

Tennessee Department Of Transportation



2025



EV Implementation Plan

Howard H. Eley

Deputy Governor & Commissioner of Transportation

Jessica Starling

Civil Rights Division, Director



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

Tennessee Division

October 29, 2024

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

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

In Reply Refer To:
HDA-TN

Subject: 2025 Tennessee Department of Transportation Title VI Implementation Plan

Dear Commissioner, Eley:

The Federal Highway Administration's (FHWA) Tennessee Division Office is in receipt of the Tennessee Department of Transportation's (TDOT) 2024 Title VI Implementation Plan. After review, the Division Office approves and accepts the Implementation Plan.

I would like to thank you for your commitment to Title VI and look forward to your continued support of Title VI initiatives.

Sincerely,

DANIEL THOMAS
HINTON

Digitally signed by DANIEL
THOMAS HINTON
Date: 2024.10.29 11:48:33
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Daniel Hinton
Division Administrator

cc: Mr. Gilberto De León, Deputy Division Administrator, FHWA TN Division
Mr. Sean Santalla, Program Development Team Leader, FHWA TN Division
Ms. Joi Hamilton Jones, Civil Rights Specialist, FHWA TN Division
Ms. Nichole McWhorter, Division Manager, FHWA Office of Civil Rights
Mr. Joe Galbato, Deputy Commissioner/Chief Financial Officer, TDOT
Ms. Jessica M. Starling, Civil Rights Director, TDOT
Ms. Cynthia Howard, Title VI Director, TDOT



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

CIVIL RIGHTS DIVISION
SUITE 1800, JAMES K. POLK BUILDING
505 DEADERICK STREET, NASHVILLE, TENNESSEE 37243-1402
(615) 741-3681 TOLL FREE (888) 370-3647

BUTCH ELELY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

September 16, 2024

Federal Highway Administration
Dan Hinton, Division Administrator
404 BNA Drive, Suite 508
Nashville, Tennessee 37217 Dear

Mr. Hinton:

As a recipient of federal-aid funding, TDOT strives to achieve nondiscrimination in all of its programs and activities. It is the policy of TDOT, in adherence to Title VI of the Civil Rights Act of 1964, to ensure that no person shall be excluded or denied benefits or access to services based on race, color, or national origin, or to be in any way otherwise discriminated against in federally funded programs and activities.

Please find enclosed a copy of the Tennessee Department of Transportation's FY 2024 Title VI Implementation Plan. The plan details TDOT's efforts to comply with Federal nondiscrimination mandates.

Should you have questions, please contact Jessica Starling at 615-253-7969 or jessica.M.Starling@tn.gov.

Best Regards,

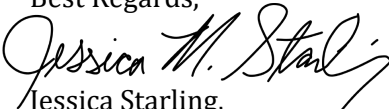

Jessica Starling,
Civil Rights Division Director

Table of Contents

Standard DOT Title VI Assurance	1
Organization and Staffing.....	11
Program Review Procedures	16
Subrecipient Review Procedures	20
Title VI Training.....	21
Complaint Procedures.....	24
Dissemination of Title VI Information	32
Review of STA Directives	35
Compliance and Enforcement Procedures	36
Limited English Proficiency.....	38

Table of Figures

Figure 1: TDOT Organization Chart	11
Figure 2: Civil Rights Division Organization Chart.....	12
Figure 3: Subrecipient Title VI Training Chart	23
Figure 4: Employee Title VI Training Chart	23
Figure 5: Title VI Complaint Form	26
Figure 6: TDOT Appeals Process.....	29
Figure 7: TDOT Nondiscrimination Statement	31
Figure 8: LEP Quarterly Report Form.....	52
Figure 9: LEP Annual Report Form	53
Figure 10: Languages Spoken in TN	55
Figure 11: Top Spoken Languages in TN Chart	56

Table of Tables

Table 1: Title VI Training Conducted.....	22
Table 2: Future Title VI Training Dates	22
Table 3: Title VI Complaint Log	30

Standard DOT Title VI Assurance

The Tennessee Department of Transportation (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving and Federal financial assistance from the Federal Highway Administration, Federal Transit Authority, and Federal Airport Authority it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation. Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the program or activity for which the Recipient receives Federal financial assistance from the Tennessee Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) of the Regulations, a copy of which is attached.

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

The United States Department of Transportation (US DOT)

Standard Title VI/Nondiscrimination Assurances

DOT Order No.: 1050.2A

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

Statutory/Regulatory Authorities

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

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

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

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

General Assurances

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

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

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

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

Specific Assurances

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

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

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

national origin in consideration for an award.”

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

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

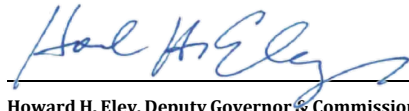
By signing this ASSURANCE, the Tennessee Department of Transportation also agrees to comply (and require any Subrecipients, sub-grantees, contactors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA/USDOT access to records, accounts, documentation,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

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

Name of

Recipient: Tennessee Department of Transportation

By:



Howard H. Eley, Deputy Governor & Commissioner of Transportation

Date:

September 17, 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, (US DOT) and the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21. [include Modal Operating Administration specific program requirements.]
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. [Include Modal Operating Administration specific program requirements.]
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA/USDOT to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the (FHWA/USDOT, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA/USDOT may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or,
 - b. canceling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto.

The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA/USDOT may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

The TDOT in consideration of the conveyance of said lands and interests in lands, does hereby

Federal Title VI Implementation Plan 2025

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

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

Appendix C

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

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

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

and the above-described lands and facilities will there upon revert to and vest in and become the absolute property of the (Title of Recipient) and its assigns. *

