

Title VI Program Plan



Prepared by the
Northwest Louisiana
Council of Governments

Adopted
March 21, 2014

UPDATED
October 20, 2017

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Disclaimer:

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Non-Discrimination Statement

The Northwest Louisiana Council of Governments (NLCOG) complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and other federal equal opportunity laws and, therefore, does not discriminate on the basis of race, sex, color, age, national origin, religion or disability; in admission to, access to, treatment in or operations of its programs, services, or activities. NLCOG does not discriminate in its hiring or employment practices.

Questions, concerns, complaints, or requests for additional information regarding the non-discrimination policies may be directed to the designated Title VI, ADA and Section 504 Compliance Coordinator:

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Shreveport, LA 71101

These policies are intended to cover the most common situations not already covered by the Northwest Louisiana Council of Governments (NLCOG) Bylaws or Personnel Policies. In situations not specifically detailed herein, NLCOG, its committees, supervisors and employees, shall use its respective best judgment in responding to unusual situations.

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Introduction

As a recipient of federal financial assistance, the Northwest Louisiana Council of Governments (NLCOG) is required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, which provides:

“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 purpose of Title VI of the Civil Rights Act of 1964 is to protect individuals, groups and organizations from discrimination. Title VI led to the development of other nondiscrimination authorities.

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21).

Additional Authorities and Citations Include: Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 28 CFR 50.

Additionally, the National Environmental Policy Act (NEPA) passed in 1969. The act aimed to provide “all Americans safe, healthful, productive, and esthetically pleasing surroundings,” and required the use of a “systematic, interdisciplinary approach” so environmental and community factors would be considered in decision-making processes.

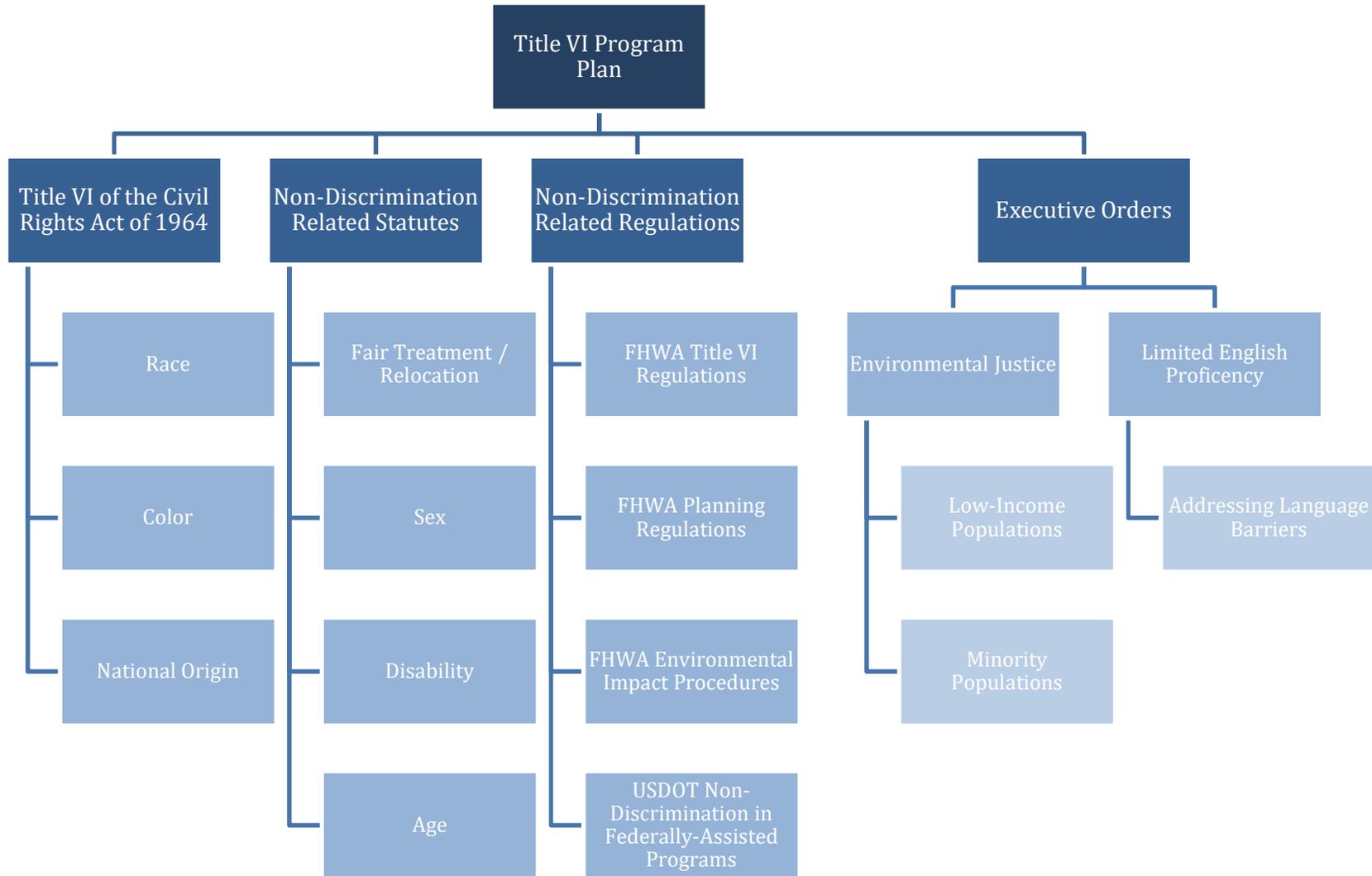
The Federal-Aid Highway Transportation Act of 1973 added sex to the list of prohibitive factors. Disability was added through Section 504 of the Rehabilitation Act of 1973. Age was subsequently added in 1975 under the Age Discrimination Act. The Civil Rights Restoration Act of 1987 broadened the scope 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, and contractors, whether or not such programs and activities are federally assisted.

