TITLE VI PLAN

WYOMING DEPARTMENT OF TRANSPORTATION

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CIVIL RIGHTS PROGRAM

TITLE VI LIAISON OFFICER

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OCTOBER 2014

Policy Statement

The Wyoming Department of Transportation (WYDOT) assures that no person shall on the grounds of race, color, national origin, sex, age or disability as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. WYDOT further assures 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 WYDOT distributes federal aid funds to another governmental entity, WYDOT will include Title VI language in all written agreements and will monitor for compliance.

WYDOT's Civil Rights Program, is responsible for initiating and monitoring Title VI activities, preparing required reports and other WYDOT responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

John F. Cox, Director
Wyoming Department of Transportation

Oct. 1, 2014
Date

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 (please refer to 23 CFR 200.9 and 49 CFR 21).

Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000-4; 42 United States Code 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 Code of Federal Regulations 50.3

Organization and Staffing — General

The Director of the Wyoming Department of Transportation (WYDOT) is responsible for ensuring the implementation of the department's Title VI programs. The Civil Rights Program Manager, on behalf of the Director, is responsible for the overall management of the Title VI programs and the day-to-day administration of the program.

Title VI Coordinator Responsibilities

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring WYDOT's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by WYDOT.
2. Collect statistical data (race, color, sex, and national origin) of participants in and beneficiaries of state highway programs; i.e., relocatees, impacted citizens, and affected communities. Review Environmental Impact Statements for Title VI and Environmental Justice compliance.
3. Conduct annual Title VI reviews of special emphasis program areas (right of way, planning, design, etc.) to determine the effectiveness of program activities at all levels.

4. Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, planning agencies, and other recipients of federal aid highway funds.
5. Review state program directives in coordination with Title VI liaisons for special emphasis program areas and, where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI and related statutes for state program officers, civil rights officials, and WYDOT subrecipients of federal funds.
7. Prepare the annual Title VI update report presenting the accomplishments for the past year and goals for the next year.
8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
9. Conduct post-grant approval reviews of state programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the state.
10. Identify, investigate, and eliminate discrimination when found to exist.
11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.
12. Provide technical assistance to subrecipients in the development of their Title VI Plan and assurances.

Program Administration — General

The Civil Rights Program shall be responsible for coordinating the overall administration of the Title VI program, plan, and assurances (see Addendum 1).

A. Complaints

If any individual believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, income, sex, or disability, s/he may exercise their right to file a complaint with WYDOT. Every effort will be made to resolve complaints informally at the district, subrecipients, and contractor's level (see Addendum 2).

B. Data Collection

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of WYDOT programs; e.g., relocatees, impacted citizens, and affected communities, will be gathered and maintained by the Right of Way Program for the department. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

C. Title VI Program Reviews

Title VI Program reviews will be performed by the Contract Compliance Officer to assess the office's administrative procedures, staffing, and resources available for Title VI compliance.

D. WYDOT Annual Reviews

All special emphasis programs will be reviewed with the Compliance Officers annually to assure effectiveness in their compliance of Title VI provisions. This is in addition to the day to day monitoring. The Civil Rights Program and program representatives will coordinate efforts to ensure the equal participation in all their programs and activities at all levels.

E. Title VI Reviews on Subrecipients

Title VI compliance reviews will be conducted annually in coordination with the Highways and Local Government Programs. Priority for conducting reviews will be given to those local governments, the Metropolitan Planning Organizations (MPOs), and other recipients of federal highway 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 requirements. The status of each review will be reported in the annual update and the written report shared with FHWA upon completion.

F. Training Program

Title VI training will be made available at least annually to contractors and subrecipients. The training will provide comprehensive information on Title VI provisions, its application to program operations, and identification of Title VI issues and resolution of complaints. A summary of training conducted will be reported in the annual update.

G. Annual Reports

An annual executive summary will be submitted by the Civil Rights Program reviewing Title VI accomplishments achieved during the year. Annual reports will be required for each of the special emphasis program areas. The Civil Rights Program will be responsible for coordination and preparation of the report.

H. Title VI Plan Update

An annual Title VI Plan Update will be submitted to FHWA in October each year. The update will report on any accomplishments and changes to the program occurring during the preceding year. The Update Report will also include goals and objectives for the upcoming year.

I. Public Dissemination

Title VI Program information will be disseminated to WYDOT employees, subrecipients, contractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion of Title VI language in contracts, and publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications (see Addendum 3).

J. Consultant Post-grant Reviews

Title VI Compliance reviews will be conducted annually on consultants and other contractors seeking contracts with WYDOT. The reviews will determine the contractor's compliance with Title VI contractual provisions. Post-grant reviews are conducted on those subrecipients that have already received WYDOT federal funds.