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

Appendix D

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

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

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

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

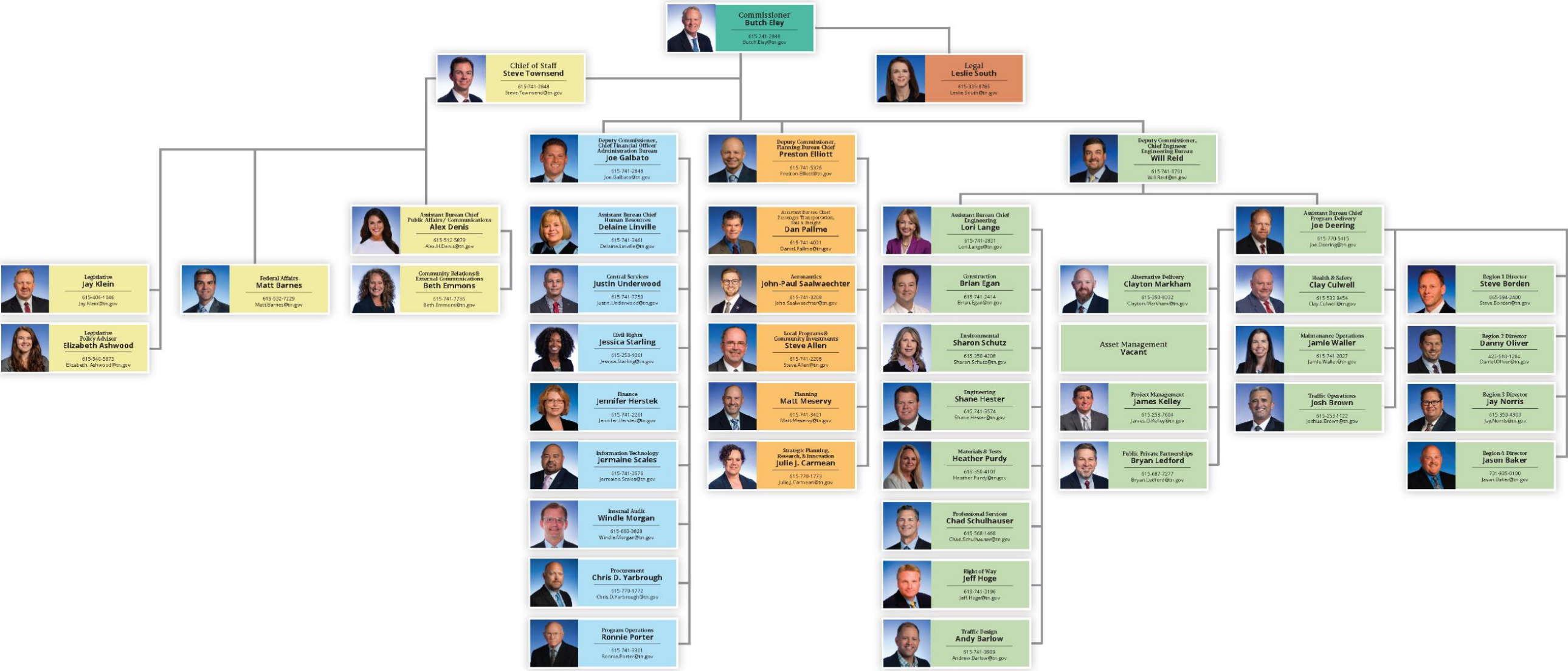
Appendix E

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

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

- includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to -ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

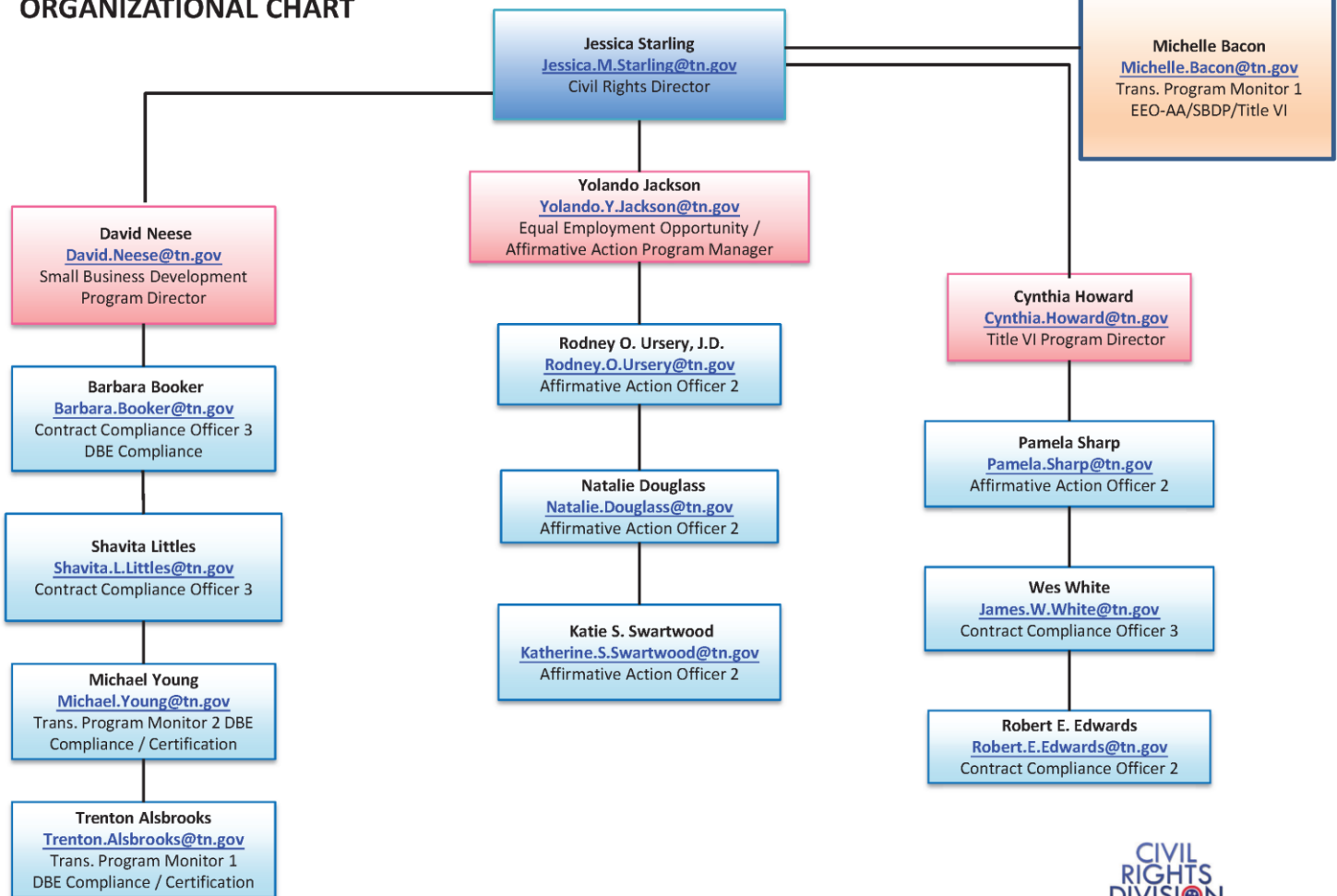
Organization and Staffing



Updated June 3, 2024

Figure 1: TDOT Organization Chart

CIVIL RIGHTS DIVISION ORGANIZATIONAL CHART



Updated 12/12
/2023



Figure 2: Civil Rights Division Organization Chart

Duties and Responsibilities of the Title VI Program Staff:

1. Civil Rights Division Director

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

2. Title VI Program Director

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

The Title VI Program Director:

- Develops and coordinates the implementation of TDOT's Title VI and Nondiscrimination Program;
- Processes, investigates, and resolves all Title VI complaints in accordance with the Title VI complaint procedure and time limitation;
- Coordinates the Title VI and Nondiscrimination Program with all TDOT Divisions and other program area managers or designees, including subrecipients;
- Prepares annual reports to Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Tennessee Human Rights Commission (THRC);
- Resolves any deficiencies which may be discovered in TDOT's Title VI/Nondiscrimination Program;
- Collects statistical data necessary to evaluate the effectiveness of compliance with Title VI requirements of TDOT's subrecipients;
- Develops Title VI information for dissemination to the public in its education and outreach program, where appropriate;
- Monitors TDOT procedures and programs for compliance with Title VI requirements in all program areas;
- Establishes procedures for resolving Title VI problem areas;
- In accordance with 23 CFR 200.9 (a) (4), conduct reviews of program areas and subrecipients annually to determine the effectiveness of Title VI programs;
- Advises on Title VI matters;
- Reviews TDOT's divisions and subrecipients procedures and guidelines as they relate to various program directives, manuals, and other regulations to determine compliance with Title VI Civil Rights provisions. Where corrections are necessary, the Title VI Program Director will coordinate with the appropriate actions;
- Provides and prepares data, information, and reports as requested by the Director, and,
- Maintains knowledge of and adheres to TDOT's Title VI and Nondiscrimination Program.