Title VI was further defined in 1994. Executive Order 12898 - Environmental Justice (EJ), directed federal agencies to identify and address the effects of all programs, policies, and activities on “minority populations and low-income populations.” The executive order protects the interest of low income and minority persons; calls for the development and use of a system to collect and analyze the demographics of affected communities; and requires that everyone has an opportunity to participate in decisions affecting their community.

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. This order ensures that people, who do not write, speak or understand English as their primary language, have meaningful access to services.

Under Title VI, NLCOG’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of planning, project development, right-of-way, construction, and research.

Figure 1 – Non-Discrimination Authorities



General Title VI Program Responsibilities

Following are general Title VI responsibilities of the NLCOG applicable to all Title VI Program Areas. NLCOG's Executive Director is responsible for ensuring implementation of the agency's Title VI program. The Title VI Coordinator, under supervision of the Executive Director, is responsible for coordinating the overall administration of the Title VI program, plan, and assurances.

1. Data collection

Statistical data on race, color, national origin, income level, language spoken, and sex of participants in, and beneficiaries of, federally funded programs is to be gathered and maintained by the Title VI Coordinator. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program.

2. Annual Report and Update

An Annual Report and Update is to be submitted with the next fiscal year's work plan as part of the Unified Planning Work Program (UPWP) submitted to the Louisiana Department of Transportation and Development (LaDOTD), Federal Highway Administration (FHWA) and Federal Transit Administrator (FTA). The document is to include:

- A report on the previous year's Title VI-related activities and efforts, including accomplishments and program changes.
- An update on Title VI-related goals and objectives for the coming year.

3. Annual review of Title VI program

Each year, in preparing for the Annual Report and Update, the Title VI Coordinator will review the agency's Title VI program to assure compliance with Title VI. In addition, a review of agency operational guidelines and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of information related to the Title VI program

Information on the agency's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, and in other languages when needed.

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint with NLCOG, if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, income, sex, or disability. NLCOG will make a concerted effort to resolve complaints informally at the lowest level, using the agency's Nondiscrimination Complaint Procedures, as described at the end of this document.

6. Procedures manual

A procedures manual for the agency's Title VI program, incorporating the day-to-day procedures necessary to maintain the program, will be developed by NLCOG, after LaDOTD completes their version and provides a copy to the agency as an example. The manual will be updated regularly to incorporate changes and additional responsibilities.

