



# **Title VI/Nondiscrimination Implementation Plan FY 2024**

September 27, 2023  
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Civil Rights Office Director

## **I. BACKGROUND**

As per Plan Number 6 for the Reorganization of the Commonwealth of Puerto Rico's Executive Branch, effective January 2, 1973, the Department of Public Works was reorganized and re-designated as the Department of Transportation and Public Works (DTOP, for its Spanish acronym). It is the central government agency in charge of the transportation programs of the Commonwealth of Puerto Rico. Through this Reorganization Plan, the Puerto Rico Highways and Transportation Authority (PRHTA), the Ports Authority (later separated by subsequent legislation) and the Metropolitan Bus Authority (MBA) were all ascribed to the DTOP. These Authorities are federal-aid recipients that work as public corporations with fiscal autonomy over business affairs for which they are responsible. However, these authorities were further modified during fiscal year 2014. Under Law No. 41 of March 21, 2014, a Board of Directors was created, presided over by the Secretary of DTOP, which is now the governing body for PRHTA.

Also, Law No. 123 on August 3<sup>rd</sup>, 2014, was approved, creating the new Integrated Transportation Authority (ITA), which operates under a governing Board presided by the Secretary of DTOP. ITA combines MBA's operation, the Maritime Transportation Authority (MTA) and the Tren Urbano (Urban Train) operation, which is currently under contract between PRHTA and a private company (Alternate Concepts Inc.). The complete transfer of such operations to ITA is still in process.

The legal situation of the DTOP and the PRHTA can be summarized as a relationship with very close ties where one creates the transportation system public policy, mainly concentrating in state roads and the licensing of drivers and vehicles (DTOP), while the other (PRHTA) is the branch executing projects as a recipient for expressways or under contract with the DTOP for state roads. PRHTA is somewhat more agile than DTOP given its fiscal status as a recipient. Its operation is highly complex as it entails a great number of elements that give direct services to the public. Both Agencies have their main offices located in Roberto Sanchez Vilella Government Center, South Building. Regional Offices are distributed throughout the Island, thus serving the 78 municipalities.

## **II. POLICY STATEMENT**

It is the policy of the PRHTA that every Agency employee shall perform all official actions affirmatively and in full accord with the spirit and letter of the Constitutions of the United States and of the Commonwealth of Puerto Rico. Therefore, PRHTA adheres to Title VI of the Civil Rights Act of 1964 to ensure that no one is excluded from participation in, denied the benefits of or discriminated against on the basis of race, color or national origin. PRHTA also complies with other federal and state civil rights authorities that prohibit discrimination for other bases, such as sex, age, disability, social/economic status. The Secretary of the DTOP endorses this policy and establishes the designation of a Civil Rights Office (CRO) Director to be the formal representative of the PRHTA in civil rights compliance matters. The Secretary also directs that the following policy is posted both on the PRHTA civil rights website and in common areas of PRHTA buildings.

Gobierno de Puerto Rico  
**DEPARTAMENTO DE TRANSPORTACIÓN Y OBRAS PÚBLICAS (DTOP)  
Y SUS AGENCIAS ADSCRITAS**

**Sus Derechos bajo el Título VI de la Ley de los Derechos Civiles de 1964  
(42 U.S.C. Section 2000d)**

- El Departamento de Transportación y Obras Públicas, y la Autoridad de Carreteras y Transportación operan sus programas y servicios sin importar raza, color o nacionalidad de acuerdo al Título VI de la Ley de los Derechos Civiles. Cualquier persona que crea que ha sido víctima de cualquier práctica discriminatoria prohibida por ley podrá radicar una querrela en la Oficina de Derechos Civiles de la ACT.
- Para más información acerca de los programas y reglamentos que administra la Oficina de Derechos Civiles o para radicar una querrela puede comunicarse con la Oficina de Derechos Civiles de la ACT, Centro Gubernamental Roberto Sánchez Vilella, Torre Sur, Piso 16, Santurce, Puerto Rico 00940-2007; teléfonos (787) 721-8787 ext. 51740 o 51742; fax (787) 721-2621 o a través del correo electrónico [derechosviviiles@dtop.pr.gov](mailto:derechosviviiles@dtop.pr.gov).

