

SFY26-29

Title VI Policy and Program



Regional Planning Commission
For Jefferson, Orleans, Plaquemines, St.
Bernard, St. Charles, St. John the Baptist, St.
Tammany, and Tangipahoa Parishes

TITLE VI POLICIES AND PROGRAM

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Adopted

*Prepared by the
Regional Planning Commission*

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Introduction

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The use of the word “person” is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a State within the United States.

As a sub-recipient of FHWA and FTA funds, the New Orleans Regional Planning commission must comply with Title VI of the Civil Rights Act, related nondiscrimination statutes, and federal regulations ensuring compliance. This document serves as the official policy and the program document is applicable to all programs administered by the RPC regardless of funding.

Jurisdiction

The New Orleans Regional Planning Commission, hereafter known as “RPC”, serves as the regional planning agency for the Greater New Orleans eight (8) parish region. The New Orleans RPC serves Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John, St. Tammany and Tangipahoa Parishes providing a venue for collaboration between local, state, and federal agencies. For analysis purposes St. James Parish is included in all assessments due to MPA boundary updates.

The agency is comprised of two governing bodies, the Regional Planning Commission, the Transportation Policy Committee, and is assisted by support staff.

The Regional Planning Commission (RPC) is a board of local elected officials and citizen members from Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, and Tangipahoa Parishes. The group deliberates and collaborates on matters of regional importance, including economic development, environmental planning, and transportation.

The Transportation Policy Committee (TPC) of the RPC serves as Metropolitan Planning Organization for the Metropolitan Planning Area (MPA) consisting of four urban areas: New Orleans, Mandeville-Covington, Slidell, and South Tangipahoa as designated by the Federal Highway Administration. The TPC is the decision-making body regarding Federal transportation planning and programming for the MPO. The TPC is made up of the membership of the RPC, plus representatives from the region’s major transportation modal interests and other elected officials.

As the MPO for the region, the Transportation Policy Committee within the RPC is the federally mandated transportation-policy making organization for the region pursuant to **23 USC 134**. And responsible for review and adoption of the Title VI Program as well as all implementation documents.

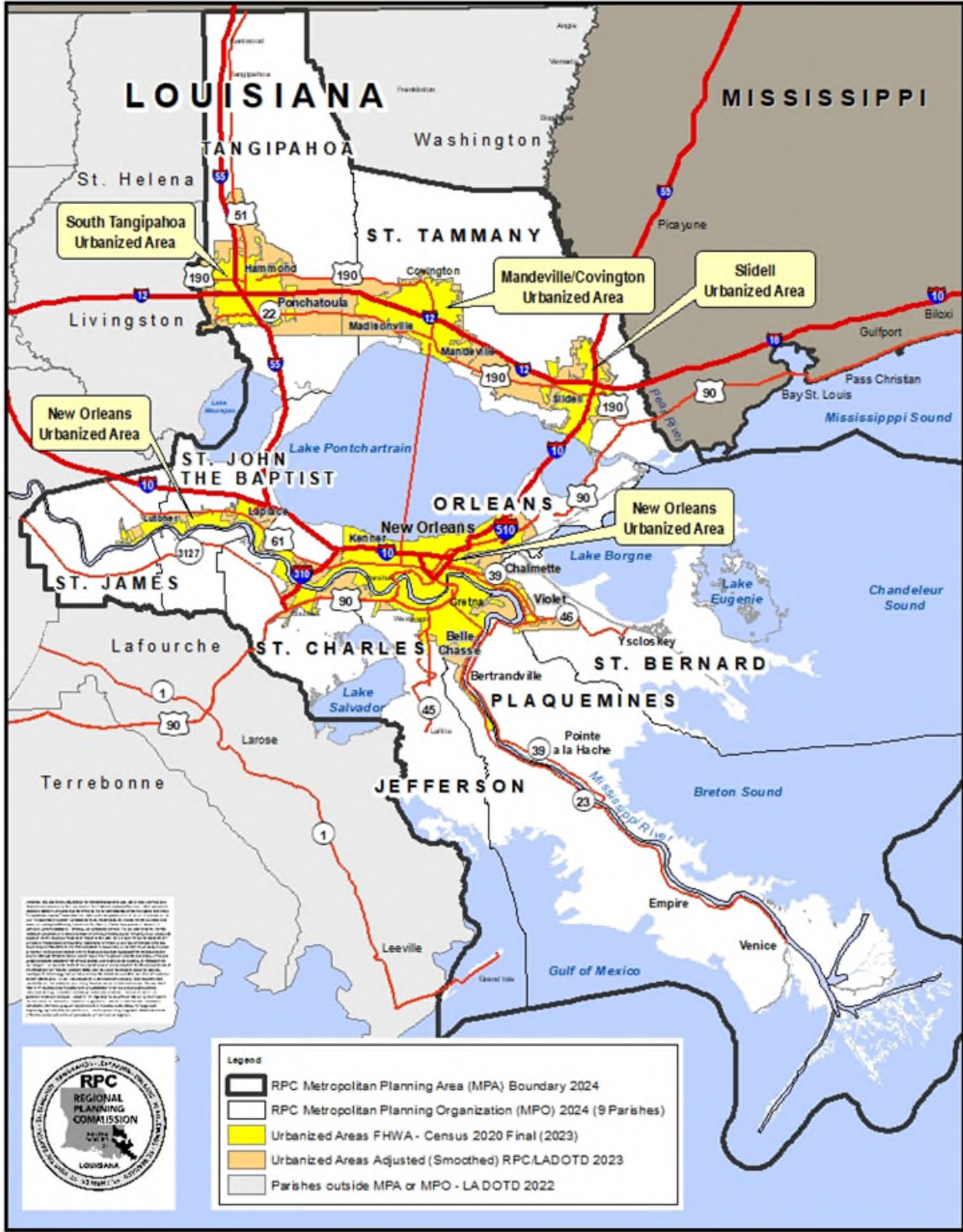


Figure 1: Regional Planning Commission Boundaries with MPO Boundaries

Title VI Policy

Title VI Policy Statement

The New Orleans Regional Planning Commission assures that no person shall, on the grounds of race, color, sex, age, disability, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. RPC further assures that every effort will be made to ensure nondiscrimination in all of its programs or activities, whether these programs and activities are federally funded or not.

In the event that RPC contracts to distribute federal aid funds to another entity, Title VI language will be included in all written agreements and the recipient will be monitored for compliance.

