



**WEST VIRGINIA DEPARTMENT  
OF  
TRANSPORTATION  
DIVISION OF HIGHWAYS**

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**TITLE VI PROGRAM  
FY 2022 IMPLEMENTATION  
PLAN**





## **Attachments**

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## **INTRODUCTION**

The West Virginia Department of Transportation (WVDOT) is comprised of more than 6000 men and women who work in the Division of Highways; Division of Motor Vehicles; Division of Public Transit; the Public Port Authority; the Parkways, Economic Development and Tourism Authority (WV Turnpike); State Rail Authority; and the Aeronautics Commission.

It is the mission of WVDOT to create and maintain for the residents of West Virginia, the United States, and the people of the world, a multi-modal and inter-modal transportation system that supports the safe, effective, and efficient movement of people, information, and goods that enhances the opportunity for people and communities to enjoy environmentally sensitive and economically sound development.

As a recipient of Federal financial assistance, WVDOT is required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, which provides 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 subjected to discrimination under any program or activity receiving Federal assistance under this title or carried out under this title.”

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term “programs or activities” to include all programs or activities of Federal-aid recipients. Sub-recipients, contractors, and subcontractors must ensure nondiscrimination in all their programs and activities, whether those programs and activities are federally funded or not.

In 2000, Executive Order 13166 – Limited English Proficiency (LEP), was also signed into effect requiring Federal agencies to assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of Federal financial assistance.

The Civil Rights Compliance Division (“CRC”) develops and oversees a Title VI Plan and submits reports to Federal Highways Administration (FHWA). The Division of Public Transit develops and oversees a Title VI Plan and submits reports to the Federal Transit Administration.

### **PLAN AVAILABILITY**

The approved Title VI Plan will be posted on WVDOT’s website. Hard copies will be made available to the public and interested groups and organizations upon request.

### **AUTHORITIES**

The Title VI plan was developed under the following authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C § 2000d et seq., 78 stat.252), (prohibits discrimination based on race, color, or national origin);
- Federal-Aid Highway Act of 1973 (23 U.S.C.§324 et seq.), (prohibits discrimination based on sex);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C.§ 6101 et seq.), (prohibits discrimination based on disability);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C.§ 794 et seq.) as amended, (prohibits discrimination based on disability);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), (prohibits discrimination based on disability);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. § 4601;
- The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
- 49 CFR Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);
- 49 CFR Part 27 (Nondiscrimination based on Disability in Programs or Activities Receiving Federal Financial Assistance);
- 49 CFR Part 28 (Enforcement of Nondiscrimination based on Handicap in Programs or Activities Conducted by the Department of Transportation);
- 49 CFR Part 37 (Transportation Services for Individuals with Disabilities (ADA);
- 23 CFR Part 200 (Title VI Program and Related Statutes-Implementation and Review Procedures);
- 28 CFR Part 35 (Discrimination based on Disability in State and Local Government Services);
- 28 CFR Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- The Civil Rights Restoration Act of 1987
- Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency);
- Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)

## **GLOSSARY OF TERMS**

- **Affirmative Action:** A good-faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur.

- **Complaint:** A formal notification of alleged discrimination to the proper authority.

- **Discrimination:** An act (action or inaction), whether intentional or unintentional, through which a person in the United States solely because of distinguishing protected attributes, is subjected to disparate treatment or impact in any program or activity receiving Federal financial assistance from Federal Highway Administration under 23 USC.

- **Disparate Impact:** Discrimination that occurs because of a facially neutral procedure or practice that lacks a “substantial legitimate justification”. The focus is on the consequences of practice rather than the intent.

- **Race:**

**American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

**Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Black or African American:** A person having origins in any of the Black racial groups of Africa.

**Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White:** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Additional subcategories based on national origin or primary language spoken may be considered, where appropriate, on either a national or regional basis

- **Recipient:** Any individual and/or entity that receives Federal financial assistance and operates a program and/or activity; the WVDOT is a recipient.

- **STIP:** A Statewide Transportation Improvement Program

- **Sub recipient:** A non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program but does not include an individual that is a beneficiary of such a program.

## **ROLES AND RESPONSIBILITIES**

The WVDOT's Civil Rights Compliance Division ("CRC") oversees the Department's Title VI plan and meets the terms of implementing guidance provided by the FHWA.

**Secretary of Transportation** – The Secretary of Transportation provides leadership, guidance, direction, and support for WVDOT's Title VI program.

**CRC Director/Title VI Coordinator** – The CRC Director, or his or her designee, is responsible for supervising, reviewing, monitoring, and evaluating the effectiveness of internal and external civil rights programs. The CRC Director is responsible for the daily operation of the CRC and acts as a liaison between WVDOT and Federal and state officials regarding Civil Rights issues.

**Title VI Manager** – The Title VI Specialist is responsible for managing the Title VI program, including, but not limited to, Limited English Proficiency (LEP), and Historically Black Colleges and Universities (HBCU) programs. This includes, but is not limited to, conducting Title VI reviews, preparing reports, providing technical assistance, training, and investigating complaints.

**Civil Rights Specialists** – Civil Rights Specialists within the CRC are responsible for the external civil rights programs including Contract Compliance, Disadvantaged Business Enterprises, On-the-Job Training, and Labor Compliance (Davis Bacon and related acts). Responsibilities include reviewing and monitoring highway construction project Title VI activities, preparing contract compliance review documents and annual assessment updates, conducting DBE onsite reviews, and providing training on Civil Rights Special Provisions.

