



**Title VI/Nondiscrimination
Program Plan
FMCSA
FFY 2023**

Ensuring Justice

August 2022

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SECTION 1

PROGRAM OVERVIEW

Introduction

The Iowa Department of Transportation (Iowa DOT) is a recipient of Federal Financial Assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 which forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal Funds. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the grounds of sex.

Additionally, the Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal Financial Assistance.

The Iowa DOT is to ensure that none of its activities or programs treats any part of the community any differently than another. The Iowa DOT expects every manager, supervisor, employee, and sub-recipient of Federal-Aid Funds administered by the Iowa DOT to be aware of and to apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA,) and Federal Motor Carrier Safety Administration (FMCSA) require recipients of Federal-Aid Funds to prepare a plan to define roles, responsibilities, and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The Iowa DOT’s Title VI/Nondiscrimination Program Plan focuses on functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964.

Policy statement of nondiscrimination

The Iowa Department of Transportation, hereinafter referred to as the Iowa DOT, through enactment of this program, hereby assures that no person shall on the grounds of race, color, national origin, sex, age, disability, low-income or Limited English Proficiency (LEP) 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. The Iowa DOT further assures every effort will be made to ensure nondiscrimination in all its programs and activities, regardless of whether those programs and activities are federally funded. See also: *Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28)*

It is the policy of the Iowa DOT to comply with: *49 CFR Part 21; 49 CFR Part 303; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq; Civil Rights*

Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency) and the FMSCA Title VI Program Assurance (see: page 25).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the Iowa DOT hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The Iowa DOT intends to fully comply with the requirements of Executive Order 12898, Environmental Justice in Minority and Low-income Populations, to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations.

The Iowa DOT also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the Iowa DOT will take reasonable steps to provide meaningful access to services for persons with limited-English proficiency. The Iowa DOT will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

In the event the Iowa DOT distributes federal-aid funds to a second-tier subrecipient, the Iowa DOT will include Title VI language in all written agreements.

The Iowa DOT’s Civil Rights Bureau Director, is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.



Scott C. Marler
Director, Iowa Department of Transportation

8-17-22

Date

Authorities

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

Environmental justice (EJ): Executive Order 12898 addresses disproportionate adverse environmental, social, and economic impacts that may exist in communities, specifically minority and low-income populations.

Limited English Proficiency (LEP): Executive Order 13166 addresses access to services for persons whose primary language is not English and who have a limited ability to read, write, speak or understand English.

Americans with Disabilities Act of 1990 (ADA): The Act prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation.

Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, prohibits discrimination based on disability.

Additional citations

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-4; 42 U.S.C. §§ 4601 to 4655; 23 U.S.C. §109(h); 23 U.S.C. §324; DOT Order 1050.2; Executive Order 12250; Executive Order 12898; 28 C.F.R. § 50.3.

Standard Assurances

49 C.F.R. § 21.7

Pursuant to 49 C.F.R. § 21.7, every application for federal financial assistance or continuing federal financial assistance must provide a statement of assurance and give reasonable guarantee that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to Part 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964). Fully executed standard DOT assurances (including Appendices A, B, C, D and E) are attached to this plan. (Attachment A)

SECTION 2

ORGANIZATION AND STAFFING

Organizational Chart

Iowa DOT's Title VI/Nondiscrimination Program Plan has been established in accordance with federal rules under 23 CFR Part 200 and falls within the scope of responsibilities of the Civil Rights Bureau (hereafter referred to as "CRB"). The CRB, located in Ames, serves as a central resource for Iowa DOT Districts, Bureaus, Divisions, its sub-recipients and the public.

The Iowa DOT's organizational chart (Attachment B), showing the Civil Rights Bureau, as of March 2022, also found here: https://iowadot.gov/pdf_files/dot_organ_chart.pdf.

Staffing

The responsibility for the direction and implementation of the Iowa DOT's Title VI/Nondiscrimination Program Plan is assigned to the Director of the Iowa DOT.

The Civil Rights Bureau Director (hereafter referred to as "Bureau Director"), on behalf of the Iowa DOT Director, is responsible for the department-wide management of the Title VI/Nondiscrimination program and the Civil Rights Bureau (hereafter referred to as "CRB") and has direct access to the Iowa DOT's Director on Title VI/Nondiscrimination issues. The Bureau Director is under the direct supervision of the Chief Operating Officer. The Motor Vehicle Division (hereafter referred to as "MVD") and Motor Vehicle Enforcement Bureau (hereafter referred to as "MVE"), have Title VI Program Area Coordinators.

Civil Rights Bureau Director Responsibilities

The Bureau Director is responsible for implementing, monitoring, and ensuring Iowa DOT compliance with Title VI regulations. The Title VI responsibilities are as follows:

- Oversees the daily operations of the Civil Rights Bureau
- Consult with and inform the Director and Chief Operating Officer of the Iowa DOT on nondiscrimination program activities.
- Process the disposition of Title VI complaints received by the Iowa DOT, with assistance from Civil Rights Committee members/liaisons.
- Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of state highway and enforcement programs.
- Review Environmental Impact Statements for Title VI and Environmental Justice compliance

- Conduct Title VI reviews of cities, counties, consultants, contractors, universities, colleges, planning agencies, and other recipients of federal transportation funds.
- Review state program directives in coordination with Civil Rights Committee liaisons for special emphasis program areas and, where applicable, include Title VI language and related requirements.
- Conduct training programs on Title VI and related statutes for state program officers, civil rights officials, and Iowa DOT sub-recipients of federal funds.
- Prepare the annual Title VI update report reflecting accomplishments of the past year and establishing goals for the next year.
- Develop Title VI/Nondiscrimination information for dissemination to the public, including translation into languages other than English when appropriate.
- Conduct post-grant approval reviews of state programs, sub-recipients and applicants for compliance with Title VI requirements.
- Identify, investigate, and eliminate discrimination when found to exist within our programs.
- Establish procedures for promptly resolving deficiency status and develop a written remedial action plans as necessary, all within a period not to exceed 90 days.
- Provide technical assistance to sub-recipients in the development of their Title VI/Nondiscrimination Plan and assurances.

External Civil Rights Administrator Responsibilities

The External Civil Rights Administrator, under the direct supervision of the Civil Rights Bureau Director is responsible for ensuring the Iowa DOT's compliance with the federal Civil Rights programs that highway contractors, consultants and sub-recipients must comply with. The Title VI responsibilities are as follows:

- Log, track and investigate external civil rights complaints (Title VI, Title II, ADA and 504) as assigned.
- Implement the Title VI/Nondiscrimination Plan.
- Implement the Disadvantaged Business Enterprise (DBE) Program on USDOT-assisted contracts and procurements.
- Setting annual overall DBE goals and DBE goals on individual projects in coordination with internal Iowa DOT divisions.

- Implement the Equal Employment Opportunity (EEO) Contract Compliance Program.
- Implement the On-the-Job Training (OJT) programs under the Training Special Provisions (TSP) of USDOT-assisted construction contracts.
- Establish and monitor the DBE, Emerging Small Business (ESB) and Small Business Development Contracts (SBDC) Supportive Services Programs.
- Ensure proper DBE and SBDC Certification processes and documents are utilized.
- Provide training and technical assistance to the Iowa DOT and its sub-recipients, contractors and consultants.
- Implement the Minority and Women Business Enterprise (MWBE) program on state-funded contracts and procurements

Civil Rights Specialists Responsibilities

The Civil Rights Specialists, under the direct supervision of the Civil Rights Bureau Director work in collaboration with the Civil Rights Bureau Director and External Civil Rights Administrator. They are responsible for coordinating and providing technical assistance on all Title VI and Title II Programs and preparing required reports. Duties include:

- Coordinate Title VI/Nondiscrimination Program development and implementation with affected program areas.
- Provide technical assistance and advice on Title VI matters to Civil Rights Committee Liaisons and Program Area Officials.
- Conduct internal Title VI reviews of Iowa DOT Program Office activities when necessary to cover aspects beyond those included in routine monitoring.
- Participate with program area staff to review the section of program activities that include Title VI issues.
- Conduct Title VI reviews of consultants, universities, regional planning affiliations (RPAs) and other sub-recipients to ensure Title VI compliance.
- Review Iowa DOT program manuals, contracts, and policy statements to determine whether Title VI is appropriately addressed.
- Work with program areas to correct identified Title VI problems including discriminatory practices or policies.

- Conduct Title VI training for Civil Rights Liaisons, Iowa DOT staff and subrecipients.
- Assist in the preparation of annual reports of Title VI activities and accomplishments.
- Assist in updating the Title VI/Nondiscrimination Plan as necessary to reflect organizational, policy or implementation changes.

SECTION 3

IMPLEMENTATION PROCEDURES

Program Administration — General

As authorized by the Iowa DOT's Director, under the direct supervision of the Chief Operating Officer, the Bureau Director is responsible for initiating, monitoring, and ensuring Iowa DOT's compliance with Title VI requirements as follows.

A. Complaints and Disposition

If any individual believes that he/she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, on the grounds of race, color, national origin, income, sex, or disability, he/she may exercise their right to file a complaint with the Iowa DOT. Every effort will be made to resolve complaints informally at the district/division, sub-recipient, and contractor level. Complaint forms, instructions and general information about the complaint process is available on the DOT's website or upon request. To date, the Iowa DOT has received 4 Title VI complaints filed for this fiscal year.

The Iowa DOT's CRB maintains the complaint log and a file that includes at minimum the following: investigative plan, investigation report, investigative findings and remedial action taken as described in its Discrimination Complaint Process (Attachment C).

B. Data Collection

Statistical data on race, color, national origin, age, disability, income level, language spoken, and gender of participants in, and beneficiaries of, Iowa DOT programs will be gathered and maintained for the Iowa DOT by the CRB. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI/Nondiscrimination program administration.

C. Title VI Reviews of Sub-recipients

It is the responsibility of the CRB to conduct compliance reviews of sub-recipients of federal financial assistance. The CRB conducts compliance reviews to:

1. Ensure compliance with Title VI
2. Provide technical assistance in the implementation of the Title VI program
3. Correct deficiencies, when found to exist

Sub-recipient(s) shall be required to provide signed FMSCA Title VI/Nondiscrimination Assurances, updated annually and a signed Policy Statement, also updated annually. Sub-recipient(s) will develop a Title VI/Nondiscrimination Program/Plan to include, at minimum a:

- description of the program for which they are receiving funds.

- description or copy of the notification of Title VI rights provided to their beneficiaries/participants.
- description of their complaint disposition process.
- disclosure of any corrective action required to address previously identified deficiencies, and status of those actions (if any).
- summary of Title VI training provided by the sub-recipient, frequency with which such training is provided, to whom the training is provided, and a description of the content of the training.
- commitment to provide access to all records related to effective implementation of the Title VI program to the Iowa DOT.

The CRB will perform desk and onsite compliance reviews on selected sub-recipients. All sub-recipients of the Iowa DOT are subject to review.

The CRB will complete a compliance review report on each sub-recipient that is reviewed. The CRB will retain that report for five years, send a copy to FMSCA – Iowa Division to monitor the process, and review the individual reports.

Selected sub-recipients will be notified in writing at least 60 days in advance that they have been selected for compliance review to coordinate a date to ensure the attendance of key personnel. The notification will include a Title VI/Nondiscrimination compliance site review tool containing questions that sub-recipients are required to answer in writing and return 30 days after receipt.

The CRB will review the sub-recipient's response to the Title VI/Nondiscrimination Compliance Site Review Tool and supporting documentation during the desk review process.

The CRB Civil Rights Compliance Officers will review the documents and information submitted by the sub-recipient during the scheduled onsite review. A compliance review report will be issued within 30 days following the onsite review. A copy of the report is provided to the sub-recipient and FMSCA - Iowa Division. No action on the part of the sub-recipient is required on findings of compliance unless a condition of compliance is specified. If the review contains deficiencies, the sub-recipient, with the assistance of the Civil Rights Compliance Officers, will be required to develop a Corrective Action Plan (CAP) to overcome any deficiencies within a period not to exceed 90 days. The CRB Civil Rights Compliance Officers will prepare a report of findings which may include recommendations to strengthen the sub-recipient's Title VI/Nondiscrimination program.

The Iowa DOT will actively pursue the prevention of Title VI/Nondiscrimination deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements, both within the Iowa DOT and with its sub-

recipients of federal transportation funds. When irregularities occur in the administration of the federal transportation funds in the program's operation, corrective action will be taken to resolve Title VI/Nondiscrimination issues. The sub-recipient will write a remedial action plan agreed upon by the sub-recipient and Iowa DOT to be implemented within a period not to exceed 90 days.

The Iowa DOT will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. The Iowa DOT will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Iowa DOT will submit to the FMSCA – Iowa Division copies of the case file and a recommendation that the sub-recipient be found in non-compliance.

The CRB will determine if additional monitoring is needed to obtain a compliant status and ensure ongoing compliance with Title VI/Nondiscrimination requirements.

Follow-up reviews may be conducted to ensure the sub-recipient has complied with the Title VI/Nondiscrimination Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, the Iowa DOT may, with FMSCA's concurrence, initiate sanctions per 49 CFR § 21.13.

Title VI Compliance Reviews will be conducted on a triennial basis, which began in federal fiscal year 2021.

D. Training Programs

Title VI Training:

Title VI training is currently provided to all new employees of the Iowa DOT through our New Employee Orientation program. Title VI specific training (Attachment D) was developed and presented to Iowa DOT special emphasis program areas and employees in Federal Fiscal Year 2018. These training components were developed utilizing job specific considerations and will continue to be provided in alternating years.

Supplemental Title VI refresher course training will be administered during the odd numbered years. The CRB is responsible for development and presentation of training, or may delegate delivery of the training, if appropriate. The content will utilize the Title VI Program Policy Statement as a foundation and will be delivered in person, utilizing PowerPoint, small group discussion points and/or other modalities that encourage participation by trainees. The refresher training may be offered in person or via online modules that include a testing component.

Motor Vehicle Enforcement New Officer Training includes:

- Achieving Effective Communication

- Valuing Diversity
- ADA/EEO-AA
- Iowa Law Enforcement Academy Curriculum
- Implicit Bias/De-escalation

Annual In-Service Training for all Officers includes:

- Face 2 Face Communication
- Adapting to Change
- Incident Command System
- Behavior Based Safety
- Implicit Bias/De-escalation
- Mental Health
- Bloodborne Pathogens
- Annual Firearms Qualification
- National Crime Information Center Certification
- Hazard Communications
- Hazardous Materials
- CPR, AED, and Foreign Body airway Obstruction
- Mandatory Reporter Training for Child and Dependent Abuse

Motor Vehicle Division. all staff training:

- Title VI and You
- Face 2 Face Communications
- Do the Right Thing
- Crucial Conversations
- Americans with Disabilities Act (ADA) Online Training (annual)
- Adapting4Change – NEO/NEW
- Behavior Based Safety
- Include Me – MVD Inclusivity and Diversity Training
- Sexual Harassment (annual)

Motor Vehicle Division. additional leadership training:

- Leadership Academy
- Leadership4Change
- Dimensions of Leadership
- Crucial Conversations
- Crucial Accountability
- Advanced Principles of Communications
- Coaching Skills for Leaders and Managers
- Preventing Sexual Harassment for Managers and Supervisors (annual)

E. Access to Records

Motor Vehicle Enforcement and the Motor Vehicle Division provide quarterly and annual activity reports to FMCSA, as required. Additionally, all other records and documentation are available to FMCSA staff upon request

F. Notification to Beneficiaries and/or Participants

<https://iowadot.gov/civilrights/Title-VI/What-is-Title-VI-Program>

Motor Vehicle Enforcement and Motor Vehicle Division will provide written documents including, but not limited to plans, reports, pamphlets, brochures via printed materials available on site and on the Iowa DOT 's website. Information provided to the public will include notification of the Department's obligations under Title VI as well the protections against discrimination afforded to the Public pursuant to these Title VI/Nondiscrimination Program requirements.