The Title VI Coordinator designated in the Plan is responsible for initiating and monitoring Title VI activities, preparing the required reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

Jeffrey Roesel, Executive Director

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, income, gender, age, or disability, 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 200.0 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [2.557] March 22, 1988).

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 324) prohibits discrimination based on handicap/disability.

Americans with Disabilities Act of 1990 prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities and transportation.

National Environmental Policy Act (NEPA) declares a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man (**42 U.S.C. §§ 4321**)

Additional Authorities and Citations may be found under Table of Authorities, Title VI Legal Manual, U.S. Department of Justice, Civil Rights Division at <https://www.justice.gov/crt/book/file/1388766/dl?inline>

Title VI – Nondiscrimination in Federally Assisted Programs Civil Rights Act of 1964 (42 USC 2000(d)-2000(d)(1))

General

Title VI of the Civil Rights Act declares it to be the policy of the United States that discrimination on the grounds of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy. This title is not intended to apply to foreign assistance programs.

Section 601 – states the general principle that no person in the United States shall be excluded from participation in or otherwise discriminated against on the grounds of race, color, or national origin under any program or activity receiving federal financial assistance.

Section 602 – directs each federal agency administering a program of federal financial assistance by way of grant, contract, or loan to take action pursuant to rule, regulation, or order of general applicability to effectuate the principle of section 601 in a manner consistent with the achievement of the objectives of the statute authorizing the assistance. In seeking the effect compliance with its requirements imposed under this section, an agency is authorized to terminate or to refuse to grant or to continue assistance under a program to any recipient as to whom there has been an express finding pursuant to hearing of a failure to comply with the requirements under that program, and it may also employ any other means authorized by law. However, each agency is directed first to seek compliance with its requirements by voluntary means.

Section 603 -- provides that any agency action taken pursuant to section 602 shall be subject to such judicial review as would be available for similar actions by that agency on other grounds. Where the agency action consists of terminating or refusing to grant or to continue financial assistance because of a finding of a failure of the recipient to comply with the agency's judicial review under existing law, judicial review shall nevertheless be available to any person aggrieved as provided in section 10 of the Administrative Procedure Act (5USC 1009). The section also states explicitly that in the latter situation such agency action shall not be deemed committed to unreviewable agency discretion within the meaning of section 10. The purpose of this provision is to obviate the possible argument that although section 603 provides for review in accordance with section 10, section 10 itself has an exception for action "committed to agency discretion," which might otherwise be carried over into section 603. It is not the purpose of this provision of section 603, however, otherwise to alter the scope of judicial review as presently provided in section 10(e) of the Administrative Procedure Act.

Title II - Americans with Disabilities Act

Title II of the Americans with Disabilities Act of 1990 prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation.

Discrimination Prohibited (49 CFR 21.5)

As used in this section the services, financial aid, or other benefits provided by the RPC as a recipient of Federal financial assistance include any service, financial aid, or other benefit provided by the RPCs planning and program efforts regardless of funding source.

General. No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program.

Specific discriminatory actions prohibited:

1. RPC may not, directly or through contractual or other arrangements, on grounds of race, color, or national origins:
 - I. Deny a person any services, financial aid, or other benefits in planning and program efforts
 - II. Provide any service, financial aid, or other benefit to a person which is different or provided in a different manner, from that provided to others in planning and program effort
 - III. Subject a person(s) to segregation or separate treatment in any matter related to receipt of services, financial aid, or other benefits of planning and program efforts
 - IV. Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefits of planning and program efforts
 - V. Deny a person an opportunity to participate in planning and programming efforts through the provision of services or otherwise; or afford the opportunity to do so which is different from that afforded to others
 - VI. Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is integral in the planning and programming processes.
2. RPC, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any planning and program efforts, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not:
 - I. Directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin,
 - II. Or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.
3. In determining the site or location of facilities RPC may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Civil Rights Act.

This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which

have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where prior discriminatory practice or usage tends, on the grounds of race, color, or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient must take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage. Even in the absence of prior discriminatory practice or usage, RPC in administering a program or planning activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.

Types of Discrimination

Disparate Treatment (also called intentional discrimination) happens when similarly situated persons are treated differently because of their race, color, or national origin by a recipient of federal funds directly or through contractual or other arrangements.

Disparate Impact (also called adverse impact) discrimination happens under Title VI when a recipient of federal funds adopts a procedure or engages in a practice that has a disproportionate, adverse impact on individuals who are distinguishable based on their race, color, or national origin—even if the recipient did not intend to discriminate. (49 C.F.R. §21.5(b)(2))

Disparate impact, alone, does not mean the policy or practice is prohibited. If a policy or practice creates a disparate impact, must also consider two things:

1. Whether there is a “substantial, legitimate justification” for the policy or practice, and
2. Whether there is an alternative policy or practice that has less of a disparate, adverse impact.

If there is a sufficient justification—one that is substantial and legitimate—for a policy or practice, then the policy or practice may not constitute prohibited discrimination.

However, even if RPC can establish a substantial, legitimate justification, if there is

1. Feasible alternative policy or practice with a lesser adverse impact, the recipient must consider that alternative.
2. Not considering such an alternative, or not establishing sufficient justification, could constitute prohibited disparate impact discrimination under Title VI

Retaliation happens under Title VI when recipients intentionally take adverse actions against persons who exercise their rights under the Title VI and is prohibited by the following clause:

“No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Civil Rights Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of complaint investigation, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.” (49 C.F.R. §21.11(e))

Retaliation involves three elements:

1. An individual engaged in protected activity of which the recipient was aware;
2. The recipient took a significantly adverse action against the individual; and
3. There is evidence to show the protected activity was the cause of the recipient's adverse action.

The types of activities considered protected can range from filing a Title VI administrative complaint against a recipient, to participating in an investigation or compliance review, or speaking at a public meeting. Evidence that shows the activity was the cause of the recipient's adverse actions can be direct comments or conduct, as well as indirect circumstantial evidence.

Retaliation is treated as a separate act of prohibited discrimination, even if it happens in response to a disparate treatment or disparate impact allegation

DRAFT

RPC Anti-Discrimination Policy

Disparate Impact Awareness Policy

RPC as part of its mission aims to eliminate potential for Disparate Impact by identifying and addressing, as appropriate, disproportionately high and adverse human health, environmental, economic and social effects of its programs, policies, and activities on minority and low-income populations, particularly when such analysis is required by NEPA.