3. Title VI Specialist

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

4. Title VI Advisory Committee

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

The committee's primary responsibilities are to:

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

5. Title VI Liaison Committee

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

The Title VI Liaison's key responsibilities include:

- Maintains knowledgeable of the Title VI complaint process;
- Participates in the coordination and facilitation of Annual Employee Title VI training;
- Disseminates critical project related information in languages other than English, as needed;

- Coordinates and executes Title VI educational collateral materials;
- Collects and maintains data on race and gender (contractors, vendors, subrecipients, and beneficiaries to include any Environmental Justice residents or communities); and,
- Monitors, collects, and reports LEP encounters and expenditures.

Program Review Procedures



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

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

feasibility studies and metropolitan and rural transportation planning coordination. The division is also responsible for Geographic Information System Mapping and uses the current census data.

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



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

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

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

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

The Division of Environment's staff conducts on-site data collection, coordinates with resource

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

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



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

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



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



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

The **Roadway Design Division** consists of the

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

The division's responsibilities include support activities such as maintaining the TDOT GNSS Reference Network for ground surveyors and providing CADD support and Microstation training and for TDOT personnel and consultant firms. This section also reviews locally administrated projects for the Program Development Division for Quality Assurance and Compliance. The Aerial Surveys office is tasked with the planning and acquisition of digital imagery, which is then used in the assembly of and the delivery of geo-referenced mosaics encompassing the entire geographic extent of the state of Tennessee as well as high-resolution aerial images for use in precision corridor design for engineering projects. The Contract Management section performs the pre-qualification of consultant engineering firms, advertisement of consultant projects, oversight, and payment of contracts, and provides pavement design, value engineering studies, plan sales, and file management. The

Consultant Management section oversees consultant developed roadway projects. IN addition to the CRD Title VI program staff analyzing the five Core Division's processes, procedures, and subsequent documentation for Title VI implications/issues, this office collects and reviews all the internal divisions for Title VI implications/issues. This office evaluates the following areas, when applicable, to the specific division, department, and regions:

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

- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods used to ensure that issues/concerns raised by EJ communities as well as other affected groups are considered in the decision-making process;
- Number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with dollar value;
- Methods used to encourage the use of female and minority planning contractors and sub-contractors;
- Status of any Title VI complaints received regarding transportation planning or the public involvement process; and
- Any significant accomplishments made during the review period.

Subrecipient Review Procedures

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

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

TDOT has approximately 506 subrecipients. The Title VI Program staff is projected to complete 367 compliance reviews during the FFY (with an overall completion of 506 compliance reviews **100%** for FFY and SFY).

Title VI Training

For the FFY 2023 – 2024 reporting period, CRD Title VI Program staff utilized its online Title VI training module to provide annual Title VI training to TDOT’s employees. The training module provides an overview of Title VI and applicable nondiscrimination rules, regulations, and laws. Just as important, the training module provides resources and guidance to employees, ensuring that an employee is aware of responsibilities and how to find resources quickly to ensure Title VI compliance in all TDOT’s activities and programs. The training also outlines steps to ensure effective and meaningful guidance to eliminate barriers to the LEP communities. During the reporting period, TDOT trained 3,181 employees or 96% of its workforce.

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

All of TDOT’s subrecipients are trained on Title VI of the 1964 Civil Rights Act and all nondiscrimination mandates, triennially. Subrecipients are required to maintain a current training status, and must complete training by their, respective, three-year anniversary (of the original training date). In accordance with 23 CFR §200.9, TDOT is responsible for conducting training programs on Title VI and related statutes. During the reporting period, TDOT trained 400 (79%) of its subrecipients out of 506.

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

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

TITLE VI TRAINING CONDUCTED

Training Types	Number of Participants	Training Dates
TDOT Annual Employee Title VI Training	3,181	April 1, 2024 – June 30, 2024
TDOT Online Subrecipient Title VI Training	1,814 (individuals) (345 subrecipients)	July 1, 2023 – June 30, 2024
Region Virtual Title VI Training	25 (12 Agencies)	November 23, 2023
Region Virtual Title VI Training	22 (14 Agencies)	March 20, 2024
Region Virtual Title VI Training	10 (6 Agencies)	June 12, 2024
Region Virtual Title VI Training	40 (23 Agencies)	August 23, 2023

Table 1: Title VI Training Conducted

FUTURE TITLE VI TRAININGS DATES

Training Types	Proposed Dates
Virtual – Subrecipient Title VI Training	August 21, 2024
Virtual – Subrecipient Title VI Training	November 13, 2024
Virtual – Subrecipient Title VI Training	March 2025
Virtual – Subrecipient Title VI Training	June 2025
TDOT Annual Employee Title VI Training	April 1- June 30, 2025
TDOT Online Subrecipient Title VI Training	Ongoing

Table 2: Future Title VI Training Dates

Percent of Subrecipients Participating in TDOT Title VI Trainings



Figure 3: Subrecipient Title VI Training Chart

TDOT Annual Title VI Training Participation



Figure 4: Employee Title VI Training Chart

Complaint Procedures

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

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

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

Procedures

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

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

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



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

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

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

☐

Race

☐

Color

☐

National Origin

Other, explain: _____

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

3. Complainant's Contact Information:

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

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

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

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

Figure 5: Title VI Complaint Form

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

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

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

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

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

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

Print Name

Signature

Date:

Submit complaint form and any additional information to:

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

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

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

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

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

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

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

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

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

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



Appeals Process

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

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

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

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

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

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

Send appeal to:

Tennessee Department of Transportation
Civil Rights Division
ATTN: Jessica Starling, Director
505 Deaderick ST. Suite 1800
James K. Polk Building
Nashville, TN 37243

Figure 6: TDOT Appeals Process

2023- 2024 TITLE VI COMPLAINT LOG

#	Complaint Number	Intake Date	Complainant	Respondent	Date of Alleged Discrimination	Date Opened	Bases Race/Color, National Origin	Final Report	Disposition
1									
2									
3									
4									
5									
6									
7									

Table 3: Title VI Complaint Log

TDOT did not receive any Title VI complaints during the FFY 2023 – 2024.



TN Department of Transportation
Departamento de Transportate de Tennessee

Title VI Nondiscrimination Statement
Título VI Declaración de Prohibición de Discriminación

The Tennessee Department of Transportation ensures compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, part 21; related statutes and regulations to the end that no person shall be excluded from participation in or be denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color, or national origin.