Responsibilities of the Title VI Coordinator

The Title VI Coordinator is responsible for implementing, monitoring, and reporting on NLCOG's compliance with Title VI regulations. In support of this, the Title VI Coordinator will:

- Identify, investigate, and eliminate discrimination when found to exist.
- Process Title VI complaints received by NLCOG.
- Meet with the planning team to monitor and discuss progress, implementation, and compliance issues.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective.
- Provide training on Title VI and on the other authorities created in conjunction with Title VI, as well as coordinate activities to which NLCOG can educate the public or community on Title VI and other rights under Title VI.
- Maintain statistical data of participants and ensuring that underserved groups are included in programs or activities that may affect them or their community.
- Develop and submit the Annual Title VI Report to LaDOTD, FHWA, and FTA.
- Review the Annual Title VI Report and Update to determine the effectiveness of the Title VI program and related efforts.
- If a sub-recipient is found to not be compliance with Title VI, work with the sub-recipient to resolve the deficiency status and write a remedial action if necessary, as described in the Consultant Contracts section of this plan.
- Review important Title VI-related issues with the Executive Director, as needed.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when needed.

Title VI Objectives

The primary objectives of NLCOG's Title VI plan are:

- To assign and clarify roles, responsibilities, and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives.
- To assure that all people affected (directly or indirectly) by NLCOG's federal-aid programs and projects or by any activity receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, gender, disability, economic status or Limited English Proficiency.
- To help prevent discrimination and ensure nondiscrimination in all NLCOG programs and activities, whether those programs and activities are federally-funded or not.
- To establish procedures for identifying and eliminating discrimination when found to exist.
- To establish procedures to annually review NLCOG's compliance with Title VI and to determine the effectiveness of NLCOG's Title VI activities.

- To set forth procedures for the filing and processing of complaints by persons who believe they have been subjected to discrimination under Title VI in any NLCOG service, program, or activity.

Data Collection Procedure

The collection and analysis of data helps to:

1. Identify Limited English Proficiency (LEP) , low-income and minority communities and populations affected by transportation decision-making;
2. Initiate and evaluate the effectiveness of policies and programs to ensure non-discrimination;
3. Assess the relationship between specific programs and beneficiaries to develop nondiscriminatory strategies, e.g., public meeting locations;
4. Draw agency attention and resources to resolve issues and problems, e.g., local advocacy groups;
5. Demonstrate the viability of a particular program, service or activity;
6. Justify continuation of funding or need for allocation of additional funding; and,
7. Communicate the importance of the goals, solutions or programs.

NLCOG will create clearly defined measures that offer objective, descriptive information in order to evaluate compliance with the nondiscrimination objectives. These measures will include:

- Demographic information on program, participants, beneficiaries;
- Actual benefits paid or realized by beneficiaries;
- Characteristics of the programs and/or activities; and
- Results of a program or service.

Developing and using good data collection methods necessitates selecting the data collection procedures best suited to the needs of the evaluation project. NLCOG will determine where to find the best source of data in order to most effectively capture the necessary information required to comply with the various provisions of Title VI. Options include, but are not limited to:

- Opinion surveys to assess how a person or group feels about a particular issue/project;
- Questionnaires that ask specific questions about a given topic offer an effective way to reach a large number of people or a geographically diverse group;
- Case studies that detail experiences and characteristics of selected persons utilizing a particular program, service, or activity;
- Individual interviews that document individual's responses, opinions or views;
- Group interviews with small group responses, opinions and views;
- Information abstracted from records, files or receipts;
- Document reviews;
- Observations;

- Ideas and viewpoints of selected persons from advisory committees and/or advocate teams; and
- Social media avenues for the public to post comments about projects.

When choosing a method, NLCOG will consider:

- If the information already exists to answer desired questions;
- If you need to seek prior approval to collect information;
- If the evaluative process is disruptive to the program;
- If the collection methods will produce information that actually measures what was intended;
- Whether a sample population or an entire population be used;
- Whether to utilize a random or selective sample;
- Sample size;
- Representative sample of group;
- The most practical and efficient procedures to use; and
- Whether there is sufficient time to accurately collect data using method selected.

It is not always necessary to collect data from the entire population. Sampling is a portion of the targeted population. NLCOG can collect information from the targeted population in order to learn something about the entire population without having to measure the entire group. Convenience sampling is used on the basis of convenience, accessibility or when there is a particular interest in a specific subgroup within a targeted population. Weighted Sampling is used to capture certain population characteristics of a particular interest in the evaluation. Randomly selecting individuals in the group affords each individual an equal chance at being chosen for the sample.