The RPC using ArcGIS produces a Disparate Impact Awareness layer mapped at the block group level that symbolizes the specific block groups that follow the predetermined criteria for those areas that are either Minority or Hispanic/Latino (over the parish threshold) and are also below the poverty level. RPC researched solutions from other agencies within the U.S. using varying data sets. RPC determined to use the most inclusive method by intersecting block groups flagged by any of the three poverty determinations (household, population, and family) with those block groups over the parish threshold for minority or Hispanic/Latino.

If any potential adverse effects are identified in the planning process a disparate impact assessment is completed and a mitigation and/or alternative study is completed.

RPC, takes a proactive approach to engage these communities and ensures their full and fair participation in the transportation decision-making process.

Accessibility and Equal Opportunity Policy

"In compliance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, RPC ensures that no person shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity on the basis of race, color, or **national origin, and disability**. We are committed to providing equal access to services for individuals with limited English proficiency and individuals with disabilities."

To ensure fair treatment and access to all constituents represented in the agency's program and planning efforts RPC maintains accessibility policies and implementation plans as a means of eliminating barriers to opportunities including the following:

- Language barriers
- Disability barriers
- Transportation barriers

Language Accessibility: Accessible language is defined as language that accommodates people of all ages and abilities, including those with cognitive disabilities, people with low literacy skills, and speakers of English as a foreign language

Accessible Language Policy based on Limited English Proficiency(LEP). In accordance with Title VI, in ensuring fair treatment and access to those of different **national origins** who may be prohibited from being able to participate in RPC program and planning processes due to language barriers, RPC provides language assistance to individuals with limited English proficiency to ensure they can fully participate and provide input in the decision-making process.

A. Language Assistance:

- Using a four-factor analysis the coordinator will develop an agency wide Language Access Plan detailing processes for determining potential translation needs.
- Using a four-factor analysis, and GIS mapping the coordinator will determine potential translation needs for all planning and project effort.
- Interpretation services, both in-person and over the phone, will be made available to LEP individuals at no cost when deemed necessary.
- Translation of documents into commonly requested languages will be provided upon request.
- Staff members will be trained to identify and assist LEP individuals in accessing programs and services effectively

B. Notice of Language Assistance:

- Information regarding available language assistance services will be prominently displayed in public-facing areas and on relevant program websites.
- Language assistance notices will also be displayed on all public notices for ALL hearings, meetings, and outreach activities as deemed necessary.

Accessible Language Policy based on Literacy. RPC will work to ensure that all written and verbal communications are clear, understandable, and **accessible to people with varying literacy levels**. This policy is particularly important for individuals with limited reading or writing skills, as well as for those who may have other language barriers, cognitive impairments, or other challenges that affect their ability to comprehend information.

A. Plain Language is to be used in all communications distributed to the public. Including

- Use of simple straight forward words
- Keeping sentences short and to the point
- Avoiding jargon, technical terms, and legalese unless absolutely necessary.

B. Clear Formatting and Design

- Legible Typography: Use large fonts and high-contrast colors between text and background to ensure readability.
- Logical Structure: Organize documents and communications with clear headings, bullet points, and numbered lists to help readers follow the information more easily.
- Visual Aids: Include images, infographics, or diagrams where possible to clarify complex information and make it easier to understand.

Accessibility for Individuals with Disabilities

In compliance with the **Americans with Disabilities Act (ADA)** and other applicable federal regulations, RPC ensures that individuals with disabilities have full access to our programs and services.

A. Reasonable Accommodations:

- RPC will provide reasonable accommodation for individuals with disabilities, including but not limited to accessible formats of documents, sign language interpretation, or other necessary accommodations.
- **Accessible Formats:** Offer content in multiple accessible formats, such as audio, video, and braille, to ensure that individuals with disabilities can engage with the information.

B. Accessibility of Facilities and Programs:

- Our facilities and programs are designed to be fully accessible. We continuously evaluate and modify them to remove barriers that may prevent participation by individuals with disabilities.
- When hosting public hearings, meetings, and conducting outreach activities RPC staff and consultants must ensure that location selection is ADA compliant for those with physical disabilities.

Public Input

- **Public involvement** is a critical component of transportation planning, especially for individuals with disabilities.
- The ADA requires that transportation planning processes include opportunities for public participation from people with disabilities, ensuring that their needs and concerns are considered when developing transportation policies, projects, and services.

How Mobility Needs of Protected Classes are Identified and Considered Within the Planning Process

RPC makes every effort to ensure that the mobility needs of minority populations are identified and considered within the transportation planning process. The methods RPC utilizes to ensure this are listed below:

