bureau Director, is responsible for initiating and monitoring Title VI & Nondiscrimination activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.



Signature

Scott C. Marler

Director, Iowa Department of Transportation

October 1, 2024

Date

## Standard Assurances

### 49 C.F.R. § 21.7

Pursuant to 49 C.F.R. § 21.7, every application for federal financial assistance or continuing federal financial assistance must provide a statement of assurance and give reasonable guarantee that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964). Fully executed standard DOT assurances (including Appendices A, B, C, D and E) are attached to this plan. (Attachment A)

## SECTION 2 ORGANIZATION AND STAFFING

### Organizational Chart

Iowa DOT's Title VI/Nondiscrimination Program has been established in accordance with federal rules under 23 CFR Part 200 and falls within the scope of responsibilities of the Civil Rights Bureau (hereafter referred to as "CRB"). CRB, located in Ames, serves as a central resource for Iowa DOT Districts, Bureaus, Divisions, its sub-recipients and the public.

The Iowa DOT's organizational chart (Appendix B), showing the Civil Rights Bureau, as of July 2024, also found here: [https://iowadot.gov/pdf\\_files/dot\\_organ\\_chart.pdf](https://iowadot.gov/pdf_files/dot_organ_chart.pdf). The CRB's organizational chart is Appendix C.

### Staffing

The responsibility for the direction and implementation of the Iowa DOT's Title VI Program is assigned to the Director of the Iowa DOT.

The Civil Rights Bureau Director (hereafter referred to as "Bureau Director"), on behalf of the Iowa DOT Director, is responsible for the department-wide management of the Title VI program and the Civil Rights Bureau (hereafter referred to as "CRB") and has direct access to the Iowa DOT's Director on Title VI/Nondiscrimination issues. The Bureau Director is under the direct supervision of the Administrative Services Division Director, who reports to the Chief Operating Officer, who reports to the DOT Director.

### Civil Rights Bureau Director Responsibilities

The Bureau Director is responsible for implementing, monitoring, and ensuring Iowa DOT compliance with Title VI regulations. The Title VI responsibilities are as follows:

- Oversees the daily operations of the Civil Rights Bureau
- Consult with and inform the Director and Administrative Services Division Director of the Iowa DOT on nondiscrimination program activities.
- Process the disposition of Title VI complaints received by the Iowa DOT, with assistance from Civil Rights Committee members/liaisons.
- Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of state highway and enforcement programs.
- Review Environmental Impact Statements for Title VI and Environmental Justice compliance



- Conduct Title VI reviews of cities, counties, consultants, contractors, universities, colleges, planning agencies, and other recipients of federal transportation funds.
- Review state program directives in coordination with Civil Rights Committee liaisons for special emphasis program areas and, where applicable, include Title VI language and related requirements.
- Conduct training programs on Title VI and related statutes for state program officers, civil rights officials, and Iowa DOT sub-recipients of federal funds.
- Prepare the annual Title VI update report reflecting accomplishments of the past year and establishing goals for the next year.
- Develop Title VI/Nondiscrimination information for dissemination to the public, including translation into languages other than English when appropriate.
- Conduct post-grant approval reviews of state programs, sub-recipients and applicants for compliance with Title VI requirements.
- Identify, investigate, and eliminate discrimination when found to exist within our programs.
- Establish procedures for promptly resolving deficiency status and develop a written remedial action plans as necessary, all within a period not to exceed 90 days.
- Provide technical assistance to sub-recipients in the development of their Title VI/Nondiscrimination Plan and assurances.

### EEO/AA Officer & ADA Coordinator

The internal Equal Employment Opportunity (EEO), Affirmative Action (AA) Officer and ADA Coordinator, under the direct supervision of the Civil Rights Bureau Director is responsible for functional administration of Iowa DOTs EEO-AA Program and ADA compliance under Title I and II. Duties include:

- Administer and implement DOTs internal equal employment opportunity (EEO) program (delegated by the DOT Director) to ensure fair and equal treatment of persons regardless of race, color, religion, national origin, sex, age, and disability in all employment practices as it relates to 23 CFR Appendix A to Subpart C of Part 230 and Iowa Administrative Code 19.B.
- Investigate complaints of discrimination under Title VII of the Civil Rights Act filed with state and federal enforcement agencies (e.g. Civil Rights Commission, Equal

Employment Opportunity Commission, and city human rights commissions across the state.

- Prepare technical correspondence explaining the department's position on formal complaints that may be precedent setting by required deadline (30-days).
- Serve as liaison between the department and enforcement agencies.
- Advise DOT management on resolutions to the complaints.
- Maintain accurate records and report investigations annually to federal highway administration through the annual affirmative action plan and report.
- Administer DOT's Request for Reasonable Accommodation (RRA) process.
- Coordinate Title I responsibilities under the ADA which requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment.
- Serve as lead resource for accessibility and disability nondiscrimination regulations under ADA Title II and Section 504. This includes complaint and grievance procedures, general non-discrimination and notices to the public, facility accessibility and program accessibility, ADA transition plan and effective communication with all individuals (vision, hearing and/or speech disabilities require particular attention).
- Log, track and investigate external civil rights complaints (Title II, ADA and 504) as assigned.

### External Civil Rights Administrator Responsibilities

The External Civil Rights Administrator, under the direct supervision of the Civil Rights Bureau Director is responsible for ensuring the Iowa DOT's compliance with the federal Civil Rights programs that highway contractors, consultants and sub-recipients must comply with. The Title VI responsibilities are as follows:

- Log, track and investigate external civil rights complaints (Title VI, Title II, ADA and 504) as assigned.
- Implement the Title VI/Nondiscrimination Plan.
- Implement the Disadvantaged Business Enterprise (DBE) Program on USDOT-assisted contracts and procurements.

- Setting annual overall DBE goals and DBE goals on individual projects in coordination with internal Iowa DOT divisions.
- Implement the Equal Employment Opportunity (EEO) Contract Compliance Program.
- Implement the On-the-Job Training (OJT) programs under the Training Special Provisions (TSP) of USDOT-assisted construction contracts.
- Establish and monitor the DBE, and Small Business Development Contracts (SBDC) Supportive Services Programs.
- Ensure proper DBE and SBDC Certification processes and documents are utilized.
- Provide training and technical assistance to the Iowa DOT and its sub-recipients, contractors and consultants.
- Implement the Minority and Women Business Enterprise (MWBE) program on state-funded contracts and procurements

### Civil Rights Compliance Officers' Responsibilities

The Civil Rights Compliance Officers, under the direct supervision of the CRB Director, work in collaboration with the Civil Rights Bureau Director and External Civil Rights Administrator. They are responsible for preparing reports, coordinating and providing technical assistance on all Title VI/Nondiscrimination and Title II Programs. Duties include:

- Conducting internal Title VI reviews of Iowa DOT Program Bureau activities when necessary to cover areas beyond those included in routine monitoring.
- Participating with program area staff to review section program activities that include Title VI/Nondiscrimination issues.
- Conducting Title VI/Nondiscrimination reviews of consultants, contractors, suppliers, colleges/universities, regional planning affiliations (RPAs) and other sub-recipients of federal financial assistance to ensure Title VI compliance.
- Review Iowa DOT program manuals, contracts, and policy statements to determine whether Title VI is appropriately addressed.
- Working with program areas to correct identified Title VI/Nondiscrimination issues including discriminatory practices or policies.
- Developing Title VI/Nondiscrimination information for dissemination to the public and, where appropriate in languages other than English.

- Conduct Title VI training for Civil Rights Committee Liaisons, Iowa DOT staff and subrecipients.
- Assist in the preparation of annual reports of Title VI activities and accomplishments.
- Assist in updating the Title VI/Nondiscrimination Plan as necessary to reflect organizational, policy or implementation changes.