El Departamento de Transporte del Estado de Tennessee asegura el cumplimiento del Título VI del Acto de Derechos Civiles de 1964; 49 CFR, Parte 21, relacionados estatutos y normas para asegurar que ninguna persona sea excluida o discriminada, o que se le nieguen los beneficios de cualquier programa o actividad la cual reciba ayuda financiera federal del Departamento de Transporte de los Estados Unidos sin importar su raza, color, o origen nacional.

Any person who believes he or she has been discriminated against can file a complaint with the appropriate agency:
Cualquier persona que crea que ha sido discriminada puede presentar una queja ante la agencia correspondiente:

If you feel your rights have been violated under Title VI of the Civil Rights Act of 1964, you can file a complaint at any of the agencies listed below.

Si cree que se han violado sus derechos según el Título VI de la Ley de Derechos Civiles de 1964, puede presentar una queja en cualquiera de las agencias que se enumeran a continuación.

*TN Department of Transportation	TN Human Rights Commission	FHWA Office of Civil Rights	FTA Office of Civil Rights	Federal Aviation Administration
505 Deaderick Street, STE 1800	William T. Snodgrass BLD	1200 New Jersey AVE, S. E.	Title VI Coordinator	Office of Civil Rights, ACR-1
James K. Polk BLD	TN Towers, 312 Rosa Parks AVE	8 th Floor E81-314	East BLD, 5 th Floor – TCR	800 Independence AVE, S.W.
Nashville, TN 37243-0347	23 rd Floor	Washington, DC 20591	1200 New Jersey AVE, S.E.	Washington, DC 20591
888.370.3547	Nashville, TN 37243	202.366.0693	Washington, DC 20590	
Title VI Program Director	800.251.3589		888.446.4511	

[TDOT Title VI Complaint Procedures](#)

[TDOT Title VI Complaint Form](#)

[Procedimientos de quejas del Título VI del TDOT](#)

[Formulario de queja del Título VI del TDOT](#)

Revised 8.26.2024

Figure 7:TDOT Nondiscrimination Statement

Dissemination of Title VI Information

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

Community Relations Division

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

Office of Constituent Services

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

Public Involvement and Communication Office

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

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

TDOT Division's Dissemination of Information on Programs and Services

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

TDOT Division's Complaint Procedures

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

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

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

TDOT's Use of Minority Media

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

TDOT's Interaction with Minority Organizations and Communities

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

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

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

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

Review of STA Directives

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

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

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

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

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

Compliance and Enforcement Procedures

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

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

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

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

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

Limited English Proficiency

Policy Statement

- a. Timely and accurate communication with the public is essential to the Tennessee Department of Transportation (TDOT). TDOT is committed to advancing equity for all, including historically underserved individuals who are Limited English Proficiency (LEP), Low literacy and who are Limited through meaningful language access to its benefits, information, and services in accordance with Executive Orders 13166, 13985, 14031, and 14091.
- b. TDOT's staff is required to plan for, and take reasonable steps to provide, timely, accurate, and meaningful access to all programs or activities conducted both by the agency and by entities receiving federal financial assistance from TDOT for LEP, Low literacy, and the Deaf and Hard of Hearing (D/HOH) individuals and communities.
- c. It is TDOT's responsibility to take reasonable steps to ensure meaningful access to all of its programs and activities and to foster equity for individuals who interact, or may interact, with the TDOT over the phone, in writing, in person, or via electronic methods.
- d. Ensuring the quality and accuracy of language assistance services provided by TDOT is critical to providing LEP, Low literacy, and the D/HOH individuals and communities with meaningful access to its programs and activities.
- e. Where applicable, TDOT's staff shall take reasonable steps to effectively inform the public, in a language they understand, of the availability of language accessible programs and activities, and to provide qualified language assistance at no cost to LEP individuals and communities.
- f. TDOT must comply with Section 504 of the Rehabilitation Act of 1973, which requires the agency to take appropriate steps to ensure that its communications with individuals who are D/HOH or have speech disabilities are as effective as its communication with others.

Purpose

The purpose of this Language Access Plan (LAP) is to ensure that TDOT's workforce take reasonable steps to ensure meaningful access to its benefits, services, information, and other important aspects of TDOT's programs and activities for LEP, Low literacy, and D/HOH individuals and communities.

Authority

Pursuant to Executive Order No. 13166, agencies receiving federal financial assistance are required to "examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Agencies must also prepare a plan to improve access to its federally funded programs and activities ... to include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's program and activities.

For agencies that provide federal financial assistance, Executive Order No. 13166 requires those agencies to work to ensure that subrecipients of federal financial assistance provide meaningful access to their applicants and beneficiaries with LEP. The latter provision is in accordance with the requirements of Title VI of the Civil Rights Act of 1964, which prohibits subrecipients of federal financial assistance from discriminating on the basis of national origin.

This Plan establishes guidelines and standards in accordance with:

Statutes:

- a. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) (Title VI).
- b. Sections 501, 504, and 508 of the Rehabilitation Act of 1973.

Executive Orders:

- a. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, 65 Fed. Reg. 159, 50121 (Aug. 16, 2000).
- b. Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 Fed. Reg. 14, 7009 (Jan. 20, 2021).
- c. 2021).
- d. Executive Order 14031, *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*, 86 Fed. Reg. 105, 29675 (June 3, 2021).
- e. 2021).
- f. Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 88 Fed. Reg. 35, 10825 (Feb. 16, 2023).

DOJ Attorney General Directives and Policies:

- a. United States Attorney General's *Memorandum to Heads of Department Components Regarding Language Access Obligations Under Executive Order 13166* (June 28, 2010).
- b. United States Attorney General's *Memorandum to Heads of Federal Agencies, General Counsels, and Civil Rights Heads Regarding Federal Government's Renewed Commitment to Language Access Obligations Under Executive Order 13166* (Feb. 17, 2011).
- c. United States Attorney General's *Memorandum for Department of Justice Employees on Improving the Department's Efforts to Combat Hate Crimes and Hate Incidents* (May 27, 2021).
- d. United States Attorney General's *Memorandum for Heads of Federal Agencies, Heads of Civil Rights Offices and General Counsels Regarding Strengthening the Federal Government's Commitment to Language Access* (Nov. 21, 2022).
- e. Department of Justice *Strategic Plan* (2022).
- f. Department of Justice *Equity Action Plan* (2022).

Other Relevant DOJ Guidance:

These guidelines are designed to ensure greater consistency between federal agency implementation of EO 13166 and the application of Title VI of the Civil Rights Act of 1964 to recipients of federal funds, such as those described in:

- a. DOJ's initial LEP Guidance, *Enforcement of Title VI of the Civil Rights Act of 1964 — National Origin Discrimination Against Persons with Limited English Proficiency*, 65 Fed. Reg. 50, 123 (Aug. 16, 2000).
- b. DOJ's later LEP Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (June 18, 2002).

