

**Title VI/Environmental Justice  
Non-Discrimination Plan**

**October 1, 2014 – September 30, 2015**

**BACTS  
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## **POLICY STATEMENT**

The Bangor Area Comprehensive Transportation System is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants and, to ensuring that the public-at-large is afforded access to our programs and services.

To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any BACTS program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. BACTS assures all its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

BACTS conducts its Title VI/Environmental Justice Program in a team approach involving all BACTS personnel. The Director of BACTS is responsible for BACTS' compliance with the Title VI/EJ implementing regulations.

Inquiries concerning BACTS' policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI/Environmental Justice, may be directed to the Director, Bangor Area Comprehensive Transportation System, 12 Acme Road Suite 102, Brewer, ME 04412, telephone 207-974-3111.

This policy statement must be circulated throughout BACTS and be included by reference in all contracts, agreements, programs and services administered by BACTS.

February 23, 2015



Robert Kenerson, Jr.  
BACTS Director

## The United States Department of Transportation (USDOT)

### FHWA STANDARD TITLE VI/NONDISCRIMINATION ASSURANCES

#### DOT Order No. 1050.2A

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

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

#### General Assurances

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

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

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

#### Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program")

conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

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

*The BACTS, 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 insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.*

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

other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

BACTS 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. This ASSURANCE is binding on BACTS, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in it programs. . The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

DATED: February 23, 2015

by:   
Robert Kenerson, Jr., Executive Director  
BACTS

Appendices A and E

## ADMINISTRATION – GENERAL

The BACTS Director shall have lead responsibility for coordinating the administration of the Title VI/Environmental Justice (Title VI/EJ) and related statutes program, plan, and assurances. Special emphasis program areas for BACTS are Public Transit, Planning Assistance and Program Management. BACTS has developed a Public Involvement Process, which will be used in conjunction with the Title VI/Environmental justice program and is include by reference.

- Complaints

If any individual believes that she/he or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age, or handicap, she/he may exercise their right to file a complaint with BACTS. Complaints may be filed with the BACTS Director. Every effort will be made to resolve complaints informally at the lowest level.

Complaints may also be filed directly with the Federal Highway Administration.

- Data Collection

Statistical data on race, color, national origin, English language ability and sex of participants in, and beneficiaries of the BACTS programs, e.g., relocatees, impacted citizens, and affected communities, will be gathered and maintained by BACTS. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI/EJ program.

- BACTS Reviews

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and problems. The reviews will be conducted by BACTS to assure effectiveness in their compliance of Title VI/EJ provisions. The BACTS Director will coordinate efforts to ensure the equal participation in all their programs and activities at all levels.

- Title VI/EJ Reviews on Sub-recipients

Title VI/EJ compliance reviews will be conducted annually by the BACTS Director. Priority for conducting reviews will be given to those recipients of federal (US Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI/EJ requirements. The status of each review will be reported in the annual update and report to relevant US Department of Transportation (US DOT) modes (e.g. FHWA, Federal Transit Administration).

- Annual Reports

An annual report will be required by August 1 or each year. The BACTS Director will be responsible for coordination and compilation of these reports and submitted by September 1 to the Maine Department of Transportation and Federal Highway Administration. These reports will review Title VI/EJ accomplishments achieved during the year and goals for the next year.

- Title VI/EJ Plan Updates  
An annual update of the Title VI implementing plan will be submitted by October 1 to the Federal Highway Division Administrator for approval or disapproval.
- FTA Title VI Compliance Reviews  
In August, a report will be submitted to FTA at least every three years in accordance with FTA Circular 4702.1, Title VI Program Guidelines for Federal Transit Administration recipients. The report may be submitted more often should conditions warrant.
- Public Dissemination  
BACTS will disseminate Title VI/EJ program information to BACTS employees and to the general public. Title VI/EJ program information will be submitted to sub-recipients, contractors, and beneficiaries. Public dissemination will include inclusion of Title VI/EJ language in contracts and publishing the Title VI/EJ Policy Statement on BACTS' Web site.
- Remedial Action  
BACTS will actively pursue the prevention of Title VI/EJ deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it (them) in writing to effect compliance may not to exceed 90 days from the date deficiencies are found.

# **SPECIAL EMPHASIS PROGRAM AREAS**

## **Planning**

Develop the Metropolitan Planning Organization's (MPO) input into the Maine Department of Transportation's Statewide Transportation Improvement Program (STIP) and 6-Year Plan. The MPO is also responsible for developing a 20-Year Plan and the Transportation Improvement Program (TIP) to meet present and future needs for safe, adequate, and efficient transportation. Planning also encompasses clean air issues, safety, pavement management, transportation analysis, transportation reporting, inventory, research, mapping, major project studies and training and technical assistance for communities.