Notification to the Public shall include the following at a minimum:

- A statement that the Iowa Department of Transportation operates its programs without regard to: race, color, national origin, sex, age, disability, income-level or Limited English Proficiency (LEP);
- Procedures to be followed by the public to request additional information regarding the Iowa Department of Transportation's Nondiscrimination obligations,
- Procedures for the public to file a discrimination complaint, including the name of the current contact representative; with mailing address, telephone number and email address.

G. CMV Inspection Selection & Unbiased Enforcement Policies

- CMV Inspection Selection Policy – Iowa DOT's policy regarding CMV Inspection Selection may be found on page #117 of the **MVE Policies & Procedures Manual** under **Section V: Vehicle Selection for Inspection**.
- Unbiased Enforcement Policy – Iowa DOT's Unbiased Enforcement policy is numbered MVE 19, is found on pages #118-120 of the **MVE Policies & Procedures Manual** and is also attached as Attachment D to the Plan. Additionally, the required yearly training was held in June 2022 and conducted by the Iowa Law Enforcement Academy (ILEA) and will be reported in the FFY 2023 update as well.

H. Status of Corrective Actions:

There were no Title VI reviews conducted during FFY 2022. The next review will be conducted during FFY 2024.

SECTION 4

PROGRAM ADMINISTRATION

Description of Federal Aid Programs

A. Motor Vehicle Enforcement

Motor Vehicle Enforcement, sometimes known as MVE, is a dynamic, progressive, and professional statewide law enforcement organization dedicated to highway safety. MVE officers serve and protect the public by patrolling Iowa's highways and operating our state-of-the-art weigh station facilities. We are Iowa Law Enforcement Academy (ILEA) certified peace officers. While we enforce all state law (traffic and criminal), MVE's core mission is in the enforcement of the Federal Motor Carrier Safety Regulations (FMCSR), vehicle size, weight, registration, and travel authority of commercial motor vehicles.

Assurance Activities

- Enforcement and investigative functions must be carried out in an equitable fashion;
- Efforts will be made to accommodate persons with Limited English proficiency.
- Efforts will be made to actively recruit women and minorities.

Administration

In addition to the program mission as described above, there are several administrative areas which have Title VI implications. These include agency staff composition by race and gender, policies, procedures and directives; contracts, agreements, other legal instruments and proposed legislation; Title VI training; dissemination of information to the public and public involvement programs.

Assurance Activities

- Monitor continued progress on agency-wide Affirmative Action goals and encourage diversity with respect to protected classes in each of the pertinent program areas;
- Review policies, procedures, Iowa DOT directives and proposed legislation for Title VI issues;
- Ensure publications and other information disseminated to the public includes Title VI policy reference.

Motor Vehicle Division

The Motor Vehicle Division (MVD) administers and enforces federal and state laws and regulations pertaining to vehicle titling and registration, vehicle operation and driver

licensing, and legal identity. MVD handles transactions for 2.5 million Iowa residents holding driver license (DL) or identification (ID) products and for more than 4.5 million registered vehicles in the state. MVD also licenses and oversees operations for a variety of businesses, including vehicle dealers, third-party service providers and educators.

The division directly provides many different types of transactions and works with 99 Iowa county treasurer offices to fully deliver services to all residents and businesses of the state. It also works with the American Association of Motor Vehicle Administrators (AAMVA) to follow national standards and guidelines for motor vehicle and driver/ID services.

MVD is organized into a director's office and four Bureaus:

- The Director's office oversees and guides all Division operations and services and directly handles legislative activity and legal compliance.
- The Bureau of Investigation and Identity Protection (BIIP) includes law enforcement officers and analysts that investigate fraud and other criminal practices relating to vehicle titling and registration, DL/ID products, vehicle dealer sales and MVD and county staff operations. Investigations may lead to criminal charges or sanctions against individuals or businesses.
- The Central Programs Bureau (CPB) provides oversight and ensures compliance of major programs throughout MVD. CPB establishes program structure for driver education, driver fitness, commercial driver licenses and motor carrier services. It directly manages dealer licensing, parent-taught driver education and other specialized programs. CPB provides oversight and guidance to the 99 Iowa county treasurer offices for the delivery of vehicle title and registration services and provides training services to all MVD and county treasurer staff.
- The Customer Services Bureau (CSB) directly delivers services and products to Iowa residents and businesses, including DL/ID products, persons-with-disability parking products, personal plate orders, bonded title applications and motor carrier registrations, fuel taxes and permits. The Customer Services Bureau has 18 DL/ID service centers and works closely with 83 county treasurer offices to provide DL/ID services to all Iowa residents.
- The Systems and Administration Bureau (S&A) is responsible for the division's records management and data privacy compliance, financial and accounting functions maintenance and support of multiple transactional systems and vendor relationships, and MVD's portfolio of system-related projects and enhancements. S&A provides, maintains, and improves system access and governance to all MVD and county treasurer employees and manages all MVD equipment, inventory, supplies and contracts.

Assurances

- All MVD organizations and staff are directed and trained to assure that all products and services are provided in an equitable fashion to all customers regardless of color, race, or national origin.
- MVD provides training to all MVD and county treasurer staff to maintain understanding and awareness of Civil Rights issues and how to deliver services and interact with customers.
- CSB works with S&A staff and Iowa DOT staff to ensure that customer service centers meet all ADA requirements. CSB uses different methods and services to accommodate customers with limited English proficiency.
- BIIP ensures that all investigations and enforcement functions are carried out in equitable fashion.

Administration

In addition to the program mission as described above, there are a number of administrative areas which have Title VI implications. These include agency staff composition by race and gender, policies, procedures and directives; contracts, agreements, other legal instruments and proposed legislation; Title VI training; dissemination of information to the public and public involvement programs.

Assurance Activities

- Monitor continued progress on agency-wide Affirmative Action goals and encourage diversity with respect to protected classes in each of the pertinent program areas;
- Review policies, procedures, Iowa DOT directives and proposed legislation for Title VI issues;
- Ensure publications and other information disseminated to the public includes Title VI policy reference.

B. Limited English Proficiency (LEP)

MVD utilizes a Four-Factor Analysis as suggested by the U.S/ Department of Justice's LEP guidance found here: <https://www.lep.gov/title-vi-guidance-for-recipients> to assess:

- the number of LEP persons eligible to be served by our staff, services, and programs within MVD.
- the frequency with which LEP individuals encounter MVD staff, services, and programs.

- the nature and importance of the program, activity, or service provided by the program to people’s lives; and
- the resources available to LEP populations and costs

Data Collection (Quantitative)

A conscious and holistic approach for collecting data and qualitative information is applied to determine which MVD resources, services, and information are made available in languages other than English. The analysis provides a path for the development of an MVD specific LEP plan, and subsequent funding for translation and interpretation services.

Quantitative data and information are gathered from the U.S. Census Bureau’s American Community Survey. The 2020 Decennial Census survey estimated that Iowa and its 99 counties had a total estimated population of over 3.19 million, with minority populations accounting for 9.4 percent of the population:

Table 1: Race and Hispanic Latino Origin in Iowa (2020)

Race and Hispanic/Latino Origin	Percentage
White alone	84.5%
Hispanic or Latino	6.8%
Black or African American alone	4.1%
Asian alone	2.4%
American Indian and Alaska Native alone	0.5%
Native Hawaiian and Another Pacific Islander alone	0.2%
Two or More Races	5.6%
Some other race alone	2.8%
White alone, not Hispanic or Latino	82.7%

Additionally, the report identified that an estimated 5.3% of Iowa’s population were foreign born from 2016 – 2020. This equates to over 22,000 households reporting limited-English proficiency: Spanish (10,940), Other Indo-European languages (2,925), Asian and Pacific Islander language (6,411), and other languages (2,008).

Internally, we collect data on the number of individuals who request language translation and/or interpretation services within MVD vendor, CTS Language Link (Attachment E: Appendix A). Of importance, we recognize that this data is skewed, as it only accounts for individuals who utilize the language line services. This data does not account for individuals who utilized a personal electronic digital translator, Google translator, friend, or family member to provide translation for MVD transactions.

Data Collection (Qualitative)

To provide a more complete understanding for the level of language needs within our specific communities, as well as recognizing the importance of socio-cultural factors, we

partner with public, private, and non-profit entities who assist immigrant and refugee populations within Iowa. Through attending and participating in community forums, meetings, working groups, and targeted surveys (Attachment E: Appendix F), we gain a better understanding for:

- 1) the needs of LEP community members, both broadly and for specific immigrant and refugee communities;
- 2) tracking on secondary migration populations and their language needs (Census data does not effectively track secondary migration for reporting);
- 3) socio-cultural awareness, education, and training for our agency and staff; and
- 4) help in identifying factors such as populations have a high-volume (population), high- literacy needs for translation and interpretation versus high-volume (population), low-literacy needs.

Having this information helps us more effectively and proactively identify which services and information needs should be created for the appropriate intended audiences. For example, this four-factor analysis may indicate that there are specific language needs within an Iowa LEP community; however, this community may have low literacy rates. This would indicate the need to plan for both infographic and audio services as a delivery solution of our products, services, and information. This also identifies a need to partner with entities that work specifically with this community, and that can provide socio-cultural relevance for the work we are doing, for how we communicate, and deliver information to this community (Appendix G: community survey).

MVD also participates in national and international agencies and organizations (i.e., AAMVA) dedicated to advancing transportation, identity, safety, and mobility. MVD staff are members of multiple working groups, participate in community surveys, and assist with drafting white papers and best practices on several topics, including engaging LEP populations for driver-related services.

MVD recognizes that identification and driver's licenses serve as the main form for proving one's identity within the U.S., and that identity serves as the gateway to accessing societal and cultural norms (i.e. opening a bank account, making purchases, accessing government services, etc.). Mobility serves as a focal point for being successful in life (getting to work, medical appointments, school, etc.) MVD services and products provide identity, mobility, and safety related information justifying the need for a four-factor analysis, to determine how we can best serve our LEP communities.

Current resources made available for LEP customers include:

- translation and interpretation services made available in over 240 languages and dialects through our contracted vendor, CTS Language Link;

- infographic resources targeting documentation requirements and credential usage information (partner with LEP community agencies who provide translation and interpretation to specific LEP communities, Appendix H);
- licensing information (brochures, operator’s study manuals, and testing resources, Appendix I);
- Bi-annual Community Service Providers meeting to meet with MVD staff for awareness, education, and training opportunities specific to LEP populations (Appendix J).

C. Low Income Status (LIS)

MVD is networking to develop relationships with organizations who serve Iowa’s diverse LIS communities. This includes fostering relationships with the Iowa Department of Corrections, Iowa’s Workforce Development, Iowa’s Economic Development Authority, and other identified entities.

The 2019 U.S. Census quick facts estimated that the median household income (in 2018 dollars), 2014-2018 was \$58,580 with 11.2% estimated persons in poverty.

D. Human Trafficking Campaign

MVE continues to be involved with multiple organizations to help combat Child/Adult Commercial Sexual Exploitation in Iowa. Educational materials are provided to the community by Trucks Against Trafficking at state and county driver’s license issuance stations, all rest areas, and major truck stops throughout Iowa. Educational presentations are provided throughout the country. Additionally, MVE provides annual training to MVD staff as well as other agencies.

Community Participation Process

MVD creates annual goals, in part, based on their community participation, specifically with underserved community groups. (See Exhibit G)

MVD FFY 2023 ACCOMPLISHMENTS (MVD)

The following were identified as FFY 2023 goals accomplished, because of the community participation process.

Goal	Projected Outcome	Outcome
Identified languages in collaboration with census data and partnered with Corporate Translations Services, Inc, to have non-commercial driver’s	Continue to plan for additional translations or audio versions for ‘high need, low literacy’ communities	Meet LEP needs of current and forecasted communities in Iowa.

license study materials translated into 23 languages		
Mobility and Identity collaboration with focus on underserved communities	Hold in-person oral testing group sessions to meet LEP needs of local communities in Iowa.	Program is “live” and continues to be a MVD priority
Host regular meetings for all underserved community groups (identified)	Serves as qualitative and quantitative collection of data for analysis	MVD participates in and/or hosts community engagement conversations that address identified underserved community groups (future meetings will be scheduled, as needed, and on an ongoing basis)
Create and distribute internal policy to reiterate MVD process for awareness in assisting customers with Civil Rights Complaints	Employee Awareness/Education	Ongoing
Audit Iowa DOT public-facing website to identify MVD pages for revision	Identify areas for opportunity and revisions to improve customer experience	Ongoing
Educate driver’s licensing staff on the immigrant and refugee experience to increase cultural awareness and customer sensitivity.	U.S. Committee for Refugees and Immigrants (USCRI) presented an informative training session during annual staff-wide conference.	Ongoing
Allow non-citizens to upload immigration documents required to obtain an Iowa credential	Create a link within lowadot.gov where non-citizens can upload required lawful status documents prior to their scheduled appointments.	Better prepare non-citizens and reduce the number of trips into a service center.

External Partnerships & Participation (MVD)

As no individual or community fits neatly into one description, there is the expectation and acknowledgment of diversity within these identified, underserved communities.

MVD partnerships and external participation may have overlap, serving multiple audiences and needs. Participation includes membership, attendance meetings, providing information, and requests for presentation.

The MVD, Bureau(s), or team(s) participate in the following:

Limited English Proficient (LEP): Immigrant, Migrant & Refugee Populations

- United Way (New Iowan) Committee – OpportUNITY
- Des Moines Latino Festival
- International Business Social at Iowa State University (foreign national students)
- Refugee Alliance of Central Iowa
- Iowa Transportation Coordination Council
- American Association for Motor Vehicle Administrators (AAMVA)
- Iowa Identity Theft & Victim Assistance Coalition (IITVAC)
- Iowa Department of Human Rights
 - Office of Latino Affairs
 - Office of Asian and Pacific Islander Affairs
 - Office of African American Affairs
 - Office of Native American Affairs
 - Office of Hearing-Impaired Affairs
- Iowa Bureau for Refugee Services
- Monsoon (Asian populations)
- Embark (Burmese ethnic minorities)
- Asian Alliance of Central Iowa
- United We March (Immigrant & Refugee communities in Cedar Rapids)
- Iowa Donor Network
- Catholic Charities Diocese of Des Moines
- USCRI (U.S. Committee for Refugees & Immigrants)
- Lutheran Services of Iowa
- Iowa Public Transit Bureau
- Goodwill of Central Iowa
- Iowa Economic Development Authority
- Monsoon Asians & Pacific Islanders in Solidarity
- Iowa Legal Aid
- Sioux City Townhall with COFA migrants
- Storm Lake townhall with COFA migrants
- Siouxland Asian Fest

Re-entry Populations

- United Way (Correctional) Committee – OpportUNITY
- Iowa Transportation Coordination Council
- Life Skills Courses at Iowa's Correctional Facilities (Mitchellville, Newton, Mt. Pleasant, Anamosa) – impetus on discussing driving records and eligibility,

- requirements, and alternative transportation options
- Department of Corrections Warden Meetings (collaboration and Iowa DOT presentations focusing on identity and mobility)
- Pilot issuance using DOT2Go to issue identification cards or driver's licenses to offenders at the Mitchellville Women's Correctional Facility, an effort to eliminate re-entry barriers
- American Association for Motor Vehicle Administrators (AAMVA)
- Iowa Identity Theft & Victim Assistance Coalition (IITVAC)
- Iowa Public Transit Bureau
- Iowa Economic Development Authority
- Iowa Workforce Development
- Iowa State Penitentiaries
- Department of Corrections
- Department of Human Services

Aging Iowans

- Senior Fests throughout Iowa
- Senior and Veterans Wellness Fairs throughout Iowa
- Iowa Transportation Coordination Council
- AARP
- Lifesavers Conference
- Governor's Traffic Safety Bureau
- American Association for Motor Vehicle Administrators (AAMVA)
- Iowa Identity Theft & Victim Assistance Coalition (IITVAC)
- Iowa Public Transit Bureau
- Iowa Department on Veteran's Affairs
- Car Fit

Low Income Status

This serves a diverse group of community members which may include immigrant and refugee, re-entry, aging, those with a disability, rural, and other populations. Much of the work we do serving on committees' crosses into multiple underserved statuses.