**Your Rights under Title VI of Civil Rights Act of 1964  
(42 U.S.C. Section 2000d)**

- The Puerto Rico Department of Transportation and Public Works and the Puerto Rico Highways and Transportation Authority operates its programs and services without regard to race, color and national origin in accordance with the Title VI of the Civil Rights Act. Any person who believes he or she has been subject to any unlawful discriminatory practice under Title VI may file a complaint at the PRHTA's Civil Rights Office.
- For more information on the PRHTA'S civil rights programs and procedures or to file a complaint, contact the PRHTA Civil Rights Office, Roberto Sánchez Vilella Government Center, South Building, 16<sup>th</sup> Floor, Santurce, Puerto Rico / PO Box 42007, San Juan, Puerto Rico 00940-2007; (787) 721-8787 ext. 51740 or 51742; Fax (787) 721-2621 or through the email address [derechosviviiles@dtop.pr.gov](mailto:derechosviviiles@dtop.pr.gov).

Rev. 9/2023

### III. STANDARD ASSURANCES

Each year, the DTOP Secretary executes a nondiscrimination assurance. The document, entitled *Standard Title VI/Non-Discrimination Assurance, DOT 1050.2A*, serves two purposes: First, it demonstrates a commitment to nondiscrimination by executive leadership of PRHTA. Second, it contractually commits PRHTA to nondiscrimination in order to receive federal financial assistance from US DOT and its modal agencies. PRHTA's current assurance is included as an attachment to this document and is also online at <https://act.dtop.pr.gov/derechos-civiles/assurances>. Those without web access may view the Assurance and other public nondiscrimination documents by contacting the Title VI/Nondiscrimination Coordinator at 787- 721-8787 Ext. 51740 or those with hearing impairments may dial 711.

The 2023 Standard Assurance was signed on September, 21 2023 and is posted to the PRHTA's CRO's website. In addition, the Assurance includes standard contract clauses in Appendices A through E. While Appendices B and C are applicable only in specific circumstances, Appendices A and E apply to and are included in all PRHTA contracts. Both the assurance and the clauses of Appendices A and E are available on the CRO's website and included herein as follows:

# Fiscal Year 2024 Title VI/Nondiscrimination Implementation Plan



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

The Puerto Rico Highway and Transportation Authority (PRHTA) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), is subject to and will comply with the following:

### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, 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 DOT, including the FHWA and FTA.*

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

Roberto Sanchez Vilella Government Center, South Tower  
PO Box 42007, San Juan, PR 00940-2007 | Tel. 787-721-8787 | [www.dtop.pr.gov](http://www.dtop.pr.gov)

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Puerto Rico Highway and Transportation Authority (PRHTA), also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA and FTA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA and FTA. You must keep records, reports, and submit the material for review upon request to FHWA and FTA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Puerto Rico Highway and Transportation Authority (PRHTA) gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway and FTA Programs. This ASSURANCE is binding in Puerto Rico, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees,

### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Highway and FTA Programs:

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


2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all FHWA and FTA Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Puerto Rico Highway and Transportation Authority (PRHTA), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

successors in interest, and any other participants in the Federal Highway and FTA Programs. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Puerto Rico Highway and Transportation Authority  
(Name of Recipient)

by:   
Eileen M. Velez Vega, PE  
Secretary

Department of Transportation and Public Works

Dated: 9/21/23

#### APPENDIX A

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

- 1. Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- 2. Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- 4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information

required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.

- 5. Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
- 6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

#### APPENDIX B

##### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the Puerto Rico Highway and Transportation Authority (PRHTA) will accept title to the lands and maintain the project constructed thereon in accordance with laws of Puerto Rico, the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d- 4), does hereby remise, release, quitclaim and convey unto the Puerto Rico Highway and Transportation Authority (PRHTA) all the right, title and interest of the U.S. 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 Puerto Rico Highway and Transportation Authority (PRHTA) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or

for another purpose involving the provision of similar services or benefits and will be binding on the Puerto Rico Highway and Transportation Authority (PRHTA), its successors and assigns.