If the sample population is large enough, it is sufficient to collect the data from just a portion as long as it is done in a manner that gathers an accurate cross section of the larger targeted population. In determining whether or not to use a sample population for data collection and evaluation, NLCOG will consider:

- The size of the population;
- The information to be gained or lost; and
- The availability of resources.

Organizing, Managing, and Analyzing Data

It is crucial to establish a plan for data analysis prior to beginning the collection process. A plan will ensure that the information needed to answer evaluative questions is answered. For example, if the goal is to determine how a fare increase will affect a specific targeted group of bus riders, an assessment of the targeted areas must be conducted, e.g., what's the best method of reaching the targeted community, are there LEP person(s) in the area, will documents need to be translated in another language, etc.

- Ensure that any/all clearances and consent forms are obtained, if needed;
- Ensure that all ethical considerations have been taken into account; and
- Always be mindful of cultural differences and sensitivities of the respondents.

NLCOG will proceed with the following process:

1. Assign an individual(s) to take responsibility for the collection of data.
2. Set up protocol for who has access to the data.
3. As data is received, check for thoroughness.
4. Pilot test selected survey methods.
5. Develop a tracking system, e.g., spreadsheets.
6. Store collected data electronically.
7. Monitor the data collection process.
8. Prepare for errors in samplings.

Data that should be captured and reported (as it relates to Title VI Compliance):

- Public notification and outreach efforts, to include: minority media utilized, LEP efforts, project websites, web blog for public comments;
- Demographics of potential affected population (targeted project area);
- Data regarding covered employment;
- LEP data concerning use of interpreting/translation services and bilingual employees;
- Surveys or any documented input/comments from potential affected population;
- Any efforts made to mitigate adverse effects on the minority and/or low income populations in affected communities;
- The racial ethnic composition of transportation-related decision-making advisory boards or committees;
- Environmental Justice analysis, if applicable, for new construction and major rehabilitation projects;
- Document all Title VI Complaints, lawsuits and investigations in a Title VI complaint log;
- Maintain and capture the race and gender of contractors and provide an analysis of the selection process; and

- Title VI training, to include: date of training, employee's names, methods used to train or inform.

NLCOG will utilize the following data collection resources, along with information received from the public's involvement:

- U. S. Census Bureau data: <http://www.census.gov/>
- Public health agencies
- Limited English Proficiency website: <http://www.lep.gov/>
- Faith-based organizations
- Social services agencies
- Ground surveys to locate minority enclaves and communities of concern
- School district data
- Citizen advisory groups/community leaders and activists
- Community based organizations
- Ridership data from transit operators

Monitoring Process for Program Areas

1. Communications and Public Involvement

The Communications and Public Involvement Program Area applies to and affects NLCOG's work program as a whole, particularly efforts and responsibilities related to the Planning and Programming Program Area. It has been treated as a separate program area for purposes of clarity, and corresponding to NLCOG's organization and Unified Planning Work Program. NLCOG strives to have significant and ongoing public involvement in the transportation planning process and to empower the public to voice their ideas and values regarding transportation issues to ensure open and effective communication with the residents of Northwest Louisiana.

a. Opportunities for Public Comments – NLCOG routinely offers three different ways for people to comment on activities, programs and decisions made, including:

1. Comments are accepted anytime via phone, fax, e-mail, U.S. mail, and in person at any board or committee meeting. Contact information for all NLCOG staff is provided on the website, and contact information for NLCOG is included in all publications. NLCOG staff makes every effort to respond to all comments received.
2. Citizen comments are requested at NLCOG meetings as all board and committee meetings are open to the public. Meeting dates are posted on the website and advertised in advance in the legal section of the local paper. Public comments and responses made during these meetings are kept on record in the official meeting minutes. NLCOG maintains a mailing list of community contacts to which anyone may request to be added.
3. Formal public comment and review periods for major activities are used to solicit comments on major planning and programming activities; for example, the annual

Transportation Improvement Program (TIP), annual Unified Planning Work Program (UPWP), and updates to the Long Range Transportation Plan (LRTP). Comment periods are advertised by block ad in the local paper, posted to the NLCOG website and to our social media presence. Comments may be made in person, by U.S. mail, e-mail, fax or phone. NLCOG staff will make every effort to respond to any comments received and will forward comments to other agencies when appropriate.