### Civil Rights Liaison (Committee)

Each of the Iowa DOT Bureaus listed in the chart on the next page shall have a designated Civil Rights Committee Liaison. These key programs or department areas are subject to receiving federal assistance through grants or other types of transportation-related funding and are responsible for implementing Iowa DOT directives and policies to ensure civil rights compliance and equal opportunity within their respective program/area including:

| Last Name   | First Name | Bureau                                               | Email Address                                                                | Phone #      |
|-------------|------------|------------------------------------------------------|------------------------------------------------------------------------------|--------------|
| Beach       | Hanna      | Local Systems-Backup                                 | <a href="mailto:Hannah.beach@iowadot.us">Hannah.beach@iowadot.us</a>         | 515-239-1527 |
| Vacant      |            | Project Management                                   |                                                                              |              |
| Wingert     | Jamie      | Public Transit                                       | <a href="mailto:Jamie.Wingert@iowadot.us">Jamie.Wingert@iowadot.us</a>       | 515-239-1806 |
| Harvey      | Mike       | Resource & Acquisitions<br>Bureau – Support Services | <a href="mailto:Mike.Harvey@iowadot.us">Mike.Harvey@iowadot.us</a>           | 515-239-1327 |
| Hjelmstad   | Pete       | District 2                                           | <a href="mailto:pete.hjelmstad@iowadot.us">pete.hjelmstad@iowadot.us</a>     | 641-422-9459 |
| Holm        | Mark       | Right of Way                                         | <a href="mailto:mark.holm@iowadot.us">mark.holm@iowadot.us</a>               | 515-233-7867 |
| Kasper      | Ed         | Contracts & Specifications                           | <a href="mailto:edward.kasper@iowadot.us">edward.kasper@iowadot.us</a>       | 515-239-1414 |
| Smyth       | Allison    | District 1                                           | <a href="mailto:Allison.smyth@iowadot.us">Allison.smyth@iowadot.us</a>       | 515-239-1996 |
| Merryman    | Kevin      | Construction & Materials                             | <a href="mailto:Kevin.Merryman@iowadot.us">Kevin.Merryman@iowadot.us</a>     | 515-239-1848 |
| Yeh         | Daniel     | MVD                                                  | <a href="mailto:daniel.yeh@iowadot.us">daniel.yeh@iowadot.us</a>             | 515-357-4094 |
| Miller      | Trisha     | Location and Environment                             | <a href="mailto:Trisha.miller@iowadot.us">Trisha.miller@iowadot.us</a>       | 515-239-1798 |
| Brewer      | Valerie    | Location and Environment                             | <a href="mailto:Valerie.brewer@iowadot.us">Valerie.brewer@iowadot.us</a>     | 515-239-1798 |
| Whaley      | Emily      | Local Systems Bureau                                 | <a href="mailto:emily.whaley@iowadot.us">emily.whaley@iowadot.us</a>         | 515-766-9402 |
| Wieland     | Michelle   | Research & Analytics Bureau                          | <a href="mailto:Michelle.Wieland@iowadot.us">Michelle.Wieland@iowadot.us</a> | 515-239-1447 |
| Ortiz-Pagan | Milly      | Systems Planning                                     | <a href="mailto:milly.ortiz@iowadot.us">milly.ortiz@iowadot.us</a>           | 515-233-7733 |

|                     |               |                                            |                                                                                    |              |
|---------------------|---------------|--------------------------------------------|------------------------------------------------------------------------------------|--------------|
| <b>Patel</b>        | <b>Kevin</b>  | <b>Design Bureau</b>                       | <a href="mailto:Kevin.Patel@iowadot.us">Kevin.Patel@iowadot.us</a>                 | 515-239-1505 |
| <b>Putz</b>         | <b>David</b>  | <b>Emerging Technologies Business Unit</b> | <a href="mailto:David.Putz@iowadot.us">David.Putz@iowadot.us</a>                   | 515-239-1297 |
| <b>Tracy</b>        | <b>Sarah</b>  | <b>District 3</b>                          | <a href="mailto:Sarah.Tracy@iowadot.us">Sarah.Tracy@iowadot.us</a>                 | 712-274-5837 |
| <b>Vacant</b>       |               | <b>District 5</b>                          |                                                                                    |              |
| <b>Suhr</b>         | <b>Scott</b>  | <b>District 4</b>                          | <a href="mailto:scott.suhr@iowadot.us">scott.suhr@iowadot.us</a>                   | 712-243-7627 |
| <b>Torres-Cacho</b> | <b>Hector</b> | <b>District 6</b>                          | <a href="mailto:Hector.torres-cacho@iowadot.us">Hector.torres-cacho@iowadot.us</a> | 641-469-4007 |
| <b>Wineinger</b>    | <b>Zhaia</b>  | <b>Outreach &amp; Development Bureau</b>   | <a href="mailto:Zhaia.Wineinger@iowadot.us">Zhaia.Wineinger@iowadot.us</a>         | 515-239-1807 |
| <b>Vacant</b>       |               | <b>Maintenance Bureau</b>                  |                                                                                    |              |

### Civil Rights Bureau

|                      |                |                                             |                                                                            |                     |
|----------------------|----------------|---------------------------------------------|----------------------------------------------------------------------------|---------------------|
| <b>Rainey</b>        | <b>Nikita</b>  | <b>Civil Rights Bureau Director</b>         | <a href="mailto:nikita.rainey@iowadot.us">nikita.rainey@iowadot.us</a>     | <b>515-239-1304</b> |
| <b>Bradley</b>       | <b>Tracey</b>  | <b>Civil Rights Compliance Officer</b>      | <a href="mailto:tracey.bradley@iowadot.us">tracey.bradley@iowadot.us</a>   | <b>515-239-1833</b> |
| <b>Kerber</b>        | <b>Steve</b>   | <b>Civil Rights Compliance Officer</b>      | <a href="mailto:steven.kerber@iowadot.us">steven.kerber@iowadot.us</a>     | <b>515-239-1483</b> |
| <b>Reeve-Mendoza</b> | <b>Yareli</b>  | <b>External Civil Rights Administrator</b>  | <a href="mailto:yareli.mendoza@iowadot.us">yareli.mendoza@iowadot.us</a>   | <b>515-233-7779</b> |
| <b>Wagener</b>       | <b>Danny</b>   | <b>DBE Compliance Auditor</b>               | <a href="mailto:danny.wagener@iowadot.us">danny.wagener@iowadot.us</a>     | <b>515-239-1422</b> |
| <b>Weerheim</b>      | <b>Amy</b>     | <b>EEO/AA Officer &amp; ADA Coordinator</b> | <a href="mailto:Amy.Weerheim@iowadot.us">Amy.Weerheim@iowadot.us</a>       | <b>515-689-1009</b> |
| <b>Barrick</b>       | <b>Harmony</b> | <b>Transportation Aide</b>                  | <a href="mailto:harmony.barrick@iowadot.us">harmony.barrick@iowadot.us</a> | <b>515-239-1026</b> |

### FHWA Liaison

|               |                 |             |                                                                    |                     |
|---------------|-----------------|-------------|--------------------------------------------------------------------|---------------------|
| <b>Gibson</b> | <b>Danielle</b> | <b>FHWA</b> | <a href="mailto:Danielle.Gibson@dot.us">Danielle.Gibson@dot.us</a> | <b>515-233-7324</b> |
|---------------|-----------------|-------------|--------------------------------------------------------------------|---------------------|

## Committee Organization

The CRB and Civil Rights Committee members have the primary responsibility of implementing civil rights and nondiscrimination programs within the Iowa DOT. The Civil Rights Committee members have been selected based on their technical expertise in each of their program areas/bureaus. All members are expected to contribute and participate.

## Responsibilities of the Civil Rights Committee

Members will provide support, coordination, input and information on the processes, procedures and operations of their areas of expertise to ensure the best possible decision making in the development and completion of compliance reviews.

- Members will devote the time and thought necessary to provide valuable guidance and input to the lead reviewer and work effectively to help reconcile issues or areas of concern. This requires responding to requests from the Lead Reviewer by a specified due date.
- Members will provide research, analysis and recommendations to enhance the effectiveness of the compliance reviews, such as developing review instruments, interview questions and ongoing efficiencies (continuous process improvements).
- The Committee will meet on a quarterly basis. The Committee will be co-chaired by the CRB External Civil Rights Administrator.

## SECTION 3 IMPLEMENTATION PROCEDURES

### Complaints

If any individual believes that he/she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, on the grounds of race, color, and national, he/she may file a complaint with the Iowa DOT. Complaints will be logged and forwarded to the FHWA-Iowa Division office.

If the complaint is returned to the Iowa DOT for investigation, an investigation file will be created and will contain, at minimum: copy of the complaint, investigative plan, investigation report, investigative findings, recommendations, and remedial action taken.

### Data Collection

Statistical data on race, color, national origin, age, disability, income level, language spoken, and sex of participants in, and beneficiaries of, Iowa DOT programs, e.g., relocation, impacted citizens, and affected communities, will be gathered and maintained by the CRB for the Iowa DOT. Each of the Title VI program areas will maintain data to be incorporated in the Title VI/Nondiscrimination Annual Accomplishments and Goals Report. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI/Nondiscrimination program administration.

### Iowa DOT Internal Title VI Program Reviews

The CRB will annually review its program areas, divisions, bureaus and districts to assess Iowa DOT administrative procedures and processes, staffing and resources available for Title VI/Nondiscrimination compliance. On an annual basis, the Title VI/Nondiscrimination Accomplishments and Goals report will be reviewed to ensure it contains the necessary information to evaluate the Iowa DOT Title VI/Nondiscrimination program as it pertains to its accomplishments, shortfalls, and problem areas.