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

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

APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Puerto Rico Highway and Transportation Authority (PRHTA) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Puerto Rico Highway and Transportation Authority (PRHTA) will have the right to terminate the (lease, license,

permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Puerto Rico Highway and Transportation Authority (PRHTA) have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Puerto Rico Highway and Transportation Authority (PRHTA) and its assigns.\*

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



## APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by Puerto Rico Highway and Transportation Authority (PRHTA) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Puerto Rico Highway and Transportation Authority (PRHTA) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and

## APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or

the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants Puerto Rico Highway and Transportation Authority (PRHTA) will there upon revert to and vest in and become the absolute property of Puerto Rico Highway and Transportation Authority (PRHTA) and its assigns.\*

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

activities are Federally funded or not);

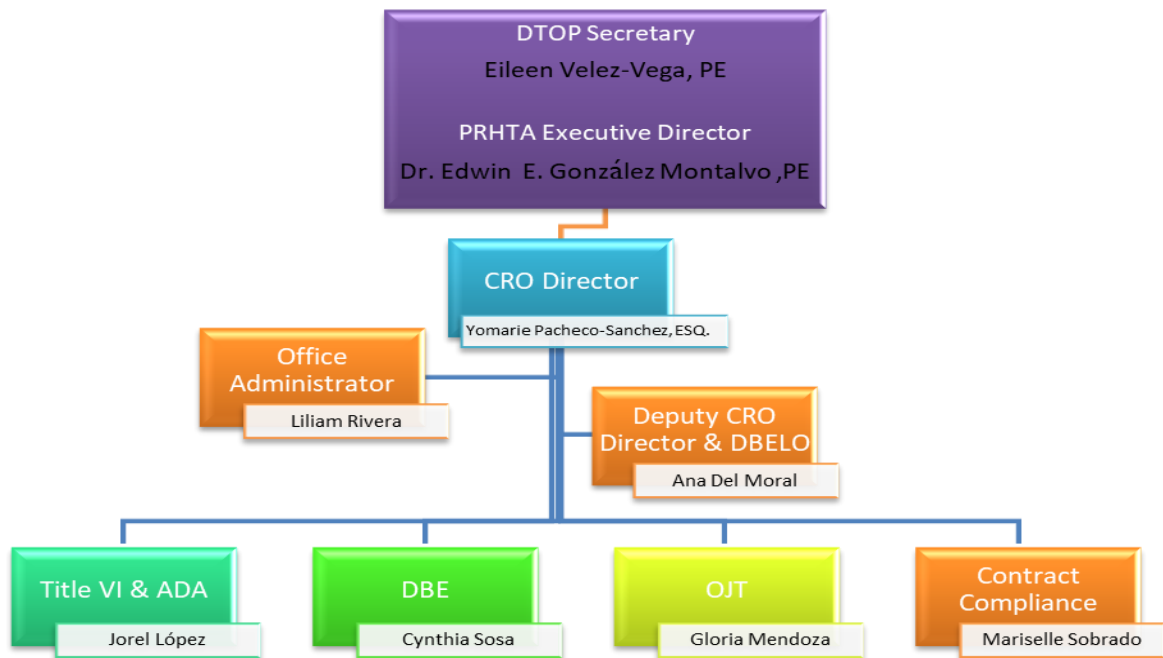
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

#### IV. ORGANIZATION STRUCTURE

##### 1. Civil Rights Office

The CRO has as a primary goal ensuring equity and nondiscrimination within all PRHTA’s programs, services, and activities. A civil right is the common name given to those rights guaranteed to all people in the United States, by the Constitution of the Commonwealth of Puerto Rico and the United States, and other legislation, guaranteeing equal treatment. Such treatment is guaranteed without distinction as to race, color, national origin (Title VI) and sex, age, disability or economic/social status (other federal and state nondiscrimination authorities). The functions assigned to the CRO have been subdivided by specific civil rights program areas. The CRO is managed by its Director, who reports to both the Secretary of the DTOP and the Executive Director of the PRHTA. The Director has direct, easy, regular and independent access to either or both of these executive officials. Currently, the CRO has assigned four (4) Civil Rights Coordinators for five (5) programs, a Deputy Director who manages the DBE Program along with one of the coordinators, and an Office Systems Administrator. The Title VI position is shown on the bottom left.