b. Strategies for Engaging Title VI Protected Groups – NLCOG recognizes that there are large segments of the population from whom input is rarely received. In an effort to hear a truly representative voice of the community, NLCOG will take the approach of “going to the public,” in addition to receiving public comment from and educating those already interested and involved. As part of this effort, NLCOG will take the following steps:

1. Plan meeting locations carefully by selecting locations that are accessible by public transit. Also, facilities should be compliant with the Americans With Disabilities Act (ADA). If a targeted population is located in a certain geographic area, then the meeting location should be in that area for their convenience.
2. To facilitate involvement of traditionally underserved populations, NLCOG staff will seek help from, and build relationships with, community leaders and organizations that represent these groups to learn how to most effectively engage their members.
3. In addition to mainstream media organizations, advertisements and news releases announcing public participation opportunities will be targeted to media that reaches minority and ethnic populations.
4. Upon advance notice, NLCOG can provide services for the disabled including deaf interpreters, translators, and Braille documents for public meetings. Notifications of opportunities for public involvement will include contact information for people needing these or other special accommodations.
5. At public meetings, NLCOG staff should be sensitive to diverse audiences and attempt to communicate as effectively as possible. Technical jargon should be avoided and appropriate dress and conduct are important. For some meetings, it may be best to use trained facilitators or language translators to better communicate with the audience.

c. Title VI Responsibilities – NLCOG staff members involved in public involvement are responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of NLCOG’s public involvement process. These staff members will:

1. Ensure that all public involvement efforts comply with Title VI;
2. Develop and distribute information on Title VI programs to the general public and provide information in languages other than English, as needed;
3. Disseminate information to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in Northwest Louisiana are represented in the planning process;
4. Include the Title VI Notice to the Public, full or abbreviated version, in relevant press releases, in all publications, annually as a block ad in the local newspaper and on the NLCOG website;

5. Notify affected, protected groups of public hearings regarding proposed actions, and make the hearings accessible to all residents, including the use of interpreters when requested, or when a strong need for their use has been identified;
6. Collect statistical information on attendees of public meetings to track how well different segments of the population are represented; and
7. Encourage NLCOG's committees to include representation from Title VI relevant populations.

2. Planning and Programming

NLCOG is responsible for developing long- and short-range transportation plans to provide efficient transportation service to Northwest Louisiana. A comprehensive transportation planning process is used, which entails the monitoring and collection of data pertaining to transportation issues. NLCOG coordinates with the Louisiana Department of Transportation and Development (LaDOTD), cities, parishes, and area transit agencies; seeks public involvement; and provides technical support when needed. Please see the "Communications and Public Involvement Program Area" for a description of how interaction with the public is handled in regards to this program area and NLCOG in general.

a. Operational Guidelines – Primary guidance is provided by:

1. The Metropolitan Planning Organization (MPO) Regulations 23 CFR 450;
2. The Moving Ahead for Progress in the 21st Century (MAP-21) legislation;
3. State and federal Clean Air Acts (CAA) and amendments.

b. Key Planning and Programming Activities – As the designated MPO for Northwest Louisiana, NLCOG receives federal funds to develop regional transportation plans and programs, and to coordinate technical and policy studies on a wide range of transportation and other programs. The primary products of the transportation planning process include:

1. Long Range Transportation Plan (LRTP)
2. Transportation Improvement Program (TIP)
3. Unified Planning Work Program (UPWP)

NLCOG also provides forecasts of population, housing, economic and transportation trends that form a base for addressing current needs, and identifying and preparing for future needs.

c. Considerations of Title VI – Considerations of Title VI legislation are made throughout NLCOG's planning and programming activities, for example:

1. Data collection – A large part of NLCOG's work program involves collecting, analyzing, and reporting on data for Northwest Louisiana. This task includes information on population, housing, employment, poverty, income, wages, transportation, traffic, and growth. Member agencies and other groups use this data for activities such as planning and the distribution of funds. Information is gathered

from a variety of sources, including the U.S. Census, and each reference source is noted on each data set.