- Iowa Identity Theft & Victim Assistance Coalition
- Community Services Providers Meeting for Immigrants and Refugees (hosted by the Iowa DOT and the Iowa Department of Human Rights)
- Iowa DOT Public Transit Bureau
- Goodwill of Central Iowa
- Evelyn K. Davis Center for Working Families
- United Way
- Iowa Department on Veteran's Affairs
- Iowa Economic Development Authority
- Mobile Issuance Kits: transition from DOT2Go (RV) to more mobile

opportunities will allow for increased, more diverse outreach efforts

Individuals with a Disability

- Iowa Transportation Coordination Council
- Iowa Department for the Blind
- Iowa Department of Human Services
 - Disability Services
- Iowa Department of Human Rights
 - Office of Deaf Services
- Iowa Disability Resources and Advocacy Organization
- Iowa Department on Veteran’s Affairs
- Future Ready Iowa (occupational rehab)
- CarFit
- Lifesavers
- American Association for Motor Vehicle Administrators (AAMVA)

FFY 2024 GOALS (MVD)

MVD will continue to foster and grow partnerships with agencies and non-profits who support underserved communities: re-entry, individuals with a disability, New Iowans (immigrant and refugee), Limited-English-Proficient (LEP), Low-Income Status (LIS), rural, and aging.

Additionally, MVD will continue to foster awareness surrounding not only identity and all the services associated with identity, but also mobility.

Below are specific goals, some to be continued, from SFY 2021.

Goal	Projected Outcome	Responsible MVD Business Unit/Bureau
Mobility Manager Pilot Program	Pilot Project – Education & Information Liaison is working at Newton Correction Release Facility, serving currently incarcerated individuals with obtaining ID and DL services prior to release	Central Programs
Continue to develop Community Outreach Plan for MVD	Allows Division to identify community needs from a strategic business perspective	MVD
Review any vacant/open position to ensure it is being utilized most efficiently	Serve to identify community needs within MVD	MVD

Expand outreach efforts to additional Iowa communities and counties	Identify areas for opportunity	MVD
Create a cultural competency training (online) for all MVD employees to receive	Training need	MVD
Audit Iowa DOT public-facing website to identify MVD pages for revision, including the creation/revision of: Voluntary indicators page that promotes awareness for public	Identify areas for opportunity and revisions to improve customer experience	MVD
Continue to work with Public Transit Bureau on outreach plan for rural Iowans	Aligns with Governor's Empower Rural Iowa Initiative	MVD
Iowa DL/ID card redesign to update 'Hearing Impaired' to 'Hard of Hearing.'	Legislative initiative	Customer Services Bureau

SECTION 5

ATTACHMENTS

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Iowa Department of Transportation (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 (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/environmental_justice/index.cfm

Additionally, Executive Order 13166 (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 49 C.F.R. §§ 21.23 (b) and 21.23 I 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 the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Iowa Department of Transportation, 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, income-level, 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 Iowa Department of Transportation 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.

Iowa Department of Transportation 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 [insert State], 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.

Iowa Department of Transportation



by _____
Scott C. Marler, Director

Date: 8-17--22

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, income-level, 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 C.F.R. 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, income-level, 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.

CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

APPENDIX B

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 (**Title of Recipient**) 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 (**Title of Recipient**) 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 (**Title of Recipient**) 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 (**Title of Recipient**), its successors and assigns.

The (**Title of Recipient**), 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, income- level, 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 (**Title of Recipient**) 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.)

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE
ACTIVITY, FACILITY OR PROGRAM**

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (**Title of Recipient**) 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, income-level, 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, (**Title of Recipient**) 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 (**Title of Recipient**) 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 (**Title of Recipient**) 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.)

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

APPENDIX D

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

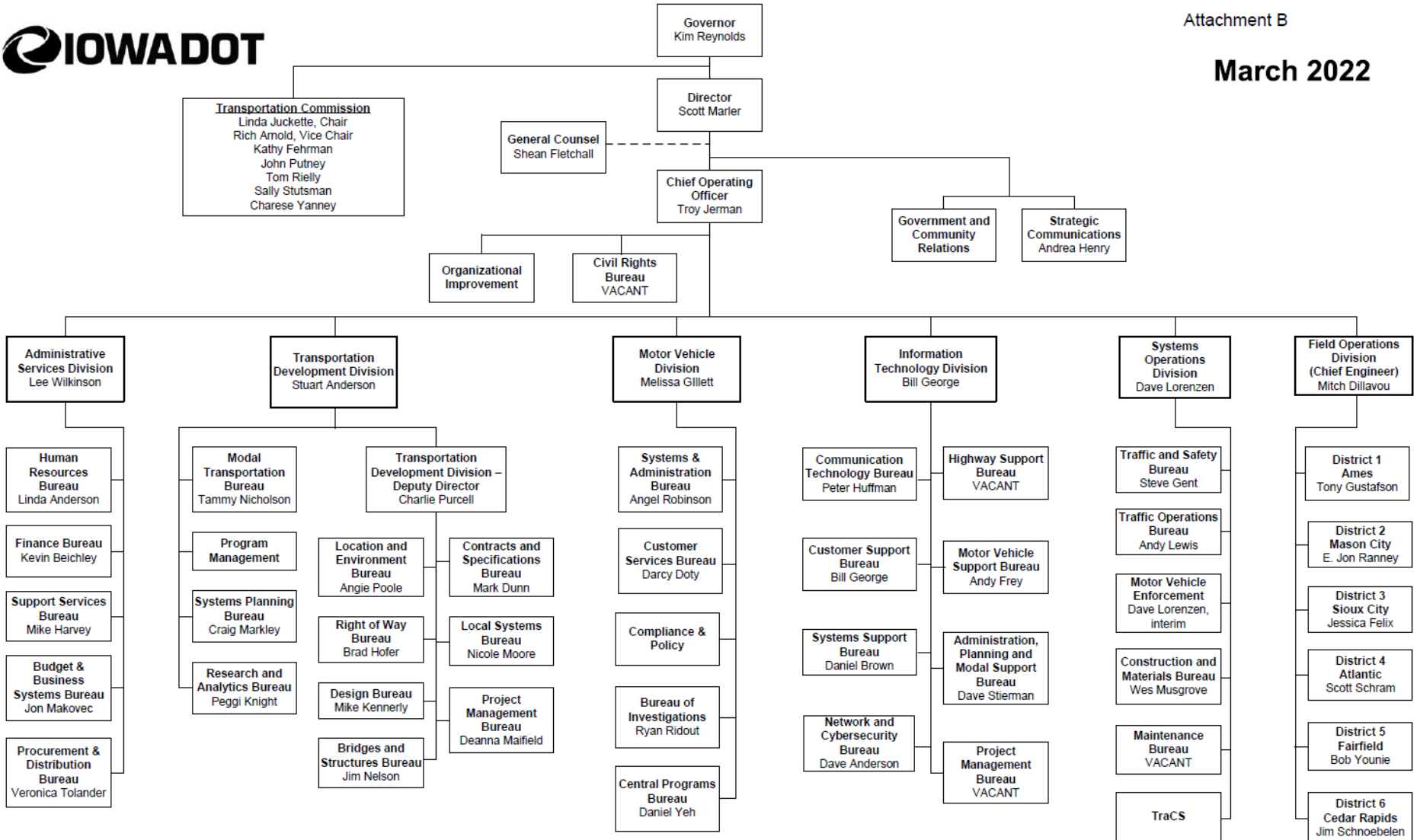
- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, 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, income-level, 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, (**Title of Recipient**) 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, (**Title of Recipient**) will there upon revert to and vest in and become the absolute property of (**Title of Recipient**) 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.)

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 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (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. part 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, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. 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 (Pub. L. 97-248 (1982)), 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 III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189), as implemented by Department of 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, and sex);
- 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.*).



Discrimination Complaint Process

Introduction

The Title VI (and related statutes) discrimination complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Iowa DOT's programs, activities and services as required by statute.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the Iowa DOT. These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), including Section 504 of the Rehabilitation Act of 1973 (Section 504), the Age Discrimination in Employment Act of 1967 (ADEA), Civil Rights Restoration Act of 1987 (CRRA), the Americans with Disabilities Act of 1990 (ADA), Executive Order 12898 Environmental Justice, Executive Order 13166 Limited English Proficiency, Disadvantaged Business Enterprises (DBE), Equal Employment Opportunity (EEOC), and On-the Job Training (OJT) Program components and applicable Department policies, regarding any program or activity administered by the Iowa DOT as they relate to local agencies, contractors and other sub-recipients of United States Department of Transportation funds. These procedures apply to complaints filed against a program or activity funded by the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration or Federal Motor Carrier Safety Administration.

Intimidation or retaliation is prohibited per Title 49, CFR 21.111.

These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside enforcement agency (Iowa Labor Services, Iowa Civil Rights Commission (ICRC), Equal Employment Opportunity Commission (EEOC), U.S. Dept. of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or U.S. Dept. of Justice (DOJ) or to seek private counsel for complaints alleging discrimination.

Title VI procedures are part of an administrative process, which do not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible and with guidance of the USDOT modality (FMCSA, FTA, FAA) with jurisdiction over the matter per 49 CFR 21.11 (d)(1). The option of formal mediation meeting(s) between the affected parties may be utilized for resolution at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Any person who feels that he or she has been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, low income status, or limited English proficiency, has the right to file a complaint with the Iowa DOT's Civil Rights Bureau. Title VI complaints must be filed within 180 days of the alleged discriminatory event or practice. Complaints must be filed in person or in writing. They should be directed to:

Iowa Department of Transportation
Civil Rights Bureau
800 Lincoln Way
Ames, Iowa 50010
(515) 239-1399

Roles and Responsibilities

- The Chief Operating Officer, Civil Rights Bureau Director, and External Civil Rights Administrator have overall responsibility for the discrimination complaint process and procedures.
- The Chief Operating Officer, Civil Rights Bureau Director, and External Civil Rights Administrator, Title VI Specialists and Civil Rights Committee Members serve as points of contact statewide for the public to initiate complaints of discrimination.
- The Civil Rights Bureau Director, External Civil Rights Administrator, and/or Title VI Specialists are responsible for conducting an impartial and objective investigation, collecting information, and preparing a fact-finding report based upon the information obtained from the investigation. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant.

Filing of Formal Complaints

APPLICABILITY

The complaint procedures apply to the beneficiaries of the Iowa DOT's programs, activities, and services, including but not limited to the public and other sub-recipients of Federal transportation funds.

ELIGIBILITY

Any person who believes that he/she has been excluded from participation in or denied benefits or services of any program or activity administered by the Iowa DOT or its sub-recipients, consultants, and contractors on the basis of race, color, national origin, sex, age, disability, low income status or limited English proficiency may bring forth a discrimination complaint under Title VI, Title II and related statutes.

TIME LIMITATIONS AND FILING OPTIONS

Title VI complaints of discrimination may be filed with:

- The Iowa DOT – Civil Rights Bureau
- Federal Highway Administration
- Federal Transit Administration
- U.S. Department of Transportation
- Iowa Labor Services Division
- Federal Motor Carrier Safety Administration
- U.S. Department of Justice

In all situations, Iowa Department of Transportation Civil Rights Bureau staff must immediately forward Title VI discrimination complaints to either the FHWA or the FTA.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or
- The date on which conduct was discontinued if there's been a continuing course of conduct.

TYPE OF COMPLAINTS

Protected Group Categories	Definition	Examples
Race	An individual belonging to one of the accepted anthropological racial groups; or the perception, based on physical characteristics, that a person is a member of a racial group.	Black, White, Hispanic, Asian, Native American Indian, Filipino, or Pacific Islander
Color	Color of skin, including shade of skin within a racial group.	Black, white, light brown, dark brown, etc.
National Origin	National birth site. Citizenship is not a factor. Discrimination based on language or person's accent is covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Male or Female	Women and men
Age	Persons of any age	21-year-old person
Disability	Physical or mental impairment, permanent or temporary or perceived.	Visual impairment, hearing impairment, mobility limitations

Socio-economic	Individuals and segments of communities (neighborhoods) that are below the HHS Poverty line index that are subject to provisions contained in Executive Order 12898 – Environmental Justice.	Low-income individuals and members of communities that may be subjected to adverse impacts or denied the benefits of transportation decision-making because of their socio-economic status.
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All Title VI and related statute complaints are considered formal as there is no informal process. Complaints must be in writing and signed by the complainant. Complaints must include the complainant’s name, address and phone number and must be sufficiently detailed to specify all issues and circumstances of the alleged discrimination.

COMPLAINT BASIS

Allegations must be based on issues involving race, color, national origin, sex, age, disability, low income status, or Limited English proficiency. The term “basis” refers to the complainant’s protected group status.

Complaint Procedures

1. **INITIAL CONTACT**

The Chief Operating Officer, Civil Rights Bureau Director, External Civil Rights Administrator, Title VI Specialists, and Civil Rights Committee members will provide complainants with:

- An explanation of their filing options;
- The discrimination complaint procedures;
- The Title VI Discrimination Complaint Form (107009);
- The Title II Discrimination Complaint Form (131103);
- The brochures, titled “Title VI and You” and/or “Title VI sub-recipient guide to implementing Title VI of the Civil Rights Act of 1964.”

2. **THE COMPLAINT REVIEW PROCESS – Title VI**

The Civil Rights Bureau Director reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and is appropriate for investigation.

- A. If the complaint is not appropriate for investigation, the complainant will be notified in writing and is provided with his/her rights under Title VI.
- B. The complaint shall be investigated unless:

- a. The complaint is withdrawn;
 - b. The complainant fails to provide required information after numerous requests;
 - c. The complaint is not timely filed;
 - d. Any issues that do not involve discrimination, or are not based on a protected category, will be directed to the appropriate entity. Under no circumstances is the complainant to be discouraged from filing a complaint.
- C. Upon determination that the complaint warrants an investigation: The complainant is sent a letter, acknowledging receipt of the complaint, the name of the investigator, and is provided with his/her rights under Title VI and related statutes.
- D. The respondent is notified by mail that he/she has been named in a complaint and is provided with his/her rights under Title VI and related statutes. The letter also reveals the investigator's name and informs the respondent that he/she will be contacted for an interview.
- E. A letter is sent to the appropriate District Engineer, Divisional, or Bureau Director when the complainant(s) or respondent(s) are in their district or office. The letter will inform them that a complaint was filed and will list the names of the parties involved, the basis of the complaint and the assigned investigator.
- F. The Civil Rights Bureau Director is responsible for the overall Title VI program implementation. The Civil Rights Bureau Director is appointed by the Chief Operating Officer who reports directly to the Director of the Iowa DOT.