Thus, the composition of the CRO is as follows:



##### 2. Title VI Program



Title VI refers to a portion of the Civil Rights Act of 1964 which stipulates 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 otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation. Subsequent legislation and other authorities included protection and/or consideration of gender, age, social/economic condition, and those with disabilities. This Implementation Plan is specific to Title VI though its processes and procedures are designed to guarantee that no one in Puerto Rico is subjected to protected class discrimination by PRHTA or DTOP.

### 3. Roles and Responsibilities

The Title VI/Nondiscrimination Coordinator (Coordinator) reports to the Director of CRO, the Secretary and/or the Executive Director any problems or accomplishments in the PRHTA Title VI/Nondiscrimination program, in addition to program concerns and accomplishments in the Department. Should the Director be unavailable or if for any reason the coordinator cannot report to the Director, the Coordinator has the authority to go directly to either the PRHTA's Executive Director or DTOP's Secretary.

The Coordinator is responsible for coordinating all aspects of Title VI program activities within the Department. Those efforts include, but are not limited to:

- Developing, coordinating, and implementing all Title VI procedures, ensuring affirmative procedures, and correcting within ninety (90) days any deficiencies which might result in the Department being placed in a deficiency, or non-compliance status by the FHWA.
- Providing training, technical assistance and advice on Title VI matters to Department personnel.
- Conducting Title VI reviews of federal program areas to ensure programs, services and activities are conducted in a nondiscriminatory manner;
- Reviewing Title VI complaints to ensure they are shared with appropriate US DOT modal agencies and promptly processed consistent with the PRHTA Title VI/Nondiscrimination complaint process;
- Interacting with Puerto Rico DOT supervisory personnel in providing Title VI/Nondiscrimination information in languages other than English;
- Interacting with other Civil Rights Program personnel in reviews of program activities which include Title VI or other discrimination issues;
- Updating and submitting to FHWA annually the Title VI Implementation Plan, reflecting any changes in organization, policy or implementation;
- Preparing a yearly report of Title VI's accomplishments for the past year and the goals for the following year.

## V. **PROGRAM AREA MONITORING & REVIEW**

PRHTA has developed strategies for ensuring, demonstrating, and substantiating compliance with Title VI. These strategies include consideration of demographic

information in transportation planning, development, and delivery service. To achieve that goal, PRHTA has developed a demographic profile that includes identification of the locations of socio-economic groups by race and ethnicity, but also by age, income, and education.

The planning process seeks to recognize the needs of protected class communities and ensure they have access to and can participate in transportation decision making. Public participation involves outreach, notice, and the opportunity for the public to provide comments. PRHTA works diligently to ensure that the public has notice of transportation planning and services by partnering with community groups, posting public notices along the effected service routes, and translating notices when the demographic data shows that those with limited or no English are likely to be impacted by the transportation planning.

The project development process must ensure equity and nondiscrimination in studying and choosing the elements of transportation projects. Unlike planning, however, project development works with individual projects moving toward construction and therefore projected impacts are scrutinized more minutely and, where impacts are likely to be burden particular racial or ethnic groups, project development strategizes ways of avoiding or lessening the impacts.

Design and construction have even closer project-level involvement, but fewer Title VI concerns, as a properly planned and developed project should have already eliminated the potential for exclusion of or discrimination against anyone due to race or ethnicity. However, this process has other Title VI concerns related to temporary impacts and nondiscrimination in contracting.

Regardless of the program area, each Director within the DTOP or PRHTA federal program areas are responsible for ensuring Title VI compliance within their particular areas of responsibility. Title VI monitoring, coordinating and documentation is the responsibility of the designated Area Title VI Liaison. The Liaison is either the Director or a designee. Title VI Area Liaisons collect and assess program area-specific data, looking for possible anomalies, trends, or evidence of disparity. Each Liaison then will provide quarterly Title VI reports to the CRO Title VI Coordinator. Using these reports, the Coordinator chooses up to three program areas annually for review.

PRHTA has designated five (5) Title VI program areas. This does not mean that all PRHTA programs, services and activities are not covered by Title VI or that the Title VI Coordinator does not review other areas. Rather, these are ancillary programs that, based on funding amounts, public interaction, and relevance to the PRHTA's mission are lower risk and require fewer Title VI resources than the primary program areas.