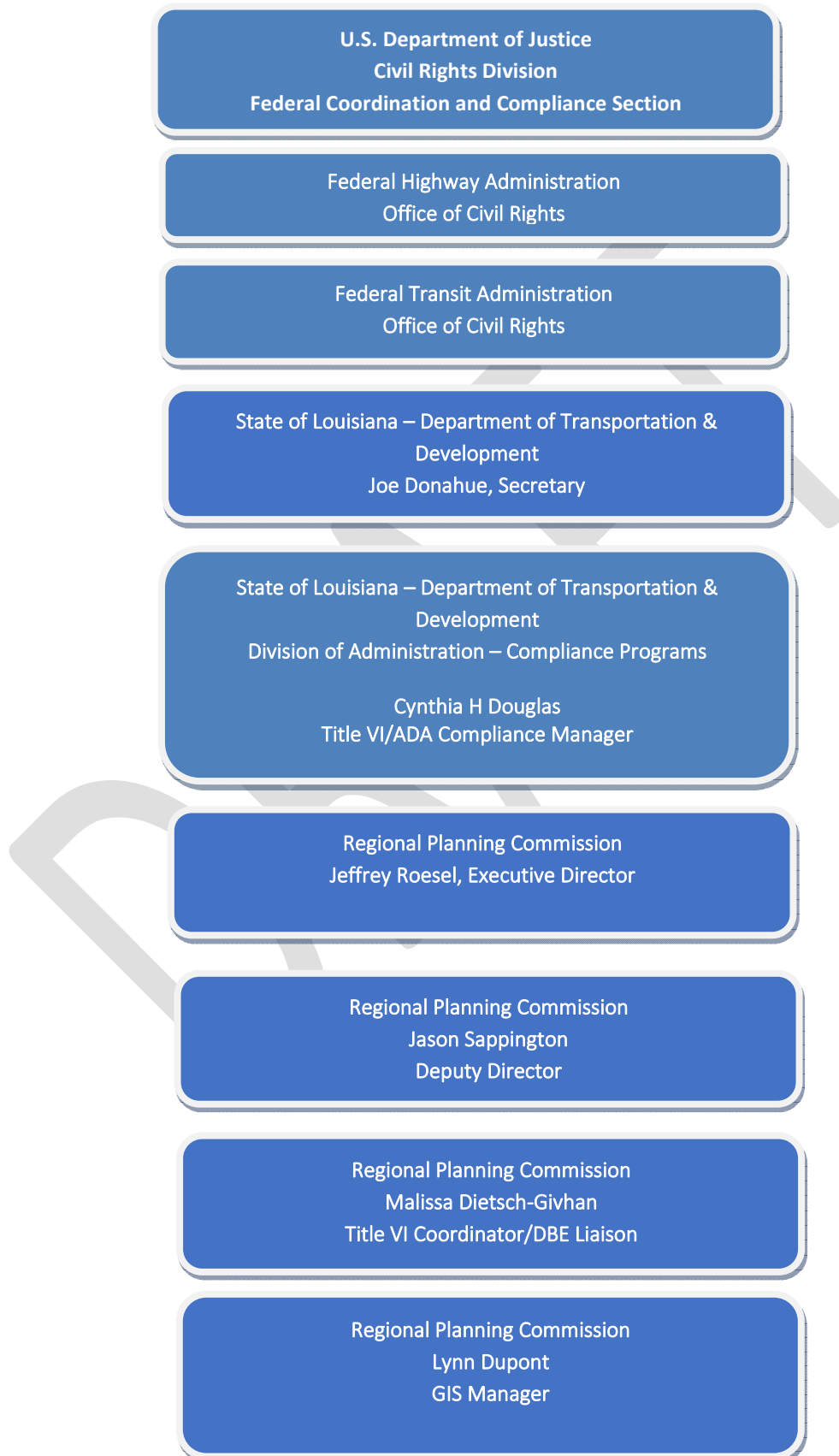
- RPC produces demographic census data for analysis to assist in RPC projects. Project specific boundaries determine Title VI area of analysis determined during project/study development.
- RPC has used and may undertake in the future transportation surveys or community outreach to members of the community in order to get feedback on their transportation needs. This input is used and incorporated into the development of the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP).
- RPC staff members attend and participate in community meetings that focus on convening residents to discuss issues facing minority communities.
- RPC ensures that all public meetings are held in areas that are frequented by all members of the community, at times that are most suitable for working citizens. Efforts are made to advertise public meetings in minority publications where available and meeting notices are posted in multiple languages when the project area affects an LEP community.
- RPC is always open to comments or suggestions via the “Get Involved” section on our website www.norpc.org, or comment sheets available at the front desk of our office at

10 Veterans Memorial Boulevard,
New Orleans, LA 70124.

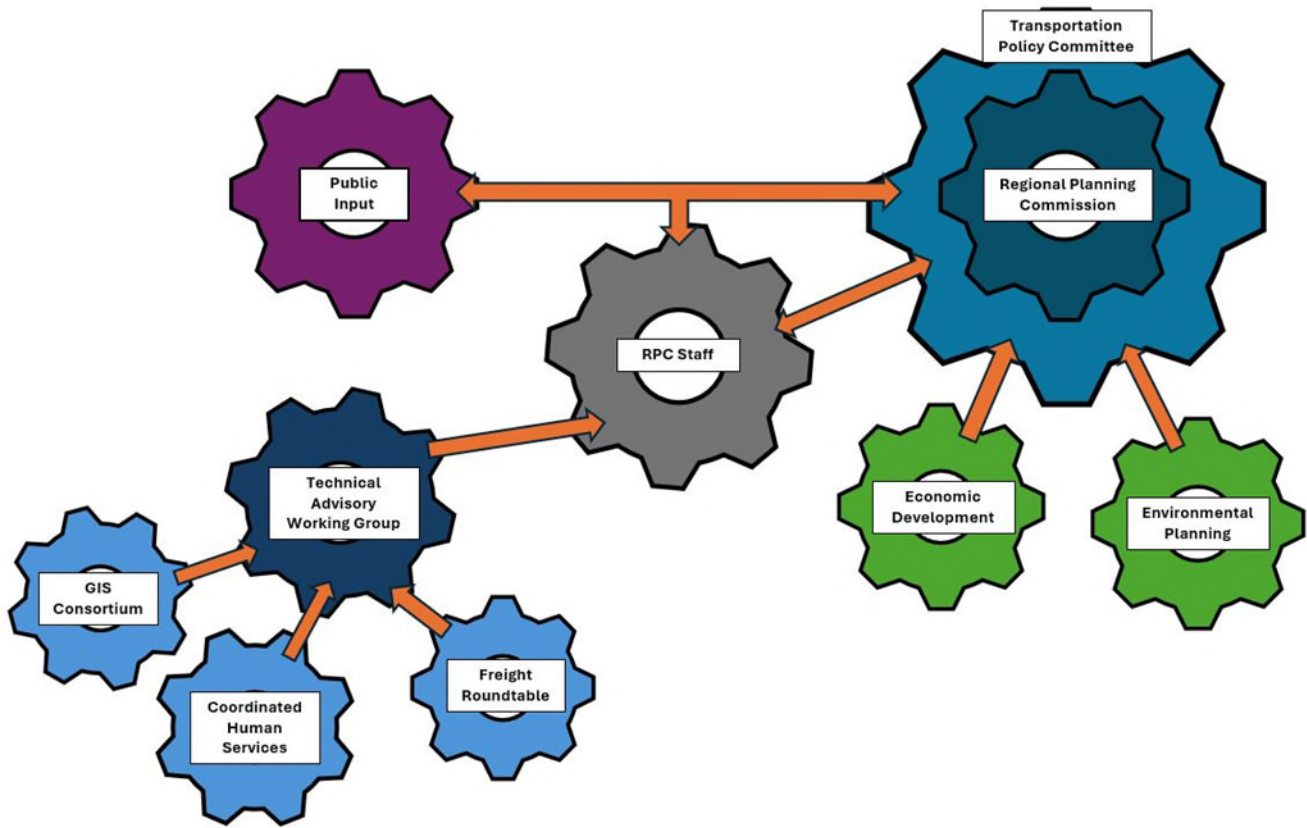
All comments are forwarded to appropriate staff and are followed with a response in a timely manner.

Title VI Compliance Program and Procedures

Title VI Delegation Chart



Organization Structure



Decision Making

Regional Planning Commission Board is the decision-making body for the agency. The Commission includes three elected officials and two citizen members from each of the 8 parishes member parishes including Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, and Tangipahoa. The RPC board is responsible for the adoption of the Title VI Policy and all implementation documents.

