VERMONT
AGENCY OF TRANSPORTATION

Federal Motor Carrier Safety Administration Title VI Program Compliance Plan FY 2021

Vermont Agency of Transportation
Office of Civil Rights & Labor Compliance
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Barre, VT 05641
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TITLE VI PROGRAM PLAN PURPOSE

The Vermont Department of Motor Vehicles' Title VI Program Plan is prepared in accordance with 49 Code of Federal Regulation 21 and 49 Code of Federal Regulation Part 303. This plan provides interested individuals with specific information that explains the Department's Title VI Program Plan activities pertaining to organization and staffing, monitoring and review processes, complaint procedures, and Title VI Program Plan assurances.

The provisions of this Title VI Program Plan apply to all recipients of Federal assistance with and through the Vermont Department of Motor Vehicles. A recipient includes any public or private entity or any individual receiving the benefits of any Federal Motor Carrier Safety Administration Program. The program applies to all phases of the Vermont Department of Motor Vehicle operations.

VERMONT DEPARTMENT
OF MOTOR VEHICLES

TITLE VI PROGRAM POLICY STATEMENT

It is the policy of the Vermont Department of Motor Vehicles, in accordance with Title VI of the Civil Rights Act of 1964 and the Assurances set forth in the Vermont Department of Motor Vehicles' Title VI Plan to ensure that "no person shall on the grounds of race, color, national origin, sex, age, disability, low-income or LEP, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity" for which the Vermont Department of Motor Vehicles receives Federal financial assistance. Furthermore, it shall be the policy of the Vermont Department of Motor Vehicles to ensure that as a recipient of Federal-aid funding, it will ensure non-discrimination in all of its programs and activities, whether Federally funded or not. The Vermont Department of Motor Vehicles is steadfast in its commitment to ensure the uniform adoption of this policy.

Accordingly, to ensure compliance with Title VI of the Civil Rights Act and other pertinent directives, the Vermont Department of Motor Vehicles commits to:

1. Conducting and operating each of its programs and facilities in compliance with all requirements imposed by, or pursuant to, Title VI of the Civil Rights Act and related Nondiscrimination authorities;

2. Providing non-discriminatory methods of administration for programs and to give other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such programs will comply with all requirements imposed by Title VI of the Civil Rights Act and related Nondiscrimination authorities;

3. Promptly taking any measures necessary to effect compliance with Title VI of the Civil Rights Act and related Nondiscrimination authorities.

Further, the Vermont Department of Motor Vehicles' efforts to prevent discrimination will address, but not be limited to, a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, and investigation of complaints.

In accordance with Federal Motor Carrier Safety Administration regulations as required by 49 Code of Federal Regulation 21 and 49 Code of Federal Regulation Part 303, the Vermont Department of Motor Vehicles has developed procedures for prompt processing and disposition of Title VI complaints. Any person believing the Vermont Department of

Motor Vehicles or any of its sub recipients has violated Title VI Program requirements in the administration of its programs or activities may file a complaint with the Vermont Agency of Transportation's Office of Civil Rights.

Overall responsibility for this policy is assigned to the Commissioner of the Vermont Department of Motor Vehicles located at 120 State Street, Montpelier, VT 05603. The Vermont Agency of Transportation's Deputy Chief of Civil Rights is appointed as the Title VI Coordinator for the Vermont Department of Motor Vehicles and is responsible for the implementation of the Vermont Department of Motor Vehicles' Title VI Program.

The Commissioner of the Vermont Department of Motor Vehicles has delegated sufficient responsibility and authority to the Title VI Program Coordinator and Bureau/Division/Office Managers to effectively implement the Agency's Title VI Program.

Individuals with questions or requiring additional information relating to the policy or the implementation of the Vermont Department of Motor Vehicles' Title VI Program requirements should contact the Deputy Chief of Civil Rights, Office of Civil Rights and Labor Compliance located at 219 North Main Street, Barre, VT 05641 or call 802.249.9291.