The Civil Rights Compliance Officers will conduct one or more internal Program Area reviews annually. These Program Reviews focus more in-depth on a specific Federal Program Area. The following criteria may be used in selecting the program areas and bureaus for review:

Concerns or questions regarding Title VI complaints, history of deficiencies or observations during review of the Title VI/Nondiscrimination Accomplishment and Goals report. Program areas scheduled for review will be notified in writing at least 60 days in advance to coordinate a date to ensure the attendance of key personnel. The notification will include a compliance review instrument containing questions that program areas, bureaus, or districts are required to answer in writing and return within 30 days of receipt.

The CRB will review the responses to the compliance review instrument during the desk review process in advance of the on-site review. The program review will consist of a desk audit, review of files and documentation, in-person conference and interviews.

A compliance review report (findings) will be issued within 30 days following the in-person conference. A copy of the report is provided to the Bureau Director/District Engineer and appropriate staff members and FHWA. If the CRB determines that the program area is in compliance, no action will be required. If the CRB determines that the program area has deficiencies, CRB with the assistance of the program area will develop a Corrective Action Plan (CAP) to overcome any findings within a period not to exceed 90 days.

### Corrective Action

Effective compliance with Federal regulations requires the Iowa DOT to take corrective action to resolve Title VI/Nondiscrimination deficiencies. The CRB will seek the cooperation of the program area and/or bureau in correcting deficiencies found during the review. If an Iowa DOT program area, and/or bureau is found to have deficiencies, the program area and/or bureau, with the assistance of the CRB, will write a corrective action plan to be implemented within a reasonable time period not to exceed 90 days.

The CRB will also provide technical assistance and guidance as needed to aid the program area and/or bureau. Efforts to resolve deficiencies found at the outset of the review will be pursued throughout the compliance review process.

### Self-Monitoring

Self-monitoring requires program areas and bureaus to track, regulate and observe their processes to ensure compliance with Title VI/Nondiscrimination.

Documentation is a critical element of the compliance monitoring process. It is relied upon to provide evidence, proof and support of historical facts during monitoring and compliance review activities. Policy decisions, procedures, analysis, actions, and outcomes should be documented as part of the program area staffs' daily routine.

### Title VI Reviews of Sub-recipients

It is the responsibility of the CRB to conduct compliance reviews of its sub-recipients of federal financial assistance, including local public agencies (LPAs) and regional planning affiliations (RPAs). The CRB conducts compliance reviews to:

1. Ensure compliance with Title VI
2. Provide technical assistance in the implementation of the Title VI program
3. Correct deficiencies, when found to exist

The Title VI/Nondiscrimination review process focuses on, but is not limited to, compliance with 10 major components of Title VI. The 10 components are defined in IM 1.070 [http://www.iowadot.gov/local\\_systems/publications/im/1070.pdf](http://www.iowadot.gov/local_systems/publications/im/1070.pdf)

- i. Developing Title VI Assurances
- ii. Developing a Title VI Policy Statement
- iii. Identifying a Title VI Coordinator or Civil Rights Liaison
- iv. Developing procedures for processing external discrimination complaints



- v. Providing the Iowa DOT with a list of external discrimination complaints
- vi. Providing accommodations for limited English proficient (LEP) persons
- vii. Ensuring nondiscrimination in the LPA's public participation process
- viii. Collecting and analyzing data to ensure nondiscrimination in the LPA's programs and activities
- ix. Ensuring that contracts contain the appropriate Title VI contract provisions
- x. Ensuring nondiscrimination in the award of contracts

All sub-recipients of the Iowa DOT are subject to review.

The CRB will perform desk and onsite compliance reviews on selected sub-recipients.

The CRB will complete a compliance review report on each LPA and retain the report for a 5-year period. The CRB will send a copy of the report to FHWA – Iowa Division for both review and monitoring purposes.

The CRB will review RPAs each year. The review process is established by the Systems Planning Bureau and shall follow the schedule and selection of RPAs established by said bureau.

The CRB shall utilize a weighted random sample from the pool of all Iowa LPAs that have received federal funding in the selection of reviews to be performed on those sub-recipients except for RPAs. Selected LPAs will be notified in writing at least 60 days in advance that they have been selected for compliance review to coordinate a date to ensure the attendance of key personnel. The notification will include a Title VI/Nondiscrimination compliance site review tool containing questions that sub-recipients are required to answer in writing and return 30 days after receipt.

The CRB Civil Rights Compliance Officers will review the documents and information submitted by the sub-recipient. A compliance review report will be issued within 30 days following the onsite review. A copy of the report is provided to the sub-recipient and FHWA-Iowa Division. No action on the part of the sub-recipient is required on findings of compliance unless a condition of compliance is specified. If the review contains deficiencies, the subrecipient, with the assistance of the Civil Rights Compliance Officers, will be required to develop a Corrective Action Plan (CAP) to overcome any deficiencies within a period not to exceed 90 days. The CRB Civil Rights Compliance Officers will prepare a report of findings which may include recommendations to strengthen the LPA's or RPA's Title VI/Nondiscrimination program.

The Iowa DOT will actively pursue the prevention of Title VI/Nondiscrimination deficiencies and violations and will take the necessary steps to ensure compliance with all program's administrative requirements, both within the Iowa DOT and with its sub-recipients of federal highway funds. When irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI/Nondiscrimination issues. The sub-recipient will submit a corrective action plan agreed upon by the sub-recipient and Iowa DOT to be implemented within a period not to exceed 90 days.

The Iowa DOT will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. The Iowa DOT will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Iowa DOT will submit to the FHWA – Iowa Division copies of the case file and a recommendation that the sub-recipient be found in non-compliance.

### Follow-up Monitoring

The CRB will determine if additional monitoring is needed to obtain a compliant status and to ensure ongoing compliance with Title VI requirements.

Follow-up reviews may be conducted to ensure the sub-recipient has complied with the Title VI/Nondiscrimination Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, the Iowa DOT may, with FHWA's concurrence, initiate sanctions per 49 CFR § 21.13.

### Training Programs

Title VI/Nondiscrimination training is made available to contractors upon request. Sub-recipients are provided Title VI/Nondiscrimination training during their onsite reviews, through professional organizations and upon request. Iowa DOT program areas and employees receive Title VI training via participation on the Civil Rights Liaison Committee, via roundtable training and discussions, and New Employee Orientation. Training is always available upon request. The training will provide information on Title VI/Nondiscrimination, its application to program operations and identification of Title VI/Nondiscrimination issues. A summary of training conducted will be reported in the annual Accomplishments & Goals Report.

### Annual Accomplishments and Goals Report

The purpose of the Annual Accomplishments and Goal Report is to summarize Title VI accomplishments achieved during the year, identify changes to the program occurring during the preceding year and determine the goals and objectives for the upcoming year. This report will be submitted to FHWA on or before October 1<sup>st</sup> of each year. Annual reports will be required for each program area. The Civil Rights Coordinator or designee will be responsible for both the coordination and preparation of the report.

### Title VI Plan Update

The CRB will review and update the Iowa DOT Title VI plan as needed or required, present the updated plan to the Iowa DOT management team for approval and submit the final draft of the updated plan to FHWA.

### Limited English Proficiency (LEP)

The Iowa DOT follows Executive Order 13166 in identifying and engaging Limited English Proficient (LEP) populations to ensure their involvement and knowledge of transportation planning and projects in and around their communities. An LEP person is defined as one who does not speak English as his or her primary language and has a limited ability to read, write or understand English. The Iowa DOT policy for engaging individuals with LEP is to provide interpretation/translation services to individuals who request them, if reasonable accommodations can be made. In addition, the Iowa DOT proactively identifies communities with high concentrations of LEP persons and employs tactics and strategies to effectively engage them

in the planning process. The Iowa DOT trains staff to recognize individuals in community meetings and forums who may show difficulty or inability to read or write English and to assist them accordingly.

### Public Dissemination

The CRB will work with Iowa DOT staff to develop and disseminate Title VI/Nondiscrimination Program information to Iowa DOT employees, sub-recipients, contractors, consultants, and beneficiaries as well as the public. Public dissemination may include postings of policy statements, inclusion of Title VI/Nondiscrimination language in contracts or other agreements, website postings and annually publishing the Title VI/Nondiscrimination Policy Statement in newspapers having a general circulation and informational brochures. Iowa DOT will ensure that public service announcements or notices are posted for proposed projects, hearings, meetings, or formation of public advisory boards in newspapers or other media outlets in the affected community. Ensure the full utilization of available minority publications or media, and where appropriate, provide written information in languages other than English.