The following describes each Title VI program areas as defined by PRHTA, along with the information and data regularly collected/reviewed to demonstrate compliance:

## 1. Planning

The Planning Section is responsible for delivering the state highway planning process in accordance with Title VI program requirements. It produces several studies and plans each

year, however the most critical are the Long-Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP) and the Public Participation Plan. The first is a 25-year vision of multimodal transportation needs along with cost projections. It is the primary planning product of PRHTA, and all projects advanced for design and construction must be consistent with it. The TIP is a shorter-term document, about 5-years. In it, cost projections are more specific, and projects listed in order of priorities, developed from public input. To develop both plans, PRHTA has a Public Participation Plan that explains how it will solicit input by and inclusion of everyone, including racial and ethnic minorities.

The Planning Section now uses demographic data from US Census to identify primary characteristics like race and national origin island wide. It also employs a mapping system as well, that layer's secondary data (i.e. age, poverty, education) and compares it to transportation uses, unmet needs, crash/safety data and access to health and food. Once mapped, PRHTA has a clearer picture of transportation projects and how they address critical concerns for particular areas of the island.

The following table describes the reporting responsibility of the Planning Section Title VI Liaison and the response taken by the Title VI Coordinator:

Planning Title VI Liaison Reporting	Title VI Coordinator Review
Availability of Draft Plans or Plan Amendments for review	Ensure inclusion and analysis of demographic data for nondiscrimination and/or equity
RFP/RFQ notification of a consultant contract to be issued by the Planning Section	Contract package includes Appendices A and E from 1050.2A
New or different demographic data sets are used or uploaded to the mapping system	Data is best-quality source, current and likely to be probative for decision making
Projects or plans that may impact discrete communities comprised of racial ethnic minorities <sup>1</sup>	Investigate for evidence of discrimination or impacts that cumulatively could impact communities on the bases of race and/or ethnicity
Did the planning area receive any complaints during the reporting period?	Neither PRHTA nor PRMPO received any complaints of discrimination during the reporting period, though PRMPO was directed to begin including race and ethnic information in its CCI.
Complaints or concerns received by the Planning Section that suggest alleging discrimination, disparate treatment, inequity, unfairness based on membership in a protected class, related	Review to determine whether Title VI is implicated. If so, transfer to FHWA or FTA depending on the activity or program. Attempt resolution where possible.

<sup>1</sup> The population in Puerto Rico is 99% Hispanic. Despite extensive marketing by US Census, the significant changes in 2020 decennial figures suggest that many Puerto Ricans are unfamiliar with the distinction between race and national origin. Thus for effective analysis, PRHTA must often use poverty and age statistics as exordium to discovering race and/or ethnicity.

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to race, color, national origin, sex?	
New or altered policies, procedures, specifications, guidance materials or other similar materials	Section authorities are consistent with PRTHA's Title VI program and do not discriminate or suggest disparity
New hires, consultants, or other staff that require Title VI training	Schedule and deliver Title VI training
Does the PRMPO have a Community Characteristics Inventory (CCI) that provides area demography by race and ethnicity, at a minimum?	Review long range plan to verify CCI and ensure CCI data is accurate and up to date
Was the CCI updated during the reporting period?	Verify updates to planning products, including amendments, and assess the data used to evaluate impacts to protected classes
Did PRMPO approve any planning products during the reporting period (i.e. LRTP, TIP, UPWP, PPP)?	
Did PRMPO solicit review & concurrence by PRHTA ODC before approving the planning product?	
List all amendments to planning documents during the reporting period	
Do amendments impact communities of concern for Title VI?	
How many public meetings did the MPO deliver during the reporting period?	
How many of these meetings were in areas of concern for Title VI?	Review PRMPO contact with the general public ensuring that planning information is distributed in accordance with the approved LEP plan. For PR, this generally means public information is provided in the Spanish language
Which planning products or information meant for public dissemination were translated into language other than English during the reporting period?	
Did the MPO provide oral interpretation of any planning information in languages other than English?	
Urban Planning	Census designated transportation organizations (MPOs) conduct transportation studies and modeling to produce a Long Range transportation plan (LRTP), a Transportation Improvement Program (TIP) plan, a Unified Planning Work Program (UPWP) Plan, and a Public Participation Plan. Congestion Management and Bike Ped plans may be integrated or associated with core planning products.
Statewide Planning	State DOT manages nonurbanized transportation planning and in cooperation with MPOs, produces the Statewide Transportation Improvement Program (STIP) plan which informs the five-year transportation work program. State DOT also monitors MPOs for compliance with planning regulations, state