Wanda L. Minoli

Wanda Minoli
Commissioner, Vermont Department of Motor Vehicles

July 1, 2020
Date

Susan B. Hackney

Susan Hackney
Title VI Coordinator

July 7, 2020
Date

The United States Department of Transportation
Standard Title VI/Non-Discrimination Assurances
DOT Order No.1050.2.A

TITLE VI ASSURANCES

The Vermont Department of Motor Vehicles (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Motor Carrier Safety Administration (FMCSA), 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.),* (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et* seq.), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.),* (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.),* (prohibits discrimination on the basis of disability);
- 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);*
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance);*
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation);*
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA));*
- 49 C.F.R. Part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The* Basis *Of Disability In State And Local Government Services);*
- 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.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their Federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve

Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm.;

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the *"application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency."* When receiving Federal funds, Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's *"Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons,"* dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

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, national origin, sex, age, disability, low-income or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA."

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

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FMCSA Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in

connection with all Federal Motor Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Vermont Department of Motor Vehicles, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, low- income or LEP, 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, the Vermont Department of Motor Vehicles also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Vermont Department of Motor Vehicles 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 Department of Transportation under the FMCSA Program. This ASSURANCE is binding on the Vermont Department of Motor Vehicles, other recipients, sub-recipients, sub-grantees,contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Wanda L. Minoli — July 1, 2020

Wanda Minoli
Commissioner, Vermont Department of Motor Vehicles

Date

Susan B. Hackney — July 7, 2020

Susan Hackney
Title VI Coordinator

Date

ASSURANCE APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), 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, national origin, sex, age, disability, low-income or LEP, 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, national origin, sex, age, disability, low-income or LEP.

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 FMCSA 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 FMCSA, 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 FMCSA may determine to be appropriate, including, but not limited to:

    a. withholding payments to the contractor under the contract until the contractor complies; and/or

    b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA 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.

ASSURANCE APPENDIX B
CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

The Vermont Department of Motor Vehicles, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, low-income or LEP, 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 Vermont Department of Motor Vehicles will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

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

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

A The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, low-income or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

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

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Vermont Department of Motor Vehicles will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Vermont Department of Motor Vehicles 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.)

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

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

A. The (grantee, licenses, 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, national origin, sex, age, disability, low-income or LEP 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, national origin, sex, age, disability, low-income or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

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

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Vermont Department of Motor Vehicles will there upon revert to and vest in and become the absolute property of Vermont Department of Motor Vehicles 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.)

ASSURANCE APPENDIX E

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

- 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), as implemented by 49 C.F.R. § 21.1 et seq. and 49 C.F.R. § 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et* seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.),* as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et* seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), *(".... which restore{d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.");*
- Titles II and Ill 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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, sex, age, disability, low-income or LEP);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq), as implemented by 49 C.F.R. § 25.1 et seq.

DESCRIPTION OF FEDERAL-AID PROGRAMS

FMCSA Grant Programs:

1. Motor Carrier Safety Assistance Program (MCSAP) Basic and Incentive Grant
2. High Priority (HP) Grant- CMV Safety Activities & Innovative Technology Deployment

1. Motor Carrier Safety Assistance Program (MCSAP) Basic and Incentive Grant:

MCSAP is a formula grant program in which Vermont receives funding from FMCSA based on the submission of a satisfactory Commercial Vehicle Safety Plan. The Department of Motor Vehicles (DMV) has been designated by the Governor to be the MCSAP Lead Agency and responsible for the funding received under this program. This funding supports a large part of Vermont's commercial vehicle activities; most notably, enforcement and education. MCSAP basic and incentive funds allow DMV to participate in enforcement activities which directly impact the public by improving highway safety. Enforcement activities allows DMV to inspect commercial vehicles and drivers for compliance with Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations, and to place unsafe vehicles and drivers out of service. DMV also uses this funding for educational outreach events to industry and the public. DMV participates in Vermont Truck and Bus Association and Vermont Fuel Dealer's Association meetings and trainings. DMV also presents trainings on various topics to a variety of audiences. The goal of this program is to reduce large truck and bus crashes by verifying compliance with regulations and educating the industry and public about general commercial vehicle safety.