Scope of Policy

This plan sets forth guidance for TDOT's workforce to ensure agency-wide language access policies, standards, and procedures are implemented consistently across all federally assisted programs and activities administered or funded by TDOT. This document serves as the primary language access policy.

Definitions

- **Certified Deaf Interpreter (CDI).** An individual who is Deaf or Hard of Hearing (D/HOH) and has been certified by the Registry of Interpreters for the Deaf as an interpreter.
- **Communication Access Real-Time Translation (CART).** The instant translation of the spoken word into English text using a stenotype machine, notebook computer and real-time software. The text produced by the CART service can be displayed on an individual's computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or otherwise made available using other transmission and display systems.
- **Deaf/deaf (D/d).** Uppercase Deaf denotes a particular group of people who are deaf and share a language and a culture; lowercase deaf refers to the audiological condition of not hearing. An individual who is Deaf or Hard of Hearing (D/HOH) may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.
- **Deaf Interpreter.** A specialist who provides cultural and linguistic expertise. A Deaf Interpreter provides interpreting, translation, and transliteration service in sign languages (or written language) and other visual and tactual communication forms used by individuals who are Deaf, Deaf-Blind, Deaf-Disabled, Hard of Hearing, or Late-
- Deafened.
- **Direct "In-Language" Communication.** Monolingual communication in a language other than English between a multilingual staff and a person with LEP (e.g., Korean to Korean).
- **Effective Communication.** For communication disabilities, it refers to aids and services to ensure that communication with people with disabilities, such as people who are D/HOH, is as effective as communication as for people without disabilities.
- **Equity.** The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.
- **Hard of Hearing (HOH).** Someone experiencing hearing loss ranging from mild to profound. An individual who is deaf or hard of hearing (D/HOH) may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.
- **Interpretation.** The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering it into another spoken language (target language) while retaining the same meaning. For individuals who are D/HOH, this can include understanding, analyzing, and processing a

spoken or signed communication in the source language and faithfully conveying that information into a spoken or signed target language while retaining the same meaning.

- **Limited English Proficiency (LEP).** Describes individuals who:
 - do not speak English as their primary language; and
 - have a limited ability to read, write, speak, or understand English.
 - Individuals with LEP may be competent in English for certain types of communication (e.g., speaking or understanding), but have limited proficiency in English in other areas (e.g., reading or writing). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g., addressing court proceedings). An individual who is D/HOH may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.
- **Language Assistance Services.** Oral and written language services used to provide individuals with LEP and/or those who are D/HOH meaningful access to, and an equal opportunity to participate fully in, the services, activities, and other programs administered by the Department.
- **Low literacy, also known as functional illiteracy.** The inability to read and understand advanced texts and vocabulary but can read short texts and understand basic vocabulary. It can also mean being unable to complete tasks such as paraphrasing, comparing and contrasting, or making basic inferences. People with low literacy may only be able to complete basic tasks that involve numbers or words they can identify, such as signing their name or doing basic addition.
- **Meaningful Access.** Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.
- **Methods of Communication.** People who are Deaf or Hard of hearing use a variety of ways to communicate. Some rely on sign language interpreters or assistive listening devices; some rely primarily on written messages. Many can speak even though they cannot hear.
- **Primary Language.** The language in which an individual most effectively communicates when interacting with the Department, including sign language or tactile sign language. An individual's primary language may be a language variant.
- **Program or Activity.** The term "program or activity" and the term "program" mean all the operations of the Department.⁶⁸
- **Qualified Multilingual Staff.** An employee who has proficiency in English and the ability to read, write, or speak in at least one other language at the proficiency level required by the component and as demonstrated through a validated language test.

- **Qualified Translator.** An in-house or contracted translator who has been professionally trained and/or demonstrated competence to translate through national certification or comparable testing and is authorized to do so by contract with the Department or by approval of a component. Qualified translators must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required DOJ terminology.
- **Qualified Interpreter.** An in-house or contracted interpreter who has been professionally trained and/or demonstrated competence to interpret through court certification, the State Department, or comparable testing and is authorized to do so by contract with the Department or by approval of a component.
- **Quality Assurance.** The process to ensure accuracy, consistency, quality, and reliability of language assistance services.
- **Sign Language.** Method of communication for people who are D/HOH in which hand movements, gestures, and facial expressions convey grammatical structure and meaning. There is no universal sign language. Different sign languages are used in different countries or regions. For example, British Sign Language (BSL) is a different language from ASL, and Americans who know ASL may not understand BSL.
- **Sight Translation.** Oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text or document.
- **Tagline.** For purposes of this plan, this term means a short notice in multiple non-English languages informing the general public that a document (e.g., notices of language assistance services, notices of rights, forms, correspondence, etc.) or electronic media (e.g., website, announcement via email, etc.) contains vital information and explaining how to request the document or electronic media provided in other languages.
- **Translation.** The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, while in light of differences of culture and dialect.
- **Vital Document.** Paper or electronic written material that contains information that is critical for accessing a component's programs or activities or is required by law.

Roles and Responsibilities

This plan is implemented and monitored TDOT's Civil Rights Division's Title VI program staff. The plan is executed by TDOT's workforce.

- a. Each division and region within TDOT is assigned a Title VI Liaison. The liaisons are assigned an Avaza access code by the Civil Rights Division's Title VI Coordinator. The access code ensures correct billing for services provided.
- b. Employees must identify the language spoken, when necessary, utilizing the Avaza "I Speak Card".
- c. Employees can use the [Internal Employee Language Translation Assistance](#) Roster (Multilingual Staff) or the Language Assistance Services, Avaza for translation and/or interpreting needs.
- d. The Title VI Liaison should document and report the LEP and/or D/HOH encounter to the CRD Title VI Coordinator, quarterly: Date, Language Encountered, Type of Service provided, Funds Expended.
- e. The Title VI Liaison should forward the translated documents to the CRD Title VI Coordinator, quarterly.
- f. Additional Language assistance resources can be located on TDOT's Intranet at:

[Translation Assistance \(teamtn.gov\)](#)

[Title VI Liaison Roster](#)

Mechanism to Receive Feedback or Complaints

Any comments, feedback, questions, or complaints regarding this Language Access Plan may be directed to TDOT.Title.VIProgram@tn.gov.

Language Access Plan Review and Update

This LAP is reviewed and updated annually.

Guidelines For Language Access Planning and Operationalization

Every day, contact between the TDOT and the public may involve persons with LEP, Low literacy and/or individuals who are D/HOH. Mindful of the TDOT's mission, operations, and level of interaction with the public, the agency considers the needs of LEP, Low literacy individuals and communities who are D/HOH early in the process of designing programs, services, and activities.

The following thirteen topics are essential elements of language access program planning. Each topic should be addressed in component-specific language access plans in light of each component's nature and operations. Any component that has opted not to prepare a component- specific language access plan shall adopt the policies and principles discussed below.

