

# **Title VI Program Updated Plan June 2016**



## **Arkansas State Highway and Transportation Department**

**In Cooperation with U.S. DOT**

**Federal Transit Administration**

### **NOTICE OF NONDISCRIMINATION**

The Arkansas State Highway and Transportation Department (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, Limited English Proficiency (LEP), or Low Income Status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head – EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501)569-2298, (Voice/TTY 711), or the following email address: [joanna.mcfadden@ahtd.ar.gov](mailto:joanna.mcfadden@ahtd.ar.gov)

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

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## **INTRODUCTION**

The Arkansas State Highway and Transportation Department (Department) is the agency responsible for administering Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) programs in the state. Department programs are administered in a nondiscriminatory manner.

Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, or national origin, including the denial of meaningful access for Limited English Proficient (LEP) persons.

The objectives of the Department's Title VI Program are as follows:

1. Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
2. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin; and
3. Ensure meaningful access to transit-related programs and activities by persons with Limited English proficiency.

The Department makes "Assurances" (Refer to Attachment One) that it complies with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation. The Department's Title VI Program is responsive to Federal Transit Administration (FTA) Circular FTA C 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients", dated October 1, 2012.

## **ARKANSAS HIGHWAY COMMISSION**

Amendment 42 to the Constitution of Arkansas created the current State Highway Commission. The five members are vested with powers and duties for administering the Arkansas State Highway and Transportation Department (Department) and fully and effectively carrying out relative regulations and laws. Appointed by the Governor, with the advice and consent of the Arkansas Senate, members serve ten-year terms. Three members are over age 65 and one is under age 40.



<b>Name</b>	<b>Board Position</b>	<b>City</b>	<b>Ethnic Group</b>	<b>Gender</b>
Dick Trammel	Chairman	Rogers	White	Male
Thomas B. Schueck	Vice Chairman	Little Rock	White	Male
Robert S. Moore, Jr	Commissioner	Arkansas City	White	Male
Frank D. Scott, Jr.	Commissioner	Little Rock	Black	Male
Dalton A. Farmer, Jr.	Commissioner	Jonesboro	White	Male

## **ASSIGNMENT OF RESPONSIBILITIES**

### Civil Rights Officer

- The EEO Section Head reports directly to the Director of the Department.
- Joanna P. McFadden, EEO Section Head, is designated as the Civil Rights Officer for the Department.
- The Civil Rights Officer, by order of the Director, has overall responsibility for planning, developing, managing, implementing, coordinating, and monitoring all program areas of the Department's civil rights functions.
- The Civil Rights Officer is designated as the Title VI Coordinator for the Department.
- The EEO Section is adequately staffed to effectively implement the Department's Civil Rights Program.
- The Civil Rights Officer is assisted in carrying out the requirements of Title VI Program by the Title VI Multi-Disciplinary Team (Team).

### Title VI Multi-Disciplinary Team

- Employing a pro-active methodology, the Team's responsibilities include reviewing, evaluating and implementing the Department's Title VI program. Team members ensure a "Multi-Disciplinary Approach to Non-Discrimination" to ensure Title VI issues are addressed in the normal course of business.

The team consists of the following members:

Jay Thompson, AHP Major, Highway Police  
Jennifer Williams, Assistant Division Head, Right of Way  
Charles Martin, Assistant Division Head, Roadway Design  
Jerry Trotter, Assistant State Construction Engineer, Construction  
Mike Fugett, Assistant Chief Engineer of Design,  
(Consultant Contracts Administrator)  
Ruby Jordan, Section Head-Public Involvement, Environmental  
David Hall, Division Head, Surveys  
David Mayo, Division Head, State Aid  
Joanna P. McFadden, EEO/DBE Section Head and Title VI Coordinator  
Bill Ryan, Administrative Officer III, Transportation Planning and Policy  
Danny Straessle, Public Information Officer  
Tymli Frierson, Advanced Research Engineer, System Information and Research  
Andrew Brewer, Assistant Division Head, Transportation Planning and Policy  
Jared Wiley, Division Head, Program Management

The Public Information Office maintains the Department's website and manages information releases to the media. The Team relies on the Public Information Officer, a member of the team, who utilizes public media and the Department's website to share Title VI information and engage the public in development of the Title VI Program. The Public Information Officer presides at all public listening sessions, meetings and hearings.

### **PROGRAM ADMINISTRATION**

FTA regulations governing Sections 5310 and 5311 require that State Management Plans, which are on file in the FTA Region VI Office, include: (Source C 4702.1B, V.2)

- A demographic profile of the State that includes identification of the locations of minority populations in the aggregate;
- Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient;
- An analysis of impacts that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

- A description of the statewide transportation planning process that identifies the transportation needs of minority populations;
- A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner; and
- A description of the procedures the State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

Attachment Two lists all the applications received by the Department for funding under the Sections 5310, 5311, and 5339 programs for the period of January 2015 through January 2016. This list indicates the county or counties the applicant serves. All qualified applicants received some level of funding during this period. The table also shows that these applicants provide transit service in all 75 Arkansas counties.

U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, show that Arkansas has a non-minority population of 73.9%, and a minority population of 26.1%. Refer to Attachment Three for the percentage of minority population, broken down by county.

Low income counties are those counties with a median household income below the state median of \$41,264. (Source: 2014 ACS-1-Year Estimate in 2014 Inflation Adjusted Dollars). The rest of the table's demographics are based on data obtained from U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates.

The 5307 recipients receive funds directly from FTA and submit their own Title VI Plan and Assurances.

## **MONITORING AND TECHNICAL ASSISTANCE TO SUBRECIPIENTS**

The Department's Public Transportation Programs Section (PTP) is required by the Federal Transit Administration (FTA) to ensure that subrecipients of FTA programs comply with federal requirements. To meet this federal mandate, the Department's monitoring and support consists of collecting and responding to data using complementary approaches, including:

- 1) On-site management reviews, vehicle and facility inspections. A Title VI Checklist, used to ensure subrecipients' compliance, is included as Attachment Four.
- 2) Technical assistance provided through a web of supports tailored to meet the needs of the very different agencies serving very different communities. A "Program Reporting Manual" guides Section 5310 subrecipients, while Department staff utilizes an On-Site Management Review Guide to evaluate agency performance and provide detailed support. A "Management Review

Guidebook” is provided for Section 5311 subrecipients. The Department provides one-on-one coaching and assistance, utilizing program reporting documents submitted by applicants to determine if projects are following the Program of Projects (POP), as set forth in the agency’s application. The Department and MPOs are required to place draft and final planning documents on their websites for public review and comment.

- 3) Financial assistance is awarded through an annual statewide application process. A “Notice of Funding Availability” is posted on the Department website and emailed to agencies that are currently receiving, have received funding in the past or have requested an application since the last application cycle. Department staff provides technical assistance to applicants, as requested, prior to the application deadline. Applications are reviewed for completeness before a selection committee formally considers each application. Approved projects are included in a Program of Projects (POP) which is formally adopted by the Department. Once federal funds are available, approved recipients are notified and necessary agreements are executed. Purchase orders and requests for Reimbursement (expenses) are submitted by subrecipients for review.
- 4) Section 5310 subrecipients certify annually they are in compliance with Title VI and Equal Access for Persons with Disabilities. Section 5311 subrecipients are required to submit their reports with their annual application. Reports are reviewed and the agencies are contacted for additional information or clarification, as needed. Subrecipients are required to complete and submit Title VI investigations and complaint forms.

## **REPORTING REQUIREMENTS**

As a Primary Recipient of FTA funding the Department passes FTA funding through to eligible Subrecipients. The Department is not a Direct Recipient of FTA funds.

In support of the Department’s Title VI Program, the PTP Section of the Transportation Planning and Policy Division monitors certain reporting requirements and provides the Federal Transit Administration the following information in fulfillment of those reporting requirements.

### **1. Requirement to Provide Standard Title VI Assurances**

The Department submits its Certifications and Assurances to FTA through Transit Award Management System (TrAMS). Subrecipients provide their Certifications and Assurances in conjunction with applications for program funding and these documents are retained with application materials.

The Department's Standard DOT Title VI Assurances are included in Attachment One, including Appendixes A, B, & C.

## **2. Requirement to Develop Title VI Complaint Procedures**

The Department has developed procedures for investigating and tracking Title VI complaints that may be filed against the Department or subrecipients and for making these procedures available to members of the public upon request. Subrecipients are required to have a similar tracking procedure for complaints as shown in Attachment Five.

## **3. Requirement to Record Title VI Investigations, Complaints and Lawsuits**

In compliance with 49 CFR Section 21.9(b), the Department (and any sub-recipient) shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the Department (or sub-recipient) alleging discrimination on the basis of race, color, national origin or Limited English Proficiency. This list shall include the date the investigation, lawsuit, or complaint was filed and received by the Department, a summary of the allegation(s), the status of the investigation, lawsuit or complaint, actions taken by the Department (or sub-recipient) in response to the investigation, lawsuit, or complaint and the date that the Complainant was notified of the resolution of the case.

The Department's form for recording this information is included in Attachment Six. The list shall comprise of all the records of active investigations, lawsuits, and complaints recorded on these forms. During the processing of active investigations, lawsuits, or complaints, the Title VI Specialist or Title VI Coordinator shall update the record form as necessary. Upon resolution and closure of an investigation, lawsuit or complaint, the Title VI Specialist or Title VI Coordinator shall record such closure on this form, including the date that notice of resolution was provided to the complainant.

During the most recent reporting period, there were no Title VI complaints, investigations, or lawsuits filed against the Department or its subrecipients.

## **4. Requirement to Provide Meaningful Access to Limited English Proficient (LEP) Persons**

The Department takes steps to ensure meaningful access to the benefits, services, information, and other important portions of its public transit program for individuals who are Limited English Proficient (LEP). Free language assistance is available upon request.

U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates (See Attachment Three) show the most common language spoken by LEP households in Arkansas is Spanish; 13-counties count more than 1,000 Spanish or Spanish Creole speakers each. Over one thousand LEP households speak Vietnamese in one county and Other Pacific Island languages in another. Both counties are already included above due to their significant Spanish or Spanish Creole LEP populations. Three counties present over 1,000 LEP individuals, but no one language meets the 1,000 threshold individually.

A majority of the Rural Area Transit Agencies provide brochures in Spanish. In most areas less than one percent of LEP individuals are utilizing transit services; however, utilization is at 15% for one transit system in northwest Arkansas. This system is a bilingual agency with both dispatchers and drivers available to communicate and translate as needed. Agencies are testing tablet-based software that offers immediate translation to allow drivers and LEP passengers to communicate. The tablets are already onboard serving another purpose, so this could be a low-cost solution if it works out. The cost to translate brochures (route maps and schedules, policies, etc.) had limited impact on the budget due to staff support and support/resources from other organizations.

The Department continues to analyze the estimated number of LEP persons in the state and languages spoken as new data becomes available (See last table in Attachment Three). Upon request, demographic information is provided to subrecipients. The Department recently added a link to demographic information to its webpage to allow subrecipients to do scenario planning to measure the potential impacts to minority, poverty and LEP communities from proposed route and fare adjustments. Additionally, the Department continues to identify steps to improve services to LEP persons. Refer to Attachment Seven for a copy of the Department's LEP Plan. The LEP Plan contains a Four Factor Analysis and a Language Assistance Plan for transit highway and transit activities.

Attachment Three includes the amount of Federal, State, and local funds obligated by the Department for transit service in 2016. Section 5307 funds awarded directly by FTA are not obligated by the Department and are not included in this analysis.

In the first table in the Attachment, counties where the percentage of Minority, Poverty, Hispanic or Latino, and Limited English Proficiency (LEP) individuals or households are greater than the state average, cells are displayed in blue. Counties whose Median Household Income is below state average are also displayed in blue, as are counties where the number of LEP individuals exceeds Federal "Safe Harbor" provisions.

The second table in the Attachment contains counties whose LEP resident populations are greater than Safe Harbor Provisions. Approximately 58 percent of

the State's population lives in these counties, which include all large urban and several small urban areas where Section 5307 and other transit funding is provided directly from FTA. In addition to the funds awarded directly through FTA, 25 percent of the Department's transit funds were obligated to providers in these sixteen counties. This combination of funding demonstrates an equitable distribution of funds and that LEP Households have not been disproportionately impacted in the use of transit funds.

## **5. Requirement to Notify Beneficiaries of Protection under Title VI**

All meetings are open to the public and public meetings are held in places accessible to persons with disabilities. If an individual requires accommodation, contact information is provided to ensure coordination.

The Department has established methods for notification to the public regarding its Title VI obligations, explaining how to access information regarding the Department's non-discrimination obligations, and procedures for filing a discrimination complaint against the Department or its subrecipients. Subrecipients are encouraged to adopt this notice format for their use and publish their notice on their websites, incorporate it in all public documents and display it at all public meetings. The Department's public Notice of Nondiscrimination is included in Attachment Eight.

## **6. Requirement to Provide Additional Information Upon Request**

Upon written request, the Department (and subrecipients) will provide additional information beyond that required by the circular.