A component of the MCSAP is New Entrant Safety Audits. Any carrier that receives a US DOT number is placed in the New Entrant Program and is required to undergo a safety audit. DMV is responsible for completing safety audits on new carriers within Vermont and part of Quebec, Canada. This safety audit is an opportunity to assess whether or not a carrier has basic safety management controls in place by evaluating a carrier's knowledge of, and compliance with, safety regulations. A safety audit is an educational opportunity for a carrier to have a review without fear of monetary penalties. The same safety audit process is completed regardless of the size of the carrier, so all carriers get the same benefits of this program. The goal of this program is to ensure new carriers operate safety; therefore, reducing large truck and bus crashes and improving highway safety.

Another component of MCSAP is the Border Enforcement Inspection Program. Commercial vehicles and drivers that are domiciled in a foreign country (Canada & Mexico), and operate within the United States, are subject to all the same safety requirements and regulations as U.S. domiciled vehicles and drivers. The goal of this program is to ensure that foreign domiciled commercial vehicles and drivers are complying with all applicable safety regulations and hazardous materials regulations; therefore, reducing large truck and bus crashes and improving highway safety.

2. High Priority (HP) Grant Program:

High Priority provides financial assistance to carry out activities and projects that augment motor carrier safety which include: supporting participation in performance and registration information systems management; conducting safety data improvement projects; increasing public

awareness and education on CMV safety; targeting unsafe driving of CMV and Non-CMV in areas identified as high risk crash corridors; improving the safe and secure movement of hazardous materials; improving safe transportation of goods and persons in foreign commerce; demonstrating new technologies to improve CMV safety; otherwise improving CMV safety and compliance with CMV safety regulations. Vermont DMV uses funding to improve systems that connect commercial vehicle registration and enforcement (PRISM). This system uses the registration process to determine a carrier's safety fitness prior to registration issuance. It is also intended to make a motor carrier improve their safety fitness. This program allows for systems to support a more targeted enforcement of unsafe carriers. This is accomplished through different methods, but more notably the use of roadside detection systems such as automatic license plate readers. DMV currently uses automatic license plate readers to check for targeted carriers to detect violations such as Federal Out-of-Service Orders. These automatic license plate readers do not process any checks on commercial vehicle drivers, just the commercial vehicle registration. DMV will also use funding to expand current CMV safety activities, such as details targeting controlled substance and alcohol use by CMV operators; and off peak CMV safety inspections.

Another component of High Priority is Innovative Technology Deployment. Vermont received funding to improve DMV's commercial vehicle and commercial driver information systems. This system is intended to improve information sharing between states and FMCSA, as well as, improve the effectiveness of enforcement activities by identifying high risk commercial drivers and vehicles. One element that contributes to effective enforcement is the electronic screening of commercial vehicles based on credentials and safety fitness. This program also aims to make processes more streamlined and enable carriers and drivers to be more efficient. Vermont is required to be at a core compliant level. DMV could build upon core compliance by expanding electronic activities that result in efficiency. That efficiency could be for the State, such as a more efficient enforcement method, or for a commercial carrier such as another electronic service. This program is intended to make every entity involved in the commercial vehicle industry more efficient.

Please note: The following Notice to the Public has been posted at all publicly accessed DMV facilities and has been uploaded to the DMV website and may be found here:

NOTICE TO THE PUBLIC

Vermont Department of Motor Vehicles Title VI Notice to Public/Beneficiaries/Participants

Vermont Department of Motor Vehicles hereby gives 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, E.O. 12898, and related Nondiscrimination authorities in all programs and activities. Title VI requires that no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income or LEP, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Vermont Department of Motor Vehicles receives Federal financial assistance.

Any person who believes they have been aggrieved has a right to file a formal complaint with the Vermont Department of Motor Vehicles. Any such complaint must be in writing and filed with the Department Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Charge of Title VI Discrimination Complaint Form can be obtained from the Office of Civil Rights by calling 802.249.9291.

The mailing address for written complaints is as follows:

Vermont Agency of Transportation
Office of Civil Rights & Labor Compliance
219 North Main Street
Barre, VT 05641

Complaints may also be submitted by telephone or fax. Contact numbers are as follows:

Phone: 802.249.9291
Fax: 802.479.5506

Electronic submission of complaints is also permitted. All complaints related to Title VI Program discrimination should be addressed to Sue Hackney, Title VI Coordinator, at the following address: susan.hackney@vermont.gov.