K. Elimination of Discrimination

Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to, issues of accessibility of National Highway Institute (NHI) training to all qualified WYDOT employees, utilization of Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, public involvement, and property acquisition.

L. Remedial Action

WYDOT will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements, both within WYDOT and its subrecipients of federal highway funds. When irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. When conducting Title VI compliance reviews on its subrecipients, WYDOT will reduce to writing a remedial action agreed upon by WYDOT and FHWA to be necessary all within a period not to exceed 90 days.

WYDOT will seek the cooperation of the subrecipient in correcting deficiencies found during the review and will provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.

Subrecipients placed found in Non-compliance will be given a reasonable time, not to exceed 30 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

When a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, WYDOT will submit to the FHWA two copies of the case file and a recommendation that the subrecipient be found in noncompliance.

FHWA or an appointee will have the responsibility to conduct a follow-up within 180 days of the initial review to determine if the subrecipient has complied with the Title VI Program requirements and have corrected any deficiencies previously identified. If the subrecipient refuses to comply, FHWA will be required to enact appropriate sanctions per 49 CFR 21.

M. LEP (Limited English Proficiency). LEP will be addressed as any situation arises. Currently Spanish materials are available for situations that would require such translation. Our LEP program will access any situation that requires LEP assistance and will assure requirements are met. Please contact the Civil Rights office for assistance.

Civil Rights Program 5300 Bishop Blvd. Cheyenne, WY 82009.

N. Public Participation Requirements. Public participation requirements are attached. WYDOT believes that consulting with as many interests as can be identified will help the Department better understand and reflect the full range of identifiable community values, with specific focus on community-defined livability standards. The Wyoming Department of Transportation's goal is to proactively involve the public in addressing transportation issues. The Department will communicate the agency's mission and goals to the widest audience possible and consider feedback received from outside organizations and the public. http://www.dot.state.wy.us/home/news_info/public_involvement.html

O. Environmental Justice (EJ). Throughout the planning, programming, environmental and preliminary engineering phases EJ will be addressed. Please see attached operating policy 2-13.

Title VI Responsibilities for Special Emphasis Program Areas

Planning

A. Local Government

The Planning Office has the responsibility to develop long and short-range plans for WYDOT to provide efficient transportation services to the citizens of the state of Wyoming. The Local Government Coordinator is located within the Planning Branch of WYDOT.

B. Operational Guidelines
23 CFR 450

C. Planning Process

A comprehensive transportation planning process is used to incorporate input from the public in coordination with the various Metropolitan Planning Organizations (MPO's), and Transportation Planning Organizations. The process further entails the monitoring and collection of varied data pertaining to transportation issues. The Local Government Office coordinates with the MPO, urban transportation planning, public involvement, and provides technical support when needed.

D. Title VI Responsibilities

- Ensure that all aspects of the planning process operation comply with Title VI.
- Ensure that participation of a cross section of various social, economic, and ethnic interest groups is represented in the planning process by disseminating program information to minority media and ethnic/gender related organizations and participating in roundtable meetings in predominantly minority communities.
- Assist the Civil Right Program in gathering and organizing Local Governments portion of the Annual Title VI Update Report.

- Review the Planning Office work program, MPO Procedures Manual, and other directives to ensure compliance with Title VI program requirements.
- Ensure equal participation on Citizens Advisory Committees (CAC) by requesting the MPO to provide information pertaining to their selection criteria for members and to furnish information on membership makeup (race, gender, and position within the organization) for evaluation.
- Visit Community Action Group meetings as well as public meetings to verify the level of participation of Title VI protected group members when offered in predominantly ethnic minority communities. Collect data on gender, race, and national origin off public forum attendees.
- Perform annual reviews totaling a minimum of 10% of all of the MPO's work and transportation programs to ensure Title VI adherence.

Design

A. The Highway Development Program

Project Development Section performs studies to assess various environmental factors as they relate to project development, which include social and economic elements. The office also provides technical support to the 5 districts during the project development process. Project Development is located in Cheyenne and is part of the Highway Development Program.

B. Operational Guidelines

Federal Aid Policy Guide for Hearings
23 CFR, 771
Executive Order 12898 on Environmental Justice

C. Design Process

Economic, social, topographic, and environmental issues, impact a proposed project and are key factors weighing in on location considerations. Federal, state, local, and departmental policies and procedures require that public hearings and/or informational meetings be held to give all citizens, including minorities, an opportunity to obtain information and express their opinions on proposed project locations. Special efforts shall be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in newspapers and selection of accessible location and time for public hearings.