Investigation Process

1. INVESTIGATION PLAN

The investigator shall prepare a written plan which includes but not limited to the following:

- Names of the complainant(s) and respondent(s);
- Basis for the complaint;
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against;
- Information needed to address the issue;
- Sources necessary to obtain the information;

- Identification of key people;
- Estimated investigation time line;
- Remedy sought by complainant(s)

2. CONDUCTING THE INVESTIGATION

- A. The investigation shall address only those issues relevant to the allegations in the complaint.
- B. Confidentiality shall be maintained.
- C. Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint.
- D. Interviews may be tape recorded with the interviewee's consent.
- E. A chronological contact sheet is maintained in the case file throughout the investigation.

3. INVESTIGATION REPORTING PROGRESS – Title VI

- A. Within 40 days of receiving the complaint, the investigator prepares an Investigative Report and submits the report and supporting documentation to the Chief Operating Officer for review.
- B. The Chief Operating Officer reviews the file and investigative report. After the review, the Civil Rights Bureau Director makes a recommendation and prepares a final decision letter for review and signature for the Chief Operating Officer.
- C. The Civil Rights Bureau Director shall prepare and submit a written report outlining the following complaint details:
 - a. Date of written complaint;
 - b. Complaint basis (race, color, national origin, etc.);
 - c. Complaint disposition.
- D. The Civil Rights Bureau maintains a master complaint log.

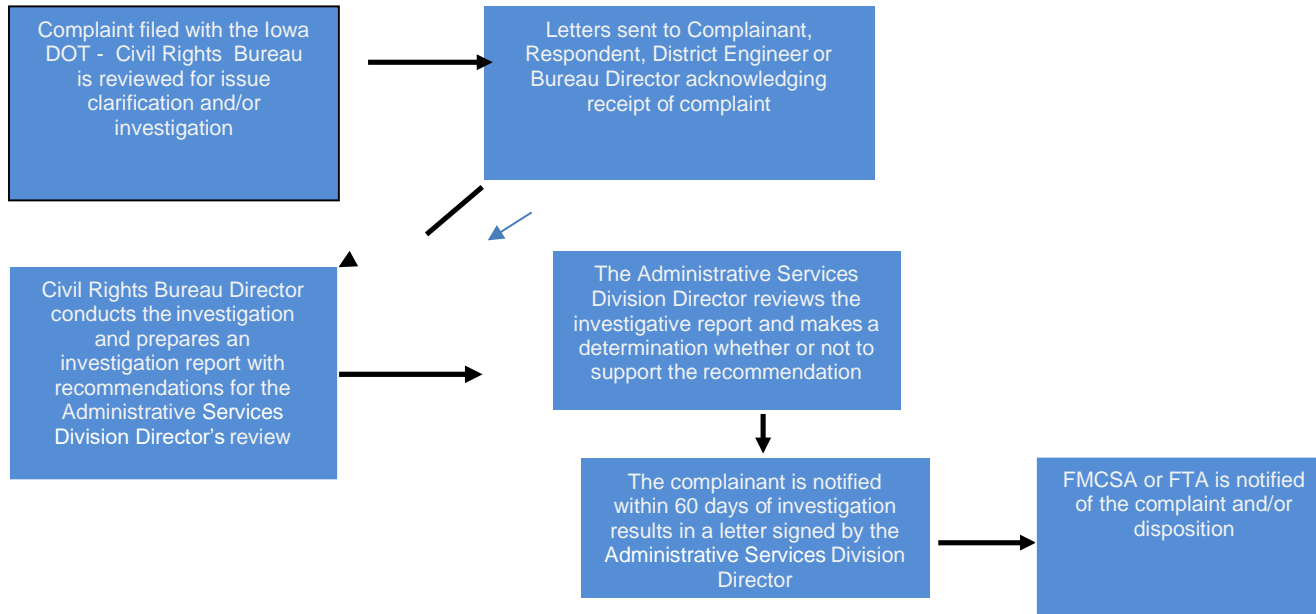
Reporting Requirements

A copy of the complaint, together with a copy of the report of investigation, is forwarded to the appropriate federal agency (FMCSA, FHWA or FTA) within 60 days of the date the complaint was received.

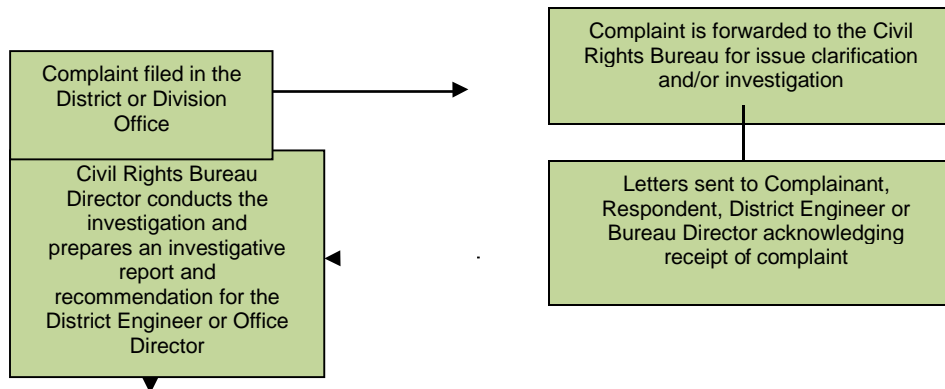
Records

All records and investigative working files are maintained in a confidential area within the Civil Rights Bureau. Records will be kept for three years internally then archived for a period of ten years.

Complaint Process Flow Chart – Complaints filed with the Civil Rights Bureau



Complaint Process Flow Chart – Complaints filed with Districts/Program Offices



Attachment D

**IOWA DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE ENFORCEMENT
POLICIES AND PROCEDURES MANUAL**

Title: Unbiased Enforcement and Services

No. MVE 1§

Approval: *Ryan Ridout, Chief*

Date: 01/21

Purpose:

The purpose of this policy is to emphasize the Department's commitment to unbiased and equitable treatment of all persons in enforcing the law and providing services

A. Policy

1. It is the policy of this Department to enforce all laws under the Department's jurisdiction and provide Department services without regard to race, ethnic background, gender, sexual orientation or gender identity, religion, economic status, age, cultural group, or any other identifiable groups.
2. It is the policy of the Iowa Department of Transportation Motor Vehicle Enforcement Bureau to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and related non-discrimination authorities as identified in the FMCSA Title VI Program Assurance signed by Scott Marler, Iowa DOT Director. These authorities require that no person in the United States of America shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency.
3. Biased policing as defined below is prohibited.
4. Violations of this policy may be the basis of corrective measures ranging from counseling and remedial training to disciplinary action up to and including discharge from the Department. Egregious violations of a person's civil rights may result in individual liability and/or criminal sanctions.

B. Definitions

Biased Policing - Discrimination in the performance of law enforcement duties, delivery of community caretaking functions (i.e. assistance at fire scenes, traffic accidents, and medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance, and similar activities), or other Department services, based on personal prejudices or partiality of members that interferes with their professional judgment, or training, departmental policy, or adherence to law. Bias-based policing—also referred to in some instances as "profiling"—includes but is not limited to prejudicial decisions affecting individuals in classes protected by federal and state law. It also includes, for example, persons with whom members have such "personal involvement" that they cannot act impartially.

C. Responsibilities

1. While acting as a member of the Iowa Department of Transportation, all employees shall:
 1. Recognize and respect each person's civil rights.
 2. Comply with federal and state laws and regulations in all contacts with the public, coworkers, and other business contacts.
 3. Treat all persons with dignity, respect, fairness and courtesy.
 - a. All officers shall:

1. Be vigilant in traffic contacts, field contacts, and asset seizure and forfeiture efforts and assure that bias is absent from actions taken.
2. Assure that enforcement actions are based on a person's conduct or other specific suspect information, supported by specific articulated facts that would indicate there is reasonable suspicion to believe a person has violated a law under the jurisdiction of the Department or is currently presenting a threat to the safety of themselves or others.

D. Public Notice

1. The department has adopted a Public Notice of Compliance with Title VI Program Rights that informs the public of the department's Title VI program Assurances and responsibilities. This public notice is posted for public access at this link: <https://iowadot.gov/civilrights/documents/TitleVIProgramPlan.pdf>

E. Complaints

1. Members who witness or who are aware of instances of biased policing shall report the incident to their supervisor.
2. The department takes seriously allegations of biased policing. All such complaints shall be forwarded to the Civil Rights Bureau for investigation.
3. The Civil Rights Bureau shall maintain data relating specifically to complaints of biased policing. Information shall be provided to the DOT Director for administrative review, problem identification, and development of appropriate corrective action.
4. Procedures for receiving and processing complaints against Department personnel are established by the DOT and include on-line, in-person, and telephone options.
5. Complaints received by a member of the Department shall be handled by the Chief or Assistant Chief who will forward to the Civil Rights Director.
6. Investigations shall be conducted as appropriate and in accordance with the Departments guidelines.

F. Training

- G. Officers will receive training and, where deemed necessary, remedial training as defined by the Civil Rights Director on subjects related to police ethics, cultural diversity, police citizen interaction, standards of conduct, conducting motor vehicle stops, and related topics suitable for preventing incidents of biased policing.
- H. Annually, the Department shall provide to and document training for all enforcement personnel on the issues of biased policing, including legal aspects.
- I. When deemed necessary, training may be required for non-enforcement personnel as well.
- J. The Civil Rights Director is responsible for coordinating annual Title VI program training for those officers tasked with implementing Federal Motor Carrier Safety Administration (FMCSA) grant funded activities.
 1. The training should include a review of this policy, the protected classes identified in this policy, the process for an individual to file a complaint, and information from the FMCSA Title VI Program, to include the Safety Inspections, Compliance Review Program and FMCSA Enforcement

K. Annual Review

The Civil rights Bureau shall conduct an annual administrative review of agency practices, including citizen concerns, regarding civil rights and bias based issues. This will include a review of traffic and field contacts, asset seizures and forfeiture efforts, use of force, pursuits, and citizen complaint data. The review shall be documented in a report and be available to DOT Directors.

Section: Disciplinary Action

Any violation of this policy may result in disciplinary action up to and including discharge.

501—8.1(80B) Mandatory in-service training requirements. All regular law enforcement officers shall meet the following in-service training requirements. The elected or appointed official designated as the head of the agency employing the regular law enforcement officer shall ensure compliance with the training requirements listed.

8.1(1) Mandatory training and certification requirements. A regular law enforcement officer must receive in-service training from a course of study approved by the Iowa law enforcement academy.

- a. Annual firearms qualification
- b. National crime information center (NCIC) certification (Federal Bureau of Investigation)
- c. Hazard communications (OSHA Standard 1910.1200(h))
- d. Hazardous materials (OSHA Standard 1910.120(q)(8)(i))
- e. Bloodborne pathogens (OSHA Standard 1910.1030(g)(2)) 1 hour per year
- f. Implicit bias/de-escalation training (Iowa Code section 80B.11G) 4 hours per year
- g. Mental health training (Iowa Code section 80B.11(1) "c"(3)) 1 hour per year
- h. Cardiopulmonary resuscitation (CPR), AED and foreign body airway obstruction for all age groups. (Standards defined by the International Liaison Committee on Resuscitation)
- i. Mandatory reporter training for child and dependent adult abuse provided by the department of human services (Iowa Code sections 232.69(1) "b"(11), 232.69(3) "b," 235B.3(2) "b" and 235B.16(5) "b"). A child abuse or dependent adult abuse training certificate relating to the identification and reporting of child abuse or dependent adult abuse issued prior to July 1, 2019, remains effective and continues in effect as issued for the five-year period following its issuance.

8.1(2) General training. In addition to the requirements of subrule 8.1(1), a regular law enforcement officer must receive a minimum of 12 hours per year of law enforcement-related in-service training. Whether training is law enforcement-related shall be determined by the employing agency administrator. [ARC 6264C, IAB 3/23/22, effective 4/27/22]

80B.11G Annual training — de-escalation techniques and prevention of bias.

1. A law enforcement agency shall provide annual training to every law enforcement officer on issues relating to de-escalation techniques and the prevention of bias. Every law enforcement officer in the state must participate in annual training in accordance with [this section](#).

2. The academy shall develop and disseminate training guidelines for all law enforcement officers consistent with best practice guidelines.

3. Every law enforcement officer shall adhere to the training guidelines developed by the academy pursuant to [this section](#). The training guidelines shall include all of the following:

a. An emphasis on law enforcement officer understanding and respect for diverse communities and the importance of effective, noncombative methods of carrying out law enforcement activities in a diverse community.

b. Instruction on diverse communities in order to foster mutual respect and cooperation between law enforcement and members of all diverse communities.

c. An examination of the patterns, practices, and protocols that cause biased law enforcement actions, and the tools to prevent such actions.

d. An examination and identification of key indices and perspectives that make up differences among residents in a local community.

e. Instruction on implicit bias and consideration of the negative impact of bias, whether intentional or implicit, on effective law enforcement, including examination of how historical perceptions of profiling have harmed community relations.

f. Instruction on the perspectives of diverse local constituency groups from experts on particular cultural and law enforcement-community relations issues in a local area.

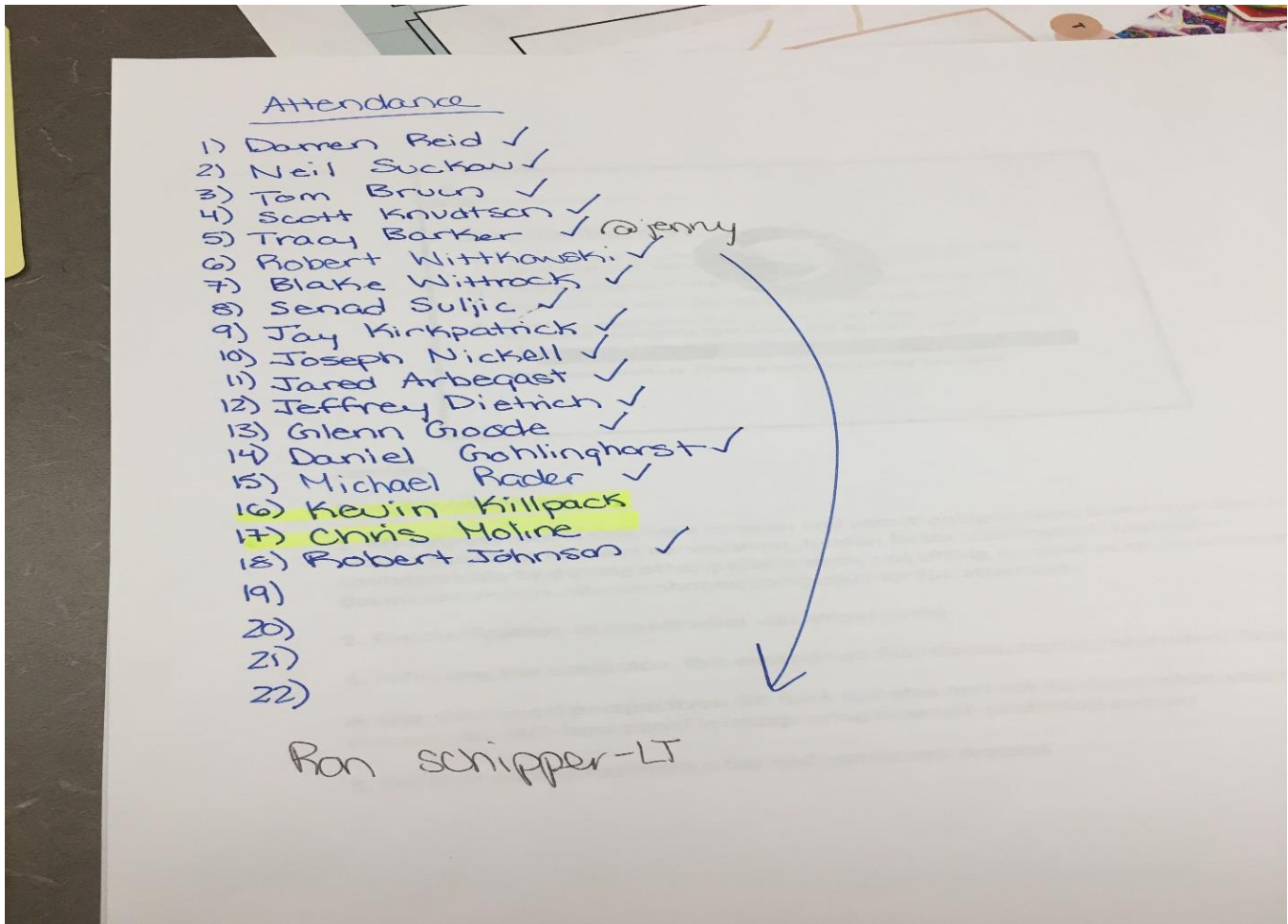
g. A presentation of the history and the role of the civil rights movement and the impact on law enforcement.

h. Instruction on de-escalation techniques, including verbal and physical tactics to minimize the need for the use of force and nonlethal methods of applying force.