Written or faxed complaints must be signed by the complainant. Complaints submitted by telephone or e-mail, or unsigned written or faxed complaints must be followed by a complaint in writing, signed by the complainant or his/her representative within 10 business days of the initial verbal/electronic/unsigned complaint. If the complainant requires assistance to submit a written document, a member of the VTrans Office of Civil Rights will interview the complainant and assist the person in converting verbal complaints to writing. This document must be signed by the complainant or his/her representative.

To obtain additional information regarding the Title VI Program or the implementation of the Vermont Department of Motor Vehicles' Title VI Program requirements, please contact Sue Hackney, Deputy Chief of Civil Rights, Office of Civil Rights & Labor Compliance by phone: 802.249.9291 or email: susan.hackney@vermont.gov.

SUB RECIPIENT COMPLIANCE REPORTS

This does not apply to the Vermont Department of Motor Vehicles Title VI Program Plan as there are currently no sub recipients.

TITLE VI PROGRAM TRAINING

Vermont Agency of Transportation (VTrans) New Employee Welcome: A two-day training which includes information about Title VI and non-discrimination policies is provided for all new agency employees, temporary and permanent, within a month of being hired. During the past fiscal year,138 new VTrans employees received this training, including 19 new DMV employees.

New Supervisor Orientation and Supervisory Training: We provide orientation and online training for all new supervisors, including all DMV supervisors, that are promoted or newly hired. In addition, all new supervisors must take "Essentials of Supervision," a four-day supervisory training, within six months of becoming a supervisor. All this training includes Title VI and non-discrimination information.

Leadership Institute: In July of 2017, VTrans launched a new Leadership Institute, a thirteen-month program for rising Agency leaders to expand their range of learning and participation in management practices, ongoing initiatives, organizational leadership and public policy issues. The first cohort consisted of 15 Agency employees, including three DMV employees. The second cohort consisted of 19 Agency employees, including five DMV employees. The third cohort currently consists of 19 Agency employees, including four DMV employees. The VTrans Office of Civil Rights develops and delivers a full day of training each year to the Leadership Institute participants, including Title VI, non-discrimination, and unconscious bias training. The latest delivery of this training took place on February 12, 2020.

Pathway to Supervision: In September of 2016, VTrans launched the Pathway to Supervision training program, a five-day program designed to provide the fundamentals of supervision to those looking to advance their careers, including team leaders and specialists. Since its inception, the program has graduated 344 VTrans employees, including 50 DMV employees. The VTrans Office of Civil Rights delivers a half-day of training to all Pathways to Supervision participants, including Title VI, non-discrimination, workplace civility and unconscious bias training.

Workplace Civility and Unconscious Bias Training: In 2017, the VTrans Office of Civil Rights delivered eleven sessions of a three-hour in-person training to 201 DMV employees that provided an interactive overview of Title VI, non-discrimination, workplace civility and unconscious bias. On December 2, 2019 and December 17, 2019, we delivered two sessions of an updated version of this three-hour training to 48 DMV employees who have joined our workforce since the original 2017 training.

Kirwan Institute: Implicit Bias Training: In early July 2020, all DMV employees were assigned this online training through the VTrans Learning Management System (LMS) with the requirement that it be completed on or before 7/15/20. This course introduces participants to insights about how our minds operate and helps them understand the origins of implicit associations. It also helps participants uncover some of their own biases and learn strategies for addressing them. A total of 197 employees have completed this training to date.

The DMV Fair and Impartial Policing Policy: Procedural Justice, Legitimacy, and Community Service: On July 10, 2020 and July 14, 2020, this three-hour training was delivered virtually to a total of 57 participants. It was delivered by Julio Thompson, Director of the Civil Rights Division of the Vermont Attorney General's Office to all DMV Safety and Enforcement Division employees, DMV leadership, the AOT Legal Team and AOT leadership.