Transportation Policy Committee (TPC) is the Metropolitan Planning Organization (MPO) for four urbanized areas in southeast Louisiana: New Orleans, Hammond-Ponchatoula, Mandeville-Covington, and Slidell. Membership in the TPC includes the RPC board, as well as local mayors and representatives from the maritime, freight, aviation industries, and public transportation providers. The TPC is responsible for adopting policies and procedures and overseeing MPO activities to ensure compliance.

Advisory Councils and Committees

RPC has two non-elected transportation advisory councils and committees. These councils and committees, and a description of their duties are as follows:

Technical Advisory Group

Technical Advisory Group (TAG) is a regional group of stakeholders, comprised of public works directors, planning directors, transit operators, as well as representatives from the port, bridges, airport, and railroads in the Greater New Orleans area. Other participating agencies include the U.S. Department of Housing and Urban Development, Federal Highway Administration, National Safety Council, and Federal Transit Administration. The RPC has also chosen to incorporate representatives of five select non-profit organizations with a transportation interest into the TAG to provide input into the decision-making process. The TAG meets on a quarterly basis to review various planning products, such as the UPWP and MTP; to advise RPC staff on transportation and land use issues, and to discuss projects of regional significance, and to share best practices with area parishes.

Coordinated Human Services Council

The primary roles and responsibilities of the Coordinated Council are to update, maintain, and determine how to best implement the Coordinated Public Transit-Human Services Transportation Plan by providing a venue for stakeholder interaction, sharing of human services transportation issues, problems, and developing solutions for further action. The Council meets quarterly.

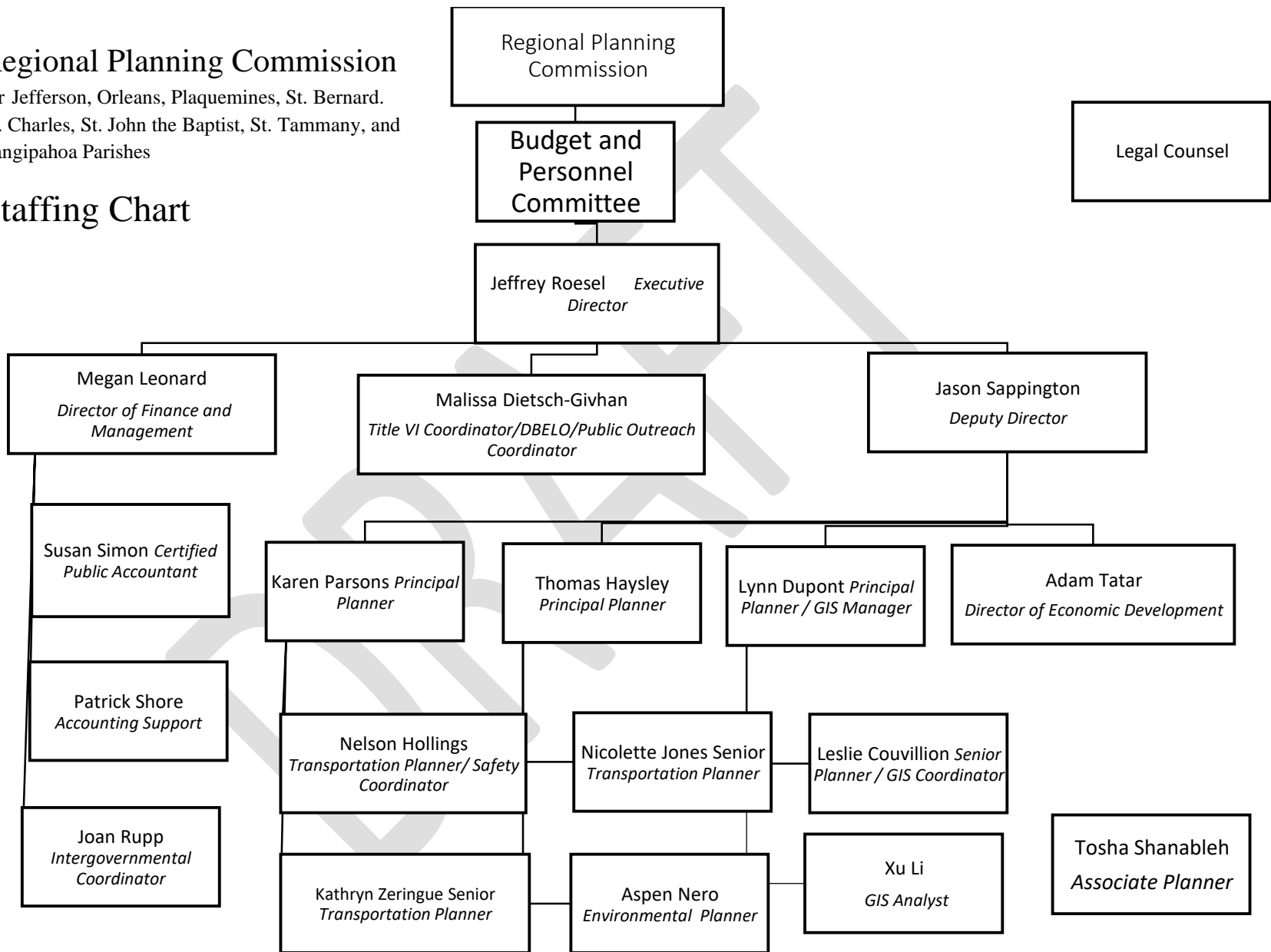
Staff

The RPC staff include professionals with expertise in planning, environmental sciences, public outreach, accounting, and geographic information systems. With input from the public and from the TAG, staff advise the RPC and the TPC on planning priorities, ensure that all federal and state planning requirements are met, and ensure sound stewardship of local and federal funding.

Regional Planning Commission

for Jefferson, Orleans, Plaquemines, St. Bernard,
St. Charles, St. John the Baptist, St. Tammany, and
Tangipahoa Parishes

Staffing Chart



Program Administration

Title VI Program Update

The Title VI Program will be reviewed and updated on a 3-year cycle. An updated version of the Title VI Program will be submitted to the Federal Transit Administration (FTA) via TRAMS every 3 years for approval, or when there are any significant changes made to the program. A copy of the program will also be sent to the Louisiana Department of Transportation and Development (LADOTD) for their review and approval on the same 3-year cycle.