## **7. Requirement to Prepare and Submit a Title VI Program**

The Department is required to submit a Title VI Program that has been approved by its governing board or highest official every three years. Mr. Scott E. Bennett, P.E. is the highest official for the Department. Therefore the submission letter is verification of agency approval.

## **8. Conducting an Environmental Justice Analysis on Construction Projects**

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)," was enacted to reinforce Title VI of the Civil Rights Act of 1964. Additional guidance is provided through FTA Circular 4703.1.

The Civil Rights Act states, *"No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the*

*benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”*

*Executive Order 12898 states, “Each Federal agency shall make achieving environmental justice part of its mission identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.”*

The Department enforces Environmental Justice in the same manner as Title VI. Environmental Justice is included as review criteria in the annual Title VI Compliance Review and as part of the Categorical Exclusion (CE) Checklist. Refer to Attachment Nine.

The following construction projects were implemented during this reporting period. Each project was determined to be a CE project.

Ozark Regional Transit (ORT) located in Springdale, AR rehabilitated a maintenance facility and bus wash. The project was completed in 2015.

Public Transportation Demonstration Building located in Little Rock at the Department Headquarters. This project was completed in 2015.

## **9. Inclusive Public Participation Plan**

The statewide transportation planning process includes the development, administration, and update of highway; transit; bicycle/pedestrian; rail; intermodal; and air; plans and programs in accordance with federal and state laws, regulations and policies. The process relies heavily on ongoing public involvement efforts to involve stakeholders, the public, other state and local agencies, and local officials in the decision making process.

Arkansas has the following eight Metropolitan Planning Organizations (MPOs) that play a major role in public involvement. Refer to Attachment Ten for the Public Participation Plan.

## **Statewide Metropolitan Planning Organizations**

### **Frontier MPO (BSATS)**

P.O. Box 2067 (1109 S. 16<sup>th</sup> St.)  
Fort Smith, AR 72901  
Executive Director, Sasha Grist

MPO Director, Dianne Morrison  
*Phone* (479) 785-2651  
*Fax* (479) 785-1964  
[dmorrison@wapdd.org](mailto:dmorrison@wapdd.org)  
Website: <http://www.frontiermpo.org/>

### **Tri-Lakes MPO (HSATS)**

P.O. Box 6409 (1000 Central Avenue)  
Hot Springs, AR 71902

MPO Director, Robert Tucker  
*Phone* (501) 525-7577  
*Fax* (501) 525-7677  
[rtucker@wcapdd.org](mailto:rtucker@wcapdd.org)  
Website: <http://wcapdd.dina.org/index.php/hot-springs-area-mpo>

### **Jonesboro MPO (JATS)**

P.O. Box 1845 (300 South Church Street)  
Jonesboro, AR 72403-1845  
MPO Director, Erica Tait  
*Phone* (870) 933-4623  
*Fax* (870) 933-4626  
[mpo@jonesboro.org](mailto:mpo@jonesboro.org)  
Website: <http://www.jonesboro.org/MPO/mpo.htm>

### **Participating Communities:**

Alma, AR  
Barling, AR  
Fort Smith, AR  
Kibler, AR  
Moffett, OK  
Pocola, OK  
Crawford Co.  
LeFlore Co., OK  
Arkahoma, OK  
Bonanza, AR  
Greenwood, AR  
Lavaca, AR  
Muldrow, OK  
Van Buren, AR  
Sebastian Co.  
Sequoyah Co., OK

### **Participating Communities:**

City of Hot Springs  
City of Mountain Pine  
Hot Springs Village  
Garland Co.  
Hot Spring Co.

### **Participating Communities:**

City of Jonesboro  
City of Brookland  
City of Bono  
City of Bay  
Craighead Co.

### **Metroplan (CARTS)**

501 West Markham, Suite B  
Little Rock, AR 72201  
Executive Director, Jim McKenzie

Study Director, Casey Covington  
Phone (501) 372-3300  
Fax (501) 372-8060  
[covington@metroplan.org](mailto:covington@metroplan.org)  
Website: <http://www.metroplan.org/>

### **Northwest Arkansas Regional Planning Commission (NARTS)**

1311 Clayton Street  
Springdale, AR 72762  
Executive Director, Jeff Hawkins  
Study Director, Tim Conklin  
Phone (479) 751-7125  
FAX (479) 751-7150  
[jmclarty@nwarpc.org](mailto:jmclarty@nwarpc.org)  
[jhawkins@nwarpc.org](mailto:jhawkins@nwarpc.org)  
Website: <http://nwarpc.org/>

### **Southeast Arkansas Regional Planning Commission (PBATS)**

1300 Ohio Street, Suite B  
Pine Bluff AR 71601  
Director, Larry Reynolds  
Phone (870) 534-4247  
FAX (870) 534-1555  
[larryreynolds@cablelynx.com](mailto:larryreynolds@cablelynx.com)  
Website: <http://www.searpc.com/>

### **Texarkana MPO (TUTS)**

P.O. Box 1967  
Texarkana, TX 75504-1967  
220 Texas Boulevard  
Texarkana, TX 75501  
MPO Director, Rea Donna Jones  
Phone(903) 798-3959  
FAX (903) 798-3773  
[ReaDonna.Jones@txkusa.org](mailto:ReaDonna.Jones@txkusa.org)  
Website: [www.texarkanampo.org](http://www.texarkanampo.org)

### **Participating Communities:**

Alexander	Austin
Benton	Bryant
Cabot	Cammack Village
Conway	Faulkner Co.
Haskell	Jacksonville
Little Rock	Lonoke Co.
Maumelle	Mayflower
North Little Rock	Pulaski Co.
Saline County	Shannon Hills
Sherwood	Vilonia
Ward	Wooster
Wrightsville	

### **Participating Communities:**

Bella Vista	Benton Co.
Bentonville	Bethel Heights
Cave Springs	Centerton
Elm Springs	Fayetteville
Farmington	Johnson
Lowell	Ozark Transit
Razorback Transit	Rogers
Springdale	Tonitown
Washington Co.	

### **Participating Communities:**

Jefferson Co.
Pine Bluff
White Hall

### **Participating Communities:**

Texarkana, TX
Texarkana, AR
Wake Village, TX
Nash, TX
Bowie County, TX
Miller County, AR

**West Memphis MPO (WMATS)**

205 South Redding  
West Memphis, AR 72301  
Executive Director, Mayor William Johnson  
Phone (870) 732-7550  
Study Director, Eddie Brawley  
796 W. Broadway  
West Memphis, AR 72301  
Phone (870) 735-8148  
FAX (870) 735-8158  
ebrawley@sbcglobal.net

**Participating  
Communities:**

West Memphis  
Marion  
Sunset  
Crittenden Co.

The Department completed two studies in 2012 to assess the need of public transit service and to facilitate coordination of transit service among existing providers. Each study provided opportunities for public involvement by all Arkansas citizens.

TransSystems consultants completed a public transit needs assessment for each county in Arkansas. During the development of this assessment, three series of public involvement meetings were conducted in each of the eight Arkansas' Planning and Development Districts. A single statewide Public Transit Coordination plan was developed for the Section 5310 program. Six regional meetings were conducted to inform representatives of public, private, non-profit transportation and human services providers and participation by members of the public. The Arkansas Public Transportation Coordination Council approved both documents on January 10, 2013.

**ATTACHMENT ONE  
STANDARD DOT TITLE VI  
ASSURANCES**

**REVISED STANDARD DOT TITLE VI ASSURANCE**  
**September 2015**

The Arkansas State Highway and Transportation Department (hereinafter referred to as the "Department") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, disability or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the U. S. Department of Transportation and its Affiliated Modes, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically, and without limiting the above general assurance, the Department hereby gives the following specific assurances with respect to its U. S. Department of Transportation and its Affiliated Modes Programs:

1. That the Department agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Department shall insert the following notification in all solicitations for bid for work or material subject to the Regulations and made in connection with all the U. S. Department of Transportation and its Affiliated Modes Programs and, in adapted form in all proposals for negotiated agreements:

The Department, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, disability or national origin in consideration for an award.

3. That the Department shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Department shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Department receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Department receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Department shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Department with other parties: (a) for the subsequent transfer of real property acquired or improved under the U. S. Department of Transportation and its Affiliated Modes; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the U. S. Department of Transportation and its Affiliated Modes.
8. That this assurance obligates the Department 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 Department 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 Department retains ownership or possession of the property.
9. The Department shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Department agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contract, property, discounts or other Federal financial assistance extended after the date hereof to the Arkansas State Highway and Transportation Department under the U. S. Department of Transportation and its Affiliated Modes Programs and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the U. S. Department of Transportation and its Affiliated Modes Programs. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Department.

Dated 9-23-2015

By   
Scott E. Bennett  
Director of Arkansas State Highway and  
Transportation Department

## APPENDIX A

### TITLE VI CONTRACT PROVISIONS

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

(1) Compliance with Regulations: The contractor shall comply with the Regulations relative to Title VI (Nondiscrimination in Federally-assisted programs of the Department of Transportation and its operating elements, especially Title 49, Code of Federal Regulations, Part 21 and 23 Code of Federal Regulations, as amended, and hereinafter referred to as the Regulations). These regulations are herein incorporated by reference and made a part of this contract. Title VI provides that the recipients of Federal financial assistance will maintain and implement a policy of nondiscrimination in which no person in the State of Arkansas shall, on the basis of race, color, national origin, sex, age, disability, be excluded from participation in, denied the benefits of, or subject to discrimination under any program or activity by recipients of Federal financial assistance or their assignees and successors in interest.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the USDOT Regulations.

(3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor or work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Arkansas State Highway & Transportation Department or the U. S. Department of Transportation and its Affiliated Modes to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Arkansas State Highway & Transportation Department, or the U. S. Department of Transportation and its Affiliated Modes as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Arkansas State Highway & Transportation Department shall impose such contract sanctions as it or the U. S. Department of Transportation and its Affiliated Modes may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Arkansas State Highway & Transportation Department or the U. S. Department of Transportation and its Affiliated Modes may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Arkansas State Highway & Transportation Department to enter into such litigation to protect the interests of the State, and, litigation to protect the interest of the United States.

## APPENDIX B

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

(Granting Clause)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Arkansas, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the U. S. Department of Transportation and its Affiliated Modes of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of Arkansas 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 the State of Arkansas, and its successors forever, subject, however, to the covenant, 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 shall be binding on the State of Arkansas, its successors and assigns.

The State of Arkansas, 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 shall on the grounds of race, color, sex, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed (.) (and)\* (2) that the State of Arkansas, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.\*

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

## APPENDIX C

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

a. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

b. Include in licenses, leases, permits, etc.\*

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

c. Include in deeds\*

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

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

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

a. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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, sex, national origin, or disability, shall be excluded from the 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, sex, national origin, or disability, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the

Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

b. Include in licenses, leases, permits, etc.\*

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

c. Include in deeds\*

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

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

**ATTACHMENT TWO  
2015 APPLICANTS**

**FTA SECTIONS  
5310, 5311, 5339  
PROGRAMS**

Applicant Agency	Agency Funded	Type of FTA Grant	Type of Funding	County Service Area
A.A.A. of Northwest Arkansas, Inc.	Yes	5310	Capital	Baxter, Benton, Boone, Carroll, Madison, Marion, Newton, Searcy and Washington
A.A.A. of Western Arkansas, Inc.	Yes	5310	Capital	Crawford, Franklin, Johnson, Logan, Polk, Pope, Scott, Sebastian, Yell, Conway and Perry Counties.
A.E.D.D. (Ark. Enterprises for the Dev. Disabled)	Yes	5310	Capital	Jefferson, Pulaski, Saline
Abilities Unlimited of Fort Smith, Inc.	Yes	5310	Capital	Sebastian
Abilities Unlimited of Magnolia, Inc.	Yes	5310	Capital	Columbia, Lafayette
Advantages of Southeast Arkansas, Inc.	Yes	5310	Capital	Ashley, Drew
Alternative Opportunities	Yes	5310	Capital	Baxter, Benton, Boone, Chicot, Cleburne, Conway, Craighead, Crawford, Crittenden, Drew, Fulton, Garland, Greene, Hempstead, Hot Spring, Independence, Izard,
Alternative Opportunities	Yes	5310	Capital	Jackson, Johnson, Lawrence, Marion, Miller, Newton, Ouachita, Poinsett, Pope, Pulaski, Searcy, Sharp, Stone, Union, Van Buren, Washington, White, Woodruff
ARCARE	Yes	5310	Capital	Woodruff
Arkansas Transit Association	Yes	5311	Administrative, RTAP	Statewide
Baxter Day Service Center, Inc.	Yes	5310	Capital	Baxter, Fulton, Izard, Marion
Birch Tree Communities, Inc.	Yes	5310	Capital	Benton, Faulkner, Grant, Izard, Jackson, Johnson, Saline, Sharp, Pope, Van Buren
Black River Area Development Corp.	Yes	5311	Administrative, Operating, Capital	Clay, Lawrence, Randolph
BOST, Inc.	Yes	5310	Capital	Crawford, Logan, Sebastian
Central Arkansas A.A.A. (CareLink)	Yes	5310	Capital	Pulaski
City of Dermott (Dermott Nursing Home)	Yes	5310	Capital	Chicot
City of Sherwood (Senior Citizens Center)	Yes	5310	Capital	Pulaski
Civitan Services	Yes	5310	Capital	Grant, Saline
Community School of Cleburne County, Inc.	Yes	5310	Capital	Cleburne and White Counties and portions of Stone, Independence
Conway Co. Ctr. for Exceptional Children, Inc.	Yes	5310	Capital	Conway, Perry
Cross County Special Workshop, Inc.	Yes	5310	Capital	Crittenden, Cross, St. Francis