Specialized Training: Due to the nature of their job responsibilities, we provide specialized training for VTrans DMV employees which includes multicultural training and LEP training. During FY 2021, VTrans DMV employees received the following specialized non-discrimination training:

- Refresher Title VI Training: On 3/11/20 and 3/16/20, a refresher course of the Initial Title VI Training that includes FMCSA's Title VI Program Requirements was given to the Commercial Vehicle Enforcement Unit, which includes 21 employees. Between the two sessions, all employees were trained.

  Course Title: "Refresher Title VI Training"

  Instructor: Captain Kevin Andrews, Chief of Safety

  Locations: Division of Fire Safety Building, Berlin VT (3/11); VTTC (3/16)

  Course Overview: This training was delivered by lecture with audience participation and was intended to supplement the mandatory "Understanding & Overcoming Bias in the Workplace" training. "Understanding & Overcoming Bias in the Workplace" covered all the Title VI protections and policies, understanding bias, and how to overcome bias in depth. This training more narrowly focused on the connection between Title VI and FMCSA-funded programs. The purpose of the training was to answer four questions:

  1. What is Title VI?
  2. Who does it apply to?
  3. Why do we need the training?
  4. Where does a person make a complaint?

  It included excerpts from Lester Finkle's (FMCSA Title VI Program Manager) Title VI PowerPoint presentation on how DMV will ensure that staff understands how their activities impact different population segments. Attendees were also shown where all DMV's Title VI information is located on DMV website and where/how a person can file a complaint.

- Fair and Impartial Policing Training: This was offered through JPMA Staff Development Solutions LLC (VT Police Academy online training platform) in a two-part series. This training was provided for all sworn Enforcement & Safety personnel, a total of 28 employees, and took place over a few months.

  Part 1: Vermont Criminal Justice Training Council Model Fair and Impartial Policing Policy

  Course Overview: This class is designed to familiarize Vermont law enforcement officers with the updated Vermont Criminal Justice Training Council Model Fair and Impartial Policing policy. It is not intended to be a comprehensive review of the policy, nor can it answer all the potential implementation questions that may arise. Agency heads should consult with their attorneys regarding any legal questions they may have.

Part 2: Vermont Roadside Stop Data Collection

Course Overview: This course was designed to ensure, to the highest degree possible, that Vermont law enforcement officers are diligent and accurate in collecting data during discretionary and externally generated roadside stops.

The three goals of this class are:

- To increase understanding of Vermont law;
- To increase understanding of the intent of data collection efforts; and
- To standardize and improve the quality of data collected and entered.

ACCESS TO RECORDS

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, implementation of Title VI Program requirements, Title VI complaints or lawsuits, and related documentation, records of correspondence to and from complainants, and Title VI investigations. These documents shall be made available (hard copy or email) to Federal Motor Carrier Safety Administration (FMCSA) staff upon request for compliance reviews and/or complaint investigations conducted by the FMCSA. These documents shall also be made available to FMSCA staff through periodic submission as required by FMCSA.

TITLE VI PROGRAM COMPLAINT PROCEDURES AND FORMS

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin, or FMCSA-only: sex, age, disability, low-income, or limited English proficiency (LEP) may file a complaint with the Vermont Agency of Transportation's Office of Civil Rights & Labor Compliance.

The mailing address for written complaints is as follows:

Vermont Agency of Transportation
Office of Civil Rights & Labor Compliance
219 North Main Street
Barre, VT 05641

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Once the complaint has been submitted in writing, VTrans will pursue the following steps in addressing the complaint:

1. The VTrans Title VI Coordinator will initiate a Complaint Form (see below).
2. Essential information on the form includes the following:
    a. Date of the incident that is the subject of the complaint
    b. Time of the incident
    c. Location of the incident
    d. Circumstances of the incident in as much detail as is available, including description of the issues and the names and job titles of those individuals perceived as parties in the complaint.
3. The completed form, along with the initial complaint letter and a summary of any other communication, will be submitted to the VTrans Chief of Civil Rights for review. The Chief of Civil Rights will determine the jurisdiction and acceptability of the complaint and

any need for additional information. After any additional information is procured, the Chief of Civil Rights will determine whether to accept or reject the complaint.

4. The complainant will be provided with a written notification that VTrans has either accepted or rejected the complaint.