Title VI Program Reviews

RPC's Title VI Program reviews will be performed by the coordinator to assess the office's administrative procedures, staffing, and resources available for Title VI compliance. This is in addition to the day-to-day monitoring. The coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels. The coordinator will conduct reviews of contractors, subcontractors, consultants, suppliers and all other subrecipients of RPC's federal funds to ensure compliance with Title VI provisions.

All subrecipients will be required to submit a Title VI Program for approval to the RPC on award of funds and will be required to resubmit their Title VI Program every three years, or in the event of any changes to their Title VI Program.

Annual Reports

An annual executive summary will be submitted to the Executive Director by the Coordinator. The summary will review Title VI accomplishments achieved during the year. The coordinator will be responsible for the coordination and preparation of the report.

Training Program

Title VI training will be made available annually to employees, contractors, subrecipients, and program planning area liaisons. The training will provide comprehensive information on Title VI provisions, application to program operations, public participation requirements, and identification of Title VI issues and resolution of complaints. A summary of the training conducted will be reported in the annual update.

Public Dissemination

The coordinator will disseminate Title VI Program information to Commission employees, subrecipient, 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.

The Title VI Plan is available on the RPC website, in person at the RPC office, and can be mailed out upon request.

Implementation

Procedures Manual (QC/QA)

Administration of the Title VI Program will be incorporated into the agency's Procedures Manual and Project Management Guide that will be updated regularly to incorporate changes and additional responsibilities.

Public Participation Plan

The coordinator will develop and maintain a Public Participation Plan to be reviewed and updated on a 3-year cycle. The goal of RPC's Public Participation Plan is to ensure early and continuous public notification about, and participation in, major actions and decisions by RPC. In seeking public comment and review, RPC makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes.

The RPC has an official Public Participation Plan which is available on RPC's website or in person at the RPC office.

The plan includes:

- Public Involvement Policy
- Public Involvement Planning Goals
- Public Outreach Activities
- Public Meetings Procedures
- Public Hearing Procedures
- Limited English Proficiency (LEP) Assessment and Guidelines
- Americans with Disabilities Act (ADA) Assessment and Guideline
- Disparate Impact Prevention Methodology

Data Collection and Analysis

Statistical data on race, color, national origin and disability of participants in, and/or beneficiaries of federally funded programs, (e.g., impacted citizens and affected communities), will be gathered and maintained by the coordinator and GIS manager. The data gathering process will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

All data collected for purposes of Title VI program administration and planning can be found in appendix. Title VI maps and other demographic data can be found on the agency website at norpc.org/

Title VI Methodology for Identification of Target Populations (Demographics) & Spatial Concentrations of Targeted Populations

RPC utilizes the latest U.S. Census data, American Community Survey data, and Louisiana Department of Social Services data to identify target populations. To form the most accurate profile of these populations it is in RPC's best interest to use the smallest geographic unit available for which information is obtainable for all relevant groups. The smallest geographic area that the Census Bureau calculates the appropriate information on each relevant group for purposes of this document is block group level. RPC uses the most current ACS 5-year estimates, which is utilized in all map products and planning efforts.

The Louisiana Department of Child and Family services is available at block group level upon request to further identify vulnerable communities.

RPC has identified six relevant groups for Title VI analysis for the project as described below:

- ▶ Poverty households/population/families
- ▶ Minority/Ethnicity/National Origin
- ▶ Elderly
- ▶ Limited English Proficiency (LEP)
- ▶ Disabled Populations
- ▶ Zero Car Households

Once the RPC has identified target populations for Title VI consideration, the next step is to produce maps that show their geographic distribution throughout the area and how they relate to RPC studies, TIP projects, obligated projects, and projects let to construction. These maps are for RPC internal use and are not made available for public use.

Staff Responsibilities

The Executive Director of the Regional Planning Commission is responsible for ensuring the implementation of RPC's Title VI Plan. The coordinator, on behalf of the Executive Director, is responsible for the overall management of the Title VI programs and serves as the Title VI liaison responsible for the development of all anti-discrimination and accessibility programs as well as implementation. The Title VI Coordinator also serves as the DBE Liaison officer and DBE coordinator for subcontracting alongside the Intergovernmental Coordinator.

Title VI Coordinator Anti-Discrimination Responsibilities

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

1. Process the disposition of Title VI complaints received by the Commission.
2. Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels.
3. Conduct Title VI reviews of consultant contractors, suppliers, and other recipients of federal-aid contracts administered through the Commission.
4. Prepare a yearly report of Title VI accomplishments and goals, as required.
5. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
6. Identify and eliminate discrimination.
7. 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.
8. Conduct annual reviews of all subrecipient and consultants to make sure they maintain compliance with Title VI.
9. Meet with other RPC staff, as needed, to train, monitor and discuss progress, implementation, and compliance issues.
10. Process all Title VI complaints made in person at the RPC office or online on the RPC website.
11. Review important Title VI-related issues with the Executive Director of RPC, as needed.
12. Develop implementation plans and policies including an agency wide Public Participation Plan, an agency wide Accessibility Plan, Project Management policies, and Title VI data management, methods, and analysis plan.

Anti-Discrimination Education and Training

The coordinator will seek all opportunities to participate in education and training outside of the RPC office. All Title VI conferences, seminars, trainings, and classes presented by FHWA, FTA, and LADOTD will be considered for staff attendance.

The coordinator will be responsible for informing all staff members and consultants of all federal Title VI policies including any changes and updates.

The coordinator will also be responsible for informing all staff members and consultants of the RPC Title VI Program, including the agency DBE Policy and Program (in conjunction with the Deputy Director), Public Participation Plan, and Accessibility Plan, as well as any updates and changes.

Education and Training may also consist of the Regional Traffic Management Center (RPC office) hosting training seminars related to all Title VI issues and inviting all interested and pertaining parties to attend.

Agency's Responsibilities in Program Areas and Planning

It is the responsibility of all agency staff to ensure that all aspects of the planning process operation comply with Title VI requirements by:

- Ensuring that various social, economic, and ethnic interest groups are 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.
- Assisting the Title VI Coordinator in gathering and organizing the Annual Title VI Update Report.
- Reviewing the department work program and other directives to ensure compliance with Title VI program requirements.
- Visiting public meetings to verify the level of participation of Title VI protected group members when offered in predominantly ethnic minority communities.