Applicant Agency	Agency Funded	Type of FTA Grant	Type of Funding	County Service Area
Davis Nursing Association (Davis Lifecare Ctr.)	Yes	5310	Capital	Arkansas, Cleveland, Grant, Jefferson, Lincoln, Lonoke, Prairie, Pulaski, Saline
East Arkansas A.A.A., Inc.	Yes	5310	Capital	Craighead
East Arkansas Youth Services, Inc.	Yes	5310	Capital	Crittenden
Eureka Springs Transit	Yes	5311, 5339	Administrative, Operating, Capital	Carroll, Benton, Boone, Washington
Focus, Inc.	Yes	5310	Capital	Clay, Craighead, Greene, Mississippi, Poinsett
FORT SMITH TRANSIT	Yes	5339	Capital	Sebastian
Friendship Community Care, Inc.	Yes	5310	Capital	Benton, Garland, Johnson, Pope, Pulaski, Saline, Searcy, Stone, Washington, Yell
Greyhound Lines, Inc.	Yes	5311	Operating, Capital	Statewide
Group Living, Inc.	Yes	5310	Capital	Clark
Hillcrest Home	Yes	5310	Capital	Boone
Hope in Action, Inc.	Yes	5310	Capital	Hempstead
Howard County Children's Center, Inc.	Yes	5310	Capital	Hempstead, Howard, Pike, Sevier
Independent Living Services, Inc.	Yes	5310	Capital	Faulkner
Jefferson Hospital Association	Yes	5310	Capital	Arkansas, Cleveland, Desha, Grant, Jefferson, Lincoln
Jefferson Lines	Yes	5311	Operating, Capital	Statewide
JONESBORO ECONOMIC TRANSIT SYSTEM	Yes	5339	Capital	Craighead
Lawrence Co. Cooperative School, Inc.	Yes	5310	Capital	Lawrence
Life Styles, Inc.	Yes	5310	Capital	Benton, Washington
Logan Co. Day Service Ctr. for Limited Children	Yes	5310	Capital	Franklin, Logan, Scott, Sebastian
Lonoke County Council on Aging, Inc.	Yes	5310	Capital	Lonoke
Lonoke Exceptional School, Inc.	Yes	5310	Capital	Arkansas, Lonoke, Pulaski, Prairie, White
Magnolia Specialized Services, Inc.	Yes	5310	Capital	Columbia, Lafayette, Ouachita
Mid-Delta Transit	Yes	5311, 5339	Administrative, Operating, Capital	Arkansas, Lee, Monroe, Phillips, Prairie
Morrilton Human Relations Council, Inc.	Yes	5310	Capital	Conway, Perry

Applicant Agency	Agency Funded	Type of FTA Grant	Type of Funding	County Service Area
NE Ark. Comm. MH Center, Inc. (MSHS)	Yes	5310	Capital	Clay, Craighead, Crittenden, Cross, Greene, Lawrence, Lee, Mississippi, Monroe, Phillips, Poinsett, Randolph, St. Francis
Newton Co. Special Services Corporation, Inc.	Yes	5310	Capital	Newton
Non-Ambulatory Transportation Service, Inc.	Yes	5310	Capital	Crawford, Logan, Scott, Sebastian
North Arkansas Transportation Service	Yes	5311, 5339	Administrative, Operating, Capital	Baxter, Boone, Fulton, Izard, Marion, Newton, Searcy, Carroll, Madison
North East Arkansas Transit	Yes	5311	Administrative, Operating, Capital	Craighead, Crittenden, Poinsett, St Francis, Mississippi
Ouachita Industries, Inc.	Yes	5310	Capital	Calhoun, Columbia, Dallas, Nevada, Ouachita, Union
Ozark Regional Transit, Inc.	Yes	5311	Administrative, Operating, Capital	Benton, Madison, Washington
Pathfinder, Inc.	Yes	5310	Capital	Conway, Craighead, Crittenden, Independence, Jefferson, Lonoke, Pulaski, Saline, Washington, White
PINE BLUFF TRANSIT	Yes	5339	Capital	Jefferson
Prescott/Nevada County Special Services, Inc.	Yes	5310	Capital	Nevada
Rainbow of Challenges, Inc.	Yes	5310	Capital	Clark, Columbia, Hempstead, Howard, Lafayette, Little River, Miller, Nevada
Recovery Centers of Arkansas	Yes	5310	Capital	Pulaski
Sheltered Workshop of Crittenden County, Inc.	Yes	5310	Capital	Crittenden
South Arkansas Developmental Center	Yes	5310	Capital	Calhoun, Columbia, Drew, Union
SOUTH CENTRAL ARKANSAS TRANSIT	Yes	5311, 5339	Administrative, Operating, Capital	Calhoun, Clark, Columbia, Dallas, Garland, Hot Springs, Montgomery, Ouachita, Pike, Saline, Union
Southeast Arkansas Transit	Yes	5311, 5339	Administrative, Operating, Capital	Arkansas, Bradley, Calhoun, Chicot, Cleveland, Dallas, Desha, Drew, Grant, Jefferson, Lincoln, Lonoke, Union
Southwest Ark. Counseling and Mental Health, Inc.	Yes	5310	Capital	Hempstead, Howard, Lafayette, Little River, Miller, Sevier
Southwest Ark. Development Council, Inc.	Yes	5310	Capital	Miller, Hempstead, Howard, Lafayette, Little River, Nevada, Sevier, Ouachita, Dallas, Columbia, Union, Calhoun

Applicant Agency	Agency Funded	Type of FTA Grant	Type of Funding	County Service Area
St. Francis Area Developmental Center	Yes	5310	Capital	Cross, Lee and St. Francis
Stepping Stone School for Excep. Children	Yes	5310	Capital	Crawford
Sunshine School and Development Center	Yes	5310	Capital	Benton
Texarkana Special Education Center (Opportunities, Inc.)	Yes	5310	Capital	Miller, Little River
TEXARKANA URBAN TRANSIT DISTRICT	Yes	5339	Capital	Miller
The Community School, Inc.	Yes	5310	Capital	Cleburne, Independence, Iazard, Jackson, Sharp, Stone and White
The Doni Martin Center for Developmental Services, Inc.	Yes	5310	Capital	Clay, Lawrence and Randolph
The Elizabeth Richardson Center, Inc.	Yes	5310	Capital	Benton, Madison and Washington
The Learning Center of N.E. Ark, Inc.	Yes	5310	Capital	Clay, Craighead, Greene, Lawrence, Poinsett
Twin River Community Living Facility, Inc.	Yes	5310	Capital	Baxter
Van Buren County Special School	Yes	5310	Capital	Van Buren
Vera Lloyd Presbyterian Family Services, Inc.	Yes	5310	Capital	Drew
Western Transportation System	Yes	5311	Administrative, Operating, Capital	Conway, Crawford, Franklin, Johnson, Logan, Perry, Polk, Pope, Scott, Sebastian, Yell
White County Aging Program, Inc.	Yes	5310	Capital	White
White River A.A.A., Inc.	Yes	5310	Capital	Cleburne, Fulton, Independence, Iazard, Jackson, Sharp, Stone, Van Buren, White, Woodruff
Woodruff County Health Center	Yes	5310	Capital	Woodruff
Yell County Special Service Center, Inc.	Yes	5310	Capital	Logan, Perry, Pope, Scott, Yell

Source: 2016 Section 5310, 5311, and 5339 POPs

**ATTACHMENT THREE**  
**CENSUS DATA**  
**AND**  
**PUBLIC TRANSIT**  
**OBLIGATIONS**

**CENSUS DATA AND PUBLIC TRANSIT OBLIGATIONS  
FOR ARKANSAS COUNTIES**

State/County Name	Total Population	Minority		Poverty		Median Household Income	Hispanic or Latino		LEP		Public Transit Obligations
		Number	Percent	Number	Percent		Number	Percent	Number	Percent	
Arkansas	2,947,036	768,845	26.1	549,303	19.2	\$41,264	198,109	6.7	89,559	3.3	\$28,658,882
Arkansas County	18,861	5,572	29.5	3,277	17.7	\$37,813	549	2.9	280	1.6	\$840,114
Ashley County	21,437	6,864	32.0	4,205	19.8	\$35,136	1,074	5.0	405	2.0	\$500,724
Baxter County	41,154	1,877	4.6	6,019	14.9	\$35,594	760	1.8	306	0.8	\$221,565
Benton County	232,611	57,065	24.5	26,903	11.7	\$56,325	36,821	15.8	14,655	6.8	\$921,728
Boone County	37,169	2,002	5.4	6,177	16.9	\$38,705	796	2.1	225	0.6	\$476,315
Bradley County	11,316	4,832	42.7	3,289	29.4	\$33,745	1,551	13.7	538	5.1	\$478,224
Calhoun County	5,266	1,411	26.8	860	16.7	\$35,000	45	0.9	8	0.2	\$1,102,528
Carroll County	27,626	4,883	17.7	4,877	17.9	\$36,897	3,833	13.9	1,737	6.7	\$429,348
Chicot County	11,489	6,934	60.4	3,490	32.4	\$28,086	594	5.2	277	2.6	\$525,807
Clark County	22,800	6,881	30.2	4,735	23.7	\$34,109	974	4.3	224	1.0	\$674,726
Clay County	15,577	578	3.7	3,145	20.4	\$32,057	253	1.6	188	1.3	\$298,659
Cleburne County	25,793	1,212	4.7	4,039	15.9	\$40,768	590	2.3	225	0.9	\$80,433
Cleveland County	8,597	1,285	14.9	1,588	18.7	\$41,586	73	0.8	33	0.4	\$490,002
Columbia County	24,400	9,945	40.8	6,123	26.8	\$37,509	617	2.5	377	1.6	\$709,359
Conway County	21,175	3,799	17.9	4,737	22.7	\$37,314	787	3.7	419	2.1	\$199,938
Craighead County	99,835	21,114	21.1	20,646	21.5	\$42,085	4,545	4.6	1,927	2.1	\$675,552
Crawford County	61,825	8,543	13.8	11,525	18.8	\$40,712	3,987	6.4	2,051	3.5	\$344,123
Crittenden County	50,172	27,759	55.3	12,834	25.9	\$37,781	1,094	2.2	391	0.8	\$357,415
Cross County	17,595	4,600	26.1	3,355	19.4	\$37,725	293	1.7	77	0.5	\$70,251
Dallas County	7,954	3,668	46.1	1,088	14.5	\$32,554	202	2.5	131	1.8	\$1,077,820
Desha County	12,602	6,741	53.5	3,882	31.1	\$28,457	575	4.6	255	2.2	\$484,558
Drew County	18,705	6,127	32.8	5,151	29.3	\$32,351	511	2.7	205	1.2	\$561,820
Faulkner County	117,804	21,447	18.2	17,053	15.1	\$51,095	4,697	4.0	1,573	1.4	\$432,359
Franklin County	17,960	1,241	6.9	3,512	19.9	\$39,879	460	2.6	115	0.7	\$131,913
Fulton County	12,218	486	4.0	2,455	20.6	\$36,244	132	1.1	47	0.4	\$170,565
Garland County	96,804	16,107	16.6	20,875	22.1	\$39,558	4,935	5.1	2,186	2.4	\$774,417
Grant County	18,014	1,190	6.6	1,987	11.2	\$46,074	439	2.4	56	0.3	\$522,502
Greene County	42,970	2,223	5.2	7,516	17.8	\$39,500	1,052	2.4	318	0.8	\$79,959
Hempstead County	22,419	9,858	44.0	5,812	26.3	\$32,587	2,776	12.4	1,267	6.1	\$99,772
Hot Spring County	33,277	5,541	16.7	4,543	14.5	\$41,353	1,014	3.0	254	0.8	\$628,068
Howard County	13,685	4,579	33.5	2,826	21.0	\$38,050	1,409	10.3	618	4.8	\$81,063
Independence County	36,861	3,889	10.6	8,258	23.2	\$36,186	2,183	5.9	924	2.7	\$88,433
Izard County	13,522	758	5.6	2,391	18.7	\$31,219	227	1.7	51	0.4	\$185,351
Jackson County	17,746	3,907	22.0	3,821	26.4	\$31,512	477	2.7	97	0.6	\$65,183
Jefferson County	74,655	44,208	59.2	16,861	24.5	\$36,799	1,327	1.8	660	0.9	\$688,206
Johnson County	25,791	4,594	17.8	5,320	21.2	\$32,553	3,334	12.9	1,000	4.2	\$139,692
Lafayette County	7,391	2,976	40.3	1,874	26.0	\$31,215	138	1.9	32	0.5	\$95,813
Lawrence County	17,163	630	3.7	3,883	23.6	\$33,481	190	1.1	26	0.2	\$322,722
Lee County	10,151	5,977	58.9	2,593	29.8	\$26,986	220	2.2	79	0.8	\$389,829
Lincoln County	14,113	4,902	34.7	2,771	26.7	\$32,615	485	3.4	160	1.2	\$490,002
Little River County	12,852	3,376	26.3	2,058	16.4	\$39,494	384	3.0	58	0.5	\$98,813