**ADA Coordinator** – The ADA Coordinator ensures equal access to Department managed/funded programs, services, activities, and facilities in compliance with the Americans with Disabilities Act. Responsibilities include the development and enforcement of the WVDOT ADA Transition Plan.

**Program Area Supervisor** – Each program area supervisor has a responsibility to communicate and coordinate with the CRC in all activities regarding Title VI, E.O. 12898, and E.O. 13166. Each Program Area Supervisor is responsible for monitoring procedures and practices within his or her respective area(s) to ensure the area's programs are operated fairly, equitably, and in a nondiscriminatory manner under Title VI, E.O. 12898, and E.O. 13166. Each Supervisor will provide program activity information to the CRC on an ongoing basis.

**Managers and Supervisors** – Managers and supervisors in each Division are responsible for familiarizing themselves with the requirements of Title VI, E.O. 12898, and E.O. 13166, and for complying with the Department's Title VI Program. They are responsible for promptly reporting issues or complaints concerning Title VI and related statutes to the CRC. They are also responsible for the implementation of Title VI requirements, including proposed changes to operating procedures, instructional memoranda, policies, and manuals.

**District Civil Rights Coordinators** – Each of the ten districts has a Civil Rights Coordinator that assists the CRC in communicating the requirements of Title VI and assists in assuring that programs, services, and activities in their respective districts are administered fairly and without regard to protected attributes.

**Sub-recipients** – Sub-recipients are any entities that, through agreement, receive Federal financial assistance through WVDOT. Non-discrimination clauses are required in each signed agreement. The clause includes implementation procedures, reporting requirements, a complaint process, and a description of potential sanctions for non-compliance. Additionally, the grantee is required to pass down non-discrimination requirements in their contracting process. Depending on the amount of funding, and the frequency of the awards, the sub-recipient may be required to submit an annual report or undergo an on-site review. Generally, sub-recipients receiving financial assistance of more than \$250,000 will have an on-site review conducted at least once during the life of the project.

## **INTERNAL PROGRAM AREA MONITORING AND REVIEW**

### **Data Collection**

WVDOT is in the process of updating the Agency's methodologies in collecting and utilizing Title VI data. Our goal is to have a comprehensive approach to data collection and use it to improve how we serve the citizens of West Virginia. Until we have the new procedures implemented, we will continue to operate under the following.

Demographic data shall be collected and considered for all programs and activities that serve the public. Administrators, Project Managers, and other program area officials will utilize a system to collect and maintain statistical data such as relocation, impacted citizens, and affected communities. This data shall be included in each annual report to the Title VI Coordinator. Where reasonably available, the data should also include race, color, national origin, poverty status, and age. Data should be gathered and utilized to ensure appropriate outreach is conducted to encourage public participation of traditionally underserved populations, including people with limited English proficiency. Records should be maintained regarding the level of attendance of Title VI populations at all public meetings/hearings.

The Title VI Coordinator may conduct population analysis for any protected group affected by a project, service, or activity. Each analysis will identify the potentially adverse and disproportionate impacts on traditionally underserved populations and advise on outreach efforts to ensure inclusive public involvement. Low income, minority, elderly, and Limited English Proficiency (LEP) populations may be identified in each analysis.

Data related to contractor compliance is maintained by external contract compliance staff within the CRC and is readily available for review by the Title VI Coordinator. This information includes, but is not limited to, the number of compliance reviews conducted, findings, disposition of findings, back wages collected, and other data related to contractor compliance efforts.

### **Process Reviews**

Designated program area personnel will conduct, document, and submit to the CRC an internal review of practices and efforts to comply with the WVDOT Title VI Program. The Title VI Coordinator will conduct compliance reviews of major program areas where documentation submitted is insufficient to verify compliance with overall efforts to ensure nondiscrimination in all of its services and activities.

## **Program Planning and Administration**

The Program Planning and Administration Division encompasses Research and Special Studies, Planning (encompassing Grant Administration and Statewide and Urban Studies), and Preliminary Engineering. The Program Area Supervisors monitor the activities of various sub-recipients within their respective areas to ensure compliance with Title VI requirements.

**Research and Special Studies** is responsible for the administration of all Federal, State, and State Planning and Research (SPR) funded research projects. The Program Area Supervisor has primary responsibility for assuring that selections of consultants/universities for research projects are made per Title VI requirements.

### ***Title VI Responsibilities***

- 1) Reviews research agreements to confirm that the applicable Title VI provisions are contained in said agreements;
- 2) Develop strategies to ensure a diverse selection of universities and consultants for research projects;
- 3) Solicit problem statements;
- 4) Provide a report identifying annual “planned” and performance” awards (actual amounts paid) relative to R&D agreements with institutions of higher education by October 1 annually;
- 5) Maintain records of all efforts to comply with Title VI and related statutes;
- 6) Track Title VI accomplishments and problem areas and report to the CRC.

**The Planning Section** consists of two units; The **Grant Administration** Unit manages federal transportation grant programs that provide funding for a variety of “non-traditional” projects, all of which are linked directly or indirectly to various modes of transportation. These grant programs include the Transportation Enhancement, Safe Routes to School, Recreational Trails, National Scenic Byways, and Transportation, Community, and Systems Preservation Programs. Also, the Grant Administration Unit hosts the State Trail Coordinator function and the Division of Highways’ Bicycle/Pedestrian Coordinator function. The **Statewide and Urban Studies** Unit manages the development and maintenance of a long-range statewide transportation plan. In addition, this unit coordinates the West Virginia Department of Transportation’s involvement with Metropolitan Planning Organizations (MPOs) located in the state’s seven urbanized (populations above 50,000) areas, overseeing and providing technical assistance in meeting federal metropolitan transportation and air quality planning requirements. The Program Area Supervisor for this section has the primary responsibility for assuring that the programs are administered under Title VI requirements.