D. Title VI Responsibilities

- Ensure that all aspects of the location selection process comply with the Title VI requirements.
- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Assure public participation in the selection process.
- Provide notice of public hearings and meetings in minority newspapers and newsletters.
- Maintain required Title VI compliance documentation and statistical data on hearing attendees.
- Monitor program components for compliance with the Title VI requirements.
- Review activities associated with public hearings to enhance the participation of targeted communities.
- Develop and update operational manuals and directives to ensure the inclusion of Title VI language and provisions.
- Gather program area data to be included in the Title VI Annual Update Report.

Education and Training (Staff Development)

A. Training Services

The Training Services Program is under the Supportive Services Division of WYDOT. The Training Services Program provides employee training including training provided by the National Highway Institute (NHI).

B. Education and Training Process

A training matrix (a list of training courses that are recommended, and in some cases required) has been established for WYDOT managers and employees.

C. Title VI Responsibilities

- In conjunction with managers and executives, all employees have equal access to training.
- Maintain program administration documentation and data necessary for preparation of Annual Title VI Update, including attendance data for NHI courses.
- Review directives and manuals to ensure the adherence with Title VI requirements.

Right-of-Way Program

A. Right of Way Program

Right of Way manages and coordinates the appraisal and acquisition of real property for transportation needs in addition to Relocation Assistance Services.

B. Operational Guidelines

Right-of-Way Manual
23 CFR 130
49 CFR 24

Acquisition Process

Property acquisition follows the *Right-of-Way Manual* and all applicable laws and regulations, including Title VI. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition and assistance in the relocation of displaced individuals, business, farm operations, and nonprofit organizations, as well as property management.

D. Title VI Responsibilities

- Apprise affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.
- Conduct annual implementation reviews of Title VI provisions within the entire real estate acquisition process.
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business.
- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate Title VI clauses (Appendices 2, 3 and 4 and Title VI Assurances).
- Gather the statistical data required for completion of department's Annual Title VI Update Report including number of relocations, etc.

Environmental Services Section

A. Environmental Services Section

Environmental Services assists the districts in integrating environmental considerations and regulatory requirements into WYDOT's transportation program. The Section provides technical expertise for project analyses and develops environmental policies, procedures, manuals, and training. Environmental Services works with the regulatory agencies to streamline the environmental permit process.

A systematic process is used to study and evaluate all necessary environmental aspects of a proposed project, including social and economic sectors. Depending on the scope, complexity, and impacts of the project, a National Environmental Policy Act (NEPA) Categorical Exclusion (CE), NEPA Environmental Assessment (EA), State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non-significance (DNS), or NEPA and/or SEPA Environmental Impact Statement will be completed. The Environmental Services also develops agreements, guidance documents, and training programs with the other WYDOT Programs.

B. Operational Guidelines

Executive Order 12898 on Environmental Justice
49 CFR 622, 635, 640, 712, 771, and 790

C. Title VI Responsibilities

- Monitor compliance with Title VI requirements in all aspects of the environmental process.
- Conduct meetings to review the project impact.
- Disseminate to the public their rights to call or write the department to view plans and discuss environmental problems.
- Coordinate the gathering of environmental information for the Annual Title VI Update Report including awards to DBE firms.
- Notify and make accessible to affected protected group residents public meetings or hearings regarding a proposed project.
- Develop mechanisms to identify population affected by a project.
- Ensure public participation in the location selection process.
- Ensure Title VI/Environmental Justice compliance in all Environmental Impact Statements.

Engineering Services Section

A. Engineering Services Section

Engineering Services is responsible for consultant selection, negotiation, and the administration of consultant contracts.

B. Operational Guidelines

48 CFR 31
23 CFR 172

C. Consultant Selection Process

The Engineering Services Office operates under M 27-50, as revised, Title 23 Code of Federal Regulations Part 172, Title 48 Code of Federal Regulations Part 31. Selection of consultants is made from a scored and ranked register.

D. Title VI Responsibilities

- Monitor DBE program requirements.

- Ensure that all federally funded consultant contracts administered by Engineering Services have the appropriate Title VI provisions included.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the department's Title VI Update Annual Report.
- Provide Title VI Training and assistance in the development of Title VI Plans for the Consultants.

Construction Engineers

A. Construction Offices

Construction Engineers are responsible for the administration of new construction projects, contract special provisions, contractor prequalification and act as construction liaison for WYDOT.

B. Operational Guidelines

Construction Administrations Manual
Standard Specifications for Road, Bridge
General Special Provisions for Disadvantaged Business Enterprise
General Provisions for Equal Employment Opportunity

C. Construction Process

The Construction Office sets policy and provides guidance and oversight for the decentralized administration of transportation construction projects by the districts and the resident project engineers.