→ BACTS Director will:

- Ensure that all aspects of the planning process operation, including environmental impact reviews, comply with Title VI/EJ.
- Serve as a resource person helping to ensure participation of a cross section of people representative of the affected population, including various and diverse social, economic, and ethnic interest groups are represented in the planning process.
- Provide the annual report on Title VI/EJ accomplishments for the previous year and goals for the next year.
- Ensure equal opportunity for participation on Advisory Committees.
- Ensure Title VI/EJ language is included or incorporated by reference in every sub-recipient contract.

## **Transit**

Coordinates passenger-related functions including bus, van pool, car pool, air, rail, and marine transportation and pedestrian and bicycle programs. Develops transportation alternatives that are environmentally sound, cost effective and politically acceptable.

→ Director BACTS will:

- Ensure that all aspects of passenger-related functions/programs/contracts/grant programs comply with Title VI/EJ.
- Provide the annual report on Title VI/EJ accomplishments for the previous year and goals for the next year. (See Appendix C: "FTA Circular 4702.1 data collection and reporting requirements")
- Ensure Title VI/EJ language is included, or incorporated by reference, in every sub-recipient contract.
- Perform reviews as needed of sub-recipients to ensure Title VI/EJ adherence.

## LIMITED ENGLISH PROFICIENCY

Compliance with Title VI includes Limited English Proficient (LEP) persons. Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP are not able to read instructions or correspondence written in English and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek.

It is essential that the BACTS personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about their diverse clientele from a linguistic, cultural and social perspective. These individuals should become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate transportation services with more knowledge and confidence.

U.S. DOT guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The recipient has to take “reasonable steps” to remove barriers for LEP individuals.

Reasonable steps will depend on:

- The number and proportion of LEP persons potentially served by the recipient’s programs or activities and the variety of languages spoken in the recipient’s service area.
- The frequency with which LEP individuals are affected by the program or activity.
- The importance of the effect of the recipient’s program on LEP individuals.
- The resources available to the recipient and whether the recipient has budgeted for provision of special language services.
- The level of services provided to fully English proficient people.
- Whether LEP persons are being excluded from services or provided a lower level of services.
- Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.

## **FILING A COMPLAINT**

### **I. Introduction**

The Title VI/Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding BACTS' programs, activities and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by the Office of Human Resources (OHR) for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The BACTS Director has overall responsibility for the discrimination complaint process and procedures. The Director may, at her/his discretion, assign a capable person within BACTS to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant shall make him- or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

### **IV. Filing Complaints**

Applicability The complaint procedures apply to the beneficiaries of the BACTS programs, activities and services including, but not limited to, the public, contractors, subcontractors, consultants and other sub-recipients of federal and state funds.

Eligibility Any person who believes that she/he has been excluded from participation in, denied benefits or services of any program or activity administered by BACTS or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI/EJ and Related Statutes.

Time Limitation and Filing Options Title VI/EJ complaints of discrimination may be filed with:

- BACTS
- Maine Department of Transportation
- Federal Highway Administration
- U.S. Department of Transportation

In all situations, the BACTS employees must contact the BACTS Director immediately upon receipt of a Title VI/EJ complaint.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to a BACTS employee, or other person authorized to receive complaints on behalf of BACTS, shall interview the person. If necessary, the authorized person will assist the person in writing the complaint for the person or the person's representative to sign.

Designated BACTS special emphasis area operating elements will require the sub-recipients they serve to forward to the Director any complaint of discrimination made to them about their own actions or actions of sub-grantees or contractors.

## **INTERNAL COMPLAINT PROCESSING**

### **Initial contact**

Special emphasis program area representatives serve as BACTS' resources for members of the public who wish to file a discrimination complaint under Title VI/EJ and related statutes. As resources, they will provide complainants with:

1. An explanation of their filing options;
2. The discrimination complaint process; and
3. A Title VI/EJ and Related Statutes Discrimination Complaint Form.

Use of the Complaint Form is not necessary for the complainant. Rather, it is intended to help the complainant provide enough information to begin processing the complaint.

### **The Complaint Review Process**

1. The Director or her/his designee, reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction.
2. The complaint shall be investigated, unless:
  - The complaint is withdrawn.
  - The complainant fails to provide required information.
  - The complaint is filed beyond the 180-day timeframe.
  - The complainant is not part of a protected group.
  - The complaint is determined to be more appropriately under a jurisdiction other than BACTS. If this is the case, the complainant will be directed to the appropriate agency.
3. Upon determination that the complaint warrants a BACTS investigation, the complainant is sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.
4. The respondent – the person alleged to have committed the discrimination -- is notified by mail that she/he has been named in a complaint. The letter also includes the investigator's name and informs the respondent that she/he will be contacted for an interview.

## **INVESTIGATION**

### **Investigation Plan**

The investigator shall prepare a written plan that includes, but is not limited to, the following:

- Names of the complainant(s) and respondent(s);
- Basis for the complaint;
- Issues, events or circumstances that caused the person to believe that she/he has been discriminated against;
- Information needed to address the issue;
- Criteria, sources necessary to obtain the information;
- Identification of key people;
- Estimated investigation time line; and
- Remedy sought by the complainant(s).