### ***Title VI Responsibilities:***

- 1) Reviews research agreements to confirm that the applicable Title VI provisions are contained in said agreements;
- 2) Compile statistical data on sub-grantees or potential sub-grantees;
- 3) Collect data such as race, color, and national origin of populations eligible to be served in the long-range statewide transportation plan;



- 4) Collect data on the race, color, and national origin of any planning or advisory body;
- 5) In conjunction with the CRC, provides technical assistance to grant recipients and MPOs in Title VI;
- 6) Review grant recipients and MPOs for Title VI compliance;
- 7) Ensure that all public meeting/hearing locations are accessible to persons with disabilities;
- 8) Ensure that all notices contain a statement that includes contact information for the coordination of mobility assistance, sign and foreign language interpretation to ensure all-inclusive access at public meetings and hearings;
- 9) Ensure that specific efforts are made to solicit involvement of minority and low-income communities, where they exist;
- 10) To take steps to minimize or mitigate excessively high and adverse human health and environmental effects on Title VI population groups;
- 11) To ensure the full and fair participation by all potentially affected communities in the decision-making process by conduction public outreach and providing various mediums for potentially affected communities to participate in the process;
- 12) Establish procedures to document the level of participation of minorities, low-income, and disabled persons at public meetings to the extent practical and appropriate;
- 13) Develop a plan to conduct periodic reviews of each MPO;
- 14) Ensure that contracting/consulting opportunities or other available work have been provided to/solicited from DBEs;
- 15) Maintain records of all efforts to comply with Title VI and related statutes;
- 16) Track Title VI accomplishments and problem areas and report to the CRC.

**Engineering Division** – The Engineering Division is responsible for Consultant Review, In-House Design, and Environmental. Specific responsibilities include but are not limited to, survey and preparation of, or the review and approval of, plans and specifications for the construction, reconstruction, and relocation of all roadways and bridges within the State Highway System; the placing of legal notices in newspapers concerning public meetings, public hearings, and location and design requests and approvals; conducting the public meetings and public hearings for the location and design phases of projects; ensuring that all design criteria are met for pedestrian access routes by ADAAG/PROWAG; and preparing all environmental documents.

***Title VI Responsibilities:***

- 1) Periodically review overall strategies of the engineering studies process to ensure Title VI and Environmental Justice compliance and working with WVDOT's Legal Division and its Environmental Justice component;
- 2) Implement procedures to ensure that design plans for projects deemed to be alterations must include curb ramps within the scope of the project;
- 3) Ensure that specific design standards for the construction of sidewalks, as mandated by ADAAG/PROWAG, are established and incorporated into all project plans;
- 4) Ensure that procedures are in place that requires accessibility improvements to any portion of work within the public right-of-way that falls within the project scope;
- 5) Ensure that specific efforts are made and documented to solicit involvement of minority and low-income communities, where they exist, and that appropriate Title VI language is used in all notices for public meetings and hearings;

- 6)
- 7) To take steps to minimize or mitigate excessively high and adverse human health and environmental effects on minority and low-income populations;
- 8) To ensure the full and fair participation by all potentially affected communities in the decision-making process by conducting public outreach and providing various mediums for potentially affected communities to participate in the process;
- 9) To prevent the denial, reduction, or significant delay in the receipt of transportation-related benefits by minority and low-income populations;
- 10) Establish procedures to document the level of participation of minorities, low-income, and people with disabilities at public information meetings to the extent practical and appropriate;
- 11) Ensure that all public meeting/hearing locations are accessible to persons with disabilities;
- 12) Maintain and provide to the CRC any Environmental Assessments or Environmental Impact Statements where minority and low-income populations were disproportionately impacted, and any mitigation measures taken as a result;
- 13) Maintain records of all efforts to comply with Title VI and related statutes;
- 14) Track Title VI accomplishments and problem areas and report to the CRC.

**Contract Administration Division** – Contract Administration is responsible for the administration of all contracts for highway construction, maintenance, and resurfacing projects. In addition to providing contract oversight to ensure project quality, the Contract Administration Division implements administrative procedures to ensure that Federal-aid contract provisions are fulfilled.

***Title VI Responsibilities:***

- 1) Administer and enforce the terms of the construction contract in a nondiscriminatory manner, including, but limited to, the assessment of sanctions, liquidated damages, withholding of payments, and the suspension or termination of contracts;
- 2) Oversee the monitoring of construction project work by project personnel to ensure compliance with contract plans, specifications, and Civil Rights Special Provisions;
- 3) Review policies and procedures for monitoring construction activity to ensure non-discriminatory application;
- 4) Notify the CRC of any identified areas of concern or any barriers to equal participation by female and/or minority-owned firms on construction projects;
- 5) Notify the CRC of any identified areas of concern or any barriers to equal participation by female and/or minority workers on construction projects;
- 6) Ensure that all Contract Administrators are trained periodically concerning the nondiscrimination requirements;
- 7) Ensure that pedestrian access is maintained for all projects and that alternate circulation paths complying with PROWAG are constructed when required;
- 8) Monitor contractor activities to minimize project impacts on people and communities, specifically those protected by law; e.g., waste/spill disposal, environmental compliance, and harassment;
- 9) Maintain records of all efforts to comply with Title VI and related statutes;
- 10) Track Title VI accomplishments and problem areas and report to the CRC.