D. Title VI Responsibilities

- Monitoring all construction operations to ensure nondiscrimination.
- Review activities and programs to assure that construction efforts and resources are applied uniformly and fairly.
- Review all projects for application of DBE program requirements.
- Include DBE general special provisions in those projects with assigned goals.
- Include Title VI language in contract advertisements and award letters to encourage use of DBE firms. Award of construction contracts shall be granted on the basis of the lowest responsive bidder including DBE requirements.
- Ensure through reviews that prime contractors with DBE requirements award previously committed work to proper DBEs and that DBEs actually perform a commercially useful function on the contracts.
- Title VI language shall be included in every contract to ensure nondiscrimination in contract awards due to race or gender.
- Coordinate the gathering of construction information regarding DBE participation for the Title VI Annual Update Report.

Maintenance Engineers

A. Maintenance Offices

The Maintenance Office is responsible for the preservation and upkeep of the state transportation system.

B. Operational Guidelines

Maintenance Manual

Standard Specifications for Road, Bridge Construction

C. Maintenance Process

The Maintenance Office is responsible for developing an efficient program for highway maintenance by utilizing the resources of people, equipment, and materials in the most economic way.

D. Title VI Responsibilities

- Monitoring all maintenance operations to ensure nondiscrimination.
- Review activities and programs to assure that maintenance efforts and resources are applied uniformly and fairly.
- Include Title VI language in contract advertisements and award letters to encourage use of DBE firms. Award of construction contracts shall be granted on the basis of the lowest responsive bidder including DBE requirements.
- Title VI language shall be included in every contract to ensure nondiscrimination in contract awards due to race or gender.

WYDOT District Offices

District offices have oversight responsibilities to ensure that all their special emphasis program areas comply with Title VI requirements within the region. District offices will coordinate efforts with the Civil Rights Program for Title VI compliance.

Addendum I — WYDOT Title VI Assurances

The Wyoming Department of Transportation (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 Wyoming Department of Transportation 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 into pursuant to this advertisement, minority 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, 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 receives 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, of 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 Transportation Director, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, 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, subgrantees, 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.

John F. Cox, Director
Wyoming Department of Transportation

Oct 1 2014
Date

Addendum 2 — External Complaint Procedures for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, (including its Disadvantage Business Enterprises (DBE), Equal Employment Opportunity (EEO) and Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by WYDOT as they relate to subrecipients, consultants, and contractors.

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11 (c) (e).

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process and do not provide for any type of punitive damages compensation to the complainant.

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

Procedure

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 the WYDOT's Civil Rights Program. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The compliant must meet the following requirements:
    a. Complaint shall be in writing and signed by the complainant(s).
    b. Present the date of the alleged act of discrimination (date when the complainant 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. Allegations received by telephone will be reduced in writing and provided to the complainant for confirmation or revision before processing.
2. Upon receipt of the complaint, the Civil Rights Program will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In cases in which the complaint is against one of WYDOT's subrecipients of federal highway funds, the Department will assume the jurisdiction and will investigate and adjudicate the case. Complaints against WYDOT will be referred to the Federal Highway Administration (FHWA) for proper disposition. In special cases warranting intervention to ensure equity, FHWA may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. Acceptance of a complaint will be determined by:
    a. Whether the complaint is timely filed;
    b. Whether the allegations involve a covered basis such as race, color, national origin, gender, disability, or retaliation;
    c. Whether the allegations 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.
4. A complaint may be dismissed for the following reasons:
    a. The complaint is untimely filed;
    b. The complaint does not allege a basis covered by the statutes for which OEO is responsible;
    c. The complainant does not allege any harm with regard to covered programs or statutes;

d. The complainant requests the withdrawal of the complaint;

e. The complainant fails to respond to repeated requests for additional information needed to process the complaint;

f. The complainant cannot be located after reasonable attempts;

g. The complainant fails to accept reasonable resolution (reasonability to the determined by the Civil Rights Manager) or;

h. The complainant has filed a legal action in Federal District Court with the same basis and issues involved in the complaint.

5. The Civil Rights Program has sole authority for accepting complaints for investigation. Once accepted, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint basis will be identified on the basis, the race, color, national origin, and gender of the complainant.

   When WYDOT assumes the investigation of the complaint, the Civil Rights Program will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to furnish the Civil Rights Office his/her response to the allegations.

6. Within 50 calendar days of receipt of the complaint, the WYDOT's investigator will prepare an investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

7. The investigative report and its findings will be forwarded to the Attorney General's Office (AGO) for review. The AGO will review the report and associated documentation and will provide input within 10 calendar days.

8. Any comments or recommendations from the AGO will be reviewed by the Civil Rights Program Manager. The report will be modified as needed and made final for its release to FHWA.