1. Identification of LEP Individuals/ Communities and/or who are D/HOH and DOJ Resources
2. Identification of LEP Communities and/or who are D/HOH and their Primary Language or Method of Communication
3. Quality Assurance and Control
4. Outreach and Engagement with LEP Communities and/or who are D/HOH
5. Procurement of Language Assistance Services
6. Allocation of Resources
7. Notification of the Availability of Language Assistance Services
8. Provision of Language Assistance Services
9. Multilingual and Accessible Digital Content
10. Workforce Training
11. Performance Measurement and Evaluation

1. Identification LEP Individuals/ Communities and/or who are D/HOH and DOJ Resources

To plan for and effectively provide meaningful language access to individuals with LEP, Low literacy, and/or who are D/HOH, components should identify the top languages used by the communities they serve or may serve and determine the most common means through which communities with LEP, Low literacy, and/or who are D/HOH interact with the component.

According to the American Community Survey (ACS), an estimated 3.6% of the U.S. population are D/HOH. Accurate data regarding communities that are D/HOH is limited due to definitional inconsistencies across federal and state agencies, limited reliable sources that collect this data, and persistent under-reporting.

Furthermore, according to the ACS, the top five languages spoken in the United States by LEP individuals are Spanish, Chinese (including the spoken languages of Mandarin and Cantonese and the written languages of Simplified and Traditional Chinese), Vietnamese, Korean, and Tagalog (including Filipino). Staff should identify the top languages spoken by LEP individuals based on their program objectives, constituency, and/or geographic region, using any or all of the following tools and resources:

- Language Maps and Data on Communities with LEP
 - LEP.gov/Maps is a DOJ-maintained website with national, state, and judicial district maps of the U.S. population with LEP by number and concentration.
 - Data from other federal, state, and local government agencies, schools, communities, and faith-based organizations can also be helpful to supplement Census data.

2. Identification of LEP Individuals and/or who are D/HOH and their Primary Language or Method of Communication

TDOT workforce should, at the point of first contact with an individual with LEP and/or who is D/HOH, make reasonable efforts to conduct or arrange for an initial assessment of the need for language assistance services.

TDOT staff can determine whether a person needs language assistance in several ways:

- Voluntary self-identification by the individual or their companion.
- Affirmative inquiry regarding the primary language of the individual if they have self-identified as needing language assistance services.
- Engagement by a qualified multilingual staff member or qualified interpreter to verify an individual's primary language.
- Use of an "I Speak" language identification card or poster.

In determining an individual's primary language or preferred method of communication, it is important to allow the individual to convey the language in which they "most effectively communicate." TDOT staff should not make assumptions about an individual's primary language based on race, color, national origin, or because they appear to be or are D/HOH.

Additional considerations when identifying language include:

- Asking the individual about their region, municipality, village, or specific community of origin, to ensure the correct identification of language; and
- Recognizing that individuals who are D/HOH may not communicate using ASL and may have limited proficiency in written and spoken English.

3. Quality Assurance and Control

TDOT takes reasonable steps to ensure that qualified multilingual staff member or contracted personnel who serve as translators, interpreters, or who communicate "in- language" with LEP, Low literacy individuals and/or who are D/HOH are competent to do so and have the resources necessary to meet the agency's requirements.

For guidance regarding quality assurance related to effective communications with individuals who are D/HOH, see [*ADA Requirements: Effective Communication*](#), and [*TDOT Americans with Disabilities Act Office*](#)

Use of individuals who are not competent could result in a breach of confidentiality; a conflict of interest; or inaccurate, impartial, or incorrect interpretation, and is therefore discouraged.

Absent exigent circumstances, TDOT workforce should avoid using the following individuals to provide language assistance services:

- Family members (including children)
- Neighbors
- Friends
- Acquaintances or bystanders
- Opposing parties
- Adverse witnesses or victims

Considerations of competency for qualified multilingual staff member or contracted personnel may include:

- Demonstrated proficiency in and ability to communicate information accurately in both English and the other language.
- Using the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation).

- Accurately interpreting or translating materials and rendering meaning using appropriate terminology particular to a component's program or activity into the language used by the LEP individual.
- Understanding and following TDOT's and other applicable confidentiality, impartiality, and ethical rules in compliance with expectations.
- Ability to understand and maintain the role and observing professional standards for interpreters, translators, or multilingual staff.
- Understanding the appropriate use of current technologies for providing language assistance, including the proper review and use of machine translation.

Note that for individuals who are D/HOH, this might require a qualified sign language interpreter, a Deaf interpreter, or a Certified Deaf Interpreter (CDI).

4. Outreach and Engagement with Communities with LEP, Low Literacy Communities and/or who are D/HOH

Effective outreach and engagement with LEP, Low literacy communities and D/HOH communities, and entities that represent their interests, are critical parts of language access planning efforts to increase access to TDOT's programs and activities for these communities,

Where appropriate, TDOT considers:

- Establishing and maintaining relationships with a variety of entities representing the interests of LEP individuals and/or those who are D/HOH, and a variety of those communities who have traditionally been marginalized based on language.
- Conducting appropriate outreach efforts designed to inform LEP individuals and communities and/or those who are D/HOH about TDOT's programs and activities.
- Communicating clearly through written, video, and/or audio means about the availability of language assistance services.
- Increasing efforts to encourage participation of these communities in decision-making discussions.
- Taking reasonable steps to ensure that community outreach events involving LEP individuals and communities are designed to provide meaningful access, to allow for full participation, receiving information, and providing input in their primary language(s), and ensuring effective communication for Low literacy and D/HOH individuals at such events.
- Creating and maintaining lists of minority press to disseminate information about TDOT's programs and activities.
- Disseminating information about TDOT's programs and activities in non-English languages.
- Reaching out and partnering with stakeholders to amplify TDOT's communications to specific communities that may include LEP. Low literacy individuals and/or those who are D/HOH.

5. Procurement of Language Assistance Services

TDOT has procured the professional services of Avaza Language Translation and Interpret Services. The company provides an array of interpretation and translation solutions: Over the Phone Interpreting (OPI); Video-Remote Interpreting (VRI), On-Site Interpreting, Document Translation (DT), and Certification and Training. Avaza offers over 200 languages and dialects with over 3,000 certified interpreters and translators. Website information: www.avaza.co
Contact number: 800-482-8292 and 615-534-3400.

6. Allocation of Resources

TDOT considers the appropriate resources needed for language access planning, outreach, and assistance services based on the range of interactions it has or may have with LEP, Low literacy individuals and communities and/or individuals who are D/HOH. As permitted by resource availability, TDOT endeavors to allocate resources in proportion to the level of current and projected interaction that it has, or may have, with LEP, Low literacy individuals and communities and/or individuals who are D/HOH, including any projected expansion of language assistance services.

7. Notification of the Availability of Language Assistance Services

When language assistance services are not readily available or individuals do not know language assistance services are free and available, LEP, Low literacy individuals and communities and/or those who are D/HOH are less likely to participate in or benefit from TDOT's programs and services. As a result, many LEP, Low literacy individuals and communities and/or those who are D/HOH may not seek out its benefits, programs, information, and services.