### Post-Grant Reviews

Post-grant Title VI/Nondiscrimination compliance reviews will be conducted annually on contractors seeking contracts with the Iowa DOT. The reviews will determine compliance with Title VI/Nondiscrimination contractual provisions. Pre-grant reviews will be conducted on those sub-recipients that will be receiving Iowa DOT federal funds. The following procedures for pre-grant compliance apply to all sub-recipients of DOT funds. The sub-recipient is required to develop and execute a Title VI/ Nondiscrimination Agreement or Title VI/Nondiscrimination Plan and the associated Standard DOT Title VI Assurances. They are to provide a copy of these documents to the Iowa DOT and include the appropriate Appendices of the Standard DOT Title VI Assurances in all contracts, agreements, deeds, and permits associated with transportation projects or programs. Program area managers assist in ensuring a signed Standard DOT Title VI Assurance is on file before executing a federal funding agreement with a sub-recipient. The Iowa DOT will not process any new federal-aid funding agreements with a sub-recipient until Iowa DOT receives a copy of a signed Standard DOT Title VI Assurances and a Title VI/Nondiscrimination Agreement or Plan.

Post-grant reviews are conducted on those sub-recipients that have already received Iowa DOT federal funds. The procedure for sub-recipient post-grant reviews is under section 3. *Title VI Reviews of Sub-Recipients* of this document.

### Remedial Action

The Iowa DOT will actively pursue the prevention of Title VI/Nondiscrimination deficiencies and violations and will take the necessary steps to ensure compliance with all program's administrative requirements, both within the Iowa DOT and with its sub-recipients of federal highway funds. When irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI/Nondiscrimination issues.

If a corrective action plan would be necessary, the Iowa DOT will prepare an action plan agreed upon by the Iowa DOT and FHWA-Iowa within a period not to exceed 90 days. The Iowa DOT will seek the cooperation of sub-recipients in correcting deficiencies found during their reviews. The

Iowa DOT will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

Sub-recipients placed in a deficiency status will be given a reasonable amount of time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Iowa DOT will submit to the FHWA copies of the case file and a recommendation that the sub-recipient be found in non-compliance.

## SECTION 4 PROGRAM ADMINISTRATION

### Iowa DOT Bureaus

The Iowa DOT Bureaus shall ensure equitable enforcement of specifications and policies for all participants in and beneficiaries of Iowa DOT programs and activities, regardless of protected class.

### Contracts and Specifications Bureau

The Contracts and Specifications Bureau is located within the Transportation Development Division and is responsible for conducting the lettings for the Iowa DOT highway construction projects as well as federally assisted highway projects for local jurisdictions.

#### *Assurance Activities*

- Include Required Contract Provisions (FHWA-1273) as it relates to letting and awarding of contracts.
- Ensure bidding and contract award procedures are consistent with nondiscrimination and EEO requirements.
- Ensure appropriate Appendices are included in all contracts let through the Contracts and Specifications Bureau.

### Design Bureau

Technical design work and the preparation of plans used for the construction of highway improvements is the responsibility of the Design Bureau, and Bridges and Structures Bureau. These bureaus are located within the Transportation Development Division. These two bureaus also coordinate work in their areas that is done by outside consultants.

#### *Assurance Activities*

- Ensure that environmental justice considerations are addressed during route and project selection.
- Ensure full and fair participation of minority, low-income, elderly and disabled people in public involvement activities for project development activities.
- Demonstrate a consistent application of design standards to eliminate, minimize or mitigate adverse impacts among affected groups and to provide equitable levels of service to those groups.

### Local Systems Bureau

The Local Systems Bureau, located within the Transportation Development Division, serves as a liaison for the Iowa DOT to the local governmental entities throughout the state providing guidance and assistance in all phases of the highway project development process. This bureau also coordinates and provides support for developing project agreements with local jurisdictions.

### ***Assurance Activities***

- Support other Iowa DOT staff with implementation of Title VI/Nondiscrimination requirements with respect to local jurisdictions.
- Ensure that Title VI/Nondiscrimination requirements are properly addressed in policies, procedures, reference materials, and agreements that are produced for local jurisdictions.

### **Location and Environment Bureau**

The Location and Environment Bureau, located within the Transportation Development Division, secures and reports environmental, cultural and related information necessary for decision-makers to approve the location of projects constructed by the Iowa DOT. They work with the districts, designers, and many outside agencies as well as consultants. They are responsible for preparing the environmental document for potential federal-aid projects and obtaining 404 permits for all projects that have wetland impacts.

The Location and Environment Bureau is also responsible for location and pre-location studies on large projects as well as coordinating and managing public involvement activities during the development phase.

### ***Assurance Activities***

- In collaboration with other bureaus during the selection of project alternatives, work to identify impacts to minority, low-income, elderly and disabled people populations, and address disproportionately high impacts in the final project. Record these efforts in the environmental document.
- Ensure that environmental justice considerations are addressed during project alternative selection.
- Make any necessary special accommodations for participation by minority, low-income, elderly, disabled people, hearing impaired and persons with LEP during project public involvement activities.
- Provide opportunities for minority and female consultants and address DBE goals on consultant contracts.

### **Right of Way Bureau**

The Right of Way Bureau within the Transportation Development Division is responsible for securing the property required for highway construction. This includes identification of impacted properties, appraisal, acquisition and relocation assistance. They also manage and dispose of excess property. This work may be done with Iowa DOT staff or by consultants. This bureau also reviews the right-of-way processes of local jurisdictions.

### **Assurance Activities**

- Make every reasonable effort to ensure clear communication when engaging in interactions with persons with LEP or are sight impaired or hearing impaired. This includes the use of interpreters when necessary.
- Through cooperation with other bureaus, identify low-income and minority populations and take steps to appropriately address disproportionately high adverse effects to their health and environment.
- Ensure equitable treatment of all affected property owners, regardless of race, color, or national origin. This includes, among other impacts, appraisal values, relocation assistance and opportunities for purchase of excess property.
- Provide opportunities for minority and female consultants.
- Monitor and review the right-of-way activities of cities and counties to verify compliance with Title VI in their right-of-way processes.
- Ensure applicable nondiscrimination language and appendices are included in contracts and agreements.

### **Program Management Bureau**

The Program Management Bureau within the Transportation Development Division, in working with other Iowa DOT bureaus, the districts and various state and local agencies, prepares the Iowa Transportation Improvement Program (Five Year Program) and the Statewide Transportation Improvement Program (STIP). They take the lead in managing program funds to meet fiscal considerations. The distribution of funds is critical to ensuring an opportunity for all to receive benefits of federal transportation dollars. That is especially evident in project selection and programming.

### **Assurance Activities**

- Take positive steps to encourage full and fair participation by all affected groups in development of the Five-Year Program and STIP.
- Ensure that the project selection and programming process results in programs that provide opportunities for minority, low-income, disabled and elderly populations to receive benefits and avoid disparate impacts from individual projects.

### **Systems Planning Bureau**

The Systems Planning Bureau (SPB), within the Transportation Development Division, leads statewide planning for the Iowa DOT and administers the project selection of special grant programs such as Iowa's Clean Air Attainment Program; Revitalize Iowa's Sound Economy; Statewide Transportation Alternatives Program; and State and Federal Recreational Trails. SPB prepares both long- and short-range system plans through cooperation with other Iowa DOT bureaus and the districts, various state and local agencies, Metropolitan Planning Organizations, and Regional Planning Affiliations. These plans provide the framework for the Five-Year Program and STIP.

Title VI/Nondiscrimination must be considered throughout the planning process to ensure adequate public involvement and that potential impacts to the human environment are identified and addressed.

### ***Assurance Activities***

- Take positive steps to ensure full and fair participation in the planning process from minority, elderly, disabled, and low-income residents.
- Ensure that the project selection process functions so that minority, low-income, disabled, and elderly populations are not subject to disparate impacts from the individual projects. Avoid, minimize, or mitigate disproportionately high adverse impacts.
- Effectively consider both positive and negative effects of various transportation system alternatives on impacted groups.
- Review grant agreements to ensure required nondiscrimination language is included.
- Review grant selection criteria for inconsistencies.

### **Research and Analytics Bureau**

The Research and Analytics Bureau, within the Transportation Development Division, facilitates the coordination and management of research activities for the department. They help identify research needs, develop and implement research and technology transfer programs. Work is done by and coordinated with many other agencies.

### ***Assurance Activities***

- Address DBE goals on consultant contracts,
- Encourage minority and female student participation on projects at universities.
- Include Title VI language in all research contracts.
- Consider utilization of Minority Institutes of Higher Education and Historically Black Colleges and Universities and report usage of these institutions.
- Conduct sub-recipient reviews of universities most frequently involved in research projects with the Iowa DOT;
- Establish goals for employment of minority and female students on university research projects;



- Include language in contracts requiring universities to demonstrate good faith efforts to employ minority and female faculty and students on Iowa DOT research projects; and
- Monitor contract compliance with respect to civil rights requirements.