2. Long Range Transportation Plan (LRTP) – the development of the LRTP includes an environmental justice analysis to ensure that the burdens and benefits of planned transportation activities are equitably distributed across racial and socio-economic groups. NLCOG staff reviews the impacts that planned programs and projects would have on low-income and minority residents in such areas as transportation investments, effects of projects on travel times and access to transit.
3. Transportation Improvement Program (TIP) – NLCOG’s five-year TIP includes an analysis of effects of planned transportation investments on disadvantaged residents similar to that of the LRTP.

d. Title VI Responsibilities – NLCOG staff members involved in planning and programming are responsible for evaluating and monitoring compliance with the Title VI requirements in all aspects of the planning and programming processes. These staff members will:

1. Ensure that all aspects of the planning and programming process operation comply with Title VI;
2. Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data; and
3. Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process.

3. Environmental Justice

The concept of environmental justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies or activities on minority and low-income population groups. Within the context of regional transportation planning, environmental justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

a. Operational Guidelines – Executive Order 12898 on environmental justice, and federal and state administrative guidelines for implementing environmental justice requirements.

b. Title VI Responsibilities – NLCOG staff members are responsible for evaluating and monitoring environmental justice compliance with Title VI. Staff members will:

1. Ensure Title VI environmental justice compliance;
2. Analyze the population affected by the action;
3. Analyze the impacts of planned projects on protected Title VI groups, and determine if there will be a disproportionately high and adverse impact on these groups; and
4. Disseminate information to the public on the processes used and findings of any analysis, in accordance with all agency public involvement procedures, including the dissemination of information to groups representing minority media and

ethnic/gender related organizations, and the use of public comment periods and public hearings, interpreters, and materials in other languages, as needed.

4. Consultant Contracts

NLCOG is responsible for selection, negotiation, and administration of its consultant contracts. NLCOG operates under its internal contract procedures and all relevant federal and state laws.

a. Operational Guidelines

1. NLCOG's approved Consultant Selection Procedures;
2. Title 48, Chapter 1, Part 31 – Contract Cost Principles and Procedures; and
3. Title 23, CFR 172 – Administration of Engineering and Design Related Service Contracts

b. Consultant Selection Procedures – NLCOG's Consultant Selection Procedures are available on the NLCOG website. NLCOG verifies Title VI compliance by consultants (sub-recipients of Federal funds) in the contracting process. Signature of the terms of the contract is used to verify compliance on the part of the consultant. In addition, Title VI text is included in all NLCOG Requests for Proposals/Qualifications.

c. Title VI Responsibilities – Title VI responsibilities associated with consultant contracts include the following:

1. Ensure inclusion of Title VI language in contracts and RFPs/RFQs;
2. Review consultants for Title VI compliance as described below:
 - (a) Ensure that all consultants verify their compliance with Title VI procedures and requirements; and
 - (b) If a recipient or sub-recipient is found to be not in compliance with Title VI, the Title VI Coordinator and relevant NLCOG staff will work with the recipient or sub-recipient to resolve the deficiency status.

5. Education and Training

Minorities, women, veterans, individuals with a disability, and other individuals are protected by Title VI and federal and state anti-discrimination laws, are provided with equal opportunity and fair treatment in all employment-related decisions, including opportunities for education and training.

a. Employees Encouraged to Participate in Training – All NLCOG employees are encouraged to participate in professional development and training. All materials received by the agency on training and education opportunities are made available to all employees, which includes all information on federally funded training, such as courses provided by the National Highway Institute (NHI) and National Transit Institute (NTI).

b. Title VI Responsibilities – Under the category of training and education, Title VI responsibilities include:

1. Assisting in the distribution of information to NLCOG staff on training programs regarding Title VI and related statutes;

2. Ensuring equal access to, and participation in, applicable NHI and NTI courses for qualified NLCOG staff;
3. Tracking staff participation in Title VI, NHI and NTI courses; and
4. Establishing, maintaining, and updating Title VI procedures manual containing general information pertaining to the administration of NLCOG's Title VI program, as well as related documents (such as complaint form).

Title VI Assurances

The Northwest Louisiana Council of Governments hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter 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 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.

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

1. That the Recipient agrees that each “program” and each “facility”, as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

“The Northwest Louisiana Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and 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 Issued Pursuant to Such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex, or national origin in consideration for an award.”
3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar

agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.