**Right-Of-Way Division** – The Right-of-Way Division acquires all real estate necessary for the construction and maintenance of all public roads and highways under the jurisdiction of the West Virginia Department of Transportation. This includes, but is not limited to, property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses.

***Title VI Responsibilities:***

- 1) Ensure the inclusion of Title VI provisions in all realtor, fee appraiser, and negotiated contracts;
- 2) Ensure that all public meeting/hearing locations are accessible to persons with disabilities;
- 3) Establish procedures to document the level of participation of minorities, low-income, and people with disabilities at public hearings to the extent practical and appropriate;
- 4) Coordinate with Project Managers regarding the need for language interpretation/translation services;
- 5) Ensure equitable treatment of all businesses and persons displaced by highway projects, regardless of race, color, or national origin;
- 6) Assess efforts taken to overcome language barriers in all phases of the right-of-way process;
- 7) Coordinate with the CRC to identify DBE consultants available to perform ROW services;
- 8) Ensure that DBE participation on all Federal-aid consultant contracts is monitored and reported to the CRC;
- 9) Ensure that procedures are in place to collect and review statistical data about all beneficiaries or persons affected by negotiations, relocation, and property management;
- 10) Maintain records of all efforts to comply with Title VI and related statutes;
- 11) To take steps to minimize or mitigate excessively high and adverse human health and environmental effects on minority and low-income populations;
- 12) Track Title VI accomplishments and problem areas and report to the CRC.

**Traffic Engineering Division** – The Traffic Engineering Division is responsible for traffic control and safety, specialized signing and safety initiatives, preparing estimates for construction or renovation projects involving traffic control devices, outdoor advertising, and salvage yard regulatory enforcement.

***Title VI Responsibilities:***

- 1) Ensure that traffic control plans, systems, and devices are provided per the minimum requirements of ADAAG/PROWAG when applicable;
- 2) Coordinate with the CRC to identify DBE consultants available to perform related work and solicitation from the same;
- 3) Monitor DBE participation on all Federal-aid consultant contracts and report to the CRC;
- 4) Establish procedures to collect data on populations served as a result of safety initiatives;
- 5) Maintain records of all efforts to comply with Title VI and related statutes;
- 6) To prevent the denial, reduction, or significant delay in the receipt of transportation-related benefits by minority and low-income populations;
- 7) To take steps to minimize or mitigate excessively high and adverse human health and environmental effects on minority and low-income populations;
- 8) Track Title VI accomplishments and problem areas and report to the CRC.

**Highway Maintenance/Division/Districts** – The WVDOT Maintenance Division establishes maintenance policies and standards for highway facilities and monitors maintenance operations to ensure statewide uniformity. There are ten districts within WVDOT responsible for highway maintenance through the State.

***Title VI Responsibilities:***

- 1) Ensure that procedures are in place to make all facilities accessible to the traveling public, including persons with disabilities as set for in ADAAG/PROWAG;
- 2) Ensure that the allocation of resources, priorities of work, and services within districts are strictly based on a business necessity and do not have a disparate and adverse impact on minority or low-income populations where they exist;
- 3) To prevent the denial, reduction, or significant delay in the receipt of transportation-related benefits by minority and low-income populations
- 4) Maintain records of all efforts to comply with Title VI and related statutes.

**EXTERNAL SUB-RECIPIENT MONITORING AND REVIEW**

Division Directors and District Engineers/Managers or their designated Title VI Liaison are responsible for conducting Title VI reviews, when applicable, in their respective program areas. The purpose of the review is to verify each sub-recipients compliance with Title VI, related statutes, and the regulations to assure that each sub-recipient will comply with the nondiscriminatory requirements of its agreement/contract. During the review, the designee will examine:

- a) The organization's most recent Title VI Plan
- b) The organization's documentation on public outreach
- c) List of Title VI complaints and achievements
- d) Determine the area(s) of improvement.

In addition to the assurances given by each sub-recipient, pre-award and pre-qualification determinations will be made after consideration of the following:

- Any finding(s) on the record reflecting a previous failure of the applicant to comply with Title VI, including any failure to take corrective action within a reasonable time frame;
- Any previous failure to comply with required contract provisions, as evidenced by findings of noncompliance, notices of violations, or warning letters.

The Planning Division Director, or his/her designee, along with the Title VI Coordinator will conduct biennial post-Federal-assistance reviews of the eight MPO's. At a minimum MPO's will be required to have:

- A Title VI/ADA Coordinator
- Title VI-related written processes detailing how compliance is maintained with Title VI requirements
- A Title VI/ADA Complaint Process

## **REVIEW OF STA DIRECTIVES**

In general, program area supervisors are required to consider if any new directives will adversely affect Title VI population groups. In addition, to the extent that the CRC is advised of any new agency directives, the CRC will review directives impacting Title VI program areas to determine any impact, if any, on Title VI population groups and determine if the directive will adversely affect the environmental concerns of a minority or low-income communities.

## **TITLE VI RELATED TRAINING**

WVDOT's CRC coordinates internal and external Title VI training. All training will be focused on educating the audience on the requirements of Title VI as well as providing them with any new updates to FHWA Title VI Program requirements. Training will include, but will not be limited to data collection, reporting requirements, discrimination avoidance, and public involvement.