   Once WYDOT investigative report becomes final, the parties will be properly notified of the outcome and appeal rights. This will take place within 180 days from the initial acceptance of the complaint.

9. WYDOT's investigative report and a copy of the complaint will be forwarded to FHWA, Washington Division Office, within 60 calendar days of the receipt of the complaint.

10. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal WYDOT's determination to the FHWA — Washington Division Office, USDOT, or USDOJ. Appeals must be filed within 180 days after WYDOT's final resolution. Unless new facts not previously considered come to light, reconsideration of WYDOT's determination will not be available.

11. WYDOT will serve as appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by a WYDOT subrecipient. WYDOT will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.

*This can be WYDOT's Title VI Coordinator; or any other qualified investigator designated by the Civil Rights Program.

Addendum 3 — WYDOT Title VI Notice to Public

WYDOT hereby gives public notice that it is the policy of the department 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 WYDOT 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 the WYDOT. Any such complaint must be in writing and filed with the WYDOT Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Civil Rights Program at no cost by calling (307) 777-4457.

Appendix 1

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 shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), 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, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, age, national origin, disability/handicap, or income status.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Wyoming Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Wyoming Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Wyoming Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies, and/or;
2. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the Wyoming Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Wyoming Department of Transportation enter into such litigation to protect the interests of the state and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix 2

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Wyoming will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways, and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and also in accordance with and in compliance with 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 (hereinafter referred to as the Regulations), pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d—4) does hereby remise, release, quitclaim, and convey unto the state of Wyoming all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

The State of Wyoming, in accordance of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land, for itself, its successors, and assigns that (1) no person shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the State of Wyoming shall use the lands and interests in lands so conveyed in compliance with 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, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the department shall have a right to re-enter said lands and facilities on said land; and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assignees as such interest existed prior to the deed.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Appendix 3

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the State of Wyoming, pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases and "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed 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, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the State of Wyoming shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include n deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the State of Wyoming shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Wyoming and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Appendix 4

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

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national originwillbe excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) willuse the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the Wyoming Department of Transportationwillhave the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the Wyoming Department of Transportationwillthereupon revert to and vest in and become the absolute property of Wyoming Department of Transportation and its assigns.*

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

Title VI Compliance Questionnaire for Local Agencies

Local Agency: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of your administrative staff by race, color, national origin, sex, and their positions.
2. How many federally funded projects have you managed during the last two years? What was their dollar amount?
3. Have you designated an EEO Officer or Title VI Coordinator? Provide name and time in the position.
4. Do you have a Title VI Policy, Assurances and Plan in place? Provide proof of public dissemination of your Title VI policy.

B. Complaint Procedure

1. Do you have a Title VI complaint procedure for external discrimination complaints? If so, please provide a copy. To what extent is the community aware of it?
2. Have you received any Title VI related complaints during the past two years? If you have received any complaints, how many complaints were received? What were the outcomes? Where there any Title VI complaint lodged by beneficiaries or participants? If so, explain the issues involved.
3. Do you have a Title VI Notice to Public? If so, please provide copy.

C. Training

1. Has your staff received any training (formal or informal) regarding Title VI?
2. Are you considering scheduling Title VI training sometime soon? If so, when and who will present it?

II. Planning Activities

A. Public Involvement

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
2. Were accessible location, adequate time, and translation services considered or provided during the coordination of hearings?
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, and sex (by visual identification)?
4. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

III. Consultant Contracts Activities

1. Are Title VI assurances and provisions included within consultant contracts?
2. Have DBE firms been solicited for all subcontracting opportunities available to them? What percentage of DBE commitments/attainments were made to these firms?
3. Have directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

IV. Design/Environmental Activities

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
2. Are accessibility of locations, adequate time, and translation services considered during the coordination of hearings? Was any other effort made to promote maximum attendance by those affected by the project, including member of minority communities?
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, or sex, (by visual identification)?
4. Have location and design manuals, directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?
5. Is statistical data being collected on race, color, national origin, and sex on communities affected by a construction project?

V. Right of Way Activities

1. Is Title VI language being incorporated in all acquisition, negotiation, property management communications, and contracts?
2. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?
3. Are all values and communications associated with appraisals conducted in an equitable fashion?
4. Do deeds, permits, and leases contain Title VI compliance clauses?
5. Is statistical data being gathered on race, color, national origin, and sex for all relocatees?

VI. Construction and Maintenance Activities

1. Are contractor selection procedures been reviewed to determine uniformity in their application to minority and nonminority contractors?
2. Are minority contractors and subcontractors being informed about contracting opportunities with your organization?
3. Are construction rules and regulations being applied in an equitable fashion? Have you received any complaints within the last two years?
4. Are Title VI assurances being included in all contracts, subcontracts, and material supply agreements?