8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, 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 shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

Adopted October 20, 2017



J. Kent Rogers, Executive Director

October 20, 2017

Date

Title VI Policy Statement

The Northwest Louisiana Council of Governments (NLCOG) assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. NLCOG is committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations.

NLCOG further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event NLCOG distributes federal aid funds to another governmental entity, NLCOG will include Title VI language in all written agreements and will monitor for compliance. NLCOG's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other NLCOG responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Adopted October 20, 2017



J. Kent Rogers, Executive Director

October 20, 2017

Date

Title VI Notice to the Public

The paragraph below will be inserted in all significant publications that are distributed to the public including but not limited to the Long Range Transportation Plan and the Transportation Improvement Program for the region. The text will remain permanently on the agency's Web site, www.nlcog.org. The version below is the preferred text, but where space is limited or in publications where cost is an issue, the abbreviated version may be used in its place.

Notice of Title VI Compliance

The Northwest Louisiana Council of Governments (NLCOG) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities.

Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which NLCOG receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with NLCOG. Any such complaint must be in writing and filed within one hundred eighty (180) days following the date of the alleged discriminatory occurrence with the Title VI Coordinator:

*Lisa M. Frazier
Public Involvement Coordinator
(318) 841-5950 (voice)
625 Texas Street, Suite 200
Shreveport, LA 71101*

For more information, or to obtain a Title VI Discrimination Complaint Form, please visit NLCOG's website at www.nlcog.org or call (318) 841-5950.

Abbreviated Title VI Notice to the Public

The following shortened version of the above paragraph can be used in publications where space or cost is an issue, such as for the newsletter and in classified newspaper announcements.

The Northwest Louisiana Council of Governments fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, see www.nlcog.org or call (318) 841-5950.

Title VI Complaint 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 NLCOG's Title VI Coordinator. 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. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for NLCOG to be able to process it.
 - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to NLCOG for processing.
2. Upon receipt of the complaint, the Title VI Coordinator 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 NLCOG's sub-recipients of federal funds, NLCOG will assume jurisdiction and will investigate and adjudicate the case. Complaints against NLCOG will be referred to the LaDOTD's Compliance Office (Section 37), the Federal Highway Administration or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. In order to be accepted, a complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability, or retaliation.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
 - d. The complainant(s) must accept reasonable resolution based on NLCOG's administrative authority (reasonability to be determined by NLCOG).
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 additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once NLCOG or LaDOTD decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in NLCOG's or LaDOTD's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
 6. In cases where NLCOG assumes the investigation of the complaint, NLCOG 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 NLCOG's written notification of acceptance of the complaint to furnish his/her response to the allegations.
 7. In cases where NLCOG assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, NLCOG's Investigator (the Title VI Coordinator) will prepare an investigative report for review by the agency's Legal Counsel and Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
 8. The investigative report and its findings will be sent to NLCOG's Legal Counsel for review. The Counsel will review the report and associated documentation and will provide input to the Investigator within 10 calendar days.
 9. Any comments or recommendations from NLCOG's Legal Counsel will be reviewed by NLCOG's Investigator. The Investigator will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.
 10. NLCOG's final investigative report and a copy of the complaint will be forwarded to LaDOTD's Compliance Office (Section 37) within 60 calendar days of the acceptance of the complaint. LaDOTD's Compliance Office (Section 37) will share the report with FHWA and FTA.
 11. NLCOG will notify the parties of its preliminary findings, which are subject to concurrence from LaDOTD's Compliance Office (Section 37). LaDOTD's Compliance Office (Section 37) will issue the final decision to NLCOG based on NLCOG's investigative report.
 12. Once LaDOTD's Compliance Office (Section 37) issues its final decision, NLCOG will notify all parties involved about such determination. LaDOTD's Compliance Office (Section 37) final determination is not subject to an appeal.
 13. LaDOTD's Compliance Office (Section 37) will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by NLCOG. LaDOTD's Compliance Office (Section 37) will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

Title VI Complaint Form

The purpose of this form is to assist you in filing a complaint with NLCOG. You are not required to use this form; a letter with the same information is sufficient. However, the information **highlighted** must be provided, whether or not the form is used.