**Internal Training:** Basic Title VI-related training is incorporated in the required annual Civil Rights training given to every employee. Division Directors and District Engineers/Managers will be responsible for ensuring that the program area managers and Title VI Liaisons receive the training necessary to effectively implement the Title VI responsibilities related to their area of assignment. Requests for training should be made to the CRC. The CRC will continue to offer Title VI-related training at each of the respective program area's annual conferences.

**Executive Staff:** Title VI training to the agency's executive staff will be available upon request.

**External Training:** Title VI compliance training will be made available to any sub-recipient to ensure that each entity understands the requirements of the FHWA Title VI Program. Training is also made available at annual MPO meetings and WVDOT Planning conferences.

## **COMPLAINT PROCEDURE**

Title VI complaint procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 relating to any program or activity administered by the West Virginia Department of Transportation or its sub-recipients, consultants, and/or contractors. Complaints may be filed by any person or on behalf of any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any WVDOT service or activity whether federally funded or not, and who believes the discrimination is based on race, color or national origin regardless of where they are reported, shall be immediately forwarded to the CRC.

All allegations of discrimination will be taken seriously and investigated on time. Any Title VI complaint filed directly against WVDOT will be forwarded to and investigated by the FHWA. Following the investigation, the complainant and appropriate officials will receive written notification of the Department's decision. If the finding is unfavorable to the complainant, they will also be advised of their avenues for appeal.

Complaint procedures and forms can be found in Attachment 3.

## **COMPLIANCE**

Enforcement responsibilities ultimately are vested with the Program Area Supervisors and Project Engineers/Supervisors. The project engineer must be cognizant of the contractual requirements and observe the contractor for compliance. These requirements will be found in the special provisions of each contract receiving federal financial assistance. Each Program Area Supervisor must be aware of the Title VI assurances which are incorporated into all agreements when federal funds are being utilized and must monitor sub-recipients for compliance.

If a sub-recipient of federal assistance is found to be in non-compliance and voluntary compliance cannot be achieved, the non-compliance may be deemed a breach of contract for which payment may be withheld or the contract canceled.

## **LIMITED ENGLISH PROFICIENCY**

Based on the most recent Census data, about 2.5% of West Virginia's overall population of 1.85 million speak a language other than English at home.

Because West Virginia is a small recipient with a small LEP population group, WVDOT's LEP program is focused on assisting LEP persons on a community level. For example, WVDOT will ensure that translation services are available in public meetings held in LEP communities. Or, ensuring that translations services are available for any person or someone acting on another's behalf, wanting to file any complaints with WVDOT.

## **SPECIAL EMPHASIS PROGRAM AREAS**

In this recent reporting year, the Division office did not designate any *Special Emphasis Program Areas* nor has WVDOT not found discrimination or the risk of discrimination in any of its program areas during this implementation period. Should a program review become necessary, the CRC in conjunction with the program area will collect and review Title VI data and any other information, including, but not limited to; complaints and reports about the affected program to determine any patterns of discrimination. Upon review, if it is determined that there are patterns of discrimination in the program area, WVDOT will implement corrective measures to address any patterns of discrimination.

## **STATE PROCEDURES, MANUALS, AND DIRECTIVES APPLICABLE TO FEDERAL HIGHWAY PROGRAM**

- **Construction Manual**
- **Accessible Rights-of-Way Design Guide**
- **Bridge Design Manual**
- **Consultant Services Manual**
- **Erosion and Sediment Control Manual**
- **Design Directives Manual**
- **Stewardship Agreement**
- **FHWA Title VI Program Guidelines for Federal-aid Recipients**
- **Statewide Transportation Improvement Program (STIP)**
- **Standard Specifications Roads and Bridges**
- **Required Contract Provisions/Federal-aid Contracts (FHWA-1273)**
- **DBE Program Manual**
- **Affirmative Action Plan (Internal and External)**
- **WVDOT Title VI Plan**
- **49 CFR 21 (DOT Title VI Regulations)**
- **Standard Title VI Assurances**
- **23 CFR 200 (FHWA Implementation Regulations of Title VI)**
- **Executive Order 12898 (Environmental Justice)**
- **Executive Order 13166 (Limited English Proficiency)**
- **LEP POLICY**
- **Title VI of the Civil Rights Act of 1964**
- **Federal-aid Highway Act**
- **The Americans with Disabilities Act**
- **Section 504 of the Rehabilitation Act of 1973**
- **The Age Discrimination Act of 1975**
- **The Civil Rights Restoration Act of 1987**
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**
- **The Relocation Act Amendments of 1987**