Title VI Compliance Questionnaire for Planning Organizations

MPO/RTPO: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of the administrative staff by position, race, color, gender, and national origin. Include organizational chart.
2. Provide makeup of the planning organization's Board of Directors by race, color, gender, or national origin. Identify the voting members.
3. Describe the various programs administered by the planning organization and their funding sources.
4. Does the planning organization have an Affirmative Action Plan with respect to employment?

B. Complaint Procedure

1. Do you have a Title VI complaint procedure? To what extent is the community made aware of it?
2. Have you received any Title VI related complaints during the past two years? How many were received and what was the outcome of the complaint? Has any Title VI complaint been lodged by beneficiaries or participants? Explain issues involved.
3. Provide copy of your complaint procedure and proof of public dissemination of Title VI policy.

C. Training

1. Has your staff received any training (formal or informal) regarding Title VI of the Civil Rights Act of 1964?
2. Are you scheduling any Title VI training anytime soon? If so, when and who will present it?

II. Planning Process

A. Public Involvement

1. To what extent has citizen participation been provided in the transportation planning process? Do you have any policies requiring citizen participation?

   Explain.
2. Citizen Advisory Committees: How are the members selected and how long is their term on the committee? What is their make up in terms of race, color, national origin, sex, and position?
3. Are organizations representing minorities/disadvantaged individuals made aware of planning processes and offered the opportunity to provide input? How?
4. How are the needs of the minorities/disadvantaged persons addressed during the planning process?
5. What statistics are kept on beneficiaries of services or programs by race, religion, color, and sex?

B. Hearings

1. What statistics are kept on public hearings participation by race, religion, color, national origin, and sex (by visual identification)?
2. Are minority group concerns addressed in a timely manner? Explain process.
3. Are public meeting announcements made available in languages other than English, according to the affected minority population(s)?
4. Are accessible location (geographically and structurally), appropriate time, and translation services being planned/provided during public hearings?

C. Procurement of Contracts

1. How is the Request for Proposals (RFP) solicited? What are the requirements for submitting RFPs?
2. What kind of participation do DBE firms have in the RFP process? Are there goals or are goals included? Do you meet them?
3. Do you keep record of DBE firms during the RFP process? Provide list.
4. How does the planning organization promote the participation of qualified minority/women consultants?
5. How does the planning organization monitor consultant's adherence with Title VI requirements?
6. Provide the number, dollar value(s), and type of contract(s) used by the planning organization during the last two fiscal years. Identify contractors by race, color, national origin, and sex.
7. How many federally funded projects did you manage during the last fiscal year? Provide the dollar amount for each one. How much of that money went to consultant contracts? If DBE consultants were used, provide their company names.

D. Environmental Impact

1. Are minority members of the community invited to participate in public hearings pertaining to environmental issues? Are you keeping statistics on public hearing participation by race, color, national origin, and sex? Please present proof.
2. Do you have procedures for the identification of environmental impacts? How do you approach environmental issues in minority/ disadvantaged communities? Explain.
3. Are those environmental issues discussed with the affected community during public hearings? Have special provisions such as language interpreters been provided during public meetings?
4. Are these efforts documented? If so, please provide documentation.
5. Could you list the major transportation projects planned or executed during the last two years where social, environmental, economic, or demographic adverse impacts were identified? To what extent did Title VI issues appear as a consequence of a project? Describe.

WYOMING DEPARTMENT OF TRANSPORTATION

GOVERNOR
Matt Mead

ATTORNEY GENERAL

LEGAL
Doug Moench
Mike Kahler
Jennifer Zissou

DIRECTOR
John Cox

TRANSPORTATION COMMISSION

AERONAUTICS COMMISSION

Commission Secretary/
Legislative Liaison
Sandy Scott

INTERNAL REVIEW SERVICES
Kristin Burkart

MANAGEMENT SERVICES
John Davis

PUBLIC AFFAIRS
Doug McGee

STRATEGIC PERFORMANCE IMPROVEMENT
Janet Farrar

CHIEF ENGINEER
Del McOmie

SUPPORT SERVICES ADMINISTRATOR
Tom Loftin

CIVIL RIGHTS COORDINATOR
Lisa Fresquez
COMPLIANCE & INVESTIGATION
Bob Stauffacher
DRIVER SERVICES
Don Edington
EMPLOYEE SAFETY
Ron Chavez
FUEL TAX ADMINISTRATION
Wayne Hassinger
HUMAN RESOURCES
Lon Pfau
MOTOR VEHICLE SERVICES
Debbie Lopez
OFFICE SERVICES
Tim Tyler
TRAINING SERVICES
James Boyd