### Aviation Bureau

The Aviation Bureau within the Modal Transportation Bureau, under the Transportation Development Division, advocates for and delivers services that promote and enhance a healthy air transportation system. Included in these activities are the administration of state-funded aviation programs and ranking and submitting of pre-applications for federal improvement funds for general aviation airports in Iowa. The bureau is also the direct recipient of federal funds for statewide planning projects and installation of Automated Weather Observing Station units at local airports. The primary responsibility of the Aviation Bureau as it relates to Title VI/Nondiscrimination will be to ensure compliance in statewide contracts administered by the bureau and in contracts administered for locally owned airports.

### Assurance Activities

- Review and update publications to ensure clear communication with persons with limited English proficiency.
- Assure that environmental justice and Title VI/Nondiscrimination impacts are addressed in airport improvement projects.

### Public Transit Bureau

Transit services in Iowa are provided by 35 designated urban and regional public transit systems. The Public Transit Bureau, within the Modal Transportation Bureau, under the Transportation Development Division, administers federal and state transit funding programs and provides technical assistance to these public transit systems.

Since the department does not directly operate any transit systems, Title VI/Nondiscrimination responsibilities will be focused on monitoring the operations of the urban or regional transit agencies. It should be noted that urban transit systems serving areas with populations greater than 50,000 engage directly with and are monitored by the Federal Transit Administration, although the Public Transit Bureau does provide guidance.

### Construction and Materials Bureau

The Construction and Materials Bureau is located within the System Operations Division. The bureau is responsible to:

- Provide technical and administrative support to Iowa DOT and highway construction industries by assisting in the resolution of construction and materials issues. This includes consulting with District Construction Engineers, District Materials Engineers, project engineers and other Central Office staff regarding specifications, methods, techniques and policies of highway construction and materials, inspection and contract administration.

- Identify and communicate information on quality enhancement practices in highway construction
- Evaluate and support new technologies that enhance highway quality
- Provide education and training
- Facilitate the identification and implementation of improved safety practices for the public, inspectors and contractors on highway construction projects
- Provide statewide administrative support of the highway construction program

### **Assurance Activities**

- Ensure consistent administration of testing and specifications regardless of race, color, or national origin. Do not discriminate in the approval of materials suppliers and sources.
- Encourage opportunities for females and minorities in research activities by external sources (consultants or universities).

### **Maintenance Bureau**

The Maintenance Bureau, within the System Operations Division, working with the field maintenance, is responsible for maintenance activities along the primary and interstate roadways throughout the state. This includes snow removal, pavement and bridge maintenance, and vegetation control. Maintenance also administers the Adopt-A-Highway **litter removal program as well as ensures applicable appendices of the Assurances are included.**

### **Assurance Activities**

- Provide appropriate level of service based on established policy and procedure regardless of the nature of the population being served by any roadway.
- Ensure that all people have an opportunity to participate in the Adopt-A-Highway program.
- Consistently administer the utility and access policies independent of the race, color or national origin of the applicant.

### **Districts**

The districts are a critical component of the Field Operations Division system throughout the State of Iowa. They are involved with future transportation project selection and programming.

The districts take a lead role in project development starting with an initial project concept, continuing through the design and construction phases and then developing into an on-going maintenance commitment of the new project and the entire state highway system. As facilitators of highway development and maintenance, the districts make every effort to coordinate with local agencies, public, and private sector.

### **Assurance Activities**

- With the assistance from the CRB and other bureaus, districts will work to ensure that all people have a full opportunity to participate fairly in the development process. They will make special efforts to include low-income, minority, disabled, and elderly populations.
- Again, with the knowledge of local conditions and with assistance, they will take steps to ensure that minority, low-income, elderly and disabled people impacted by projects are identified and that disproportionate adverse impacts to their environment are avoided, minimized or mitigated.
- Document instances where Title VI issues were identified, and discrimination was prevented, or corrective action taken.
- Provide notice of public consultation forums in minority newspapers and newsletters when applicable and in languages other than English when needed.
- Administer transportation-related construction contracts on behalf of the State of Iowa in counties in Iowa.
- Work with CRB and other bureaus to ensure that all aspects of a project's location selection process comply with the Title VI nondiscrimination requirements.
- Make efforts to balance programmed projects so that all affected groups have an opportunity to benefit from the transportation system without disparate impacts.

### **Outreach & Development Bureau**

The Outreach & Development Bureau provides internal and external communications regarding the department's activities. They are responsible for the DOT's brand and reputation management.

### **Assurance Activities**

- Complies with the [State of Iowa Web Accessibility Standard](#) – this adheres to the W3C WebContent Accessibility Guidelines 2.0, with section 508 superseding if applicable.
- Assists as needed with translated web content in areas with larger LEP populations by providing documents, ensuring language is on consultant contracts, and directing bureaus to information and resources – ultimately, this is the responsibility of the bureau in charge of the project/website.
  - Major project websites – currently, the Council Bluffs project, website is maintained by a consultant, we ensure content is provided in Spanish through the contract.
  - PIM meetings – 1 or 2 posted in Spanish per year, handled by Location & Environment Bureau.
  - DL manuals – we provide the original documents for translation to MVD Division. And post translated manuals and tests to website.
- Maintains [Translation Assistance](#) internal webpage, which provides a list of DOT employee interpreters including information on how an employee can be added to the list; targeted small business translators; and a vendor that provides 24/7, three-way calling translation services.
  - Document translation is done in-house or by a contracted vendor, depending on the length of the document and language needed – this is the responsibility of the bureau in charge of the project/website.

- Maintains [Policy and Statements webpages](#) on external website which includes the agency's accessibility statement, terms of use, nondiscrimination and public accommodation statement and privacy policy.
- Add closed captions to all Iowa DOT videos published on the Iowa DOT YouTube channel. Auto captions are applied and then manually edited for accuracy.
- Public comments on Iowa DOT social media accounts are manually monitored by staff in accordance with the Iowa DOT's social media terms of use. Comments are manually removed if they are threatening, harassing, violent, promotes or perpetuates discrimination, in addition to a variety of other factors. Facebook automatically filters for profanity. Staff will also block or restrict access to users if their violation of the terms of use are deemed as extreme or excessive.

## Motor Vehicle Division

The Motor Vehicle Division administers and enforces federal and state laws and regulations pertaining to vehicle titling and registration, vehicle operation and driver licensing, and legal identity. MVD handles transactions for 2.6 million Iowa residents holding driver license (DL) or identification (ID) products and for more than 4.6 million registered vehicles in the state. MVD also licenses and oversee operations for a variety of businesses, including vehicle dealers, third-party service providers and educators.

The division directly provides many different types of transactions and works with 99 Iowa county treasurer offices to fully deliver services to all residents and businesses of the state. It also works with the American Association of Motor Vehicle Administrators (AAMVA) to follow national standards and guidelines for motor vehicle and driver/ID services.

## Organization

MVD is organized into a Director's office and four Bureaus:

- The Director's office oversees and guides all Division operations and services, legislative activity and legal compliance activity.
- The Bureau of Investigation and Identity Protection (BIIP) includes law enforcement officers and analysts that investigate fraud and other criminal practices relating to vehicle titling and registration, DL/ID products, vehicle dealer sales and MVD and county staff operations. Investigations may lead to criminal charges or sanctions against individuals or businesses.
- The Central Programs Bureau (CPB) provides oversight and ensures compliance of major programs throughout MVD. CPB establishes program structure for driver education, driver fitness, commercial driver licenses and motor carrier services. It directly manages dealer licensing, parent-taught driver education and other specialized programs. CPB provides oversight and guidance to the 99 Iowa county treasurer offices for the delivery of vehicle title and registration services and provides training services to all MVD and county treasurer staff.
- The Customer Services Bureau (CSB) directly delivers services and products to Iowa residents and businesses, including DL/ID products, persons-with-disability parking products, personal plate orders, bonded title applications and motor carrier registrations, fuel taxes and permits. The Customer Services Bureau has 18 DL/ID

service centers and works closely with 83 county treasurer offices to provide DL/ID services to all Iowa residents.

- The Systems and Administration Bureau (S&A) is responsible for the division's records management and data privacy compliance, financial and accounting functions maintenance and support of multiple transactional systems and vendor relationships, and MVD's portfolio of system-related projects and enhancements. S&A provides, maintains and improves system access and governance to all MVD and county treasurer employees and manages all MVD equipment, inventory, supplies and contracts.