Consultant Services

- The Regional Planning Commission, in consultation with the Executive Director, is responsible for setting policy and establishing procedures for consultant selection, negotiation, and administration of consultant contracts for the Commission.
- The Title VI Coordinator along with the Intergovernmental Coordinator shall monitor DBE program requirements and progress.
- The Title VI Coordinator along with the Intergovernmental Coordinator shall ensure that all federally funded consultant contracts administered by the RPC have the appropriate Title VI provisions included.
- The Title VI Coordinator shall review directives and procedures to ensure Title VI compliance during scoping, development, and implementation.
- The Title VI Coordinator shall maintain the necessary data and documentation required for completion of the department's Title VI Update Annual Report.

Consultant Contracts

The Regional Planning Commission is responsible for selection, negotiation, and administration of its consultant contracts. RPC undertakes consultant contracts consistent with the laws of the State of Louisiana and grantor guidelines

Contract Procedures

Title VI text is included in all RPC Request for Proposals (RFP), Request for Qualifications (RFQ), and other contracts.

Disadvantaged Business Enterprise (DBE) Program

RPC includes DBE text in all RFPs and contracts with consultants and notes its DBE policy on the RPC website. RPC provides a list of all LADOTD's certified DBEs in its DBE Policy and Procedures which can be accessed on RPC's website.

Consultant Reviews

The RPC is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's consultant contracts process. All consultants will be made aware that as subrecipients of federal funds they are required to adhere to our agency's Title VI Plan, DBE Policy and Procedures, and LEP Plan.

Project managers and the Title VI coordinator will work with consultants to form targeted outreach plans when necessary to ensure all have an equal opportunity to participate in planning processes. Measures are laid out in the Project Manager Guide (QC/QA) and the Public Participation Plan (PPP).

Operational Guidelines

All operational guidelines to contractors, subrecipients, and program planning areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.

Remedial Action

The RPC will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program's administrative requirements. Should irregularities occur in the administration of the program's operation, corrective action will be taken to resolve Title VI issues, and such actions will be documented in the form of a remedial action agreed upon to be necessary, all within a period not to exceed 90 days.

- 1) Subrecipient placed in a deficiency status will be given a reasonable time, (not to exceed 90 days after receipt of the deficiency letter), to voluntarily correct deficiencies.
- 2) The RPC will seek the cooperation of the subrecipient in correcting deficiencies found during the review. The Commission will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.
- 3) When a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Commission will submit to LDOTD's External Civil Rights Office or the FHWA two copies of the case file and a recommendation that the subrecipient be found in noncompliance.
- 4) A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

Complaint Procedures

Title VI – Complaint Procedures

Louisiana Department of Transportation

Non-Discrimination Complaint Procedure

The **Louisiana Department of Transportation and Development's** Non-Discrimination Complaint Procedure is made available in the following locations:

- Agency website
- Hard copy in the central office
- Agency Title VI Plan

Any individual, group of individuals or entity that believes they have been discriminated against on the basis of race, color, national origin, disability, sex, age low-income or LEP (Limited English Proficiency) by the **Louisiana Department of Transportation and Development (LADOTD)** may file a Non-Discrimination complaint by completing and submitting the agency's Non-Discrimination Complaint Form.

A complaint must be filed with the **Louisiana Department of Transportation and Development** no later than 180 days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued of the latest instance of the conduct.

Once the complaint is received, the **Louisiana Department of Transportation and Development** will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The **Louisiana Department of Transportation and Development** has 45 days to investigate the complaint.

After the investigator reviews the complaint, she/he will issue one of two (2) letters to the complainant:

a closure letter or a letter of finding (LOF).

- A closure letter summarizes the allegations and states that there was not a discrimination violation and that the case will be closed.
- A letter of finding (LOF) summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has 180 days after the date of the letter or the LOF to do so. LADOTD will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.

LADOTD maintains a Non-Discrimination Complaint Log for internal tracking purposes. All information contained within the complaint log is kept confidential.

Non-Discrimination Complaint Form

The Louisiana Department of Transportation and Development Non-Discrimination Complaint Procedure is made available in the following locations:

- Agency website
- Hard copy in the central office
- Agency Title VI Plan

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible	Format	Large Print	Audio Tape
		TDD	Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Income Status [
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form or a separate sheet of paper.			

Section IV		
Have you previously filed a complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply:		
<input type="checkbox"/> Federal Court	<input type="checkbox"/> State Agency	
<input type="checkbox"/> State Court	<input type="checkbox"/> Local Agency	
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Louisiana Department of Transportation and Development
Cynthia Harvey Douglas
Compliance Programs-Title VI/ADA
PO Box 94245
1201 Capitol Access Road
Baton Rouge, LA 70804-9245
Phone: 225-379-1923

ADA Complaint Procedures

Any person or persons who believes they have been denied access to the New Orleans, Slidell, Mandeville-Covington, Hammond-Ponchatoula urbanized area MPO Planning Process based on a disability may file a written complaint with the Regional Planning Commission.

A complaint may be filed without the Complaint Form if the complainant's name, mailing address, and details regarding the alleged discrimination are included in writing. The Complaint Form or written complaint may be:

Hand delivered to:

The Regional Planning Commission office is located at:

Region Transportation Management Center, 2nd Floor
10 Veterans Boulevard
New Orleans LA 70124

The RPC ADA Coordinator will provide the complainant or their representative with a written acknowledgement by mail within 10 working days that the MPO has received the complaint. The complaint will be reviewed by the ADA Coordinator and Legal Counsel. It will then be forwarded to the RPC Executive Director and MPO Transportation Policy Committee. The MPO will then notify the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) that a complaint has been received.

Corrective measures will then be initiated by the RPC to correct the issue and prevent it from occurring in the future. The RPC will notify the complainant by mail the steps the MPO has taken to correct the issue.

The public may also submit ADA complaints directly to the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA). The complaint should be mailed to the Office of Civil Rights at either the FHWA or FTA.

Federal Highway Administration
Office of Civil Rights
Attn: ADA Program Coordinator
8th Floor e81-105
1200 New Jersey Ave SE
Washington DC 20590

Federal Transit Administration
Office of Civil Rights
Attn: ADA Program Coordinator
ADA/Title VI Coordinator
East Building, 5th Floor- TCR
1200 New Jersey Ave SE
Washington, DC 20590

Assurances

REGIONAL PLANNING COMMISSION
Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St.
Tammany and Tangipahoa Parishes

Title VI Assurances

The Regional Planning Commission for Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Tangipahoa Parishes (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance 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 the following: 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) (I) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to be applied to all agency planning and programing.