4. In developing the training guidelines, the academy shall consult with the Iowa civil rights commission, groups and individuals having an interest and expertise in the field of cultural awareness and diversity, and advocacy organizations with an interest and expertise in the field of biased law enforcement actions. The academy shall also consult with local law enforcement agencies to consider challenges and barriers to providing training under the guidelines and methods to ease the burden on such agencies.

[2020 Acts, ch 1037, §8](#)

Sign In Sheet for MVE Title VI Related Training 2022



The 1st training in late Jan/Feb

Hiring Process Overview and Unconscious Bias (in depth)

- Officer and hiring partner role
- Types Unconscious bias and conscious bias, stereotypes, etc.
- Hire process overview and updates

A	B	C	D	E	F	G	H	I
	1/25/2022 9am - 12pm			1/26/2022 1-4pm			2/1/2022 1-4 pm	
✓1	Darren Reid		✓1	Robert Wittkowski		✓1	David Norcross	
✓2	Jay Kirkpatrick		✓2	Darin Gloede		✓2	Jeffrey Dietrich	
✓3	Emily Winkler		✓3	Jacob Rohde		✓3	Job Huisman	
✓4	Dan Gohlinghorst		✓4	Kevin Steele		✓4	Dylan Leech	
✓5	Mike Rader		✓5	Benjamin Driscoll		✓5	Neil Suckow	
✓6	Tom Bruun		✓6	Barnette Curry		✓6	Glenn Goode	
✓7	Tracy Barker		✓7	Scott Knudtson		✓7	Jeffrey Doelz	
✓8	Chase Wells Boseman		✓8	Austin Wilson		✓8	Elijah Gnann	
✓9	John Moline		✓9	Jared Arbegast		✓9	Matt Shannon	
10			✓10	Blake Leonard		✓10	Kenny Berry III	
11			✓11	Robert Johnson		✓11	Cody Jones	
12			12	Blake Gray		✓12	Jeffrey Jones	
13			✓13	Kelly Makovec		✓13	Melanie Russel	
14			✓14	Senad Suljic		✓14	Blake Wittrock	
15			✓15	Ryan Ridout		✓15	Stefani Meyer	
16			✓16	Luke Feld		✓16	Joseph Nickell	
17			✓17	Joseph Lang		17		
				Chase Wells			Blake Gray	

Joel Harrington

CP
1/26/22

CP

2/1/22

2nd training in March

DOT Interviews and Scoring

- Unconscious bias recap
- Intentional hiring
- General scoring tips/guidelines



Telephonic Language Report

701 NE 136th Ave Suite 200 Phone: (800) 798-5144
Vancouver, WA 98684 Fax: (800) 513-7273

15428

01/01/2021 to 01/01/2022

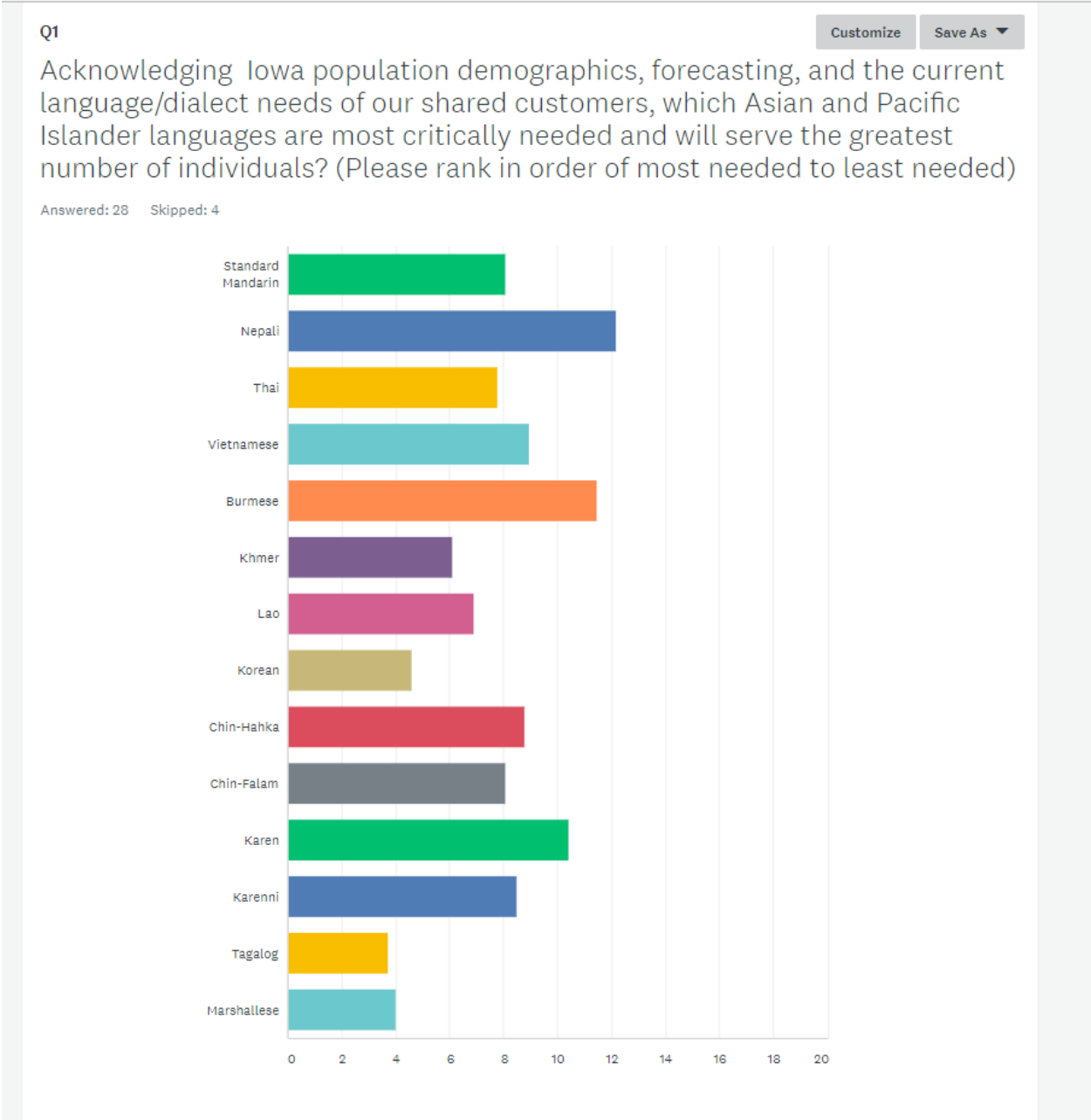
<u>Language</u>	<u>Minutes</u>	<u>Calls</u>	<u>Avg Call Length (mins)</u>	<u>Avg Connect (secs)</u>	<u>Percent of Total Calls</u>
Swahili	524.90	18	29.16	25	20.69%
Kirundi (Rundi)	337.60	13	25.97	24	14.94%
Burmese	257.60	12	21.47	13	13.79%
Chin-Mizo	190.30	6	31.72	53	6.90%
Arabic	109.10	5	21.82	4	5.75%
Karenni	101.30	4	25.33	145	4.60%
Somali	166.80	4	41.70	11	4.60%
Spanish	16.50	3	5.50	10	3.45%
Kinyarwanda	68.40	3	22.80	17	3.45%
Karen	30.60	3	10.20	12	3.45%
Tigrinya	115.10	3	38.37	7	3.45%
Vietnamese	111.50	2	55.75	9	2.30%
Kunama	58.40	2	29.20	48	2.30%
Nepali	38.60	2	19.30	14	2.30%
Sudanese	46.50	1	46.50	187	1.15%
Sundanese	4.80	1	4.80	101	1.15%
Amharic	6.70	1	6.70	12	1.15%
Dinka	33.60	1	33.60	12	1.15%
Arabic-Iraqi	22.10	1	22.10	14	1.15%
Cambodian (Khmer)	40.30	1	40.30	11	1.15%
Thai	22.50	1	22.50	32	1.15%
	2,303.20	87	26.47	29	

*Totals are Weighted Averages, using the number of calls for the weight.

Appendix B
Resources Available in Languages other than English

	DIVISION/OFFICE (DEVELOPED)	TRANSLATION (PROVIDER)	LANGUAGE (OTHER THAN ENGLISH)	POINT OF CONTACT
IDENTITY THEFT BROCHURE	Bureau of Investigation & Identity Protection, MVD	CTS Language Link (Certified Court Translator)	Latin American Spanish	Mindi Nguyen
IMPLIED CONSENT ADVISORY (WRITTEN TRANSLATION & AUDIO INTERPRETATION)	Driver & Identification Services Bureau, MVD	CTS Language Link (Certified Court Translator)	Latin American Spanish	Mindi Nguyen
GRADUATED DRIVER'S LICENSE RACK CARDS (1) PERMIT (2) MINOR SCHOOL LICENSE (3) INTERMEDIATE LICENSE	Driver & Identification Services Bureau, MVD	Unable to verify but we have always used a certified court translator for published informational documents	Latin American Spanish	Mindi Nguyen
NON-COMMERCIAL STUDY GUIDES	Driver & Identification Services Bureau, MVD	Unable to verify but we have always used a certified court translator for published informational documents	Albanian (Print & Online) Bosnian (Print & Online) Korean (Print & Online) Laotian (Print Only) Russian (Print & Online) Latin American Spanish (Print & Online) Vietnamese (Print & Online)	Mindi Nguyen
PRE-CLERKING QUESTIONNAIRE	Driver & Identification Services Bureau, MVD	Native, bi-lingual (Spanish speaking) staff member	Latin American Spanish	Mindi Nguyen
REAL-ID ID/DL BROCHURE	Driver & Identification Services Bureau, MVD	Unable to verify but we have always used a certified court translator for published informational documents	Latin American Spanish	Mindi Nguyen
NON-COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TEST (IOWA DOT/COMPUTER BASED TEST)	Driver & Identification Services Bureau, MVD	IDEMIA (Vendor)	Albanian Arabic Bosnian Burmese Cambodian Chinese French German Greek Hebrew Hmong Italian Korean Laotian Polish Portuguese Russian Somali Spanish Vietnamese	Mindi Nguyen
COMMERCIAL DRIVER'S LICENSE GENERAL KNOWLEDGE EXAM, AIR BRAKE, COMBINATION, TANK, PASSENGER, SCHOOL BUSE, DOUBLES/TRIPELES (IOWA DOT/COMPUTER BASED TEST)	Driver & Identification Services Bureau, MVD	IDEMIA (Vendor)	Spanish	Mindi Nguyen
MOTORCYCLE KNOWLEDGE TEST (IOWA DOT/COMPUTER BASED TEST)	Driver & Identification Services Bureau, MVD	IDEMIA (Vendor)	Spanish	Mindi Nguyen

Appendix C
Community Survey to gauge language needs (surveyed August 2018)



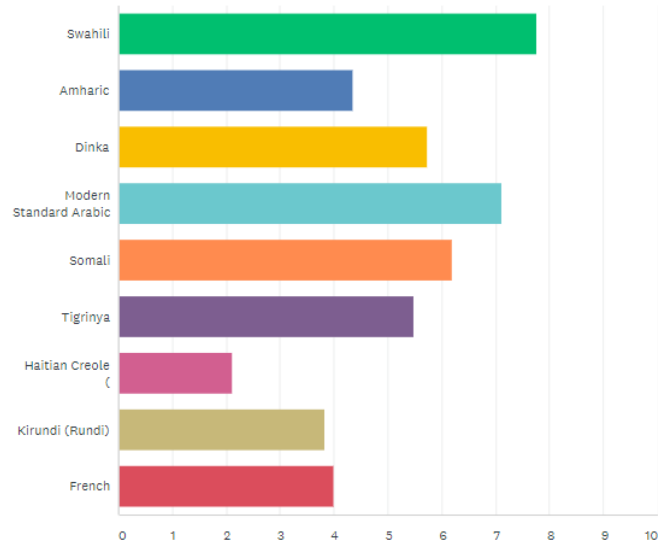
Q2

Customize

Save As

Acknowledging Iowa population demographics, forecasting, and the current language/dialect needs of our shared customers, which African languages are most critically needed and will serve the greatest number of individuals?
(Please rank in order of most needed to least needed)

Answered: 30 Skipped: 2



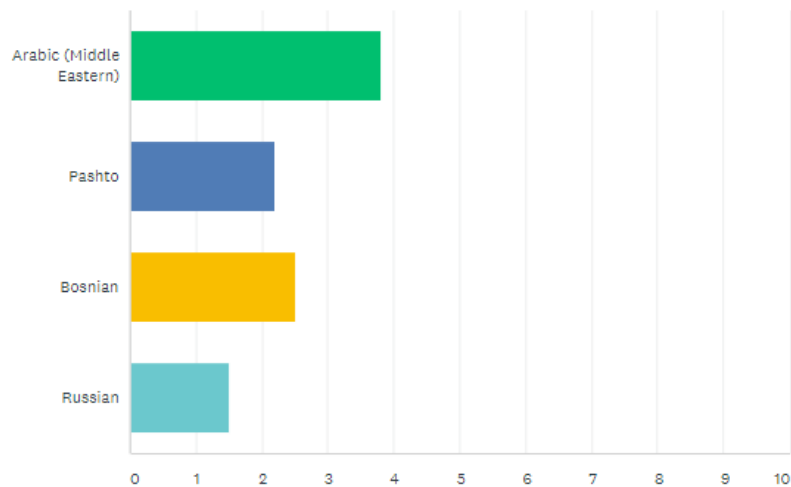
Q3

Customize

Save As

Acknowledging Iowa population demographics, forecasting, and the current language/dialect needs of our shared customers, which additional languages are most critically needed and will serve the greatest number of individuals?
(Please rank in order of most needed to least needed)

Answered: 29 Skipped: 3



Q4

Save As ▾

If we are only able to translate the driver's license study manual into three (3) additional languages/dialects (excluding English and Spanish), please identify the top three (3) languages/dialects of most need and that will benefit the most individuals within our communities.