### ***Assurance Activities***

- All MVD organizations and staff are directed and trained to assure that all products and services are provided in an equitable fashion to all customers regardless of color, race or national origin.
- CPB staff provide training to all MVD and county treasurer staff to maintain understanding and awareness of Civil Rights issues and how to deliver services and interact with customers.
- CSB works with S&A staff and Iowa DOT staff to ensure that customer service centers meet all ADA requirements. CSB uses different methods and services to accommodate customers with limited English proficiency, including interpretative services.
- BIIP ensures that all investigations and enforcement functions are carried out in equitable fashion.
- MVD works closely with AAMVA and other states to identify and address emerging issues and best practices regarding adherence to Civil Rights issues.

### **Resources & Acquisitions Bureau**

The Resources & Acquisitions Bureau, located in the Administrative Services Division, secures all purchases of goods and services used by the Iowa DOT as specified in the DOT's internal Policy 010.10.

### ***Assurance Activities***

- This section must make every effort to ensure that minority and female contractors and suppliers have opportunities to work with the Iowa DOT and that processes and procedures are implemented without discrimination.
- Ensure applicable nondiscrimination language and appendices are included in contracts and agreements.

### **Administration**

In addition to the program bureaus described above, there are other administrative areas which have Title VI/Nondiscrimination implications. These include agency staff engaged in the

development of policies, procedures and directives; other legal instruments and proposed legislation; dissemination of information to the public and public involvement programs.

### ***Assurance Activities***

- Monitor continued progress on agency-wide Affirmative Action goals and encourage diversity with respect to protected classes in each of the pertinent program areas.
- Review policies, procedures, Iowa DOT directives and proposed legislation for Title VI/Nondiscrimination issues.
- Review contracts, agreements and other legal instruments for appropriate Title VI/Nondiscrimination language.
- The Coordinator and/or Civil Rights Compliance Officers may periodically conduct Title VI/Nondiscrimination training for district engineers, division directors, and Civil Rights Committee members as well as the Iowa DOT sub-recipients.
- Ensure publications and other information disseminated to the public includes Title VI/Nondiscrimination policy reference.
- Ensure public involvement activities allow for Title VI/Nondiscrimination requirements

## SECTION 5 APPENDICES

## Attachment A Standard Assurances

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

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

### **DOT Order No. 1050.2A**

The Iowa Department of Transportation (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 Highway Administration (FHWA)**, is subject to and will comply with the following:

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *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);

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

#### **General Assurances**

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

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

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

#### **Specific Assurances**

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

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.



2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **Federal Highway Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

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

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

By signing this ASSURANCE, Iowa Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA** 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 **FHWA**. You must keep records, reports, and submit the material for review upon request to **FHWA**, 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.

Iowa Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants,

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

## **Iowa Department of Transportation**

*(Name of Recipient)*

by   
Scott Marler, Director

**DATED: October 1, 2024**

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

#### (HABENDUM CLAUSE)

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

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

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

## APPENDIX C

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

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

---

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

## 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 Iowa Department of Transportation pursuant to the provisions of Assurance 7(b):

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- 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, Iowa Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Iowa Department of Transportation will there upon revert to and vest in and become the

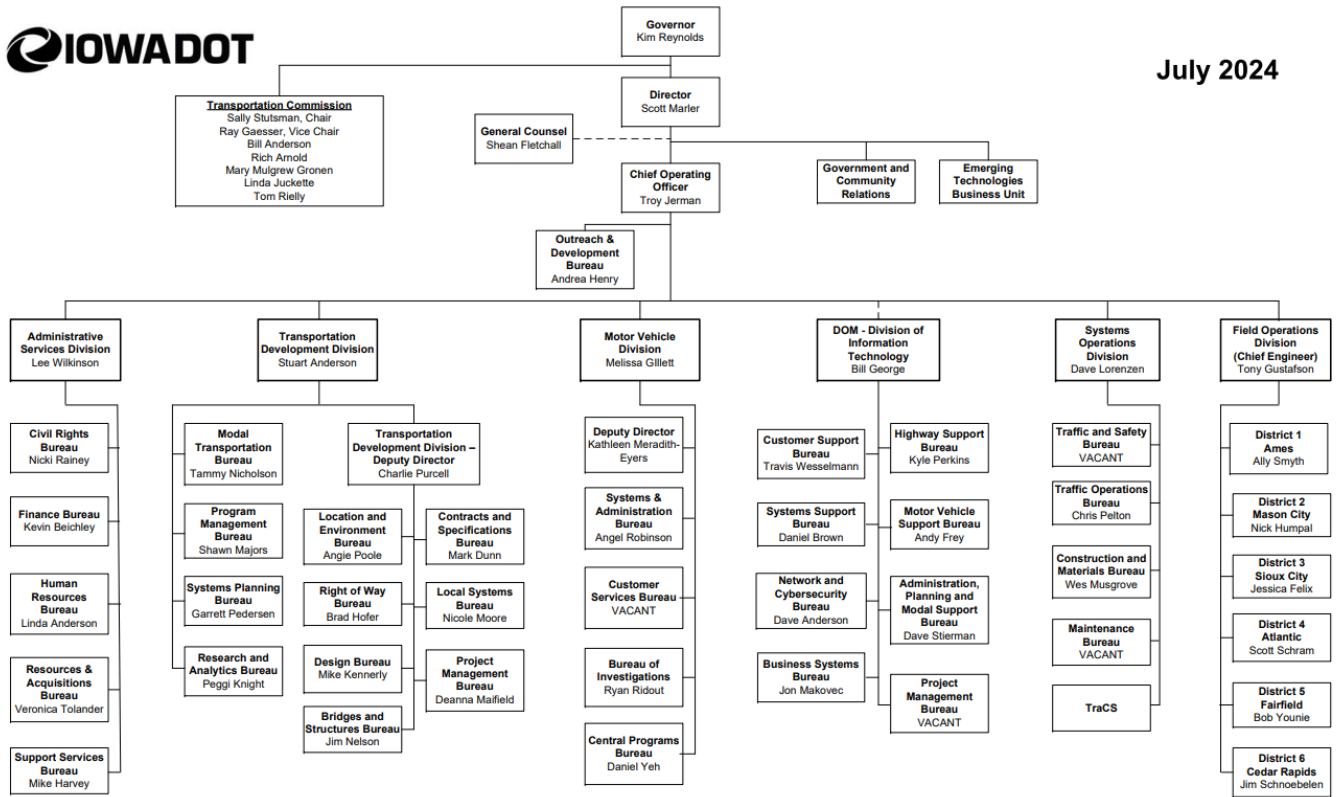
## APPENDIX E

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 (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 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.*).