ASST. CHIEF ENGINEER ENGINEERING & PLANNING
Gregg Fredrick

BRIDGE
Keith Fulton
CONTRACTS & ESTIMATES
Ken Spear
GEOLOGY
Jim Coffin
HIGHWAY DEVELOPMENT
Tony Laird
HIGHWAY PROJECT DELIVERY
Nicole Alonzo
MATERIALS
Greg Milburn
PLANNING
Martin Kidner
RIGHT-OF-WAY
Michael J. Miller

DISTRICT 1
Pat Persson
DISTRICT 2
Lowell Fleenor
DISTRICT 3
John Eddins
DISTRICT 4
Mark Gillett
DISTRICT 5
Shelby Carlson
FIELD OPERATIONS
Mark Eisenhart

ASST. CHIEF ENGINEER OPERATIONS
Ken Shultz

BUDGET
Rodney Freier
ENTERPRISE TECHNOLOGY
D. Michael Bush
FINANCIAL SERVICES
David Stearns
GIS/ITS
R. Vince Garcia
HIGHWAY SAFETY
Matt Carlson
INFORMATION TECHNOLOGY
James "Rusty" England
PROCUREMENT SERVICES
Hans Hehr
TELECOMMUNICATIONS
Robert Wilson
TRAFFIC
Joel Meena

HIGHWAY PATROL ADMINISTRATOR
Col. John Butler

OPERATIONS COMMANDER
Lt. Col. Shannon Ratliff
FIELD OPS COMMANDER
Maj. Keith Groeneweg
District 1 - Capt. Stoker
District 2 - Capt. Dickerson
District 3 - Capt. Thomas
District 4 - Capt. Clements
District 5 - Capt. DeClercq
SUPPORT SERVICES COMMANDER
Maj. Perry Jones
DISPATCH & TECHNOLOGY
Capt. Troy McLees
EVIDENCE & EQUIPMENT
Capt. Joshua Walther
COMMERCIAL CARRIER
Capt. Scot Montgomery
SAFETY, TRAINING, & RECORDS
Capt. Derek Mickelson

AERONAUTICS ADMINISTRATOR
Dennis Byrne

AIRPORT PLANNING & BUDGETING MANAGER
Christy Yaffa
AIRPORT ENGINEERING MANAGER
Cheryl Bean
AVIATION BUSINESS & MARKETING MANAGER
Sheri Taylor
FLIGHT OPERATIONS MANAGER & CHIEF PILOT
Tory Meisel

August 2014

Wyoming Department of Transportation
Form 100 - Environmental Impact Evaluation

INSERT PROJECT NAME
CE Number: INSERT CE NUMBER
INSERT COUNTY

Project Number: INSERT PROJECT NUMBER
INSERT ROAD NAME
Reference Marker: xx.xx - xx.xx

SEVERITY OF IMPACTS

	Minimal	No Impacts	None Present	REMARKS
SOCIAL IMPACTS				
Land Use Changes	☐	☐	☐	
Community Cohesion	☐	☐	☐	
Relocation Potential	☐	☐	☐	
Churches and Schools	☐	☐	☐	
Controversy Potential	☐	☐	☐	
Energy	☐	☐	☐	
Utilities	☐	☐	☐	
Designated Emergency Routes	☐	☐	☐	
Environmental Justice	☐	☐	☐	
Public Transportation	☐	☐	☐	
Right-of-Way	☐	☐	☐	
Construction Permits	☐	☐	☐	
Pedestrian & Bicycle	☐	☐	☐	
ARCHAEOLOGICAL AND HISTORICAL IMPACTS				
Historic Sites / Districts	☐	☐	☐	
Archaeological Sites	☐	☐	☐	
SECTION 4 (f)				
Recreational Areas / Refuges	☐	☐	☐	
Historic Properties	☐	☐	☐	
NATURAL ENVIRONMENT IMPACTS				
Waters of the U.S. and Wetlands	☐	☐	☐	
Water Quality	☐	☐	☐	
Wild and Scenic Rivers	☐	☐	☐	
Floodplains	☐	☐	☐	
Farmlands	☐	☐	☐	
Wildlife and Habitat	☐	☐	☐	
Threatened and Endangered Species	☐	☐	☐	
Vegetation	☐	☐	☐	
Ecosystem	☐	☐	☐	
PHYSICAL IMPACTS				
Noise	☐	☐	☐	
Air Quality	☐	☐	☐	
Temporary Impacts	☐	☐	☐	
Contamination	☐	☐	☐	
Hazardous Waste Sites	☐	☐	☐	
Visual	☐	☐	☐	