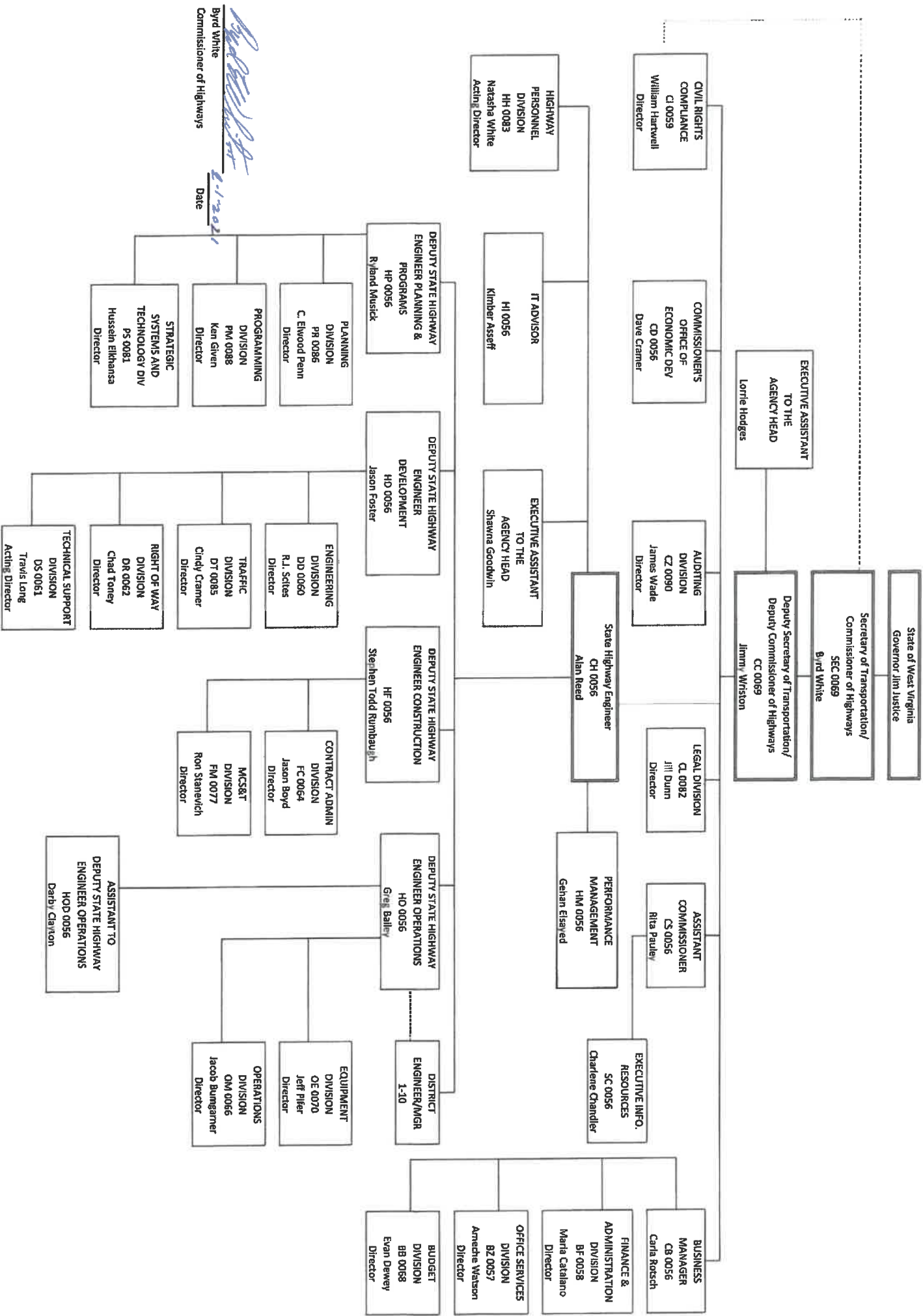
## **ATTACHMENTS**

- 1) **ORGANIZATIONAL CHARTS**
- 2) **STANDARD TITLE VI ASSURANCES**
- 3) **COMPLAINT PROCEDURES/FORM**
- 4) **LIMITED ENGLISH PROFICIENCY PLAN/POLICY STATEMENT**
- 5) **TITLE VI COMPLAINT FORM**

# ATTACHMENT 1



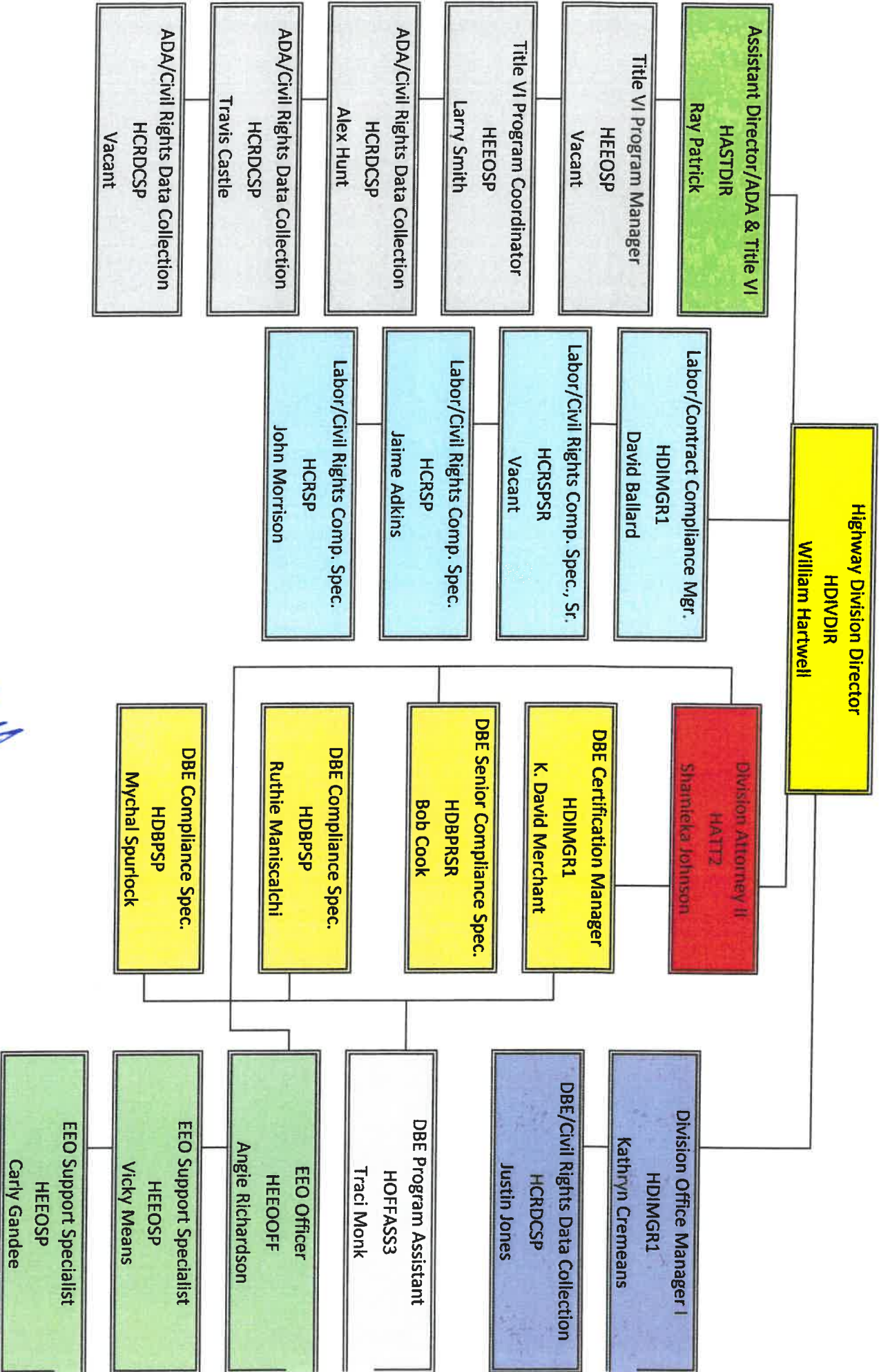
# West Virginia Division of Highways Organizational Chart