Logan County	22,129	1,810	8.2	3,697	17.1	\$36,062	544	2.5	294	1.4	\$172,247
Lonoke County	70,118	8,913	12.7	9,166	13.2	\$52,805	2,591	3.7	561	0.9	\$883,797
Madison County	15,696	1,369	8.7	3,286	21.1	\$37,351	808	5.1	278	1.9	\$281,888
Marion County	16,534	806	4.9	3,066	18.8	\$33,293	350	2.1	46	0.3	\$171,565
Miller County	43,537	13,005	29.9	8,455	20.0	\$40,829	1,222	2.8	130	0.3	\$322,563
Mississippi County	45,385	18,151	40.0	11,865	26.7	\$34,424	1,703	3.8	589	1.4	\$182,048
Monroe County	7,855	3,509	44.7	2,346	30.2	\$27,571	154	2.0	26	0.4	\$376,496
Montgomery County	9,296	742	8.0	1,863	20.4	\$32,293	337	3.6	134	1.5	\$626,101
Nevada County	8,877	3,156	35.6	2,563	29.4	\$31,614	267	3.0	81	1.0	\$102,980
Newton County	8,131	447	5.5	1,644	20.4	\$32,500	78	1.0	25	0.3	\$204,815
Ouachita County	25,421	11,198	44.1	5,490	21.9	\$32,220	469	1.8	195	0.8	\$655,993
Perry County	10,350	730	7.1	1,371	13.5	\$42,030	275	2.7	35	0.4	\$203,415
Phillips County	20,847	13,543	65.0	6,999	34.0	\$27,183	312	1.5	109	0.6	\$376,496
Pike County	11,187	1,369	12.2	2,663	24.2	\$32,045	736	6.6	323	3.1	\$646,351
Poinsett County	24,359	2,866	11.8	5,898	24.8	\$33,238	605	2.5	125	0.5	\$195,519
Polk County	20,454	2,217	10.8	4,475	22.0	\$33,558	1,241	6.1	332	1.7	\$120,663
Pope County	62,687	8,897	14.2	11,224	18.9	\$40,818	4,807	7.7	1,884	3.2	\$138,630
Prairie County	8,475	1,227	14.5	1,684	20.2	\$36,904	88	1.0	1	0.0	\$389,542
Pulaski County	388,752	176,531	45.4	64,811	16.9	\$46,410	22,845	5.9	12,451	3.4	\$538,979
Randolph County	17,794	795	4.5	3,793	21.8	\$36,487	309	1.7	83	0.5	\$264,251
St. Francis County	27,642	16,117	58.3	6,589	27.7	\$31,336	1,180	4.3	713	2.8	\$185,811
Saline County	111,811	13,645	12.2	9,968	9.0	\$55,697	4,442	4.0	1,437	1.4	\$1,010,230
Scott County	11,024	1,698	15.4	2,111	19.4	\$36,754	812	7.4	312	3.0	\$158,913
Searcy County	8,036	449	5.6	1,854	23.3	\$33,610	145	1.8	13	0.2	\$173,877
Sebastian County	126,801	35,630	28.1	28,103	22.5	\$39,208	16,330	12.9	8,124	6.9	\$592,418
Sevier County	17,250	6,950	40.3	3,845	22.6	\$36,218	5,506	31.9	2,462	15.5	\$70,438
Sharp County	17,117	947	5.5	3,918	23.4	\$30,826	324	1.9	238	1.5	\$65,183
Stone County	12,531	353	2.8	3,322	26.8	\$29,982	192	1.5	40	0.3	\$89,495
Union County	40,954	15,702	38.3	8,587	21.3	\$38,762	1,465	3.6	682	1.8	\$1,104,495
Van Buren County	17,090	1,060	6.2	4,426	26.3	\$31,030	484	2.8	181	1.1	\$98,397
Washington County	212,238	57,880	27.3	42,261	20.7	\$41,983	33,740	15.9	20,091	10.2	\$825,354
White County	78,275	8,642	11.0	13,489	18.1	\$42,852	3,133	4.0	1,156	1.6	\$143,633
Woodruff County	7,094	2,166	30.5	1,818	26.1	\$27,165	41	0.6	0	0.0	\$142,897
Yell County	21,934	4,744	21.6	4,299	19.9	\$37,378	4,171	19.0	1,953	9.6	\$137,725

Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates, 2016 5305, 5310, 5311 and 5339 POPs

**Notes:**

Minority population is the total population minus Non-Hispanic Whites.

LEP is the population 5 years and over who speak a language other than English and speak English less than "very well."

Public Transit Obligations include funds awarded to the Department as Primary Recipient and funds provided by the Department or its Subrecipients as local or state match.

Section 5305, 5310, 5311 and 5339 totals are included. Direct Recipients are funded directly by FTA and those funds are not reflected.

Number of people 5 years and over speaking English less than "very well" by language*										
Arkansas by County, 2010-2014										
Geography	Total County/State Pop	Total LEP Pop	Spanish or Spanish Creole	Chinese	Laotian	Vietnamese	Other Asian languages	Tagalog	Other Pacific Island languages	Public Transit Obligations
Arkansas	2,947,036	89,559	68,847	2,358	1,701	3,088	1,000	1,074	3,151	\$28,658,882
Benton County, Arkansas	232,611	14,655	12,475	131	197	231	475	66	310	\$921,728
Carroll County, Arkansas	27,626	1,737	1,663	16	0	0	0	5	0	\$429,348
Craighead County, Arkansas	99,835	1,927	1,387	96	0	64	0	37	116	\$675,552
Crawford County, Arkansas	61,825	2,051	1,672	52	169	55	0	0	0	\$344,123
Faulkner County, Arkansas	117,804	1,573	1,106	98	0	15	24	5	0	\$432,359
Garland County, Arkansas	96,804	2,186	1,526	18	12	68	7	89	0	\$774,417
Hempstead County, Arkansas	22,419	1,267	1,264	0	0	0	0	0	0	\$99,772
Johnson County, Arkansas	25,791	1,000	816	0	0	0	58	0	44	\$139,692
Pope County, Arkansas	62,687	1,884	1,582	41	22	0	0	87	51	\$138,630
Pulaski County, Arkansas	388,752	12,451	8,599	525	11	349	353	338	44	\$538,979
Saline County, Arkansas	111,811	1,437	998	256	51	0	0	4	0	\$1,010,230
Sebastian County, Arkansas	126,801	8,124	5,151	94	677	1,747	37	17	48	\$592,418
Sevier County, Arkansas	17,250	2,462	2,413	0	0	14	0	24	0	\$70,438
Washington County, Arkansas	212,238	20,091	14,614	542	339	305	19	197	2,503	\$825,354
White County, Arkansas	78,275	1,156	853	49	0	47	0	0	0	\$143,633
Yell County, Arkansas	21,934	1,953	1,873	0	23	0	0	0	0	\$137,725

Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates

\*Languages and counties below safe harbor levels removed for clarity

Public Transit Obligations include funds awarded to the Department as Primary Recipient & funds provided by the Department/Subrecipients as local/state match. Section 5305, 5310, 5311 and 5339 totals are included. Direct Recipients are funded directly by FTA and those funds are not reflected.

**ATTACHMENT FOUR**  
**SUBRECIPIENT**  
**TITLE VI CHECKLIST**

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## TITLE VI PROGRAM CHECKLIST

Agency: \_\_\_\_\_ Year: \_\_\_\_\_

*All recipients must submit every three years:*

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and Limited English Proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with Limited English Proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

### **Requirements of Transit Providers (Chapter IV)**

*All Fixed Route Transit Providers must submit:*

- All requirements set out in Chapter III (General Requirements)
- Service standards
  - o Vehicle load for each mode
  - o Vehicle headway for each mode

- On time performance for each mode
- Service availability for each mode
- ☐ Service policies
  - Transit Amenities for each mode
  - Vehicle Assignment for each mode

*Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:*

- ☐ Demographic and service profile maps and charts
- ☐ Demographic ridership and travel patterns, collected by surveys
- ☐ Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
- ☐ A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- ☐ Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) considered, was aware of, and approved the results of the analysis

### **Requirements of States (Chapter V)**

*States must submit:*

- ☐ All requirements set out in Chapter III (General Requirements)
- ☐ The requirements set out in Chapter IV (Transit Provider) if the State is a provider of fixed route public transportation
- ☐ Demographic profile of the State
- ☐ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- ☐ Analysis of the State’s transportation system investments that identifies and addresses any disparate impacts
- ☐ A description of the Statewide planning process that identifies the transportation needs of minority populations
- ☐ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance
- ☐ Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations

### **Requirements of MPOs (Chapter VI)**

*Metropolitan Planning Organizations and other planning entities must submit:*

- All requirements set out in Chapter III (General Requirements)
- The requirements set out in Chapter IV (Transit Provider) if the MPO is a provider of fixed route public transportation
- Demographic profile of the metropolitan area
- A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
- Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts
- Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested)
- Description of the procedures the agency uses to provide assistance to potential subrecipients in a nondiscriminatory manner (if requested)

**Source: FTA C 4702.1B, App A-1, Dated October 1, 2012**

**ATTACHMENT FIVE  
INVESTIGATING AND  
PROCESSING  
COMPLAINTS**

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## **ATTACHMENT FIVE INVESTIGATING AND PROCESSING COMPLAINTS**

The investigation and processing of all alleged complaints of discrimination received by the Department will be accomplished by the EEO Section.

When an allegation of discrimination is filed directly with the Department or the Department is notified that an allegation has been filed with other federal, state, or local authorities, the Department will:

1. Notify the appropriate agency (Federal Transit Administration, Federal Highway Administration, Federal Railroad Administration, etc.) within ten (10) working days of the allegation. As a minimum, the following information will be included in every notification:
  - Name, address, telephone number of the complainant.
  - Names(s) and address(s) of alleged discriminating official(s).
  - Basis of complaint (i.e. race, color, religion, sex, national origin, disability, age).
  - Date of alleged discriminatory act(s).
  - Date complaint was received by the Department.
  - A copy of the complaint when it becomes available or a statement of the complaint until a copy is available.
  - Other agencies (state, local or federal) with which the complaint has been filed.
  - An explanation of the actions the Department has taken or proposes to resolve the issues raised in the complaint.
2. Acknowledge receipt of the allegation, informing the complainant of action taken or proposed to process the allegation and advising the complainant of other avenues of redress available, within ten (10) working days.
3. Contact the complainant to determine that the issues and concerns are understood and considered in the review.
4. Investigate the allegation and based on the information obtained, determine whether or not discrimination occurred.
5. Prepare a report of findings.
6. Notify the complainant within 45 days from the receipt of the allegation of the findings and decision reached including proposed disposition. The notification will advise the complainant of avenues for appeal if dissatisfied with the decision. The proposed resolution will require action adequate to correct and prevent similar occurrences of discrimination.

7. Provide the appropriate agency with the decision and a summary of the findings within 45 days after receipt of the allegation.
8. Periodically inform the appropriate agency regarding the status of complaints.
9. Informal attempts will be made to resolve the matters. These attempts and the results will be synopsisized in the report of investigations.
10. The procedure outline herein will not prohibit interagency agreements between the Department and state or local Federal Employment Practice agencies.
11. The fact that an allegation has been filed directly with the Federal Transit Administration, Federal Highway Administration, Federal Railroad Administration, etc. will not relieve the Department of the responsibility for taking action pursuant to its own internal procedures.

**ATTACHMENT SIX**  
**TITLE VI**  
**COMPLAINT**  
**FORM**

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**ATTACHMENT SIX**

**ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT**

**TITLE VI COMPLIANCE PROGRAM**

**RECORD OF TITLE VI COMPLAINT, INVESTIGATION, AND  
RESOLUTION 49 CFR 21.9(b)**

Complainant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Alleged Discriminating Official(s) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Complaint Filed With Other Agencies (State, Local or Federal):

\_\_\_\_\_

1. Date Title VI Complaint Received By the Department: \_\_\_\_\_

2. Summary of Complaint Allegation(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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3. Status of Investigation of Complaint:

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4. Action(s) Taken By the Department:

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5. Date Complaint Resolved or  
Closed: \_\_\_\_\_

6. Date Complainant Notified of Resolution: \_\_\_\_\_

NOTE: Complainants have 180 days from the date of an occurrence to file a complaint with the Department.