TDOT's language access plan and policies are posted on the Title VI program's webpage, making it available for the public.

8. Provision of Language Assistance Services

The need for language assistance services varies. TDOT provides guidance to its workforce on how to secure language access services. Where appropriate, employees should consider using a combination of language assistance services to provide meaningful access. There are two ways in which staff may provide language assistance: Seeking the assistance of TDOT's professional language service provider, Avaza and/or qualified multilingual staff member for interpretation translation, and ASL needs.

a. Interpretation

When appropriate TDOT is prepared to provide qualified interpreters, free of charge, either in-person, over-the-phone, or through video remote technology to communicate with LEP individuals/communities.

While LEP individuals and/or those who are D/HOH have the right to refuse language assistance services, TDOT's workforce is encouraged in these situations to reiterate its policy to ensure meaningful access and provide services at no cost. Such refusal should be documented.

When arranging or requesting interpretation services, TDOT's workforce should make every effort to

ascertain if the interpreter provided matches the language and/or language variant that the individual(s) with LEP use(s) and that they can understand each other fully.

Staff must also give primary consideration to the method of communication preferred by an individual who is D/HOH. Consistent with that approach there may be a need to utilize a deaf interpreter, Certified Deaf Interpreter (CDI), Communication Access Real-Time Translation (CART), or another auxiliary aid or service requested by the individual.

b. Translation

TDOT prioritizes the translation of vital documents. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individuals and communities if the information in question is not provided accurately or in a timely manner. TDOT has discretion to determine what documents are considered “vital.”

Vital documents intended for the general public, or a broad audience may include, but are not limited to:

- Public outreach or educational materials.
- Claim or application forms including their instructions.
- Forms or written material related to individual rights.
- Notices of outreach or public meetings.
- Press releases announcing activities or matters that affect LEP communities.

TDOT translates vital documents, as needed. Vital documents specific to a matter between an individual and TDOT may include, but are not limited to:

- Notices of public meetings and/or community outreach, etc.
- Administrative complaints (Title VI).

Each TDOT division/region should develop its own criteria for identifying vital documents and prioritizing languages for their translation, e.g., Right-of-Way’ division’s acquisition of real property’s documentation.

TDOT ensures that all translations are completed by qualified translators. TDOT avoids using machine translation alone without human review and quality control. In particular, machine translation is discouraged when information communicated is vital to a person’s rights or benefits; when accuracy is essential; or when the source materials use non-literal language (like slang or metaphors), have unclear grammar or structure, contain abbreviations or acronyms, or are complicated, technical, or wordy.

c. Multilingual and Accessible Digital Content

TDOT takes reasonable steps to ensure meaningful access for LEP individuals to digital content on its public websites and electronic documents containing information about:

- Contact information, including how to communicate with TDOT to report potholes and other hazardous road conditions.
- TDOT has established a dedicated line for LEP callers.
- How to file a complaint (including forms and instructions to fill out those forms).

- Press releases and important announcements impacting LEP communities.

TDOT endeavors to comply with Section 508 of the Rehabilitation Act of 1973 (Section 508), which requires agencies to ensure that their electronic and information technology, including websites, electronic documents, and software applications, are accessible to individuals with disabilities.

d. Workforce LEP Training

TDOT's workforce receives annual training on the agency's language access. Specifically:

Identification of individuals with LEP and specific language needs.

- TDOT's LEP usage plans, including how and when to access language assistance services.
- Accessing and providing language assistance services through qualified multilingual staff members, in-house interpreters and translators, or contracted personnel.

e. Performance Measurement and Evaluation

Annually, TDOT reassess and, where appropriate, updates their language access plans to ensure that the scope and nature of language assistance services provided under the plan reflect updated information on relevant LEP populations, language assistance needs, and its qualified multilingual staff member's roster.

Components should consider gathering data to assess the effectiveness of component language assistance services. This may include:

- Conducting an inventory of languages most frequently encountered.
- Identifying the primary channels of contact with LEP community members (whether telephonic, in person, correspondence, web-based, etc.).
- Identifying the extent to which language assistance services were requested, needed and/or accessed by individuals with LEP.
- Reviewing plans and protocols.
- Reviewing the annual cost of translation and interpreter services.

TDOT collects data on LEP encounters and funds expended through the use of its LEP Quarterly Reporting Form.



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

NAME: _____ HQ/REGION/DISTRICT: _____ DATE: _____

1. How were you contacted?

☐ Walk-In ☐ Telephone ☐ In Writing ☐ Other

2. How were the interpreting services provided?

☐ Department Volunteer: _____
☐ Department Interpreter: _____
☐ Department Translator: _____
☐ AVAZA Language Service Corp: _____
☐ Other Language Service Provider (Please Specify): _____

3. Language (spoken): _____

4. Approximate time language services were provided: _____

5. Cost for language services: _____

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

☐ Yes If yes, which document(s) : _____
☐ No

7. Cost for translation/interpretation services:

Please send the completed form to:

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

Revised 8.8.23

Figure 8: LEP Quarterly Report Form



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

Each quarter a Limited English Proficiency (LEP) report is submitted to the Title VI Liaison of each department in TDOT to collect information on any LEP language assistance used in the previous quarter.

3rd Quarter 2023 –

4th Quarter 2023

1st Quarter 2024 –

2nd Quarter 2024 –

3rd Quarter 2024 -

LANGUAGE SERVICE USAGE IS REPORTED QUARTERLY TO:

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

Revised 12/2023

Figure 9: LEP Annual Report Form

TDOT Workforce

Employees who interact with individuals with LEP, Low literacy and individuals who are D/HOH, shall:

- Familiarize themselves with Executive Orders 13166, 13985, and TDOT's internal Translation Assistance website.
- Familiarize themselves with the standards for effective and accessible communication with individuals who are D/HOH.
- [ADA Effective Communication](#)
- Take reasonable steps to provide meaningful access to TDOT's programs or services to individuals with LEP.
- Be prepared to effectively use language assistance services when they encounter or have reason to believe that they may encounter individuals with LEP while fulfilling TDOT's mission, or upon request by a person with LEP who wishes to access TDOT's programs or activities.

TDOT LEP Encounters for Reporting Period

Quarter	LEP Usage	Cost
3 rd Quarter 2023	No Usage Reported	
4 th Quarter 2023	ROW- English to Korean	Not Invoiced
	Civil Rights – English to Spanish Translation	No Charge
1 st Quarter 2024	No Usage Reported	
2 nd Quarter 2024	CRD – English to Spanish Phone Interpreting	\$4.96
	CRD – English to Spanish -Virtual Interpreting	Waiting on Invoice
3 rd Quarter 2024	Engineering Division - English to Spanish Translation	\$115.50
	ADA - English to Spanish Translation	\$412.14
	Engineering Division - English to Spanish In-Person Translation	Waiting on Invoice
	From English to Kurdish Translation – Used Multilingual Staff	No Charge
Total Funds Expended		\$532.60

TDOT Four Factor Analysis

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;

TDOT's service area reaches statewide across Tennessee. To determine the number of limited English proficient (LEP) individuals in the service area, the TDOT Civil Rights Division used the 2022 American Community Survey from the US Census website. The total state population is 6,649,124. Of that number, 292,376 of the population are Spanish speaking persons, representing the largest LEP population in TDOT's service area.