1. State your name and contact information.

Name: _____

Address: _____

City, State: _____ Zip: _____

Home Telephone: (_____) _____

Other Telephone: (_____) _____

2. Person(s) discriminated against, if different from above:

Name: _____

Address: _____

City, State: _____ Zip: _____

Home Telephone: (_____) _____

Other Telephone: (_____) _____

Please explain your relationship to this person(s): _____

3. Agency and department or program that discriminated:

Agency Name: _____

Any individual if known: _____

Address: _____

City, State: _____ Zip: _____

Telephone: (_____) _____

4. Please indicate below the basis on which you believe the discrimination occurred. (Please check all that apply.)

Race / Color

Ethnicity / National origin

Sex:

Age:

Disability

Retaliation

5. What is the most convenient time and place for us to contact you?

Appendix A – Definitions

- a. Beneficiary - Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program; i.e., impacted citizens, communities, etc.
- b. Citizen participation - An open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.
- c. Compliance - That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.
- d. Discrimination - That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C.
- e. Noncompliance - A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.
- f. Persons - Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.
- g. Disparate Treatment – refers to actions that result in circumstances where similarly situated persons are treated differently, i.e., less favorably, than others because of their race, color or national origin.
- h. Disproportionately High and Adverse Effect on Minority and Low-Income Populations- means an adverse effect that:
 1. is predominately borne by a minority population and/or low-income population; or
 2. will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.
- i. Environmental Justice – is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.
- j. Environmental Justice Activities – means an action taken by DOT, FHWA, FTA, FAA, a recipient or subrecipient of FHWA, FTA, FAA funding to identify and address adverse and disproportionate effects of its policies, programs or activities on minority and/or low-income populations, consistent with Executive Order 12898 and the DOT order 5610.2 on Environmental Justice.
- k. Federal Financial Assistance
 1. grants and loans of Federal funds;
 2. the grant or donation of Federal property and interests in property;
 3. the detail of Federal personnel;
 4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal

consideration, or in recognition of the public interest to be served by such sale or lease to the recipient; and

5. any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.
- l. Limited English Proficient (LEP) Persons – persons for whom English is not their primary language and who have a limited ability to speak, understand, read or write English.
- m. Low-Income - means a person whose median household income is at or below the Department of Health and Human Services' poverty guidelines.
- n. Low-Income-Population - Any readily Identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed FHWA/FTA/FAA program, policy, or activity.
- o. Minority means a person who is:
 1. Black (having origins in any of the black racial groups of Africa);
 2. Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race)
 3. Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
 4. American Indian and Alaskan Native (having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).
 5. Native Hawaiian and Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.
- p. National Origin – means the particular nation in which a person was born or where the person's parents or ancestors were born.
- q. Noncompliance – refers to a recipient or subrecipient that has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity.
- r. Recipient – any entity that receives financial assistance directly from a Federal agency.
- s. Subrecipient – any entity that receives federal financial or other assistance as a pass-through from a recipient entity, e.g., State DOT.
- t. Public Involvement Plan - A comprehensive Public Involvement Plan (PIP) is crucial to the success of any public involvement effort. Thorough and well thought out plans simplify the public involvement process by providing a systematic approach, maximizing the use of available resources and minimizing delays by ensuring that public involvement activities are coordinated with other project tasks and milestones.

For more information on Title VI of the 1964 Civil Rights Act, please contact:

Lisa M. Frazier
Public Involvement / Title VI Coordinator
(318) 841-5950 (voice)
(318) 841-5952 (fax)
lisa.frazier@nlcog.org
625 Texas Street, Suite 200
Shreveport, LA 71101
www.nlcog.org

The Northwest Louisiana Council of Governments is an intergovernmental association of local governments established to assist in planning for common needs, cooperating for the mutual benefit, and coordinating for sound regional development. NLCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions for the benefit of the entire Northwest Louisiana community. This is achieved by developing and implementing constructive and workable policies and programs for solving area-wide problems. These issues include, but are not limited to, matters affecting transportation, economic, health, safety, welfare, education, and regional development issues.

NLCOG is funded by a variety of funding sources including federal grants from the U. S. Department of Transportation's Federal Highway Administration, and Federal Transit Administration, the Louisiana Department of Transportation and Development, as well as by NLCOG's local member governments.



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