# **ATTACHMENT SEVEN**

**ARKANSAS STATE HIGHWAY AND  
TRANSPORTATION DEPARTMENT TITLE VI**

**LIMITED ENGLISH  
PROFICIENCY PLAN**

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Arkansas State Highway and  
Transportation Department  
Title VI Program



Limited  
English  
Proficiency  
Plan

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## WHAT IS LIMITED ENGLISH PROFICIENCY

Limited English Proficiency (LEP) refers to individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English and, therefore, are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter.

## AUTHORITY

Title VI of the Civil Rights Act of 1964 (Title VI) states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Executive Order (EO) 13166 - *Improving Access to Services for Persons with Limited English Proficiency (LEP)* set forth the compliance standards that recipients must follow to ensure that the program and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

## DEPARTMENT RESPONSIBILITY

The following chart explains the Department's responsibility under Title VI and the EO13166.

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight	Contains monitoring and oversight
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage
Provides protection on the basis of age, disability, sex, race, color,	Provides protection on the basis of national origin
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons with meaningful access to
Annual Accomplishment and Upcoming Goals Report to FTA	Annual Accomplishment and Upcoming Goals Report to FTA

Since Arkansas' diverse population is ever evolving, it is important that the Department be innovative and proactive in engaging individuals from different cultures, backgrounds and businesses in planning, project development and other program areas.

The U.S. Department of Commerce, Bureau of the Census, conducts the American Community Survey (ACS). The ACS replaced the decennial census long form in 2010 and thereafter by collecting long form type information throughout the decade rather than only once every 10 years.

Questionnaires are mailed to a sample of addresses to obtain information about households -- that is, about each person and the housing unit itself. The American Community Survey produces demographic, social, housing and economic estimates in the form of 1-year, 3-year and 5-year estimates based on population thresholds. The strength of the ACS is in estimating population and housing characteristics.

The 2010-2014 American Community Survey 5-Year Estimates (Table DP05-ACS Demographic and Housing Estimates) is the source of the population information included in this program. In the ACS, respondents may identify as a single race or as a combination of races. People who identify their origin as Hispanic, Latino, or Spanish may be of any race. LEP is a subset of National or Hispanic Origin. A breakdown of the total population in Arkansas follows:

<b>RACE AND HISPANIC OR LATINO</b>	Estimate	Percent
<b>Total population</b>	2,947,036	100%
<b>Hispanic or Latino (of any race)</b>	198,109	6.70%
<b>Not Hispanic or Latino</b>	2,748,927	93.30%
<b>White alone</b>	2,178,191	73.90%
<b>Black or African American alone</b>	455,402	15.50%
<b>American Indian and Alaska Native alone</b>	16,689	0.60%
<b>Asian alone</b>	38,025	1.30%
<b>Native Hawaiian and Other Pacific Islander alone</b>	6,178	0.20%
<b>Some other race alone</b>	2,779	0.10%
<b>Two or more races</b>	51,663	1.80%
<b>Two races including Some other race</b>	884	0.00%
<b>Two races excluding Some other race, and Three or more races</b>	50,779	1.70%

According to the U.S. Department of Commerce, Bureau of the Census, there are 89,599 Arkansans who speak a language other than English and speak English less than well. The following table includes geographies and languages that surpass LEP Safe Harbor provisions. Attachment Three contains a breakdown of Limited English Proficiency (LEP) along with minority populations by county.

Number of people 5 years and over speaking English less than "very well" by language\*

Arkansas by County, 2010-2014

Geography	Total	Spanish or Spanish Creole	Chinese	Laotian	Vietnamese	Other Asian languages	Tagalog	Other Pacific Island languages
Arkansas	89,559	68,847	2,358	1,701	3,088	1,000	1,074	3,151
Benton County, Arkansas	14,655	12,475	131	197	231	475	66	310
Carroll County, Arkansas	1,737	1,663	16	0	0	0	5	0
Craighead County, Arkansas	1,927	1,387	96	0	64	0	37	116
Crawford County, Arkansas	2,051	1,672	52	169	55	0	0	0
Faulkner County, Arkansas	1,573	1,106	98	0	15	24	5	0
Garland County, Arkansas	2,186	1,526	18	12	68	7	89	0
Hempstead County, Arkansas	1,267	1,264	0	0	0	0	0	0
Johnson County, Arkansas	1,000	816	0	0	0	58	0	44
Pope County, Arkansas	1,884	1,582	41	22	0	0	87	51
Pulaski County, Arkansas	12,451	8,599	525	11	349	353	338	44
Saline County, Arkansas	1,437	998	256	51	0	0	4	0
Sebastian County, Arkansas	8,124	5,151	94	677	1,747	37	17	48
Sevier County, Arkansas	2,462	2,413	0	0	14	0	24	0
Washington County, Arkansas	20,091	14,614	542	339	305	19	197	2,503
White County, Arkansas	1,156	853	49	0	47	0	0	0
Yell County, Arkansas	1,953	1,873	0	23	0	0	0	0

Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates

\*Languages and counties below safe harbor levels removed for clarity

## **FOUR FACTOR ANALYSIS**

The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the Department and the LEP person. To accomplish effective communication, the following actions and/or discussions will be performed:

- A needs assessment to determine the extent of the Department's obligation to provide LEP services. The assessment includes the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the Department or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the Department to people's lives; and (4) the resources available to the Department and costs.
- Provide language assistance services (oral or written).
- Develop an effective implementation plan on language assistance for LEP persons. This plan will include: (1) identifying LEP individuals who need language assistance; (2) language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

## **NEEDS ASSESSMENT**

The U.S. Census reports that of the 89,599 persons in Arkansas, who could be considered LEP, 68,847, or 76.8%, speak Spanish or Spanish Creole. Spanish or Spanish Creole speakers are found in numbers or as a percentage of the population great enough to surpass Safe Harbor provisions in thirteen counties. Vietnamese and Other Pacific Island languages each surpassed the safe harbor provision in one county.

The Department also evaluated its programs and/or service areas utilizing the four-factor analysis and determined that the Department meets the criteria to have a LEP program for the Hispanic community.

- 1) There are twelve counties, primarily, in the western part of the State, with a higher percentage share of LEP persons than the overall State average (3.3%), although no county meets the LEP Safe Harbor population percentage threshold (5%).

The number of LEP persons exceeds the LEP population threshold (1,000) in sixteen counties: thirteen through Spanish/Spanish Creole speakers and one each in Vietnamese and Other Pacific Island language. One county's LEP population is a composed of a combination of languages that do not individually meet the LEP threshold. Therefore, the Department and its Subrecipients will provide language assistance in thirteen counties in the languages indicated above, as needed.

LEP persons interact with the Department's public transportation programs primarily in two ways. The first is through the development and review of planning documents – Annual Grants' Program of Projects, Transit Coordination Plans, State Management Plans, STIP/TIPs, UPWPs, etc. The second is through the delivery of transit service.

The Department is a Primary Recipient under FTA funding and is responsible for program oversight of Subrecipient transit providers. The Department is not a Direct Recipient under FTA funding and does not provide transit service. Therefore, the Department ensures that schedules, route/fare changes and policies are adequately conveyed to LEP persons in the aforementioned counties through oversight and monitoring of its Subrecipients who consult census block and tract level data in their LEP analysis.

For planning documents and Notices of Federal Transit Funding Availability, the Department provides notices to the statewide Hispanic paper to inform this group of transit activities. There has been no reporting of communications problems.

- 2) Department staff rarely comes in contact with Hispanic or LEP persons. Even at public meetings for the Department or MPO planning documents, although always informed of the meeting, these groups rarely attend. The Department has not performed any bus ridership or operator surveys to ascertain the frequency of LEP person use.
- 3) The more frequently the Department's program and/or service come in contact with LEP persons, the more language assistance services will be provided. The 5311 Rural Transit programs have translators on staff or available to their program on an as needed basis.
- 4) The Department maintains a database on LEP interpreters and translators. These persons are available to public transportation staff and to transit agencies for public and other meetings as needed. Costs incurred by the Department's public transportation staff or by public transit agencies may be reimbursed by the Federal Transit Administration through the various transit programs.

## **LANGUAGE ASSISTANCE (ORAL AND WRITTEN)**

If individuals need oral language assistance, the Arkansas Spanish Interpreters and Translators (ASIT) will be utilized.

Information for free language assistance will also be posted in public areas, such as welcome centers and rest areas.

Based on three of the four-factor analysis, the Department identified written documents and/or materials that were translated into Spanish, which comprises 77% of the state's LEP community.

The Department will continue to review documents and/or materials to determine if translation is necessary, utilizing the "safe harbor" approach. The Department, on a case-by-case basis, will determine if ASIT will translate the written documents/materials or if it would be more cost effective for the Subrecipient to translate the documents.

## **NOTIFICATION OF LANGUAGE ASSISTANCE**

The Department will notify the identified LEP communities that they have a right to free language assistance that includes documents and/or materials printed in their language. Notification regarding the availability of the services will be provided through neighborhood community meetings, brochures, minority radio stations and

newspapers, and information disseminated to the public by the Department. Detailed information on how a community was notified of the right to free language assistance is provided in the Department's Nondiscrimination Statement.

### **STAFF TRAINING**

Training will be provided to staff members on policies and procedures concerning language assistance and ways to determine whether an individual needs assistance services. The Department and Subrecipients will provide training to employees who are most likely to come in contact with LEP individuals who need language assistance.

### **MONITORING AND UPDATING THE LEP PLAN**

The Department will provide notice of any changes in services to the LEP public and employees and develop a process for determining, on an ongoing basis, whether new documents, program services and activities need to be made accessible to LEP individuals. The Department will periodically evaluate the plan to determine if changes have occurred in:

1. Current LEP populations in the service area or population affected or encountered.
2. Frequency of encounters with LEP language groups.
3. Nature and importance of activities to LEP persons.
4. Available resources, including technological advances and sources of additional resources, and the cost imposed.
5. The needs of LEP persons.
6. The staff's knowledge and understanding of the LEP plan and how it is implemented.
7. The identified sources for assistance, to ensure they are still available and viable.

The data collected will be from various sources, such as the Department's staff, including members of the Title VI Multi-Disciplinary team, meetings with the State Director of the League of the United Latin American Citizens and the Arkansas Department of Education, among others.

## **VOLUNTARY COMPLIANCE EFFORTS**

The goal for Title VI and Title VI regulatory enforcement is to achieve voluntary compliance. The requirement to provide meaningful access to LEP persons is enforced and implemented by the Department of Justice (DOJ) through the procedures identified in Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance.

Title VI regulations require the DOJ to investigate whenever it receives a complaint, report, or other information is received that alleges or indicates possible noncompliance with Title VI or its regulations.

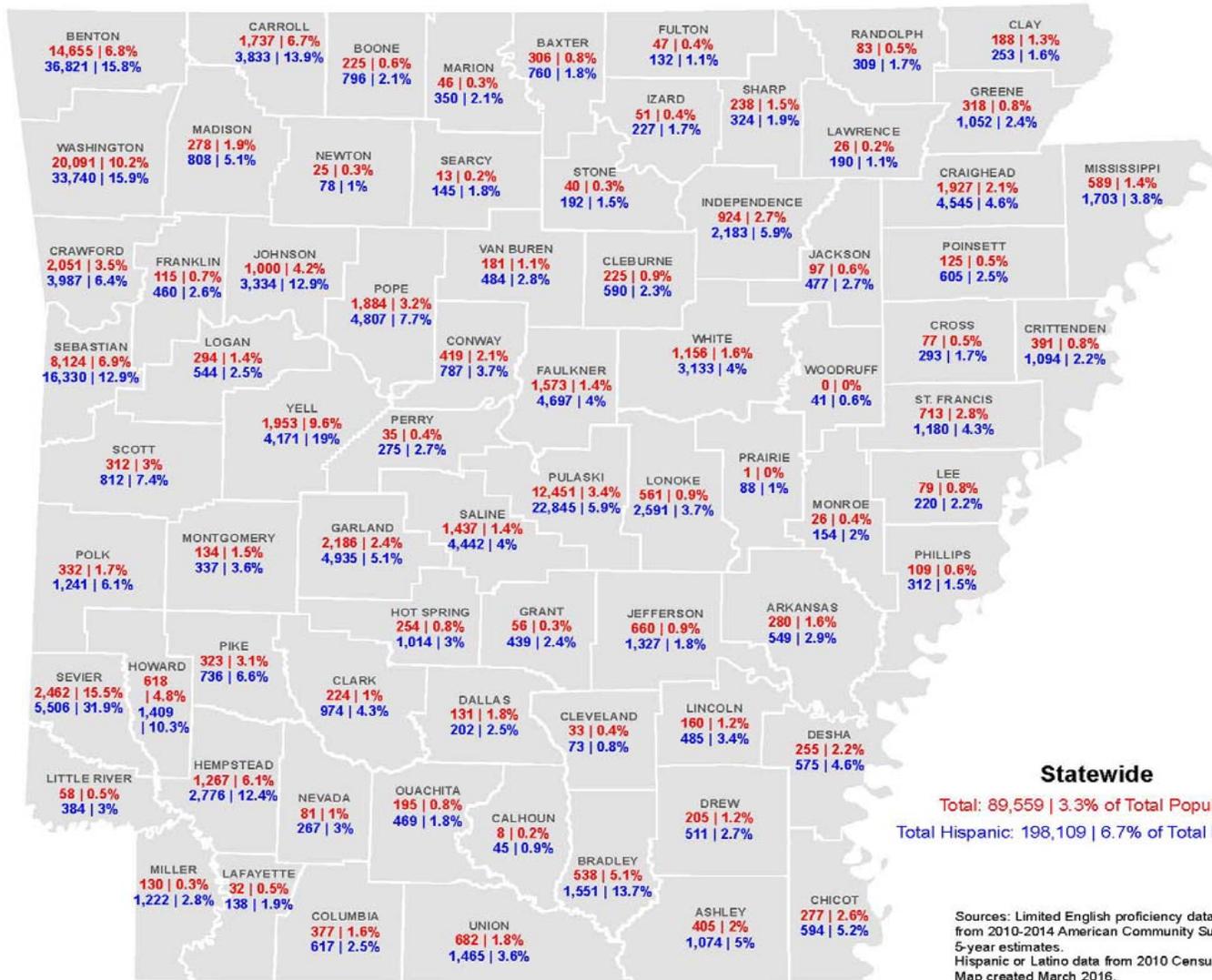
## **NOTICE OF NONDISCRIMINATION**

The Arkansas State Highway and Transportation Department (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, Limited English Proficiency (LEP), or Low Income Status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head – EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501)569-2298, (Voice/TTY 711), or the following email address: [joanna.mcfadden@ahtd.ar.gov](mailto:joanna.mcfadden@ahtd.ar.gov)

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

# Limited English Proficiency



## Statewide

Total: 89,559 | 3.3% of Total Population  
 Total Hispanic: 198,109 | 6.7% of Total Population

Sources: Limited English proficiency data from 2010-2014 American Community Survey 5-year estimates.  
 Hispanic or Latino data from 2010 Census.  
 Map created March 2016.