PERMITS REQUIRED

WATERS OF THE U.S. FINDINGS

WYOMING DEPARTMENT OF TRANSPORTATION	OPERATING POLICY
ISSUED: May 9, 2014	POLICY NUMBER: 3-13
	AUTHORITY: Director

SUBJECT: Environmental Justice

Purpose: The purpose of this policy is to follow Executive Order No. 12898, 59 Fed. Reg. 7629 (February 16, 1994), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, and Federal Highway Administration (FHWA) Directive Order 6640.23A (June 14, 2012), and Federal Transit Administration (FTA) Advisory Circular FTA C 4703.1 (August 15, 2012) to ensure minority and low income populations are not disproportionately impacted by transportation projects. This policy outlines a procedure to be used by the Wyoming Department of Transportation (WYDOT) throughout a project's planning, environmental, and programming processes that ensures the adequate assessment of Environmental Justice (EJ) issues. This policy treats significant transit actions that may result in adding or removing services as projects.

I. Description

EJ involves the identification of disproportionate impacts to minority or low-income populations as they pertain to transportation projects. These impacts can include site/location issues, lack of public participation, access to public transportation, and/or funding decisions. The following needs to be considered with transportation planning and programming:

A. Avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations.

B. Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

C. Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

II. Identifying Existing Populations

Minority and low-income populations will be identified using census and employment data at the county level. Census data will be from the most recent U.S. Census, and the employment data will be gathered from the Department of Employment for the corresponding year.

A. Low income includes persons with median household incomes at or below the Department of Health and Human Services poverty guidelines.

B. Minority persons include:

1. Black: a person having origins in any of the black racial groups of Africa;

2. Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

3. Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent;

4. American Indian and Alaskan Native: a person having origins in any of the original people of North America or South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or

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

C. Low income population is any readily identifiable group of low-income persons living in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or American Indians) similarly affected by a proposed program, policy, or activity.

D. Minority population is any readily identifiable groups of minority persons living in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or American Indians) similarly affected by a proposed program, policy, or activity.

III. Disproportionately High and Adverse Effect

Any disproportionately high and adverse effect on minority and low-income populations will be considered in the transportation planning, programming, and design process and methods to avoid, minimize, or mitigate the impact will be identified. A disproportionately high and adverse effect is an impact that is:

A. Predominately borne by a minority population or a low-income population, or

B. Suffered by the minority population 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 or non-low-income population.

IV. Incorporating Environmental Justice

Throughout the planning, programming, environmental, and preliminary engineering phases of project scoping and development, EJ will be addressed. When planning specific projects, effects on EJ populations need to be identified. In addition to a project-by-project analysis, WYDOT is responsible for ensuring that its overall program does not disproportionately distribute benefits or negative effects to any EJ population. The complexity of a project (see Operating Policy 17-8, Public Involvement Policy) will determine the extent that EJ will need to be investigated. The following guidelines should be considered at each phase of the process:

A. Long Range Transportation Plan (LRTP): Within the LRTP, minority and low-income populations should be identified using the latest census data. These areas will be established for a ten year period, and adjusted with each new census.

B. Corridor Planning and Asset Review: During the corridor planning process, WYDOT will make special efforts to identify needs of under-represented populations. EJ concerns should be documented in the appropriate corridor plan for the area.

C. State Transportation Improvement Program (STIP): During the community outreach portion of the development of the STIP (annual STIP meetings), WYDOT will make special efforts to identify needs of under-represented populations. As part of the STIP development process, WYDOT will identify geographic areas in the state with target EJ populations; expand the STIP public involvement efforts in each district to reach out to and include EJ populations; and identify any disproportionate impacts from projects identified in the STIP.

D. Project Analysis: EJ assessment data and analysis should be noted in the environmental document for the project's environmental assessment (EA) or environmental impact statement (EIS), even if there are no impacts or

issues identified. For categorical exclusion (CE) environmental documents, the program managers and district engineers remain the lead for determining the complexity of the project and the level of public involvement. Potential EJ issues should be analyzed through public participation to solicit community involvement and develop potential alternatives and/or mitigation measures. Any possible disproportionately high and adverse effect on EJ populations and any potential measures that could be taken to alleviate or minimize these impacts need to be identified as part of the National Environmental Policy Act (NEPA) process.

E. Metropolitan Planning Areas: Each Metropolitan Planning Organization (MPO) will be required to prepare an individual EJ analysis for the MPO as part of the Metropolitan Transportation Plan and Metropolitan Transportation Improvement Program (TIP).

References:

Executive Order No. 12898, 59 Fed. Reg. 7629 (February 16, 1994), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.*

Federal Highway Administration (FHWA) Directive Order 6640.23A (June 14, 2012).

Federal Transit Administration (FTA) Advisory Circular FTA C 4703.1 (August 15, 2012).