5. A complaint may be rejected for the following reasons:
    a. More than 180 days passed between the alleged incident and the filing of the initial complaint.
    b. The allegation does not involve a basis covered under Title VI, such as race, color, or national origin.
    c. The allegation does not involve VTrans or one of its sub recipients of federal funds.
    d. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
    e. The complainant cannot be located after reasonable attempts.

6. An accepted complaint will be assigned a case number and be logged in a database and on the VTrans Title VI Complaint Log maintained by the VTrans Office of Civil Rights, identifying the complainant's name, date of the incident, alleged harm, and the race, color, or national origin of the complainant.

7. The VTrans Title VI Coordinator, assisted by other members of the Office of Civil Rights as necessary, will initiate an investigation of the complaint and complete a report within 90 days of the acceptance of the complaint. The report shall include a narrative description of the incident, identification of the persons interviewed, findings, and recommendations for disposition.

8. The report will be reviewed by the Chief of the VTrans Office of Civil Rights and referred to the Legal Section of VTrans, if deemed appropriate. The Chief will accept or reject the recommendation for disposition, in consultation with the Legal Officer, and if the individuals involved are found to be in noncompliance with Title VI Program requirements, remedial actions will be determined.

9. The results of the investigation and the Chief's determination will be mailed to the complainant. Notice shall include information regarding appeal rights of the complainant and instructions for initiating such an appeal. Notice of appeals are as follows:
    a. VTrans will reconsider the determination if new facts come to light.
    b. If the complainant is dissatisfied with the determination and/or resolution set forth by VTrans, the same complaint may be submitted to FMCSA for investigation. The complainant will be advised to contact Mr. Lester Finkle at the Federal Motor Carrier Safety Administration Office of Civil Rights, Room #W65-310, 1200 New Jersey Avenue, S.E., Washington, DC 20590.

VERMONT AGENCY OF TRANSPORTATION
TITLE VI PROGRAM COMPLAINT FORM

Type of Complaint:

_____ External (from citizen/rider/contractor)

_____Internal (from staff/employee)

___ Race

___ Color

___ National Origin

FMCSA-Only:

___ Sex

___ Age

___ Disability

___ Low-income

___ LEP

Name of person filing complaint: _____ Phone: _____

Address: _____

Date of Report: _____ Date of Incident: _____ Time of Incident: _____

Location of Incident: _____

Circumstances of Incident and Names/Titles of Other Involved Parties: _____

_____

_____

Alleged Harm: _____

_____

_____

_____

Title VI Related? Yes _____ Maybe _____ No _____ (if in doubt, check "maybe")

Name and contact information of witnesses or other relevant parties: _____

_____

_____

Name of Person Taking Report Information: _____

TITLE VI COORDINATOR'S SECTION

Discussion with reporting person - Date: _____ Time: _____

Details of discussion: _____

_____

_____

_____

_____

Discussion(s) with involved VTrans employees:

Name: _____ Date: _____ Time: _____

Details of discussion: _____

_____

_____

_____

_____

Name: _____ Date: _____ Time: _____

Details of discussion: _____

_____

_____

_____

_____

Other action/follow up required (i.e. information gathering, investigation, interviews): _____

_____

_____

_____ Copy to Safety Officer when case is closed.

Signature of Title VI Coordinator: _____

VTRANS TITLE VI PROGRAM COMPLAINT LOG

Case Number	Investigator	Complainant	Subject	Type of Complaint and Protected Class	Date Open	Preliminary Report Sent	Final Report Sent	Decision

STATUS OF CORRECTIVE ACTIONS IMPLEMENTED BY APPLICANT TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING A TITLE VI PROGRAM COMPLIANCE REVIEW

The Vermont Department of Motor Vehicles has never previously experienced a Federally-conducted Title VI Program Compliance Review.

COMMUNITY PARTICIPATION PROCESS

Please refer to the VTrans publication, "Engaging the Public," which details the processes followed by VTrans to conduct outreach to the public.

In the event that the VT Department of Motor Vehicles changes services provided or activities conducted at publicly-accessed facilities and does engage the public, the DMV will provide a record summary to FMCSA for review.