Number of people 5 years and over speaking English less than "very well" by language*										
Arkansas by County, 2010-2014										
Geography	Total County/State Pop	Total LEP Pop	Spanish or Spanish Creole	Chinese	Laotian	Vietnamese	Other Asian languages	Tagalog	Other Pacific Island languages	Public Transit Obligations
Arkansas	2,947,036	89,559	68,847	2,358	1,701	3,088	1,000	1,074	3,151	\$28,658,882
Benton County, Arkansas	232,611	14,655	12,475	131	197	231	475	66	310	\$921,728
Carroll County, Arkansas	27,626	1,737	1,663	16	0	0	0	5	0	\$429,348
Craighead County, Arkansas	99,835	1,927	1,387	96	0	64	0	37	116	\$675,552
Crawford County, Arkansas	61,825	2,051	1,672	52	169	55	0	0	0	\$344,123
Faulkner County, Arkansas	117,804	1,573	1,106	98	0	15	24	5	0	\$432,359
Garland County, Arkansas	96,804	2,186	1,526	18	12	68	7	89	0	\$774,417
Hempstead County, Arkansas	22,419	1,267	1,264	0	0	0	0	0	0	\$99,772
Johnson County, Arkansas	25,791	1,000	816	0	0	0	58	0	44	\$139,692
Pope County, Arkansas	62,687	1,884	1,582	41	22	0	0	87	51	\$138,630
Pulaski County, Arkansas	388,752	12,451	8,599	525	11	349	353	338	44	\$538,979
Saline County, Arkansas	111,811	1,437	998	256	51	0	0	4	0	\$1,010,230
Sebastian County, Arkansas	126,801	8,124	5,151	94	677	1,747	37	17	48	\$592,418
Sevier County, Arkansas	17,250	2,462	2,413	0	0	14	0	24	0	\$70,438
Washington County, Arkansas	212,238	20,091	14,614	542	339	305	19	197	2,503	\$825,354
White County, Arkansas	78,275	1,156	853	49	0	47	0	0	0	\$143,633
Yell County, Arkansas	21,934	1,953	1,873	0	23	0	0	0	0	\$137,725

Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates

\*Languages and counties below safe harbor levels removed for clarity

Public Transit Obligations include funds awarded to the Department as Primary Recipient & funds provided by the Department/Subrecipients as local/state match. Section 5305, 5310, 5311 and 5339 totals are included. Direct Recipients are funded directly by FTA and those funds are not reflected.

**ATTACHMENT EIGHT**  
**NOTICE OF**  
**NONDISCRIMINATION**

## ATTACHMENT EIGHT

# ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT NOTICE OF NONDISCRIMINATION

The Arkansas State Highway and Transportation Department (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, Limited English Proficiency (LEP), or Low Income Status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head – EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501)569-2298, (Voice/TTY 711), or the following email address: [joanna.mcfadden@ahtd.ar.gov](mailto:joanna.mcfadden@ahtd.ar.gov)

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**ATTACHMENT NINE**  
**CATEGORICAL**  
**EXCLUSION**

## Federal Transit Administration-Region 6

Application# (Agency Use Only)

### Categorical Exclusion Worksheet

This Worksheet will assist grantees in complying with the National Environmental Policy Act (NEPA). This worksheet will also help identify C or D list Categorical Exclusions and provide grantees with a template for documenting a D list Categorical Exclusion. Please contact Region 6 at 817-978-0550 or your FTA Planner if you need any assistance with filling out this form. Refer to the FTA Planning and Environment website for NEPA information and guidance; <http://www.fta.dot.gov/about/12347.html>.

#### Section I:

Project Title: Click here to enter text.

Project Description (Include the following information in the description):

- Reason for the proposed project  
Click here to enter text.
- Project size or scale  
Click here to enter text.
- Scope of Work  
Click here to enter text.

Attach an image of the project site. If the project involves construction include:

- Project location or map  
Click here to enter text.
- Basic construction site plan showing access points and construction site boundaries  
Click here to enter text.

**Section II:** Answer the following questions:

Will the project **significantly** impact the natural, physical, social, and/or economic environment?

- Yes, contact Region 6, this project may not qualify for categorical exclusion
- No, continue

Is the significance of the project's natural, physical, social, and/or economic impact unknown?

- Yes, contact Region 6, this project may not qualify for categorical exclusion
- No, continue

Is the project likely to generate intense public discussion, concern, or controversy, even though it may be limited to relatively small subset of the community?

- Yes, contact Region 6, this project may not qualify for categorical exclusion
- No, continue

Will the project have disproportionately high and adverse impacts on minority/low income populations?

- Yes, contact Region 6, this project may not qualify for categorical exclusion
- No, continue to Section III

Will the project be located on historic property or within the vicinity of a historic district?

- Yes, contact Region 6, this project may require consultation with the SHPO.
- No, continue to Section III

Will the project be located within a 100-year floodplain?

- Yes, contact Region 6, this project may require further evaluation under Executive Order 11988. (Flood Plain Management)
- No, continue to Section III

**Section III:** Select the most appropriate C or D list Categorical Exclusion

Note: More information on Categorical Exclusions can be found [here](#) (Adobe Page 20) and [here](#) (Adobe Page 13). These numbers are from the regulations, so some numbers are omitted (reserved).

**C-List Categorical Exclusion(s)**

- (1) Acquisition, installation, operation, evaluation, replacement, and improvement of discrete utilities and similar appurtenances (existing and new) within or adjacent to existing transportation right-of-way, such as: utility poles, underground wiring, cables, and information systems; and power substations and utility transfer stations.

(2) Acquisition, construction, maintenance, rehabilitation, and improvement or limited expansion of stand-alone recreation, pedestrian, or bicycle facilities, such as: a multiuse pathway, lane, trail, or pedestrian bridge; and transit plaza amenities.

(3) Activities designed to mitigate environmental harm that cause no harm themselves or to maintain and enhance environmental quality and site aesthetics, AND

Employs construction best management practices, such as: noise mitigation activities; rehabilitation of public transportation buildings, structures, or facilities; retrofitting for energy or other resource conservation; and landscaping or re-vegetation.

(4) Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

(5) Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

(6) Acquisition or transfer of an interest in real property that is not within or adjacent to recognized environmentally sensitive areas (e.g., wetlands, non-urban parks, wildlife management areas) AND

Does not result in a substantial change in the functional use of the property or in substantial displacements, such as: acquisition for scenic easements or historic sites for the purpose of preserving the site. This CE extends only to acquisitions and transfers that will not limit the evaluation of alternatives for future FTA-assisted projects that make use of the acquired or transferred property.

(7) Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

(8) Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint AND

Do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

(9) Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) AND

Uses primarily land disturbed for transportation use, such as: buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

(10) Development of facilities for transit and non-transit purposes, located on, above, or adjacent to existing transit facilities, that are not part of a larger transportation project AND

Do not substantially enlarge such facilities, such as: police facilities, daycare facilities, public service facilities, amenities, and commercial, retail, and residential development.

(11) The following actions are for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

(i) Emergency repairs under 49 U.S.C. 5324; and

(ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

**Note: (c)(11) should be used for Emergency Actions only.**

(12) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.

(13) Federally-funded projects:

(i) That receive less than \$5,000,000 of Federal funds; or

(ii) With a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

(14) Bridge removal and bridge removal related activities, such as in-channel work, disposal of materials and debris in accordance with applicable regulations, and transportation facility realignment.

(15) Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts and drainage pipes.

(16) Localized geotechnical and other investigations to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

**If your project falls within one of the above categories,  
you may stop and proceed to the signature block.**

**D-List Categorical Exclusion(s)**

**If your project falls within any of the categories listed below, please mark the appropriate category and proceed to Section IV.**

(1) Modernization of a highway by resurfacing, restoring, rehabilitating, or reconstructing shoulders or auxiliary lanes (e.g., lanes for parking, weaving, turning, climbing).

- (2) Bridge replacement or the construction of grade separation to replace existing at-grade railroad crossings.
- (3) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
- (4) Acquisition of right-of-way. No project development on the acquired right-of-way may proceed until the NEPA process for such project development, including the consideration of alternatives has been completed.
- (5) *Reserved for future use.*
- (6) Facility modernization through construction or replacement of existing components.
- (7) Minor transportation facility realignment for rail safety reasons, such as improving vertical and horizontal alignment of railroad crossings, and improving sight distance at railroad crossings.
- (8) Modernization or minor expansions of transit structures and facilities outside existing right-of-way, such as bridges, stations, or rail yards.
- Other: General exclusion (no specific activity category applies, but the project is still exempt per the conditions of 23 CFR 771.118(a) and (b))

**If your project does not meet the C- or D-list criteria listed above, it may not qualify for a Categorical Exclusion. Contact Region 6 for more information.**

**Section IV:** The purpose of this section is to check to make sure criteria for D-List Categorical Exclusions are satisfied and that **significant** environmental effects will not result.

**Land Use/Zoning:**

- 
- Attach a land use map showing the project location and its surrounding parcel's land use classification.
  - Attach a zoning map showing/describing the project's zoning classification.

**Traffic:**

- 
- Describe potential parking/traffic impacts, if any?  
[Click here to enter text.](#)

- Indicate whether the existing roadways have adequate capacity to handle increased bus or other vehicular traffic.  
Click here to enter text.
- Describe connectivity to other transportation facilities and modes, and coordination with relevant agencies.  
Click here to enter text.
- If the project will modify an existing roadway configuration include a map/diagram.

**Noise:**

Note: Refer to [FTA's Noise and Vibration Manual](#)

Does the project have the potential to increase noise?

No, there are no receptors within the screening distance for this project. Screening distance criteria can be found in Table 4-1 of FTA's Noise and Vibration Manual.

Yes, please attach a general noise assessment.

Follow the procedures in Chapter 5 of FTA's Noise and Vibration Manual. Describe impacts, if any, proposed mitigation measures, and remaining impacts after mitigation.

**Vibration:**

Note: Refer to [FTA's Noise and Vibration Manual](#)

Does the project cross or have the potential for vibration impacts?

No, there are no receptors within the screening distance for this project. Screening distance criteria can be found in Table 9-2 of FTA's Noise and Vibration Manual.

Yes, please include a general vibration assessment.

Follow the procedures in Chapter 5 of FTA's Noise and Vibration Manual. Describe impacts, if any, proposed mitigation measures, and remaining impacts after mitigation.

**Environmental Justice:**

Note: Refer to [FTA's Circular on Environmental Justice](#)

- Determine the presence of minority/low-income populations within the project area.

Click here to enter text.

- Indicate whether the project will have disproportionately high and adverse impacts on minority/low-income populations.

Click here to enter text..

- Describe any outreach efforts targeted specifically at minority/low-income populations

Click here to enter text.

### Historic/Cultural Resources:

---

Note: [Refer to Section 106 process and Section 4\(f\) Handbook](#)

- Describe any cultural, historic, or archaeological resource that is located in or around the immediate vicinity of the proposed project.

[Click here to enter text.](#)

- Describe the potential for the project to affect that resource. (Attach any relevant documentation and correspondence). If the project has the potential to affect historic resources the Section 106 process must be followed. Contact your FTA planner for further guidance.