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23fb) 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, proposals or statements of qualification 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 Regional Planning Commission in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252,42 USC 2000d-d4 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 and proposers 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, proposals or statements of qualification 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 necessary clauses of this Assurance in every contract subject to the Act and the Regulations.
4. 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.
5. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, 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.
6. 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 persons whose signatures appear below are authorized to sign the Assurance on behalf of the Recipient.

[Redacted signature line]

Jeffrey Roesel
Executive Director
Regional Planning Commission

Date

Addendum - Notices

Title VI Public Notice

The paragraph below is to be inserted in all significant publications that are distributed to the public, such as future versions and updates of the *Metropolitan Transportation Plan*; and *Transportation Improvement Program* for the RPC region. The text will remain permanently on the agency's website, www.norpc.org, and available to all employees. The version below is the preferred text, but where space is limited or in publications where cost is an issue, the abbreviated version can be used in its place.

Title VI Notice: The Regional Planning Commission (RPC) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes, executive orders, and regulations in all programs and activities. RPC operates without regard to race, color, national origin, income, gender, age, and disability. Any person who believes him/herself or any specific class of persons, to be subjected to discrimination prohibited by Title VI may by him/herself or by representative file a written complaint with the Louisiana Department of Transportation (LaDOTD). LaDOTD Title VI Program Manager may be reached via phone at 225-379-1361. A complaint must be filed no later than 180 days after the date of the alleged discrimination.

RPC meetings are conducted in accessible locations and materials can be provided in accessible formats and in languages other than English. If you would like accessibility or language accommodation, please contact the Title VI Coordinator at RPC at 504-483-8513 or mgivhan@norpc.org. If you wish to attend a RPC function and require special accommodations, please give RPC one week's notice in advance.

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

RPC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, see www.norpc.org or call our Title VI Coordinator at 504-483-8513.

Questions

For any questions regarding the RPC's Title VI Plan or any related policies and procedures please contact RPC's Title VI Coordinator at 504-483-8513 or visit our website at www.norpc.org.

ADA Policy Notice

Title II of the Americans with Disabilities Act of 1990 prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. In accordance with these requirements the Regional Planning Commission (RPC) will not discriminate against qualified individuals with disabilities on the basis of disability in RPC's services, programs or activities.

RPC's Commitment

- ❖ RPC will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to attend all RPC public meetings.
- ❖ RPC will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in RPC's public meetings.
- ❖ RPC will post the following ADA notice at the bottom of all RPC meeting notices:
ADA NOTICE: For special accommodations for this meeting, please contact our ADA Coordinator by telephone (504-483-8513), at least one week in advance.
- ❖ RPC will include language in all of our contracts to ensure nondiscrimination of all persons with disabilities

The ADA does not require the RPC to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden. RPC will strive to provide its services, programs and activities in the most accessible manner feasible.

Notification that an RPC meeting is not accessible to persons with disabilities should be directed to:

Malissa Dietsch-Givhan
Title VI Coordinator /ADA Coordinator
504-483-8513
mgivhan@norpc.org

Disparate Impact Prevention Policy

It is the policy of the Regional Planning Commission to ensure that all of its programs, policies, and other activities do not have disproportionate adverse effects on a neighborhood or community composed predominantly of persons of color and/or a substantial proportion of persons and households below the poverty line. The RPC takes a proactive approach to engage these communities and ensures their full and fair participation in the transportation decision-making process.

Goals and Objectives

The RPC is committed to the following goals and objectives for achieving environmental justice:

- ❖ Protect environmental quality and human health in all conditions
- ❖ Avoid disproportionate adverse impacts on minority and low-income populations
- ❖ Enhance the public involvement process and strengthen relationships with community organizations
- ❖ Provide minority and low-income populations with the opportunity to learn and participate more about the transportation planning process
- ❖ Make sure all projects go through an Environmental and Title VI checklist to ensure environmental issues are considered and appropriate actions are followed
- ❖ Promote and protect community members' rights to participate meaningfully in decisions that may affect them
- ❖ Ensure equal distribution of the benefits of the transportation planning process and project distribution

Filing a Complaint

Any individual or community that wishes to file a complaint or discuss concerns about the RPC's transportation planning process may contact:

Louisiana Department of Transportation
Title VI Programs Manager
225-379-1361

Addendum – Program Review Form

New Orleans Regional Planning Commission

Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Tangipahoa Parishes

As a subrecipient of federal funds you are aware that your agency is required to comply with all federal regulations regarding Title VI laws. In accordance with Title VI of the Civil Rights Act of 1967 and 49 CFR 21, this is the **Annual Title VI Review for Subrecipients and Consultants** to be issued once a year to all agencies awarded contracts by the Regional Planning Commission within the past year. Please provide yes/no answers with a brief explanation.

Name of Subrecipient/Consultant:

Date of Contract Awarded: _____

Contract Number: _____

Questionnaire

I. Complaint Process

1. Has your firm made itself aware of all federal Title VI rules and regulations as it applies to all subrecipients of federal funds? This information is easily accessible to all consultants via the RPC offices and/or website.
2. Does your firm have a formal Title VI policy?
3. Does your firm have a formal Title VI complaint process? If so provide a brief explanation of that process.
4. Has your firm received any Title VI or Environmental Justice complaints within the last year? If so what were the issues involved and what were the outcomes?
5. Has your firm processed any Title VI lawsuits within the past year? If so what were the issues involved and what were the outcomes?

6. Has any member of your firm had any formal Title VI training sponsored by LaDOTD, FHWA, or any other agency in the past year? If so please explain.

II. Public Involvement – Meetings and Hearings

7. Does your firm hold public meetings in areas that are easily accessible to all members of the community and comply with the Regional Planning Commission's **Americans with Disabilities Act (ADA) Plan**? If not, are there plans to do so in the future?
8. Has your firm made itself aware of Regional Planning Commission's **Limited English Proficiency (LEP) Plan**? This information is easily accessible to all consultants via the RPC offices and/or website.
9. Has your firm had any public request for translations services written or oral? If so what were the outcomes of these request?

III. Advertisements and Procurements of Contracts

10. Have any subcontracts been awarded within the past year that utilizes federal funds?
11. If subcontracts are awarded are all Title VI assurances and provisions included in advertisements and contracts?
12. Has your firm made itself aware of Regional Planning Commission's **DBE Policy and Program**? This information is easily accessible to all staff members via the RPC office and/or website.
13. Is the awarding of any subcontracts non-discriminatory and does it comply with RPC's DBE Policy?

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