Answered: 25 Skipped: 7

RESPONSES (25) TEXT ANALYSIS TAGS (0)

Apply to Selected ▾ Filter by tag ▾

Search responses

Showing 25 responses

Swahili, Arabic, Burmese
9/11/2018 7:49 AM [View respondent's answers](#)

Arabic cause there's so many Arabs in Iowa and the still coming, and there's some people start make money by translating CDL book to them, and the translation could be wrong, thank you
9/10/2018 3:49 PM [View respondent's answers](#)

Arabic - both dialects, Kirundi
9/10/2018 1:56 PM [View respondent's answers](#)

Hakha Chin Arabic Burmese
9/10/2018 1:29 PM [View respondent's answers](#)

Arabic, Somali, Burmese
9/10/2018 12:07 PM [View respondent's answers](#)

Arabic, Swahili, Somali
9/10/2018 11:36 AM [View respondent's answers](#)

Arabic, Burmese, Nepali
9/10/2018 11:14 AM [View respondent's answers](#)

Swahili, Burmese, Nepali
9/4/2018 3:31 PM [View respondent's answers](#)

<input type="checkbox"/> Arabic, Burmese, Swahili 9/4/2018 12:10 PM	View respondent's answers
<input type="checkbox"/> Somali, Pashto, Swahili 9/4/2018 6:22 AM	View respondent's answers
<input type="checkbox"/> swahili, arabic, karen 9/2/2018 9:11 PM	View respondent's answers
<input type="checkbox"/> Swahili 8/31/2018 1:33 PM	View respondent's answers
<input type="checkbox"/> Vietnamese, Arabic, Chinese 8/30/2018 4:34 PM	View respondent's answers
<input type="checkbox"/> Nepali, Karen, Karenni 8/30/2018 4:23 PM	View respondent's answers
<input type="checkbox"/> Karen - Burmese 8/30/2018 3:50 PM	View respondent's answers
<input type="checkbox"/> Karen, Tigrinya, Swahili 8/30/2018 3:37 PM	View respondent's answers
—	
<input type="checkbox"/> Karen, Burmese, Karenni 8/30/2018 3:28 PM	View respondent's answers
<input type="checkbox"/> Mandarin, Nepali and Bosnian 8/30/2018 3:18 PM	View respondent's answers
<input type="checkbox"/> Nepali, Arabic, French 8/30/2018 3:07 PM	View respondent's answers
<input type="checkbox"/> Nepali,Swahili,Tigrinya, Eritrean and Kunama 8/30/2018 3:01 PM	View respondent's answers

<input type="checkbox"/>	Nepali, Swahili, Arabic	8/30/2018 2:58 PM	View respondent's answers
<input type="checkbox"/>	Swahili, Nepali, Tigrinya	8/30/2018 2:15 PM	View respondent's answers
<input type="checkbox"/>	Burmese, Swahili, Arabic	8/30/2018 1:47 PM	View respondent's answers
<input type="checkbox"/>	1. Nepali 2. Burmese 3. Kunama	8/30/2018 1:41 PM	View respondent's answers
<input type="checkbox"/>	Arabic, Chin, Napali	8/30/2018 1:30 PM	View respondent's answers

Q5

Save As ▾

Please provide any additional comments or suggestions that will help us with this conversation and decision. Thank you!

Answered: 13 Skipped: 19

RESPONSES (13) TEXT ANALYSIS TAGS (0)

Apply to Selected ▾ Filter by tag ▾

Search responses  

Showing 13 responses

<input type="checkbox"/>	I think we need in Iowa to translating the CDL clas A so we could have more drever in the state, and stop the people who take advantage of Arabs they don't speak English by translating the book for 100 dollars.	9/10/2018 3:49 PM	View respondent's answers
<input type="checkbox"/>	Kunama, Kurundi, Tigrinya, Bhutanese, Karen, Chin	9/10/2018 11:36 AM	View respondent's answers
<input type="checkbox"/>	Discuss this matter with the Refugee Alliance of Central Iowa	9/10/2018 11:14 AM	View respondent's answers
<input type="checkbox"/>	Numbers of incoming refugee resettlements to Iowa from UNHCR may be of assistance in this context.	9/4/2018 3:31 PM	View respondent's answers

Thank you. This is much needed!

9/4/2018 12:10 PM

[View respondent's answers](#)

translation of driver's manual are available in other states

9/2/2018 9:11 PM

[View respondent's answers](#)

N/A

8/31/2018 9:18 AM

[View respondent's answers](#)

Thank you for this survey!

8/30/2018 4:34 PM

[View respondent's answers](#)

I like the idea to add basic needed language in to mainstream languages.

8/30/2018 3:01 PM

[View respondent's answers](#)

I am a case manager working exclusively with immigrant and refugee communities. My answers to this survey reflect years of experience and knowledge of lowan immigrants.

8/30/2018 2:58 PM

[View respondent's answers](#)

Somali and Karen are high need but low literacy. Swahili and Nepali are high need an high literacy.

8/30/2018 2:15 PM

[View respondent's answers](#)

None

8/30/2018 1:47 PM

[View respondent's answers](#)

Fourth language - Russian

8/30/2018 1:30 PM



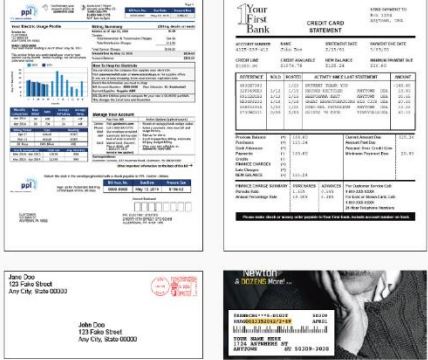
[View respondent's answers](#)

Appendix D Infographic Resources for Immigrant and Refugee Populations



IS THIS YOUR **FIRST TIME** GETTING AN IOWA LICENSE OR ID? OR ARE YOU REQUESTING A **REAL ID**?

BRING THE FOLLOWING ITEMS:

STEP 1	STEP 2	STEP 3
<p style="text-align: center;">PROOF OF IDENTITY</p> <p>Bring your most recent U.S. Citizenship and Immigration Services (USCIS) immigration or refugee document. If your current legal name is different from the name listed on your USCIS document, you must also bring the legal name change document.</p> <p>Examples: Temporary I-551 in passport, Permanent I-551, Temporary visa (with passport), I-94 card (with temporary) or without (Refugee D/S) passport) OR electronic I-94, Employment Authorization card (I-766)</p>  <p>U.S. Customs and Border Protection Most Recent I-94</p>	<p style="text-align: center;">SOCIAL SECURITY NUMBER</p> <p>If you have been issued a social security number (SSN), bring a document that contains your current name and SSN.</p> <p>Examples: Social Security Card, W-2 tax form</p>  <p>SSN *If you don't have a SSN, skip this step.</p>	<p style="text-align: center;">IOWA RESIDENCY & ADDRESS</p> <p>Bring two (2) documents that show your current name and the Iowa address where you live.</p> <p>Examples: Utility bill, bank statement, credit card statement, mortgage, lease or rental agreement, valid insurance card or certificate of coverage, mail with your address (envelope, box, postcard, or magazine that includes a postmark or stamped date)</p> 

For a complete list of acceptable documents, visit iowadot.gov/mvd/realid/success.aspx

HELPFUL QUESTIONS & ANSWERS

Q: WHAT IF I HAVE MORE THAN ONE DOCUMENT? WHICH DOCUMENT DO I BRING?

A: Both! It is better to provide us with more information than less. We can determine which document is needed to obtain a driver's license or identification card.

EXAMPLE

I am a refugee who has an unexpired I-766 and a permanent I-94. Provide both documents to our staff to determine which document is needed.

Q: WHAT IF MY CURRENT USCIS DOCUMENT IS EXPIRED AND I SENT MY PAPERWORK IN FOR EXTENSION RENEWAL?

A: Bring your expired USCIS document (i.e. I-766, employment authorization card) and any paperwork used to file for your renewal with USCIS. We can create a necessary SAVE case requesting USCIS verify your current eligibility.

**If you are applying for an Iowa license or ID for the first time, the Iowa DOT will not issue a driver's license or ID card if your immigration document shows your remaining status is less than 30 days. For those with existing Iowa credentials, you may be eligible for a 60-day extension while awaiting USCIS renewal response. Contact us for further information.*

NEED HELP?



515-244-8725



DIS@iowadot.us



iowadot.gov/mvd/driverslicense



WHAT CAN YOUR CARD DO?

	ID CARD	INSTRUCTION PERMIT	DRIVER'S LICENSE
--	---------	--------------------	------------------

<p>BANKING/FINANCIAL PURPOSES</p>	✓	✓	✓
<p>RETAIL PURPOSES <i>*Must be 21 to purchase alcohol</i></p>	✓	✓	✓
<p>BUYING/RENTING A HOME</p>	✓	✓	✓
<p>MEDICAL APPOINTMENTS</p>	✓	✓	✓
<p>STATE OR FEDERAL GOVERNMENT APPOINTMENTS <i>(see REAL ID for more information)</i></p>	✓	✓	✓
<p>BOARDING A PLANE <i>(see REAL ID for more information)</i> <i>*USCIS document required for commercial travel</i></p>	✓	✓	✓
<p>DRIVING</p>	✗	<p>✓</p> <p><i>*You cannot drive alone. You can drive with a licensed family member over 21 or any licensed driver over 25.</i></p>	<p>✓</p> <p><i>*Make sure you have your driver's license along with your vehicle registration and insurance card in the vehicle with you.</i></p>

Appendix E
Policy Memo 18-01



Motor Vehicle Division Policy Memo # 18-01 (Revision)
SAVE Case Exceptions: A Guide for Initiating SAVE cases for Customers with Expired or No Documentation, Pending Renewal

DATE: May 13, 2019 (originally published on February 15, 2018)
FROM: Darcy Doty, Director, Driver & Identification Services
TO: All Driver and Identification Services (DIS) Staff, Iowa County Treasurers and County Treasurers' staff that issue driver's licenses and non-operator's identification cards.

EFFECTIVE DATE: *This procedure is effective immediately.*

SUBJECT

This memo explains the process for verifying a customer's lawful status when it doesn't verify through VLS. Specifically, this examines the process for initiating additional verification cases for customers requesting renewal of their Iowa issued credential (driver's license or identification card) presenting expired proof of identity documents (pending renewal by the United States Citizenship & Immigration Services - USCIS) or no documentation.

EXPLANATION

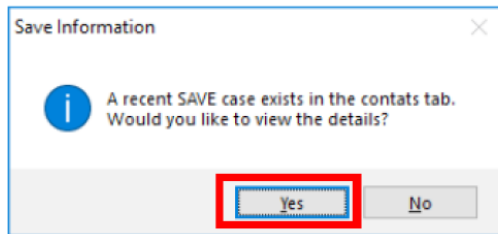
Federal REAL ID regulations in 6 C.F.R. §37.11 require all foreign national customers provide proof of their legal status documents issued by USCIS to be considered for issuance of an Iowa credential. The customer will be considered a permanent or temporary resident based upon the documents presented. Iowa credentials may only be issued for the length of time returned through VLS (Verification of Legal Status), SAVE, or as determined by the non-immigrant class of admission.

SAVE Case Exceptions – Pending Document Renewal (USCIS): In cases where customers are requesting a renewal extension because their current Iowa credential is set to expire or expired, and their proof of identity document (i.e. I-766, H1B, etc.) is expired and/or pending USCIS renewal, there are options available to the customer including a possible 60-day extension. To utilize these exceptions, follow the procedure outlined below.

PROCEDURE

When a customer applies for a renewal or extension of their credential (set to expire or expired) at a state or county issuance service center and they present an expired legal status document or no documentation, take the following steps:

When pulling up the customer’s record in ARTs, do you see this pop-up box?



If yes, ‘click yes’ to view the details and continue the customer transaction.

If no, ask the customer, “HAVE YOU STARTED YOUR DOCUMENT RENEWAL PROCESS WITH USCIS?”

If the answer is:

Yes. Scan the customer’s renewal documentation paperwork into ERMS and attempt to verify their lawful status through VLS using their most current USCIS document. If the customer doesn’t have their USCIS document with them use their most recent USCIS document on file in ERMS. If VLS doesn’t verify, initiate additional verification. Let the customer know that sometimes USCIS doesn’t automatically validate lawful status. This could be for a variety of reasons but shouldn’t cause immediate concern. Rather, we have to initiate what is called additional verification, a SAVE case for USCIS to manually verify their lawful status. Print the SAVE Case Number Notification, provide it to the customer, advise they can follow-up on the SAVE website provided on the notification to track the response, and provide them with your service center number for follow-up by phone if they have questions.

No. Let the customer know that they need to initiate their document renewal process with USCIS. Attempt to verify their lawful status through VLS using their most current USCIS document. If the customer doesn’t have their USCIS document with them use their most current renewal document on file in ERMS. If VLS doesn’t verify, initiate additional verification. Let the customer know that sometimes USCIS doesn’t automatically validate lawful status. This could be for a variety of reasons but shouldn’t cause immediate concern. Rather, we have to initiate what is called additional verification, a SAVE case for USCIS to manually verify their lawful status. Print the SAVE Case Number Notification, provide it to the customer, advise they can follow-up on the website provided on the notification to track the response, and provide them with your service center number for follow-up by phone if they have questions.

INITIATING VLS & THE SAVE CASE PROCESS: As described above, we should always attempt to verify a customer’s lawful status regardless of if they have their documentation or no documentation at time of renewal. Using the logic above, we should always attempt to verify through VLS first and initiate additional verification, if necessary.

Your Supervisor, Hearing Officer, or AAIL will create and submit the case to SAVE/WEB3 in one of two ways:

- 1) There are no current documents in ERMS (customer doesn’t have current documents). Your Supervisor, County Liaison, or AAIL will create the SAVE case and notate within the Arts contacts tab “IAV w/o docs-mv” which stands for “institute additional verification without documents – (insert initials of team member who submitted the SAVE case).”
- 2) There are current documents in ERMS (customer may have provided same day). Your Supervisor, County Liaison, or AAIL will send the case in SAVE with documents and notate “IAV with docs-mv” which stands for “institute additional verification with documents – (insert initials of team member who submitted the SAVE case).”

This sends a request to USCIS for review; once reviewed, USCIS will enter a response into SAVE/WEB3. Your Supervisor, County Liaison, or AAIL will regularly check SAVE and once they receive the USCIS response they will enter that response from SAVE into the contacts tab in ARTS. The following are examples of responses that SAVE will return:

VALID/ABLE TO BE ISSUED.

- U.S. Citizen
- Lawful Permanent Resident
- Admitted until MM/DD/YYYY
- Application Pending (team member entering data will determine if eligible for 60-day extension)
- Application pending, admitted until MM/DD/YYYY NOT VALID/NOT ABLE TO BE ISSUED.
- Documents Appear to be Expired
- Documents Appear Altered
- Documents Appear to be Counterfeit

USCIS UNABLE TO MAKE A DETERMINATION/NOT ABLE TO BE ISSUED.

- Unable to determine eligibility, 'Submit Current Documents'

SAVE CASE RESULTS. The SAVE case will generally return one of the following responses:

A valid response from SAVE. Varied response such as: U.S. Citizen, Lawful permanent resident, F1 until MM/DD/YYYY, H1B until MM/DD/YYYY, or B2 until MM/DD/YYYY.