Byrd White  
Commissioner of Highways

Date

6-1-2021



APPROVED:

  
CIVIL RIGHTS COMPLIANCE DIVISION

# ATTACHMENT 2

**September 17, 2021**  
**The United States Department of Transportation ("USDOT")**  
**Standard Title VI/Non-Discrimination Assurances**  
**DOT Order No. 1050.2A**

*The State of West Virginia, Division of Highways* ("Recipient" or "WVDOH"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) 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 *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

**General Assurances**

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

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

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

**Specific Assurances**

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

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

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

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

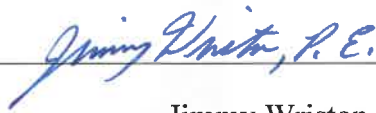
By signing this ASSURANCE, West Virginia Division of Highways also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the West Virginia Department of Transportation access to records,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

West Virginia Division of Highways gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-aid Highway Program. This ASSURANCE is binding on the state of West Virginia, other recipients, sub-recipients, 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.

West Virginia Division of Highways

By: \_\_\_\_\_

A handwritten signature in blue ink, reading "Jimmy Wriston, P.E.", is written over a horizontal line.

Jimmy Wriston, P.E.  
Deputy Secretary of Transportation/  
Deputy Commissioner of Highways

## 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 and the West Virginia Department of Transportation as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- 2. Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- 4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient 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 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 may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
- 6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to



any subcontract or procurement as the Recipient 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 state of West Virginia will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Highway Administration 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 state of West Virginia 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 the state of West Virginia 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 state of West Virginia its successors and assigns.

The state of West Virginia in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and] \* (2) that the state of West Virginia 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, Nondiscrimination 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 state of West Virginia 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:
  - I. 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, State of West Virginia 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 State of West Virginia 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 State of West Virginia 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 the state of West Virginia 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, the state of West Virginia 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, the state of West Virginia will there upon revert to and vest in and become the absolute property of the state of West Virginia 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.*).

# ATTACHMENT 3



**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION**

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

**D. Alan Reed, P.E.**  
State Highway Engineer

**Jimmy Wriston, P. E.**  
Deputy Secretary/  
Deputy Commissioner

**September 17, 2021**

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
LIMITED ENGLISH PROFICIENCY POLICY STATEMENT**

The West Virginia Department of Transportation (WVDOT) will provide meaningful access to all of its programs and services for persons with Limited English Proficiency (LEP). Title VI of the *Civil Rights Act of 1964*, as amended, and its implementing regulations state, in part:


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 subjected to discrimination under any program or activity receiving Federal financial assistance -42 USC §200d.

The United States Supreme Court has interpreted national origin discrimination to include civil rights violations against individuals who have limited proficiency in the English language. A person who can speak, read, understand or write a language other than English but does not speak English or who is limited in the ability to effectively use and communicate in the English language is covered under this requirement.

The Civil Rights Act applies equally to all individuals, entities and organizations receiving federal funding, either directly or indirectly, on WVDOT's federally funded projects, including contractors, subcontractors and other Agency recipients.

It is the role and responsibility of every WVDOT employee to reasonably provide appropriate language assistance, including oral language interpretation and translation of written materials, to all individuals with limited English proficiency. WVDOT will not charge a fee for any such assistance or require the use of family members and friends as interpreters. WVDOT will ensure that all affected entities receiving federal transportation funds, e.g., contractors, subcontractors, public transits, etc. will also provide such assistance to individuals identified as having limited English proficiency.