### **Conducting the Investigation**

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.

### **Investigation Reporting Process**

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Human Resources Director or her/his designee for review.
- The Director or designee reviews the file and investigative report. Subsequent to the review, the Director makes a final determination of “probable cause” or “no probable cause” and prepares the final decision letter.

### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and the Director’s final decision letter, is forwarded to the Federal Highway Administration Maine Division Office within 60 days of the date the complaint was received.

### **Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

**DISCRIMINATION COMPLAINT FORM**

**BANGOR AREA COMPREHENSIVE TRANSPORTATION SYSTEM  
Title VI/Environmental Justice and Related Statutes**

1. Name:
2. Address:
3. Telephone Number:
4. Name of person charged with discrimination (respondent):
5. Date of alleged discriminatory act:
6. Type of discrimination:
  
7. Please write a summary of the facts supporting your complaint (use additional pages as necessary):
  
  
  
  
  
  
  
  
  
  
8. Names of witnesses to the alleged discriminatory act:
  
  
  
  
  
  
  
  
  
  
9. What do you want as a remedy for the alleged discrimination?

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX A: APPENDICES A AND E TO STANDARD TITLE VI ASSURANCES

### APPENDIX A TO STANDARD TITLE VI ASSURANCES

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** 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 as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration**, to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration**, may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.

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

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

## **APPENDIX E TO STANDARD TITLE VI ASSURANCES**

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 U.S.C. §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 of sex in education programs or activities (20 U.S.C. 1681 et seq.).

## APPENDIX B - ACCOMPLISHMENT REPORT/GOALS FOR ENSUING YEAR

### Accomplishments FY2014:

Bangor Area Comprehensive Transportation System (BACTS), the Metropolitan Planning Organization for the urbanized area of the Bangor Maine region has been very active in ensuring that the BACTS planning process is consistent with Title VI of the Civil Rights Act of 1964, as amended.

During FY2014 BACTS has developed or enhanced the following activities to assure that no person in the MPO area shall, on the grounds of race, color, or national origin, sex, disability, and age, be excluded from, participation in, or be denied the benefits of, or be subjected to discrimination under the MPO transportation planning activities:

- *The Penobscot Nation continues to have a voting representative actively involved on the BACTS Policy, Technical, and Transit Advisory Committees.*
- *A Transit Advisory Committee made up of municipal appointees meets periodically to discuss ongoing transit issues.*
- *Ensured timely public notification of our planning process on our website, in the local newspaper and a letter to everyone on our interested and affected parties list. This list consists of close to 100 agencies, organizations and individuals and is continually growing. The businesses for the most part represent the largest employers in the area. The range of agencies represented includes those helping people with various backgrounds and needs including the elderly and people with special needs. Most of the individuals on this list are people who have expressed an interest in BACTS planning and/or made public comment on one of our planning documents. This public notification period included TIP amendments.*
- *We also hold public meetings and comment periods for everyone to comment on our planning documents and studies. Any comments and a response, if necessary, are included in the final document.*
- *We have a website: [bactsmo.org](http://bactsmo.org). We have included the agendas and minutes of all Policy and Technical Committee meetings, draft and final copies of all studies and planning documents we are involved in and contact information for anyone to email, call or mail us with comments.*
- *We occasionally discuss our current program and look for ways to make improvements with the FHWA, Maine Department of Transportation and the other three MPOs in Maine.*
- *We have a certification process to ensure that the MPO's planning process is consistent with Title VI.*

## **Annual Work Plan FY 2015**

Attend the local participating university and college new student orientation days to educate new students and parents on the opportunities offered by using the fixed route transit system.

Work with the Maine DOT Title VI coordinator to develop a process to conduct a four factor review of Limited English Proficiency in the BACTS area.

Encourage the Penobscot Nation to continue to have a voting representative actively involved on the BACTS Policy, Technical, and Transit Advisory Committees.

The Transit Advisory Committee made up municipal appointees will meet periodically to discuss ongoing transit issues.

Examine the demographics of the BACTS area, as shown by the most recent and detailed Census data, to see whether there have been significant changes.

Ensure timely public notification of our planning process in the local newspaper and a letter to everyone on our interested and affected parties list. This list consists of close to 100 agencies, organizations and individuals and is continually growing. The businesses for the most part represent the largest employers in the area. The range of agencies represented includes those helping people with various backgrounds and needs including the elderly and people with special needs. Most of the individuals on this list are people who have expressed an interest in BACTS planning and/or made public comment on one of our planning documents.

Hold public meetings and comment periods for everyone to comment on our planning documents and studies. Any comments and a response, if necessary, are included in the final document.

Continue to maintain the BACTS website: [bactsmmpo.org](http://bactsmmpo.org).