Application pending with a date. In these instances, the customer can be issued for the time indicated on the returned SAVE case. *A common example* is someone pending H1B status. Customers pending H1B approval are allowed to work for 240 days if they have applied for H1B renewal. The expected SAVE response here would be application pending-employment through with a specific *month/date/year*.

Application pending with NO date. In these instances, we can issue a renewal (extension) for 60 days for those who have a previous Iowa license or Iowa ID card (only allowed for existing Iowa customers). The reason for allowing 60 days is that most pending applications are approved within this time frame by USCIS, allowing a customer sufficient time to receive their renewed documentation and return to us for renewal.

Appears to be expired. This response indicates the customer has not initiated their document renewal process. By having this information, we're better prepared to have the conversation with the customer and provide them with information which will ultimately help them reach their goal of renewing their Iowa credential.

Example: At this time, you are not eligible to renew your Iowa credential. You must contact USCIS to initiate your document extension renewal prior to being eligible to renew your Iowa credential (Print the SAVE Case Notification and give to the customer and provide them with your service center number to follow- up by phone if they have further questions.)

HELPFUL QUESTIONS AND ANSWERS:

IS IT OK TO ISSUE THE CREDENTIAL FOR AN ESTABLISHED IOWA CUSTOMER WHEN THE CUSTOMER PRESENTS AN EXPIRED IDENTITY DOCUMENT, BUT VLS OR THE SAVE/WEB3 CASE RETURNS AN APPROVED RESPONSE?

Yes, this is permitted as the VLS or SAVE/WEB3 response from USCIS is the method of verification of the validity of the underlying identity document. We know there can be delays in the processing of renewals with USCIS and in some cases, USCIS will not renew the identity document at all if the person's lawful status is extended automatically via Federal Register or Memorandum notice. Further explanation below.

HOW CAN WE ACCEPT EXPIRED DOCUMENTATION WHEN,

- Iowa Administrative Rules 601.5(4) and 601.5(1) state that a customer's documentation must be, "A valid, unexpired...?"
- Federal REAL ID regulations in 6 C.F.R. §37.11 require all foreign national customers provide proof of their USCIS-issued legal status documents to be considered for issuance of an Iowa credential. 6 C.F.R. §37.11(c)(1) states that a customer's documentation must be, "A valid, unexpired...?"

This is a valid concern. Our **Agency interpretation** in this scenario with customers that have their original document confirming lawful status that has expired (either in hand or in their ERMS file), however their lawful status is extended via the Federal Register or Memorandum notice, and is confirmed by either VLS or the SAVE/WEB3 case response, counts as them having a "valid, unexpired" document. In these circumstances, we must consider the totality of the circumstances for these customers and that if we have all 3 of these pieces, we can feel confident in issuing them with an approved VLS or SAVE/WEB3 response.

We completely understand the hesitancy that would go along with being presented with an expired identity document at the front counter or being told they don't have their identity document. We want to make sure that everyone understands that in these situations we aren't asking anyone to take a risk making the wrong decision or to feel like they have to make a judgment call based on the expired document (whether in hand or in ERMS) alone. We are only asking for you to run the VLS or Initiate Additional Verification, every time. If the SAVE case returns an approved response, this is the backup for why we are OK to issue the customer and be in accordance with REAL ID requirements.

The reason why we have established these procedures around REAL ID requirements for a customer having a "valid, unexpired" document is that if we didn't, it would leave whole groups of people stuck, which is not the intent of extending their legal status as evidenced by the numerous contacts we receive from the legal staff of advocacy groups and state agencies when a group's lawful status has been extended by the federal process, yet we still refuse to issue them a credential.

It is also contrary to the guidance published by USCIS, see for example the [notice](#) they published when extending the status for certain eligible Liberians. It actually directly states that the EAD has been auto-extended and that the Federal Register may be relied on by employers and government agencies as evidence of the continuing validity of the EAD. Knowing this information can make us feel even more comfortable that we are following both state and federal policy, because we have access to VLS or SAVE/WEB3 which will return an approved issuance response.

An example of this is when the Deferred Enforced Departure for certain eligible Liberians was extended for an additional 12 months. That temporary extension was published in the Federal Register and USCIS issued

guidance specifically directing employers and government agencies that they could rely on the federal register notice for continuing validity of an expired employment authorization document (EAD). Our method of confirming the validity of the extension is to run the SAVE case. Because customers can sometimes wait months to receive their renewed documents, or may not receive a renewed document at all, we can feel confident in issuing the credential based on the expired identity document in conjunction with the approved SAVE case response, as this is the approved method of verifying the validity of the identity document with the source agency. For a customer whose legal status has been extended temporarily as part of a Federal Register notice, that notice is a third piece of evidence we can rely on to know we are issuing the customer a credential correctly under REAL ID requirements.

We do not expect you to make a judgment call based on being presented with an expired identity document, all we are asking you to do is run the SAVE case every time so that we do not turn customers away unnecessarily.

Keep in mind, this is *only allowable when the customer is an existing Iowa customer* and does not apply to a customer who is new to the State of Iowa, as we must only extend this option to customers we have been able to verify before.

As always, do not hesitate to contact your County Liaison, Supervisor, AAll, or management if you have questions or concerns.

IS IT REALLY THAT IMPORTANT TO SCAN DOCUMENTS INTO ERMS EVEN IF NOT ISSUING?

Yes. Always scan documents as it increases the chance of receiving a valid response for the customer.

IS THERE EVER A SITUATION WITH A FOREIGN NATIONAL (TEMPORARY OR PERMANENT STATUS) REQUESTING RENEWAL WITH EXPIRED DOCUMENTATION WHERE WE SHOULDN'T INITIATE THE SAVE CASE?

No. Always initiate the SAVE case (if a current one hasn't already been initiated), even if the customer says they haven't started the document renewal process, as USCIS has the most up-to-date information regarding a customer's status. Sometimes USCIS grants extensions and the customer may not be aware of the extension available to them. In those instances when we create the SAVE case, USCIS will return notice allowing us to extend the license expiration date.

In instances where the customer hasn't started their renewal process, SAVE may return a response of "Documents appear to be Expired," which helps us have the appropriate conversations and provide useful information on what steps they need to take to reach their goal of renewing their credential.

WHAT CRITERIA MUST BE MET TO ISSUE A 60-DAY EXTENSION?

In most instances, the SAVE case must return an 'application pending' response. Where the customer expresses special and extenuating circumstances, or we are aware of and have addressed specific hardships, like the recent delays in TPS extensions for Honduras and El Salvador, AAlls, County Liaisons, and Supervisors will exercise their best judgment in granting 60-day extensions in collaboration with information and guidance provided by DIS and E&I management (i.e. TPS announcement for providing service to delayed TPS customers).

This will be on a case by case basis. If you, (AAll, County Liaison, or Supervisor), have questions about the ability to grant a 60-day extension please work with Mark Voss, Carrie Tietz, Mary Ford, and Sara Siedsma. They will assist with reviewing individual cases to determine if a 60-day extension is warranted.

An example of a special circumstance requiring Mary, Mark, Carrie, and Sara's review and approval includes a customer who is a CAP GAP, meaning their graduation is in the spring of the year they start employment and are to be issued their H1B (10/01/Year), of that year. In this instance as the customer is transitioning from one INS document type to another (H1B), Mark, Carrie, or Mary would grant a 60-day extension if they had a previous Iowa

credential.

WHAT IS THE COST FOR A 60-DAY EXTENSION?

A driver's license is \$4.00, an instruction permit is \$6.00, and an identification card is \$8.00.

ARE NEW CUSTOMERS TO THE STATE OF IOWA ELIGIBLE FOR A 60-DAY EXTENSION?

No. Customers who have an out-of-state credential and that are a new customer to the state of Iowa (no previous ID/DL), can only be issued if their VLS or SAVE case verifies and returns an approved response by USCIS with a valid date or application pending with a date status.

If a SAVE case is initiated and the response returns as application pending with no date, documents appear expired, or further information required, these customers are not eligible to be issued an Iowa credential for the 60-day extension. Let the customer know that to transfer their out-of-state credential or be issued an Iowa credential for the first time, we must receive an approved or pending response with a valid date by USCIS. Print the SAVE Case Notification and provide to the customer and give them your station number to follow-up if they have further questions.

HOW LONG DOES IT TAKE TO GET A RESPONSE FROM SAVE?

Normally we get responses in one to three days. If the SAVE case goes to "continuance" it may take two to three weeks or longer (typically older documents such as certificate of citizenship's or older I-551 cards). After thirty working days, not calendar days, the hearing officer, AAIL, or supervisor may contact USCIS about the status of the case. The phone number is listed on the SAVE homepage.

WHAT IS THE DIFFERENCE BETWEEN 2ND & 3RD LEVEL VERIFICATION?

A 2nd level verification is a case when documents are not included with the case. If USCIS is unable to make a determination, they will request you to submit current documents. A 3rd level verification are cases where the documents have been attached to the case and the final determination is made by USCIS.

WILL THE CONTACTS TAB IN ARTS CONTAIN THE INFORMATION I NEED TO ISSUE A 60-DAY EXTENSION OR FULL ISSUANCE?

Yes. The Supervisor, County Liaison, or AAIL who created the SAVE case will include the USCIS response, their initials, the USCIS response received date, and further information into the contacts tab which will guide you on the issuance process.

For example, Mark Voss created a customer SAVE case on 1/13/2018 and received the USCIS response on 1/17/2018. Mark then enters his initials, the USCIS received response date, and the response from USCIS along with information, "Application Pending – Okay for 60-day extension, MV, 1/17/2018." Likewise, if USCIS returns a response where we cannot issue the customer, the Supervisor, Hearing Officer, or AAIL will include this information (Documents appear to be expired – Please advise the customer to initiate their renewal process with USCIS and to bring documentation for renewal consideration, MV, 1/05/2018).

Appendix F
Policy Memo 19-01



Motor Vehicle Division Policy Memo # 19-01
REAL ID Act Modification for Freely Associated States Act

DATE: January 23, 2019
FROM: Darcy Doty, Director, Driver & Identification Services
TO: All Driver and Identification Services (DIS) Staff, Iowa County Treasurers and County Treasurers' staff that issue driver's licenses and non-operator's identification cards.
EFFECTIVE DATE: *This procedure is effective immediately.*

SUBJECT

This clarification serves to provide information about and explain the issuance process for a recent Federal law amendment to the REAL ID Act affecting citizens connected with the Freely Associated States Act.

EXPLANATION

[Federal law \(No. 115-323\)](#), effective 12/17/18, amends the Real ID Act of 2005 to make a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau who has been admitted to the United States as a non-immigrant pursuant to a Compact of Free Association (COFA) between the United States and the Republic or Federated States eligible for a driver's license or personal identification card.

The amendment recognizes citizens of these countries as non-immigrants, eligible for a temporary driver's license or personal identification card with maximum duration of two-years pursuant to sections 321.196 and 321.190 of the Iowa Code. (Independent of the REAL ID Act, section 321.196 provides that a license issued to a temporary foreign national shall be valid for no more than two years, and this is applied to identification cards by section 321.190).

This is a change from prior practice where a citizen of those countries was eligible for a temporary driver's license or personal identification card with maximum duration of one-year pursuant to Federal REAL ID regulations 6 C.F.R. §37.21(b)(1) which specifically provides that a state,

"shall not issue a temporary or limited-term driver's license or identification card pursuant to this section . . . [f]or a time period longer than the expiration of the applicant's authorized stay in the United States, or, if there is no expiration date, for a period longer than one year." (See 6 C.F.R. §37.21(b)(1) (emphasis added); see also 6 C.F.R. §37.11 and §37.21; we have adopted this requirement at Iowa Administrative Code 761 IAC 605.6.)

PROCEDURE

The process for verifying a customer's eligibility in application for issuance of an Iowa credential remains unchanged. For purposes of issuance, we are still required per Federal REAL ID regulations in 6 C.F.R. §37.11 that all foreign national customers provide proof of their legal status documents as issued by USCIS to be considered for issuance of an Iowa credential.

The only change is the maximum duration of credential for DHS responses returning no expiration date, updating from one-year maximum duration to two-years maximum duration for temporary status.

For example, a customer presents an employment authorization card (I-766). Upon verifying lawful status in VLS or SAVE (if necessary), DHS returns a response of employment authorized with a specific admitted date. In this situation, issue the customer based on the admitted date, not to exceed two-years from issuance date.

In instances where the customer's information (common examples: I-766 or passport with I-94) returns a DHS response as exemplified below, issue the customer the two-year maximum duration.

- Employment authorized, indefinitely
- Duration of Stay (D/S)
- Indefinite
- A response without a specific "admitted to date" or "no expiration"

*if a customer returns a DHS response of permanent resident, issue according to current practice. The two-year maximum duration for issuance of a credential does not apply to citizens who return a DHS response of permanent resident.

Case Verification Number [REDACTED]	Full Name [REDACTED]
COA Code FSM	Date of Birth 08/29/[REDACTED]
Admitted to Date Duration of Status	Document Expiration Date 09/06/2021
DHS Comments Employment authorized, indefinitely.	I-94 Number [REDACTED]
Response Date 12/29/[REDACTED]	Passport Number [REDACTED]

HELPFUL QUESTIONS AND ANSWERS:

WHAT HAS CHANGED WITH THIS NEW LAW?

The amendment defines citizens associated with COFA as non-immigrants. This change in acknowledgement of status allows those citizens who are non-immigrants and when DHS returns a response as exemplified above (i.e. D/S, employment authorized indefinitely, indefinite) to be issued a credential with maximum duration of two-years.

IF A DHS RESPONSE RETURNS A SPECIFIC "ADMITTED TO DATE," HOW DO WE ISSUE THE CUSTOMER?

If DHS returns a response of "Admitted to XX-XX-XXXX" or an "Expiration date of XX-XX-XXXX," issue the customer accordingly, not to exceed two-years from the maximum issuance date.

WHAT IF DHS ISSUES A RESPONSE OF PERMANENT RESIDENT?

If the customer is determined to be a permanent resident, follow current procedure and issue up to 8-years in accordance with age requirements.

Community Participation Process

MVD (DIS and MCS) creates annual goals, in part, based on their community participation, specifically with underserved community groups.

As MCS's business is with commercial registration (IRP), overweight and oversized permits (OS/OW permits), and international fuel taxes (IFTA), they are developing a community outreach plan with an impetus on education and outreach. The intent is to develop and host training sessions that cover topics of interest for commercial motor carriers. Educational and discussion topics will include IRP, IFTA, and OS/OW permitting. These quarterly sessions are planned to commence in FFY 2021.