West Virginia Division of Highways

  
Jimmy Wriston, P.E.  
Deputy Secretary of Transportation/  
Deputy Commissioner of Highways

U. S Census Bureau State and County Quick Facts  
Language other than English Spoken at, percent of person 5 years+  
2015-2019

West Virginia 2.6%

County	Percent		County	Percent
Barbour	2.4		Marshall	1.7
Berkeley	5.4		Mason	1.0
Boone	0.4		Mercer	2.2
Braxton	0.5		Mineral	2.7
Brooke	2.0		Mingo	0.6
Cabell	2.5		Monongalia	8.0
Calhoun	1.6		Monroe	1.6
Clay	0.9		Morgan	0.7
Doddridge	0.8		Nicholas	1.8
Fayette	1.9		Ohio	2.3
Gilmer	4.0		Pendleton	1.1
Grant	2.3		Pleasants	2.1
Greenbrier	2.8		Pocahontas	1.5
Hampshire	0.9		Preston	3.4
Hancock	1.7		Putnam	1.9
Hardy	4.7		Raleigh	3.5
Jackson	1.0		Randolph	1.0
Jefferson	6.4		Ritchie	0.8
Kanawha	2.4		Roane	1.0

Lewis	1.6		Summers	1.1
Lincoln	0.4		Taylor	1.4
Logan	0.6		Tucker	0.7
McDowell	2.0		Tyler	1.6
Marion	2.3		Upshur	1.2
Harrison	1.5		Wayne	1.5
Webster	0.1		Wetzel	0.6
Wirt	2.5		Wood	1.8
Wyoming	0.2			

# ATTACHMENT 4





**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
CIVIL RIGHTS COMPLIANCE DIVISION  
TITLE VI 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 the WV Department of Transportation (WVDOT) or its sub-recipients, consultants, and/or contractors.

These procedures do not deny the right of the complainant to file a formal complaint 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 by the Title VI Program Coordinator to obtain early resolution of complaints at the lowest level possible.

**Procedures**

- I. Any individual, group of individuals, or entity that believes they have been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any WVDOT service, program or activity, and believes the discrimination is based upon race, color, or national origin may file a complaint, or file a complaint on behalf of another, with WVDOT's Civil Rights Compliance Division (CRC). A complaint **must be filed within 180 calendar** days of the alleged discriminatory act, latest occurrence or when the act became known to the complainant. The complaint should include the following items:
  - a. Include the date when the complainant became aware of the alleged discrimination, the date on which the conduct, was discontinued or the latest instance of the conduct.
  - b. Present a detailed description of the issues, including the names and job titles of those individuals perceived as the parties involved in or contributing to the act of alleged discrimination.
  - c. The alleged act must be based upon the complainant's protected status such as race, color or national origin.
  - d. Original signed copy to be mailed to Title VI Program Coordinator at the following address:

WV Department of Transportation  
Civil Rights Compliance Division  
1900 Kanawha Boulevard, East  
Building 5, Room 618  
Charleston, West Virginia 25305  
(304) 558-3931

Note: Allegations received by telephone will be reduced to writing on a complaint form and provided to the complainant for review and signature before processing.

2. Upon receipt of the complaint, the Title VI Program Coordinator will determine its jurisdiction. If it is determined that WVDOT has jurisdiction of the complaint, it will investigate and make recommendations for resolving it. Otherwise, the complaint will be forwarded to the FHWA for investigation.
3. Within ten days of receiving the written complaint, WVDOT CRC Division will acknowledge receipt of the allegations, inform the complainant of action taken or proposed action to process allegation.
4. The investigative report and a copy of the complaint will be forwarded to the FHWA within 60 days of receipt of the complaint.
5. Complaints related to employment may be filed with the following agencies:

WV Human Rights Commission  
1321 Plaza East Room 108A  
Charleston, WV 25301-1406  
(304) 558-2616  
(888)676-5546  
(304)558-0085 Fax

Equal Employment Opportunity Commission  
William S. Moorhead Federal Building  
1000 Liberty Avenue Suite 1112  
Pittsburgh, PA 15222  
(800)669-4000



**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
CIVIL RIGHTS COMPLIANCE DIVISION**

**TITLE VI  
COMPLAINT FORM**

If this allegation is in regards to employment discrimination, please contact one of the following agencies:

WV Human Rights Commission  
1321 Plaza East Room 108A  
Charleston, WV 25301-1406  
(304) 558-2616  
(888)676-5546  
(304)558-0085 Fax

Equal Employment Opportunity Commission  
William S. Moorhead Federal Building  
1000 Liberty Ave. Suite 1112  
Pittsburgh, PA 15222  
(800)669-4000

Discrimination because of? \_\_\_\_\_Race \_\_\_\_\_Color \_\_\_\_\_National Origin

**Complainant's Information:**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Telephone Number: \_\_\_\_\_ Work Telephone Number: \_\_\_\_\_

Other Contact Number: \_\_\_\_\_

**Person(s) discriminated against if different from above:**

Name(s): \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Telephone Number: \_\_\_\_\_ Work Telephone Number: \_\_\_\_\_

Other Contact Number: \_\_\_\_\_

Name of agency, department or program that you believe discriminated against you or another:

Agency or Department: \_\_\_\_\_

Name of Individual(s): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Telephone Number: \_\_\_\_\_ Work Telephone Number: \_\_\_\_\_

Other Contact Number: \_\_\_\_\_

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

Have you filed this complaint with any other federal, state or local agency, or with any federal or state court? If so, please list in which agencies and courts you have filed this complaint:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Updated September 2021