The data from the US Census 2022 American Community Survey was used to determine the LEP populations, the percentage of LEP persons, and whether any LEP group reaches or exceeds the Safe Harbor Provision of 5% or 1,000 residents that qualify for written translation of vital documents.

Languages Spoken	Estimate	Percentage
English	6,129,297	92%
Spanish	292,376	4.4%
French, Haitian, or Cajun	14,655	0.22%
German or other West Germanic languages	19,614	0.29%
Russian, Polish, or other Slavic languages	10,930	0.16%
Other Indo-European languages	39,355	0.59%
Korean	8,815	0.13%
Chinese (incl. Mandarin, Cantonese)	15,915	0.24%
Vietnamese	13,147	.20%
Tagalog (incl. Filipino)	9,411	0.14%
Other Asian and Pacific Island languages	29,934	0.45%
Arabic	38,740	0.58%
Other and unspecified languages	26,935	0.41%
Total	6,649,124	¹

Figure 10: Languages Spoken in TN

¹ ("American Community Survey 5-Year Data (2009-2022).") United States Census Bureau. December 7, 2023. <https://www.census.gov/data/developers/data-sets/acs-5year.html>

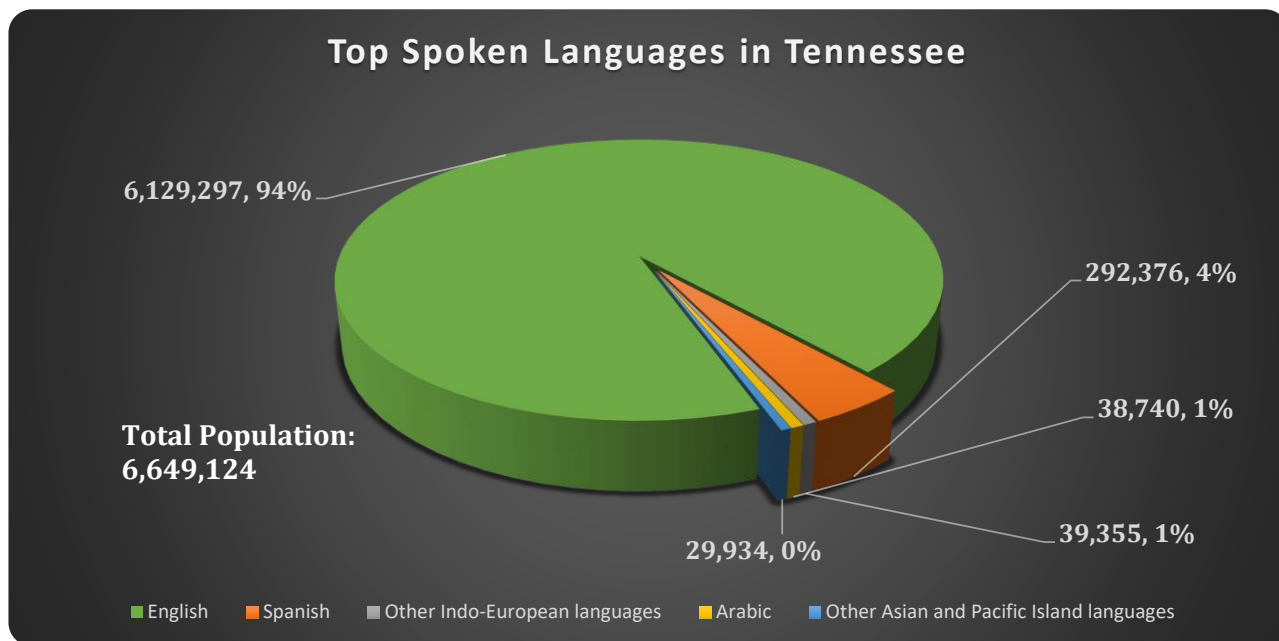


Figure 11: Top Spoken Languages in TN Chart

Factor 2: The frequency with which LEP individuals come in contact with TDOT program, activities and services:

According to the TDOT's 2023-2024 LEP Annual Report, during the fourth quarter of 2023, only two instances of LEP assistance was documented.

Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.

TDOT is dedicated to fostering a secure and reliable transportation system critical to economic development and enhancing the quality of life for all community members. A significant aspect of this commitment involves keeping roads in pristine condition and ensuring that communications during emergencies are clear and accessible to everyone, including individuals with Limited English Proficiency (LEP).

Transportation plays an important role in the lives of all Tennesseans and the LEP communities. Generally speaking, when transportation decisions are made, the LEP and minority communities are normally impacted the greatest. TDOT is committed to providing safe and reliable transportation services to the LEP population as well as all Tennesseans.

TDOT's most critical services are those related to public transportation, right of way acquisitions, public involvement (public information or planning meetings), safety during construction, and providing the ability to file complaints. The efforts to maintain and improve roads, bridges, and public transportation are pivotal in bolstering the economy and inclusivity. Through targeted outreach and making information readily available to LEP communities, TDOT aims to minimize misunderstandings and

enhance the delivery of services. This proactive approach improves public safety and nurtures more trust in public institutions, highlighting the critical balance between operational efficiency and comprehensive community engagement.

Factor 4. The resources available to the grantee/recipient or agency, and costs.

TDOT's available resources for providing meaningful access to its services and activities for the LEP populations includes a list of a qualified multilingual staff members to expedient assistance. When staff is not available, TDOT utilizes AVAZA Language Services Corporation for both written translation and oral interpretations. Payment for these professional language services is expended when services are rendered.

[TDOT Employee Language Interpreting and Translation Volunteers](#)

Accomplishment and Goals Report

By October 1st of each year, [TDOT]'s Civil Rights Division will provide the FHWA Nashville Division Office with a report of Title VI accomplishments for the past year and goals for the next year. This report includes:

Accomplishments

- Program Area Reviews – The Title VI Program conducted 25 internal Program reviews.
- Subrecipient Compliance Reviews - The Title VI Program conducted 352 Subrecipient reviews for the FFY, for a total of 473 reviews for the year (96%).
- Training - Title VI Staff developed and conducted 4 regional virtual trainings, an annual employee training (training 96% of TDOT Employees).
- There were no Title VI complaints received.
- Conducted 2 interdisciplinary meetings with division and regional Title VI liaisons.

Goals

- 25 Program reviews planned for the next year
- 506 Program reviews planned for the next year
- 4 Virtual Regional Title VI Trainings planned for next year sessions
- Employee Title VI Trainings planned for next year sessions
- Online Subrecipient Title VI Training planned for next year
- Develop and Implement Virtual Onsites Procedures
- Develop and Implement Environmental Justice Reviews on five core divisions