In the event of decreasing services, the following apply:

1. Outage or facility issue. In the event of a localized or regional outage (systems down, internet down, or facility closure due to Act of God), we work to notify the public through written and online notices with information about where they can access these services in a surrounding county. Notification about other services (Kiosk and online services for obtaining an identification card or driver's license) are also communicated to the affected public.
2. Closure due to training. We make every attempt to hold localized or state-wide closure during a time that will cause the least disruption to the public. This includes not closing on highest volume days and times and providing notification to the public well in advance of closure (generally 4 weeks) in local, written, and online form of notification. Highlighting of other services available during closing also communication to the public (Kiosk and online services).
3. Decrease of services or change of location. In the event of a complete closure or loss of services in a location, this is in consultation with the legislature. Items 1-12 listed below are in place and enacted, including an analysis of potential benefit or detriment to the surrounding community for loss of services. If hours of service availability are changed, a written proposal is provided along with data to support the change request, to divisional and agency leadership for consideration. Analysis may include qualitative interviewing of public and staff, surveying of surrounding jurisdictions to compare action plan to how business is conducted within the counties who conduct business independent of Iowa DOT service hours. Regardless of change (increase or decrease of services at a localized or state-wide level), we conduct outreach to identified stakeholders (we maintain a contact list for all of our stakeholders (customer contact database, IMTA, IFTA/IRP agents, county treasurers, etc.). Outreach, depending on the level of severity of affected services, may be communicated in written format and provided in the form of a memo, be conducted on-site or in-person via a stakeholder or publicly held meeting, by mail or e-mail, posted online or in print, or a combination of methods. We make every attempt to ensure that any change or reduction in hours of

services do not remove any services to the public. The identified 1-12 steps below are followed on a localized and state-wide level, when warranted:

- 1) Prepare a Stakeholders List. This Stakeholders List is to identify both affected customers (both benefited and burdened by the program) and any advocacy groups, churches, community-based organizations, other advisory bodies, etc. The list should also include demographic information for affected customers regarding race, color, national origin (including Limited English Proficient individuals), sex, age, disability, and income-level.
 - a) The Stakeholders List must be sufficiently inclusive to ensure that the news of the proposed change(s) is communicated to the greatest number of customers;
- 2) Plan Public Meetings. Determine an effective number of Public Meetings to hold in strategically significant areas and at appropriate times to reach the greatest number of customers. Determine the method for and communicate news of the Public Meeting(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above.
- 3) Publicize Proposed Changes. Determine how to communicate the news of the proposed change(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above. This news should be communicated in an accessible and inclusive manner (including foreign language translations, if necessary) that promotes effective public participation and is free of linguistic, cultural, economic or historical barriers.
- 4) Conduct the Public Meetings. Ensure that reasonable time is provided for attendees to provide comments regarding the proposed change(s);
- 5) Review and Analysis. At the conclusion of the outreach effort, review the comments and analyze the impacts to all customers (regardless of a customer's race, color, national origin, sex, age, disability, income-level, or LEP) regarding their ability to access the facilities/services both prior to the proposed change(s) and following the proposed change(s). This analysis is required to be sufficiently detailed so that the conclusion as to how the proposed change(s) will impact customers is well-documented.

- 6) Written Report. Prepare a detailed record to capture all aspects of the outreach effort;
- 7) Submission to FMCSA. Submit the record to FMCSA. Please note that FMCSA reserves the right to offer comments as deemed appropriate following a review of the record;
- 8) Implement the change(s);
- 9) Monitor Feedback. Monitor customer communications for a period (i.e., six months, one year) for reactions to the change.
- 10) Re-Evaluate. Be prepared to adjust the change(s) as appropriate dependent upon the actual impact to customers;
- 11) Adjust. Adjust the change(s) as appropriate dependent upon the actual impact to customers.
- 12) Notification of Title VI Program Protections. Notify beneficiaries of protections available to them under the Title VI Program. Notify the public of procedures for filing a Title VI complaint. Please refer to the **Notification to Beneficiaries/Participants** section of this Plan regarding how to implement this requirement.

Iowa DOT Policies and Procedures

Title		Policy No.
Title VI and Nondiscrimination Programs		300.05
Responsible Office		Related Policies and Procedures
Civil Rights Bureau		230.03, 300.18
Effective/Revision Dates	Approval(s)	
5-24-1976/10-1-2019	<i>Mark Lowe</i>	

Authority: Director of Transportation.

Contents: This policy establishes responsibilities for monitoring and reporting compliance with Title VI of the Civil Rights Act of 1964 (Title VI) to ensure that no person is denied benefits of programs administered by the Department due to discrimination. Title VI also prohibits national origin discrimination as it affects limited English proficient persons. An appendix is included to provide guidance to Department staff in assisting persons with Limited English Proficiency.

Affected Offices: All districts, bureaus, etc. that provide any services or programs to the public.

Who to Contact for Policy Questions: Bureau Director in the Civil Rights Bureau, telephone: 515 239-1304.

Definitions:

FHWA – Federal Highway Administration.

FMCSA- Federal Motor Carrier Safety Administration.

FTA- Federal Transit Administration

FAA – Federal Aviation Administration

Limited English Proficiency (LEP) – Individuals are considered to have limited English proficiency if they do not speak English as their primary language and if they have limited ability to read, speak, write or understand English. Applicable regulations and executive orders include, but are not limited to, the following:

- Executive Order 13166 dated August 11, 2000 by President Clinton
- 23 CFR Part 200
- U.S. DOT LEP Policy Guidance, Federal Register, Volume 70, No. 239, Pages 74087-74100

Title VI – Title VI of the federal Civil Rights Act of 1964. The term includes related federal statutes and regulations that prohibit discrimination based on race, color, sex or national origin in programs or activities receiving federal financial assistance. Applicable statutes and regulations include, but are not limited to, the following:

Policy No. 300.05

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination based on race, color, national origin)
- 49 C.F.R. Part 21 (*entitled Nondiscrimination in Federally-Assisted Programs of The Department of Transportation – Effectuation of Title VI of The Civil Rights Act of 1964*)
- 49 C.F.R. Part 25 (*entitled Nondiscrimination on The Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*)
- 49 C.F.R. Part 27 (*entitled Nondiscrimination on The Basis of Handicap 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)*)
- 28 C.F. R. Part 35 (*entitled Nondiscrimination 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 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 based on sex).
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination based on disability).
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination based on age).
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination based on disability).
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123). As amended, (FAA's nondiscrimination statute prohibiting discrimination based on race, color, national origin or sex).
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs and activities" to include all of the programs or activities of the

Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not).

- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination based on disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (49 U.S.C. §§ 12131—12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- 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, nation 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.*)
- 42 U.S.C. 3601-3619 {Title VIII (Fair Housing) of the Civil Rights Act of 1968}
- 23 U.S.C. 109(h) (Consideration of Adverse Economic, Social and Environmental Effects)
- 23 CFR Part 200 (FHWA Title VI Program and Related Statutes – Implementation and review Procedures)
- Title VI Circular 4702.1B (Title VI Requirements and Guidelines for Federal Transit Administration Recipients)

Forms: None

Policy and Procedure:

I. Program Administrator

- A. The Bureau Director in the Civil Rights Bureau shall serve as the Department's Civil Rights Coordinator.
- B. The Bureau Director is responsible for the administration, coordination and control of Title VI compliance procedures throughout the Department and shall also:
 - 1. Initiate and monitor Title VI activities by establishing goals and objectives to be accomplished within specific time limits.

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2. Advise, consult and provide training for division directors, district engineers, bureau directors and their Civil Rights program area liaisons concerning the accomplishment of Title VI program objectives.
3. Assist the division directors, district engineers, bureau directors and Civil Rights program area liaisons in investigating and resolving Title VI and related discrimination complaints.
4. Prepare and submit Department's implementation of Title VI and Nondiscrimination program plans to each federal agency, as required, including FHWA, FMCSA, FAA, and FTA.

II. Implementation

Each division director, district engineer or bureau director who administers federally-funded programs is responsible for the implementation of the Title VI commitments in those programs. The division director, district engineer or bureau director shall also:

- A. Appoint a Civil Rights program area liaison and inform the Civil Rights Bureau of any changes in the appointment.
- B. Monitor compliance in all programs and perform compliance reviews of Departmental districts or bureaus in cooperation with the FHWA and/or FMCSA. When deficiencies in compliance are found, the division director, district engineer or bureau director shall, with the assistance of the Civil Rights program area liaison, negotiate corrective actions. The division director, district engineer or bureau director shall refer deficiencies that cannot be corrected through negotiation, to the Civil Rights Bureau Director for resolution.
- C. Ensure that personnel and budgets are adequate to accomplish Title VI commitments.
- D. Ensure that disadvantaged businesses are given an opportunity to participate in programs, activities or services.

III. Monitoring

The Civil Rights program area liaison is responsible for monitoring all Title VI activities of the division, district or bureau and shall also:

- A. Inform all recipients of federally funded programs administered by the division, district or bureau of prohibited discriminatory practices as described in the Iowa DOT Title VI/Nondiscrimination Plan.
- B. Develop procedures for the collection of racial and ethnic data on participants to ensure compliance as described in the Iowa DOT Title VI/Nondiscrimination Plan.
- C. Submit an annual report on division, district or bureau compliance and a program update to the Civil Rights Bureau.

Any exceptions to this policy must be approved by the Director of Transportation.

**Appendix to Policy No. 300.05, Title VI Program
Limited English Proficiency (LEP)**

A. General

President Clinton signed Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" (LEP) on August 11, 2000. For LEP individuals, language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the Iowa Department of Transportation's (Iowa DOT) programs and activities. Programs and services normally provided in English must be accessible to persons with LEP to avoid national origin discrimination that is prohibited by Title VI. As a result, recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access to important government services by LEP persons.

The central goal of Executive Order 13166 is to provide meaningful access for LEP persons to programs and services offered by recipients of federal financial assistance. The Iowa DOT continues to be subject to these federal non-discrimination requirements even though Iowa has statutes requiring use of the English language (see Iowa Code sections 1.18, 618.1, and 618.2) because federal requirements supersede state and local ones.

Additionally, Iowa Code section 307.44 provides that if "funds are allotted or appropriated by the government of the United States for the improvement of transportation facilities and services in this state, the department...shall comply with the federal statutes and rules..." This authorizes the Iowa DOT to carry out its LEP responsibilities under Federal law.

B. Guidance

As a recipient of federal financial assistance, the Iowa DOT is required to take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. It is important to note that because of the Civil Rights Restoration Act of 1987 (P.L. 88-352) this applies to all activities and programs, not just those that involve federal assistance. It is, therefore, necessary to determine what level of effort is reasonable to ensure meaningful access. That determination is based on a case-by-case assessment that balances four factors:

1. The number or proportion of LEP persons served or encountered in the eligible service population.

The more LEP persons who are served or directly affected by a particular project or service, the more likely it is that language services will be needed. Prior experience with LEP persons should be considered when determining the scope of services that are needed. It is important to note that eligible recipients may currently be underserved or unrecognized because of existing language barriers. Valuable data resources that may need to be considered include the census, school systems, community and religious organizations and legal aid entities.

2. The frequency in which LEP individuals come in contact with the program, activity or service.

The more frequently that LEP individuals have contact with the Iowa DOT over an issue, the more likely it is that language services will be needed. The frequency of contact with any particular language should also be considered. For example, meaningful access efforts for a document issued multiple times in one language may be much different than for the same document needed only once in another. If access is needed on a daily basis, the effort required may be much more significant than for something needed infrequently. On the other hand, infrequent need does not mean that no effort is required but suggests that a reduced effort may be satisfactory.

3. The nature and importance of the program, activity or service.

As the information being exchanged becomes more important, the consequences to the user increase. As a result, the likelihood that an increased level of language services is necessary increases as well. It should be determined how serious the implications are to the LEP person due to a delay or denial of the information in question. U.S. DOT and U.S. Department of Justice Policy Guidance suggest that the importance of the activity is heightened when denial or delay of access to services could have serious or life-threatening implications for the LEP individual. Additionally, the fact that a federal, state or local entity has made an activity compulsory, such as the requirement that a person must have a license before driving, is strong evidence of the importance of the activity.

4. The resources available.

The level of resources needed, and the costs imposed may have an impact on the nature of the steps taken in providing meaningful access for LEP persons. U.S. DOT LEP Policy Guidance cautions; however, that larger entities and entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using a claimed lack of resources or excessive cost as a reason to limit language assistance.

C. Language Assistance Services

The four-factor analysis applied on a case-by-case basis results in a "mix" of language services. These services are provided in two main ways: interpretation and translation.

1. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language).

An effort should be made to ensure the competency of interpreters. However, it does not necessarily mean formal certification, although that is beneficial.

Interpreters should demonstrate proficiency and the ability to communicate information accurately in both English and the other language and identify and employ

the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization or sight translation). Interpreters should have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and of any particularized vocabulary and phraseology used by the LEP person and understand and follow confidentiality and impartiality rules to the same extent as the Iowa DOT employee for whom they are interpreting and/or to the extent their position requires. They should understand and adhere to their role as interpreters without deviating into other roles such as counselor or legal advisor.

Quality and accuracy of the language service provided and relative to the information being provided are critical. For example, accuracy in a right-of-way transaction would need to be extremely high, while the accuracy for bicycle trail information may not need to meet the same standard.

There are many options available for interpretation services.

- Multi-lingual, able and willing staff.
- Hiring staff interpreters.
- Contracting for interpreters.
- Telephone interpreter lines as defined by Department contract or policy.
- Community members, friends or family members of LEP individuals in exigent and appropriate circumstances.

U.S. DOT LEP Policy Guidance indicates departments/agencies should not plan to rely on family members, friends and other service participants, and should use them as interpreters only in exigent circumstances that are not reasonably foreseeable, and then only when appropriate considering the circumstances. Care should be taken to ensure that the interpreter is competent to interpret, that the interpreter does not have either a personal or business interest in the matter being interpreted, and that use of that person as an interpreter will not violate any duty of confidentiality or privacy to the LEP person.

An LEP person may desire to use an interpreter of his or her own choice in place of or as a supplement to the free language services offered by the Iowa DOT. This is generally permissible when done at the LEP person's own expense, but again care should be taken to ensure that the person is competent to interpret and does not have either a personal or business interest in the matter being interpreted and that use of the person as an interpreter will not violate any duty of confidentiality or privacy to the LEP person.

2. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

Vital documents must be translated when reaching the safe harbor threshold for the number or percentage of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

A document will be considered vital if it contains information that is critical for obtaining the program's services and/or benefits, or if it is required by law. An overview of documents that may be considered vital can be found in the U.S. DOT LEP Policy Guidance, Federal Register, Volume 70, No. 239, pages 74094 to 74095.

The "safe harbor" provisions of the U.S. DOT LEP Policy Guidance (see page 74095) shall be followed when determining whether to translate a vital document. Following the "safe harbor" provisions, the Iowa DOT shall:

- a. Provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b. If there is a language group for which fewer than 50 persons reaches the 5 percent trigger in paragraph "a" above, translation of vital written materials is not necessary as long as written notice in the primary language of the LEP language group is provided stating the right to receive competent oral interpretation of those written materials at no cost.

3. Published Notices

Compliance with Title VI and LEP guidelines may require oral interpretation or written translation of notices required by law to be published. Iowa Code section 618.1 provides that "[a]ll notices, proceedings, and other matter whatsoever, required by law or ordinance to be published in a newspaper, shall be published only in the English language and in newspapers published primarily in the English language." Iowa Code section 618.2 provides that a public official that violates Code section 618.1 is guilty of a simple misdemeanor. Again, the Iowa DOT continues to be subject to the federal non-discrimination requirements despite Iowa's English language requirements because federal requirements supersede state and local statutes and Iowa Code section 307.44 permits the Iowa DOT to comply with federal statutes and rules when it has received federal funding. This allowance includes the use of non-English language newspapers when deemed necessary to reach an affected LEP language group. In the interest, however, of minimizing conflict with Iowa Code section 618.1, notices required by law to be published in a newspaper should be translated to a language other than English only when required by careful application of the four-part balancing test and the safe harbor provisions described above.

D. References

Iowa Code sections 1.18, 307.44, 618.1 and 618.2
FHWA LEP Desk Reference (*available from the Iowa DOT's Contracts and Specifications Bureau, Civil Rights Bureau, and the Iowa DOT Library*)
Iowa DOT "I Speak" language identification tool (*available on DOTNET*)
www.census.gov