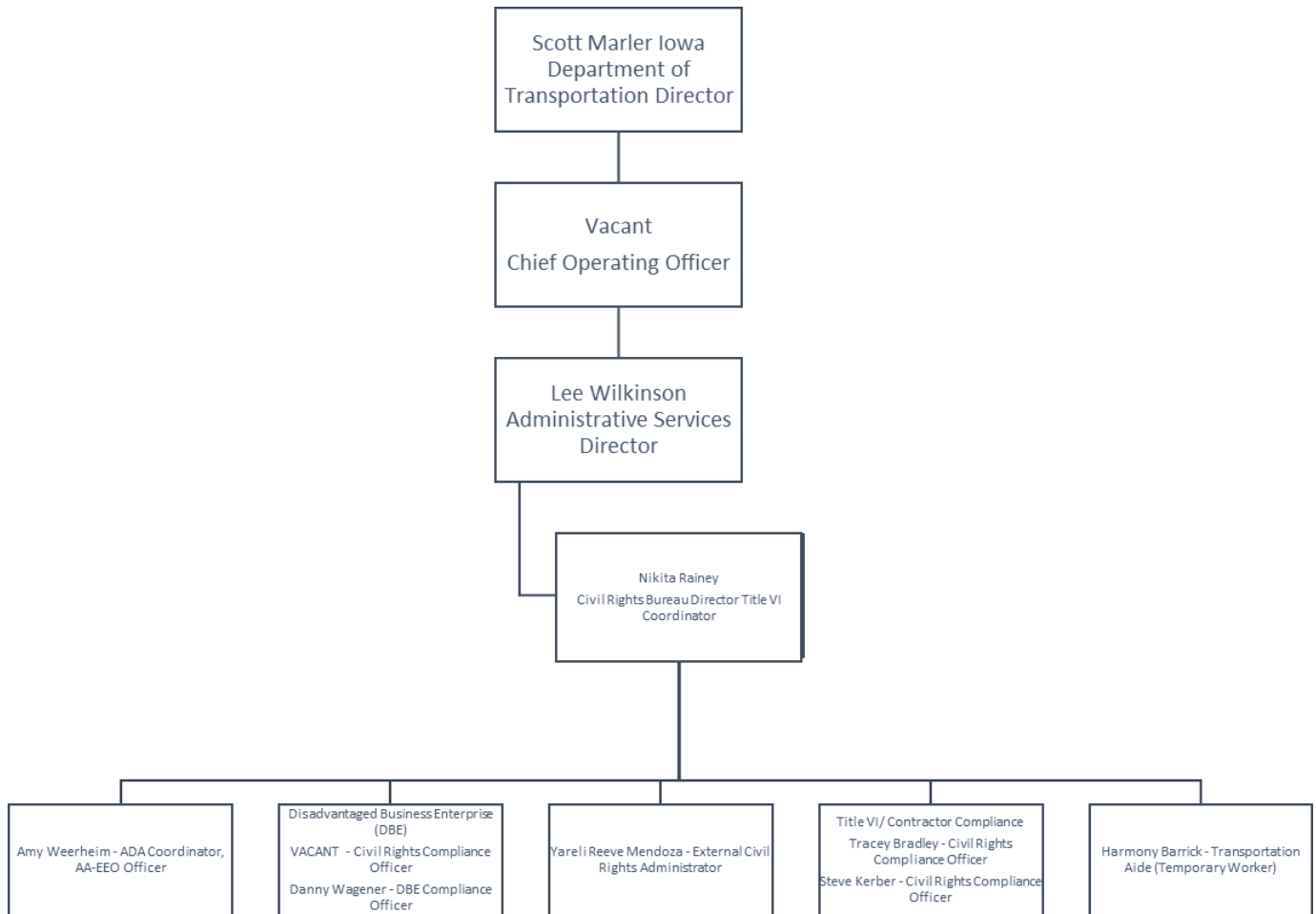


July 2024





## Attachment C Civil Rights Bureau Organization



September 2024

## **Discrimination Complaint Process**

Any person who believes they—or a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a primary Recipient of Federal financial assistance (e.g. State DOT) or Subrecipient (e.g., a city, county, Metropolitan Planning Organization, etc., that receives Federal financial assistance through a primary Recipient) may file a Title VI complaint.

Complaints related to the Federal-aid highway program may be filed with a Recipient State DOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the USDOJ.

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the receiving agency and provide the allegations by telephone, and the agency should transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions.
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address.
- The basis of the complaint (e.g., race, color, national origin).
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated.
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

- All complaints should be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or Subrecipients of Federal financial assistance.

- Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with a Subrecipient City, that receiving agency should forward the complaint to the State DOT, which should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with a State DOT, then the State DOT should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR.
- State DOTs and Subrecipients must log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, State DOT, and Subrecipient (where applicable).

Complaints may also be sent to HCR directly at:

|             |                                                                                                                                                                                   |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Postal Mail | Federal Highway Administration<br>U.S. Department of Transportation<br>Office of Civil Rights 1200 New<br>Jersey Avenue, SE 8 <sup>th</sup> Floor E81-105<br>Washington, DC 20590 |
| Email       | <a href="mailto:CivilRights.FHWA@dot.gov">CivilRights.FHWA@dot.gov</a>                                                                                                            |
| Fax         | 202-366-1599                                                                                                                                                                      |
| Questions?  | 202-366-0693                                                                                                                                                                      |

There are four potential outcomes for processing complaints:

1. Accept: if a complaint is timely filed (see Question 2c, above), contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
2. Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
3. Procedural Dismissal: if a complaint is not timely filed (see Question 2c, above), is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
4. Referral\Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to the primary Recipient State DOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but the State DOT will conduct all data requests, interviews, and analysis.

The State DOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

For State DOTs that have been delegated an investigation from FHWA, 23 CFR §200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

There are no regulatory requirements for how information is gathered, but State DOTs and Subrecipients are required to keep detailed records on how they comply with Title VI and to provide USDOT with access to documents and persons with relevant information. 49 CFR §21.9. Typically, the respondent will receive at least one Request for Information and Position Statement (RFI) to gather documents, and additional requests if necessary. Concurrently, the HCR or State DOT investigator will schedule interviews with relevant parties and conduct site visits as necessary.

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, HCR (or an investigator State DOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation, and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
  - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
  - If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.

1. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
2. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
3. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
  - If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR §21.13I.

All LOFs issued by FHWA are administratively final.

## DEFINITIONS

**Complainant** means the person or persons who have filed a Title VI complaint alleging discrimination by a Recipient.

**Federal financial assistance and Federal-aid (49 CFR §21.231)** includes:

- (1) Grants and loans of Federal funds.
- (2) The grant or donation of Federal property and interests in property.
- (3) The detail of Federal personnel.
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
- (5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

**Program or activity and program (49 CFR §21.231)** mean all of the operations of any of the following entities, any part of which is extended Federal financial assistance:

- (1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or
  - (ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government.
- (2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or
  - (ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system.
- (3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—
  - (A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
  - (B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described above.

**Recipient** (49 CFR §21.23(f)) means any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

**Respondent** means the Recipient against which a complaint of discrimination has been filed.

Form 103050 wd07  
11-09**Iowa DOT Policies and Procedures**

|                                                         |                                 |                                                          |
|---------------------------------------------------------|---------------------------------|----------------------------------------------------------|
| Title<br><b>Title VI and Nondiscrimination Programs</b> |                                 | Policy No.<br><b>300.05</b>                              |
| Responsible Office<br><b>Civil Rights Bureau</b>        |                                 | Related Policies and Procedures<br><b>230.03, 300.18</b> |
| Effective/Revision Dates<br><b>5-24-1976/10-1-2019</b>  | Approval(s)<br><b>Mark Lowe</b> |                                                          |

**Authority:** Director of Transportation.

**Contents:** This policy establishes responsibilities for monitoring and reporting compliance with Title VI of the Civil Rights Act of 1964 (Title VI) to ensure that no person is denied benefits of programs administered by the Department due to discrimination. Title VI also prohibits national origin discrimination as it affects limited English proficient persons. An appendix is included to provide guidance to Department staff in assisting persons with Limited English Proficiency.

**Affected Offices:** All districts, bureaus, etc. that provide any services or programs to the public.

**Who to Contact for Policy Questions:** Bureau Director in the Civil Rights Bureau, telephone: 515 239-1304.

**Definitions:**

*FHWA* – Federal Highway Administration.

*FMCSA*- Federal Motor Carrier Safety Administration.

*FTA*- Federal Transit Administration

*FAA* – Federal Aviation Administration

*Limited English Proficiency (LEP)* – Individuals are considered to have limited English proficiency if they do not speak English as their primary language and if they have limited ability to read, speak, write or understand English. Applicable regulations and executive orders include, but are not limited to, the following:

- Executive Order 13166 dated August 11, 2000 by President Clinton
- 23 CFR Part 200
- U.S. DOT LEP Policy Guidance, Federal Register, Volume 70, No. 239, Pages 74087-74100

*Title VI* – Title VI of the federal Civil Rights Act of 1964. The term includes related federal statutes and regulations that prohibit discrimination based on race, color, sex or national origin in programs or activities receiving federal financial assistance. Applicable statutes and regulations include, but are not limited to, the following:



- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination based on 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*)
- 49 C.F.R. Part 25 (*entitled Nondiscrimination on The Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*)
- 49 C.F.R. Part 27 (*entitled Nondiscrimination on The Basis of Handicap 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)*)
- 28 C.F. R. Part 35 (*entitled Nondiscrimination 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 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 based on sex).

Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination based on disability).

- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination based on age).
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination based on disability).
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123). As amended, (FAA’s nondiscrimination statute prohibiting discrimination based on race, 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 and 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 based on disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (49 U.S.C. §§ 12131—12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- 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, nation 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.*)
- 42 U.S.C. 3601-3619 {Title VIII (Fair Housing) of the Civil Rights Act of 1968}
- 23 U.S.C. 109(h) (Consideration of Adverse Economic, Social and Environmental Effects)
- 23 CFR Part 200 (FHWA Title VI Program and Related Statutes – Implementation and review Procedures)
- Title VI Circular 4702.1B (Title VI Requirements and Guidelines for Federal Transit Administration Recipients)

**Forms:** None

**Policy and Procedure:**

**I. Program Administrator**

- A. The Bureau Director in the Civil Rights Bureau shall serve as the Department's Civil Rights Coordinator.
- B. The Bureau Director is responsible for the administration, coordination and control of Title VI compliance procedures throughout the Department and shall also:
  1. Initiate and monitor Title VI activities by establishing goals and objectives to be accomplished within specific time limits.

1. Advise, consult and provide training for division directors, district engineers, bureau directors and their Civil Rights program area liaisons concerning the accomplishment of Title VI program objectives.
2. Assist the division directors, district engineers, bureau directors and Civil Rights program area liaisons in investigating and resolving Title VI and related discrimination complaints.
3. Prepare and submit Department's implementation of Title VI and Nondiscrimination program plans to each federal agency, as required, including FHWA, FMCSA, FAA, and FTA.