[Click here to enter text.](#)

### Section 4(f) Resources (Public Parks/Recreation Areas, Historic Sites):

---

Note: Refer to [Section 4\(f\) Handbook](#)

Is the project located in or adjacent to a publicly-owned park, recreation area or wildlife or waterfowl refuge, or a publicly or privately owned historic district/property?

No

Yes, describe the potential impacts to the park/recreation area

[Click here to enter text.](#)

### Biological Resources:

---

Note: Refer to [U.S. Fish & Wildlife Service](#) and the [National Marine Fisheries Service](#)

Are there any species located within the project vicinity that are listed as threatened or endangered under the Endangered Species Act?

No

Yes, describe any critical habitat, essential fish habitat or other ecologically sensitive areas within or near the project area.

[Click here to enter text.](#)

### Property Acquisition/Relocations:

---

Will property be acquired for this project?

No

Yes, indicate whether acquisition will result in relocation of individuals/businesses.

Attach maps or graphs of affected parcel including relocations.

[Click here to enter text.](#)

### Wetlands:

---

Note: Refer to [Wetlands Info Packet](#)

Will the project affect potential/on site/adjacent wetlands?

No

Yes, describe the impact and attach correspondence with the US Army Corps of

Engineers

[Click here to enter text.](#)

**Water Quality:**

---

Does the project have the potential to impact water quality, including during construction?

- No
- Yes, describe potential impacts and best management practices which will be in place

[Click here to enter text.](#)

Will there be an increase in new impervious surface or restored pervious surface?

- No
- Yes, describe potential impacts and proposed treatment for storm water runoff

[Click here to enter text.](#)

Is the project located in the vicinity of an EPA-designated sole source aquifer?

- No
- Yes, provide the name of the aquifer which the project is located in and describe any potential impacts to the aquifer. Also, include the approximate amount of new impervious surface created by the project.

[Click here to enter text.](#)

**Air Quality:**

---

Note: Refer to [Air Quality guidance](#)

Is the project located in an Environmental Protection Agency designated non-attainment or maintenance area?

- No
- Yes, indicate the criteria pollutant below and contact FTA to determine if a hot spot analysis is necessary.
  - Carbon Monoxide (CO)
  - Ozone (O<sub>3</sub>)
  - Particulate Matter (PM<sub>2.5</sub>)
  - Particulate Matter (PM<sub>10</sub>)
  - Oxides of Nitrogen (NO<sub>x</sub>)
  - Oxides of Sulfur (SO<sub>x</sub>)

Describe any impacts to air quality resulting from the project.

[Click here to enter text.](#)

Does the project require conformity analysis?

- No, it is exempt from conformity analysis under 40 CFR Part 51 §93.126
- Yes, it is not exempt under §93.126 or §93.127

If the non-attainment area is also in a metropolitan area, was the project included in the MPO's Transportation Improvement Program (TIP) air quality conformity analysis?

- No
- Yes, Date of USDOT conformity finding: [Click here to enter a date.](#)

---

**Hazardous Materials:**

Is there any known/potential contamination at the project site?  
Contamination may include lead/asbestos, above/underground storage tanks, or a history of industrial sites.

- No, describe the analysis used to determine whether hazardous materials were present  
[Click here to enter text.](#)
- Yes, describe mitigation and clean-up measures that will be taken to remove hazardous materials. If the project includes property acquisition, a Phase I Environmental Site Assessment may be required for the land to be acquired. Contact the FTA planner to discuss the Phase I Environment Site Assessment requirements.  
[Click here to enter text.](#)

---

**Prime and Unique Farmlands:**

Note: Refer to [Farmland Protection Policy Act](#)

Does the proposal involve the use of any prime or unique farmlands?

- No
- Yes, describe potential impacts and any coordination with the Soil Conservation Service of the U.S. Department of Agriculture.  
[Click here to enter text.](#)

---

**Safety/Security:**

Describe all measures that would need to be taken and that have been included for the safe and secure operation of the project after its construction.

[Click here to enter text.](#)

---

**Construction Impacts:**

Describe temporary impacts associated with construction activities such as noise, air quality,

sidewalk and road closures, traffic detour/access change, construction schedules (e.g., local ordinance may restrict late night work activity in residential neighborhoods). Describe mitigation measures to address the impacts, if applicable.

**Mitigation Measures:**

Describe all measures, if any, to be taken to mitigate project impacts.  
[Click here to enter text.](#)

**Submitted by:**

[Click here to enter text.](#)

**Title:**

[Click here to enter text.](#)

**Date:**

[Click here to enter a date.](#)

**Region 6 Contacts: Federal Transit Administration**

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Fort Worth, Texas 76102  
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Fax :817-978-0575

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**ATTACHMENT TEN  
PUBLIC PARTICIPATION  
PLAN**

**IMPROVING PUBLIC ENGAGEMENT FOR THE LONG-RANGE INTERMODAL TRANSPORTATION PLAN**

<b>Existing Efforts &amp; Commitments</b>	<b>Web Site:</b> <a href="http://www.wemovearkansas.com">www.wemovearkansas.com</a> <a href="http://www.wemovearkansasfreight.com">www.wemovearkansasfreight.com</a>	
	<b>Mailing List:</b> <ul style="list-style-type: none"> <li>- TPAG members</li> <li>- PDD/EDD Offices</li> <li>- Public Meeting Sign In</li> <li>- MPO Offices</li> <li>- AHTD Divisions/Districts</li> <li>- Web Site Sign Up</li> </ul>	
	<b>AHTD Web Site:</b> <ul style="list-style-type: none"> <li>• The Project is one of the six rotating screens on the AHTD website; linking to the project web site.</li> </ul>	
	<b>Facebook Presence:</b> <ul style="list-style-type: none"> <li>• <a href="http://www.facebook.com/ARLRITP2040">www.facebook.com/ARLRITP2040</a> <ul style="list-style-type: none"> <li>○ Need Scheduled posts to keep it fresh (Content and Frequency)</li> </ul> </li> </ul>	
<b>Proposed Efforts</b>	<b>Twitter Presence:</b> <ul style="list-style-type: none"> <li>• Through the AHTD Twitter feed</li> <li>• Need Scheduled posts to keep it fresh                             <ul style="list-style-type: none"> <li>○ Content</li> <li>○ Frequency</li> </ul> </li> </ul>	<b>Presentation (Meeting) in a Box</b> <ul style="list-style-type: none"> <li>• Provide a standard presentation for anyone to use for District Engineers, MPO meetings, other standing committees</li> <li>• Use technology (iPad, Tablet, mobile devices, etc.) to access site during meeting</li> </ul>
	<b>Project Newsletter:</b> <ul style="list-style-type: none"> <li>• One page</li> <li>• Monthly?</li> <li>• Direct to the lists above (pdf)</li> <li>• Posted to website, Facebook, twitter                             <ul style="list-style-type: none"> <li>○ Provide to Municipal League, Good Roads, AGC, AAC, Department of Health, Department of Education, AARP for inclusion in their newsletters, AR Trucking Assn.</li> </ul> </li> </ul>	<b>Leverage Existing Committees/Meetings</b> TRC Advisory (external members), Intermodal Authority meetings, Safety Committee, Adopt-a-Highway contact list, Bike-Ped Contact list, Transit providers, Waterways Commission (May– Newport; July – Fort Smith)
	<b>Passive Advertising:</b> <ul style="list-style-type: none"> <li>• Project Logo and URL in email signatures of Department staff</li> <li>• Make this a group effort – each Section in TPP plays a role in the development and implementation of the LRP; we need to educate TPP staff and get ‘buy in’ on importance of LRITP; then let the staff educate the public.</li> </ul>	<b>Non Traditional Audiences:</b> Community Economic Development (CED) at UCA, APA – Arkansas Chapter, Universities with Planning/Public Admin curriculum, Popup Tent at the Little Rock Marathon, Chambers of Commerce, Religious Organizations (tie to social issues), Leadership classes (local and state-level), State Board of Realtors (tie to property value), UAMS, AGIO, GIS Board Meeting
	<b>Proactive Advertising:</b> <ul style="list-style-type: none"> <li>• Materials at regular meetings of Municipal League, Association of Arkansas Counties, include an insert in the City/County mail out from PLAS for the annual expenditure survey for stat reports</li> </ul>	<b>Cultivate Media:</b> Radio, NPR, Talk Business and Politics (one of the Commissioners is a contributor)  We will work with the project team to draft content for an article.

## **Current Practices at the Arkansas State Highway and Transportation Department**

The following excerpt from the Statewide Long-Range Intermodal Transportation Plan (LRTP) – approved by the Arkansas Highway Commission in 2007— describes in detail the current Public Involvement Procedures in place at the Department.

Note: A new LRTP is being developed and current best practices are being employed to ensure that public involvement shapes the final product and ensures future public involvement under the plan.

### **PUBLIC INVOLVEMENT PROCEDURES**

*The Arkansas State Highway and Transportation Department has developed the following public involvement methods and processes to ensure opportunities for public review for transportation planning programs administered by the Department as required by federal regulation 23 CFR 450.210. This process is separate and discrete from transportation policy and project development in metropolitan areas with a population greater than 50,000.*

*The Department will use the following process to consult, notify, solicit input, receive comments and give notice of availability to interested parties for the Statewide Transportation Improvement Program (STIP) and the Statewide Long Range Intermodal Transportation Plan (Long-Range Plan). Maps and charts will be used as visual techniques as much as possible for presenting information included in these documents. Additionally, the Department believes that an effective public involvement process should engage those individuals who could be traditionally underserved in the transportation planning and programming process. In keeping with the Americans with Disabilities Act, the Department will hold meetings at locations that are accessible to people who have disabilities. Upon request, the Department provides assistance in public meetings to persons who are traditionally underserved, including but not limited to hearing impaired, sight impaired, limited English proficiency, minority groups, etc.*

*The STIP is a document that contains Federally funded highway and transit projects to be undertaken by the Department and the MPOs in the next four years. The STIP describes specific projects, their funding source, route, job limits, and anticipated construction letting dates and is updated every four years.*

*The Long-Range Plan contains policies that will guide transportation planning for a minimum of 20 years into the future. It is intermodal, that is, it considers policies for highways, rail, air, waterways, rural transit and pedestrian/bicycle forms of transportation. Unlike the STIP, the Long-Range Plan does not contain specific transportation projects. However, it may identify corridors for transportation improvements. The Long-Range Plan is updated every five years.*

*Transportation planning studies conducted by the Department are also a part of the transportation planning process. These studies provide an evaluation of a particular segment or corridor of the State Highway System. The results of the studies are used as guidelines when proceeding to environmental and design phases of project development.*

*Current documents may be viewed on the Internet at [www.arkansashighways.com](http://www.arkansashighways.com). Additional information may be obtained or questions answered about the public involvement procedures in the following ways:*

*By Telephone:*

*By Writing:*

*Contact Jessie Jones at 501-569-2201*

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## **Process for Public Involvement of Interested Parties on the STIP**

### Early Involvement

As the Arkansas Highway Commission is structured, each member is a voice for transportation needs throughout the State. As such, the Commission members communicate with local elected officials, community leaders, and business leaders to understand the local and regional transportation strengths and needs.

Arkansas Highway Commission members and Department personnel routinely attend local civic meetings during the year throughout the State to gather information regarding transportation in Arkansas. In addition, meetings are held with local elected officials and other transportation stakeholders on a continual basis. These meetings are vitally important in the development of the STIP and the Long-Range Plan. A dialog is established to discuss the benefits, conditions and needs of the Arkansas transportation network.

Also, regional meetings may be offered by the Department to further discuss statewide, regional, and local needs and opportunities. It is from these meetings as well that corridor needs and specific projects may be identified for possible inclusion into the STIP.

Likewise, formal public meetings are conducted periodically during the planning and early environmental review process. Comments from local officials and transportation stakeholders are received and appropriately incorporated into project planning and design phases. The public is also afforded the opportunity to request improvements or project development via the Department's Public Affairs Office and the Department's web site at [www.arkansashighways.com](http://www.arkansashighways.com).

Finally, local officials, public transit operators, human service providers and transit dependent persons are afforded an opportunity to comment on roadway and transit projects at an early stage. Agencies applying for transit funding assistance through the Department must publish an opportunity for public comment about their project as part of the application process. In addition, transit agencies are afforded an opportunity to comment on the distribution of Federal and State transit funds and the type of transit projects initiated.

These activities constitute the initiation of the STIP development. In addition, local officials routinely recommend improvement projects for inclusion in the STIP. As projects and improvements are brought forward to the Commission's and Department's attention, they are noted as appropriate for further program development. They are then reviewed and evaluated for inclusion in the STIP as it is being developed.

### Development of the STIP

1. Early and continuous involvement occurs as described previously providing input into the preparation of a Draft STIP.
2. A Draft STIP is developed by the Department and approved by the Director relying on information provided by the public and local officials throughout the years, including the Metropolitan Planning Organizations' long-range transportation plans. This draft is also made available on the Department's Internet site at [www.arkansashighways.com](http://www.arkansashighways.com).
3. A legal notice is published in a statewide newspaper, including those publications that typically serve minority populations, informing the public and local officials that the Draft STIP is available for comment.
4. A press release, including a listing of projects/funding by county, is given to the media informing them of the availability of the Draft STIP for comment.