## **II. Implementation**

Each division director, district engineer or bureau director who administers federally-funded programs is responsible for the implementation of the Title VI commitments in those programs. The division director, district engineer or bureau director shall also:

- A. Appoint a Civil Rights program area liaison and inform the Civil Rights Bureau of any changes in the appointment.
- B. Monitor compliance in all programs and perform compliance reviews of Departmental districts or bureaus in cooperation with the FHWA and/or FMCSA. When deficiencies in compliance are found, the division director, district engineer or bureau director shall, with the assistance of the Civil Rights program area liaison, negotiate corrective actions. The division director, district engineer or bureau director shall refer deficiencies that cannot be corrected through negotiation, to the Civil Rights Bureau Director for resolution.
- C. Ensure that personnel and budgets are adequate to accomplish Title VI commitments.
- D. Ensure that disadvantaged businesses are given an opportunity to participate in programs, activities or services.

## **III. Monitoring**

The Civil Rights program area liaison is responsible for monitoring all Title VI activities of the division, district or bureau and shall also:

- A. Inform all recipients of federally funded programs administered by the division, district or bureau of prohibited discriminatory practices as described in the Iowa DOT Title VI/Nondiscrimination Plan.
- B. Develop procedures for the collection of racial and ethnic data on participants to ensure compliance as described in the Iowa DOT Title VI/Nondiscrimination Plan.
- C. Submit an annual report on division, district or bureau compliance and a program update to the Civil Rights Bureau.

Any exceptions to this policy must be approved by the Director of Transportation

## **Appendix to Policy No. 300.05, *Title VI Program* Limited English Proficiency (LEP)**

### **A. General**

President Clinton signed Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" (LEP) on August 11, 2000. For LEP individuals, language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the Iowa Department of Transportation's (Iowa DOT) programs and activities. Programs and services normally provided in English must be accessible to persons with LEP to avoid national origin discrimination that is prohibited by Title VI. As a result, recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access to important government services by LEP persons.

The central goal of Executive Order 13166 is to provide meaningful access for LEP persons to programs and services offered by recipients of federal financial assistance. The Iowa DOT continues to be subject to these federal non-discrimination requirements even though Iowa has statutes requiring use of the English language (see Iowa Code sections 1.18, 618.1, and 618.2) because federal requirements supersede state and local ones.

Additionally, Iowa Code section 307.44 provides that if "funds are allotted or appropriated by the government of the United States for the improvement of transportation facilities and services in this state, the department...shall comply with the federal statutes and rules..." This authorizes the Iowa DOT to carry out its LEP responsibilities under Federal law.

### **B. Guidance**

As a recipient of federal financial assistance, the Iowa DOT is required to take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. It is important to note that because of the Civil Rights Restoration Act of 1987 (P.L. 88-352) this applies to all activities and programs, not just those that involve federal assistance. It is, therefore, necessary to determine what level of effort is reasonable to ensure meaningful access. That determination is based on a case-by-case assessment that balances four factors:

1. The number or proportion of LEP persons served or encountered in the eligible service population.

The more LEP persons who are served or directly affected by a particular project or service, the more likely it is that language services will be needed. Prior experience with LEP persons should be considered when determining the scope of services that are needed. It is important to note that eligible recipients may currently be underserved or unrecognized because of existing language barriers. Valuable data resources that may need to be considered include the census, school systems, community and religious organizations and legal aid entities.

1. The frequency in which LEP individuals come in contact with the program, activity or service.

The more frequently that LEP individuals have contact with the Iowa DOT over an issue, the more likely it is that language services will be needed. The frequency of contact with any particular language should also be considered. For example, meaningful access efforts for a document issued multiple times in one language may be much different than for the same document needed only once in another. If access is needed on a daily basis, the effort required may be much more significant than for something needed infrequently. On the other hand, infrequent need does not mean that no effort is required but suggests that a reduced effort may be satisfactory.

2. The nature and importance of the program, activity or service.

As the information being exchanged becomes more important, the consequences to the user increase. As a result, the likelihood that an increased level of language services is necessary increases as well. It should be determined how serious the implications are to the LEP person due to a delay or denial of the information in question. U.S. DOT and U.S. Department of Justice Policy Guidance suggest that the importance of the activity is heightened when denial or delay of access to services could have serious or life-threatening implications for the LEP individual. Additionally, the fact that a federal, state or local entity has made an activity compulsory, such as the requirement that a person must have a license before driving, is strong evidence of the importance of the activity.

3. The resources available.

The level of resources needed, and the costs imposed may have an impact on the nature of the steps taken in providing meaningful access for LEP persons. U.S. DOT LEP Policy Guidance cautions; however, that larger entities and entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using a claimed lack of resources or excessive cost as a reason to limit language assistance.

## B. Language Assistance Services

The four-factor analysis applied on a case-by-case basis results in a "mix" of language services. These services are provided in two main ways: interpretation and translation.

1. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language).

An effort should be made to ensure the competency of interpreters. However, it does not necessarily mean formal certification, although that is beneficial.

Interpreters should demonstrate proficiency and the ability to communicate information accurately in both English and the other language and identify and employ

the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization or sight translation). Interpreters should have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and of any particularized vocabulary and phraseology used by the LEP person and understand and follow confidentiality and impartiality rules to the same extent as the Iowa DOT employee for whom they are interpreting and/or to the extent their position requires.

They should understand and adhere to their role as interpreters without deviating into other roles such as counselor or legal advisor.

Quality and accuracy of the language service provided and relative to the information being provided are critical. For example, accuracy in a right-of-way transaction would need to be extremely high, while the accuracy for bicycle trail information may not need to meet the same standard.

There are many options available for interpretation services.

- Multi-lingual, able and willing staff.
- Hiring staff interpreters.
- Contracting for interpreters.
- Telephone interpreter lines as defined by Department contract or policy.
- Community members, friends or family members of LEP individuals in exigent and appropriate circumstances.

U.S. DOT LEP Policy Guidance indicates departments/agencies should not plan to rely on family members, friends and other service participants, and should use them as interpreters only in exigent circumstances that are not reasonably foreseeable, and then only when appropriate considering the circumstances. Care should be taken to ensure that the interpreter is competent to interpret, that the interpreter does not have either a personal or business interest in the matter being interpreted, and that use of that person as an interpreter will not violate any duty of confidentiality or privacy to the LEP person.

An LEP person may desire to use an interpreter of his or her own choice in place of or as a supplement to the free language services offered by the Iowa DOT. This is generally permissible when done at the LEP person's own expense, but again care should be taken to ensure that the person is competent to interpret and does not have either a personal or business interest in the matter being interpreted and that use of the person as an interpreter will not violate any duty of confidentiality or privacy to the LEP person.

## 1. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

Vital documents must be translated when reaching the safe harbor threshold for the number or percentage of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

A document will be considered vital if it contains information that is critical for obtaining the program's services and/or benefits, or if it is required by law. An overview of documents that may be considered vital can be found in the U.S. DOT LEP Policy Guidance, Federal Register, Volume 70, No. 239, pages 74094 to 74095.

The "safe harbor" provisions of the U.S. DOT LEP Policy Guidance (see page 74095) shall be followed when determining whether to translate a vital document. Following the "safe harbor" provisions, the Iowa DOT shall:

- a. Provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b. If there is a language group for which fewer than 50 persons reaches the 5 percent trigger in paragraph "a" above, translation of vital written materials is not necessary as long as written notice in the primary language of the LEP language group is provided stating the right to receive competent oral interpretation of those written materials at no cost.

## 2. Published Notices

Compliance with Title VI and LEP guidelines may require oral interpretation or written translation of notices required by law to be published. Iowa Code section 618.1 provides that "[a]ll notices, proceedings, and other matter whatsoever, required by law or ordinance to be published in a newspaper, shall be published only in the English language and in newspapers published primarily in the English language." Iowa Code section 618.2 provides that a public official that violates Code section 618.1 is guilty of a simple misdemeanor. Again, the Iowa DOT continues to be subject to the federal non-discrimination requirements despite Iowa's English language requirements because federal requirements supersede state and local statutes and Iowa Code section 307.44 permits the Iowa DOT to comply with federal statutes and rules when it has received federal funding. This allowance includes the use of non-English language newspapers when deemed necessary to reach an affected LEP language group. In the interest, however, of minimizing conflict with Iowa Code section 618.1, notices required by law to be published in a newspaper should be translated to a language other than English only when required by careful application of the four-part balancing test and the safe harbor provisions described above.

## B. References

Iowa Code sections 1.18, 307.44, 618.1 and 618.2  
FHWA LEP Desk Reference (*available from the Iowa DOT's Contracts and Specifications Bureau, Civil Rights Bureau, and the Iowa DOT Library*)  
Iowa DOT "I Speak" language identification tool (*available on DOTNET*)  
[www.census.gov](http://www.census.gov)