5. *Letters or notices stating the availability of and soliciting oral and written comments on the Draft STIP are sent to the following officials, community leaders, interest groups and State and Federal agencies*
  - a. *Arkansas Senators and Representatives*
  - b. *Mayors*
  - c. *County Judges*
  - d. *Arkansas Municipal League*
  - e. *Association of Arkansas Counties*
  - f. *Representatives of public transportation employees*
  - g. *Freight shippers*
  - h. *Natural resource agencies*
  - i. *Private providers of transportation*
  - j. *Representatives of public transportation users*
  - k. *Representatives of bike/pedestrian facilities users*
  - l. *Representatives of persons with disabilities*
  - m. *Freight transportation providers*
  - n. *Low income persons*
  - o. *Minority groups*
  - p. *Indian Tribes*
  - q. *Metropolitan Planning Organizations (MPOs)*
  - r. *Planning and Development Districts or Economic Development Districts (PDD/EDDs)*
6. *The Draft STIP is made available in various formats: by download from the Department's website, by mailing copies upon request and by placing them in the District Headquarters, the MPO offices, the PDD/EDD offices and the State Clearinghouse.*
7. *A thirty-day comment period is provided.*
8. *Comments received by the Department are addressed and responses are made to the originator of the comment when appropriate.*
9. *The Draft STIP goes through a final internal review process, including the review of all comments received.*
10. *The Draft STIP (with any revisions) is then submitted to the Arkansas State Highway Commission (Commission).*
11. *The Commission approves the STIP by Minute Order.*
12. *Notification of the availability of the final document is published in a statewide newspaper, including those publications that typically serve minority populations.*
13. *The Department's Internet site is updated with the Final STIP.*

***Process for Public Involvement of Interested Parties on the Statewide Long-Range Plan***

***Early Involvement***

*As the Arkansas Highway Commission is structured, each member serves an area as its advocate for transportation as well as being a voice for transportation needs throughout the state. As such, the Commission members communicate with local elected officials, community leaders, and business leaders to understand the local and regional transportation strengths and needs.*

Arkansas Highway Commission members and Department personnel routinely attend local civic meetings during the year throughout the State to gather information regarding transportation in Arkansas. In addition, meetings are held with local elected officials and other transportation stakeholders on a continual basis. These meetings are vitally important in the development of the STIP and the Long-Range Plan. A dialog is established to discuss the benefits, conditions and needs of the Arkansas transportation network.

Also, regional meetings may be offered by the Department to further discuss statewide, regional, and local needs and opportunities. It is from these meetings as well that corridor needs and specific projects may be identified.

Likewise, formal public meetings are conducted periodically during the planning and early environmental review process. Comments from local officials and transportation stakeholders are received and appropriately incorporated into project planning and design phases. The public is also afforded the opportunity to request planning studies, improvements or project development via the Department's Public Affairs Office and the Department's web site at [www.arkansashighways.com](http://www.arkansashighways.com).

Finally, local officials, public transit operators, human service providers and transit dependent persons are afforded an opportunity to comment on roadway and transit projects at an early stage. Agencies applying for transit funding assistance through the Department must publish an opportunity for public comment about their project as part of the application process. In addition, transit agencies are afforded an opportunity to comment on the distribution of Federal and State transit funds and the type of transit projects initiated.

#### Development of the Statewide Long-Range Plan

1. Early and continuous involvement occurs as described previously providing input into the preparation of a Draft Statewide Long-Range Plan.
2. A Draft Statewide Long-Range Plan is developed by the Department and approved by the Director relying on information provided by the public throughout the years. This draft is also made available on the Department's Internet site at [www.arkansashighways.com](http://www.arkansashighways.com).
3. A legal notice is published in a statewide newspaper informing the public and local officials that the Draft Long-Range Plan is available for comment.
4. A press release is given to the media informing them of the availability of the Draft Long-Range Plan for comment.
5. Letters or notices stating the availability of and soliciting oral or written comments on the Draft Long-Range Plan are sent to the following officials, community leaders, interest groups and State and Federal agencies:
  - a. Arkansas Senators and Representatives
  - b. Mayors
  - c. County Judges
  - d. Arkansas Municipal League
  - e. Association of Arkansas Counties
  - f. Representatives of public transportation employees
  - g. Freight shippers
  - h. Natural resource agencies
  - i. Private providers of transportation
  - j. Representatives of public transportation users
  - k. Representatives of bike/pedestrian facilities users
  - l. Representatives of disabled

- m. *Low income persons*
  - o. *Minority groups*
  - p. *Indian Tribes*
  - q. *Metropolitan Planning Organizations (MPOs)*
  - r. *Planning and Development Districts or Economic Development Districts (PDD/EDDs)*
6. *The Draft Long-Range Plan is made available in various formats: by download from the Department's website, by mailing copies upon request, and by placing them in the District Headquarters, the MPO offices, the PDD/EDD offices, and the State Clearinghouse.*
  7. *A thirty-day comment period is provided.*
  8. *Comments received by the Department are addressed and responses are made to the originator of the comment as appropriate.*
  9. *The Draft Long-Range Plan goes through a final internal review process, including the review of all comments received on the plan.*
  10. *The Draft Long-Range Plan (with any revisions) is then submitted to the Commission.*
  11. *The Commission approves the Long-Range Plan by Minute Order.*
  12. *Notification of the availability of the final document is published in a statewide newspaper, including those publications that typically serve minority populations.*
  13. *The Department's Internet site is updated with the Final Long-Range Plan.*

### **Process for Public Involvement for Developing Transportation Planning Studies**

*The Department has developed guidelines for the review of transportation planning studies within the Department. The guidelines also indicate at what point local officials and the public is provided an opportunity to comment on the draft study. These are only guidelines and may be modified depending on the scope and complexity of the study. These guidelines are for those studies conducted by Department staff. Transportation studies conducted by consultants often have a public involvement process developed specifically for that study.*

*The following steps are an abbreviated list of the guidelines. A complete and detail copy of the procedures may be obtained from the Department at the address listed above.*

1. *Study initiated by local elected officials, local agency or the Department.*
2. *Department staff meets with community leaders to discuss the scope of the study.*
3. *Draft document prepared by Planning and Research Division.*
4. *Draft reviewed and approved by Planning and Research staff.*
5. *Revised draft reviewed and approved by Assistant Chief Engineer for Planning.*
6. *Revised draft reviewed and approved by other Department Divisions.*
7. *Revised draft discussed with local officials from affected jurisdictions, including appropriate MPO staff.*
8. *Revised draft reviewed and approved by Deputy Director and Chief Engineer and then by the Director.*
9. *Revised draft reviewed by Highway Commission.*
10. *Final document prepared for adoption by Highway Commission.*
11. *Following adoption, copies of the Executive Summary are prepared for external and internal distribution.*

### **Process for Evaluating the Effectiveness of the Public Involvement Plan**

#### **(23 CFR 450.210(a)(1)(ix))**

1. *The Department will rely primarily on participants' comments at civic and public meetings to evaluate the effectiveness of the Public Involvement Plan.*
2. *During civic and public meetings the Department may collect information from written surveys, general discussions from participants, and/or demographic profiles of participants.*
3. *Specifically for public meetings, the Department may measure effectiveness by comparing such data as the number actually attending the meetings, the number invited to attend, the number of comments received, etc.*

#### **Process for Updating the Public Involvement Plan (23 CFR 450.210(a)(2))**

1. *The Department will evaluate and revise its Public Involvement Plan as needed.*
2. *Representatives of the interest groups, including traditionally underserved groups, and individuals expressing an interest in the Public Involvement Process will be asked to review and comment on existing procedures.*
3. *If changes are developed, a draft is prepared for Department review.*
4. *The Draft Public Involvement Plan is approved by the Director.*
5. *A legal notice is published in a statewide newspaper informing the public and local Officials that the Draft Public Involvement Plan is available for comment.*
6. *A press release is given to the statewide media informing them of the availability of the Draft Public Involvement Plan for comment.*
7. *A forty-five day comment period is provided.*
8. *The Department prepares a final Plan.*
9. *The Department's Internet site is updated with the Final Public Involvement Plan*

# **PUBLIC INVOLVEMENT METHODS AND PROCESSES**

## **For Consulting with Non-Metropolitan Local Officials**

The Arkansas State Highway and Transportation Department has developed the following public involvement methods and processes to ensure consultation with local officials in non-metropolitan areas for transportation planning programs administered by the Department as required by federal regulation 23 CFR 450.212(h)-(i). This process is separate and discrete from transportation policy and project development in metropolitan areas with a population greater than 50,000. In metropolitan areas, transportation plan development is administered by the Metropolitan Planning Organization (MPO). The MPO conducts public involvement activities in accordance with local procedures.

The Department will use the following process to consult, notify, solicit input, receive comments and give notice of availability to the officials in non-metropolitan areas for the Statewide Transportation Improvement Program (STIP) and the Statewide Long Range Intermodal Transportation Plan (SWLRP). Exact methods will depend on the situation and, when appropriate, will embrace a combination of the following methods.

The following methods and processes will apply to the STIP. The STIP is a document that contains federally funded projects to be undertaken by the Department and the MPOs in the next three years. The STIP describes specific projects, their funding source, route, job limits, and anticipated construction letting dates. It is updated every two years.

The following methods and processes will also apply to the SWLRP. The SWLRP contains policies that will guide transportation planning for a minimum of 20 years into the future. It is intermodal, that is, it considers policies for highways, rail, air, waterways, rural transit and pedestrian/bicycle forms of transportation. Unlike the STIP, the SWLRP does not contain specific transportation projects. However, it may identify corridors for transportation improvements. The SWLRP is updated every five (5) years.

### **Process for Consultation with Local Officials in Non-Metropolitan Areas on the STIP:**

1. The Draft STIP is developed by the Department and approved by the Director.
2. A Legal Notice is published in a statewide newspaper informing the local officials that the Draft STIP is available for comment.
3. A press release, including a listing of projects/funding by County, is given to the statewide media informing them of the availability of the Draft STIP for comment.
4. Letters or Notices stating the availability of and soliciting oral or written comments on the Draft STIP are sent to the following non-metropolitan local officials:
  - a. Mayors of towns, cities or municipalities not a member of an MPO.
  - b. County Judges representing counties not a member of an MPO.
  - c. Planning and Development Districts or Economic Development Districts (PDD/EDDs).

5. The Draft STIP is made available in various formats: by download from the Department website, by mailing copies upon request, and by placing them in the District Headquarters, the PDD/EDD offices, and the State Clearinghouse.
6. Comments received by the Department are addressed and responses are made to the originator of the comment.
7. The Draft STIP goes through a final internal review process, including the review of all comments received.
8. The Draft STIP (with any revisions) is then submitted to the Arkansas State Highway Commission (the Commission).
9. The Commission approves the STIP by Minute Order.
10. Notification of the availability for distribution is sent to the following non-metropolitan local officials:
  - a. Mayors of towns, cities or municipalities not a member of an MPO;
  - b. County Judges representing counties not a member of an MPO;
  - c. PDD/EDDs.
11. The Department web site is updated with the Final STIP.

**Process for Consultation with Local Officials in Non-Metropolitan Areas on the SWLRP:**

1. The Draft SWLRP is developed by the Department and approved by the Director.
2. A Legal Notice is published in a statewide newspaper informing the public and local officials that the Draft SWLRP is available for comment.
3. A press release is given to the statewide media informing them of the availability of the Draft SWLRP for comment.
4. Letters or Notices stating the availability of and soliciting oral or written comments on the Draft SWLRP are sent to the following non-metropolitan local officials, community leaders, and state and federal agencies:
  - a. Mayors of towns, cities or municipalities not a member of an MPO;
  - b. County Judges representing counties not a member of an MPO;
  - c. PDD/EDDs.
5. The Draft SWLRP is made available in various formats: by download from the Department website, by mailing copies upon request, and by placing them in the District Headquarters, the PDD/EDD offices, and the State Clearinghouse.
6. Comments received by the Department are addressed and responses are made to the originator of the comment.
7. The Draft SWLRP goes through a final internal review process, including the review of all comments received on the plan.
8. The Draft SWLRP (with any revisions) is then submitted to the Commission.
9. The Commission approves the SWLRP by Minute Order.

10. Notification of the availability for distribution is sent to the following non-metropolitan local officials:

- a. Mayors of towns, cities or municipalities not a member of an MPO;
- b. County Judges representing counties not a member of an MPO;
- c. PDD/EDDs.

11. The Department web site is updated with the Final SWLRP.

This document can also be viewed at the Department's web site: [www.arkansashighways.com](http://www.arkansashighways.com). More information may be obtained or questions answered in the following ways:

By Telephone:	Contact Jessie Jones at 501-569-2201.
By Writing:	Ms. Jessie Jones, Division Engineer Transportation and Policy Planning Division P.O. Box 2261 Little Rock, AR 72203
By Email:	<a href="mailto:Jessie.jones@ahtd.ar.gov">Jessie.jones@ahtd.ar.gov</a>
By Fax:	501-569-2428 to Jessie Jones, Division Engineer