	requirements and 2 CFR 200.
Public Participation	MPOs and State DOT maintain, implement, update and measure effectiveness of PPPs that describe how public input is solicited and considered, including via websites, social media, visualization techniques, meetings, board makeup and other factors. The documents also describe the core planning products, how/when they are produced, and the process for amending them when necessary.
Procurement	MPOs and State DOT procure consultant services consistent with 2 CFR 200, FHWA, and State requirements, including DBE goals and bidders list requirements (if applicable), prohibition of local contracting preferences or points, insertion of nondiscrimination Assurances (Appendices A & E); MPOs and State DOT monitor consultant performance to ensure nondiscrimination in consultant selection and consultant delivery of services.
Vulnerable Users	Whether standalone or part of core planning products, MPOs and State DOT maintain plans or programs for pedestrians & bicyclists to ensure safe, accessible and equitable modal transportation choices for all users, including transportation disadvantaged and those with disabilities.

## 2. Project Development

In Project Development, PRHTA studies the projects advanced by planning to determine how best to meet the purpose and need of the project while at the same time avoiding, minimizing, or mitigating harmful impacts the project may have to the physical and social environment. The level of review depends on the size and nature of the project. Those adding capacity and/or likely to severely impact wetlands, cultural/historical resources or communities receive the highest level of scrutiny. Projects with more limited scopes or impacts receive gradations of scrutiny with almost no review for projects improvement projects with no further anticipated impacts.

To ensure nondiscrimination, each environmental document must include two critical elements: a description of the efforts made by PRHTA to identify and include all interested parties and members of the public; and sufficient demographic information describing the likely communities to be impacted. Environmental documents analyze these elements to balance project benefits with burdens in areas like aesthetics, air/water quality, mobility/connectivity, economic development and access to employment, community cohesion, and safety. These analyses are most often performed by professional service consultants, that further develop the project with location studies, preliminary design and engineering plans and continued public involvement.

As in Planning, the Project Development Section has an assigned Title VI Liaison who is responsible for monitoring section activities and reporting to the Title VI Coordinator, who performs the annual program area review. The following table shows the documents collected by the Liaison and how the Coordinator uses them to ensure nondiscrimination:

Project Development Title VI Liaison Reporting	Title VI Coordinator Review
Number and category of Environmental Documents processed during the reporting period	Level of review is commensurate with size, scope, and type of project.  Documents include appropriate public involvement information, demographic data, and sufficient analysis to determine incidents or trends of discrimination
RFP/RFQ notification of a professional services consultant contract to be issued by the Project Development Section	Contract package includes Appendices A and E from 1050.2A; scope requires demographic analysis to identified benefits and burdens on racial and ethnic minorities, at a minimum
New or different demographic data sets are used or uploaded to the mapping system	Data is best-quality source, current and likely to be probative for decision making
Identification of Projects that may impact discrete communities comprised of racial ethnic minorities <sup>2</sup>	Investigate for evidence of discrimination or impacts that cumulatively could impact communities on the bases of race and/or ethnicity
Complaints or concerns received during project development that suggest discrimination, disparate treatment, inequity, unfairness based on membership in a protected class	Review to determine whether Title VI is implicated. If so, transfer to FHWA or FTA depending on the activity or program. Attempt resolution where possible.
New or altered policies, procedures, specifications, guidance materials or other similar materials	Section authorities are consistent with PRTHA's Title VI program and do not discriminate or suggest disparity
New hires, consultants or other staff that require Title VI training	Schedule and deliver Title VI training
Project Development	State DOT develops, updates and maintains a process manual describing how it complies with NEPA and other federal and state environmental authorities; State DOT develops project purpose/need, boundaries and a project description that demonstrates consistency with the applicable planning document; State DOT considers context and intensity of projects to assign a NEPA class of action.
Environmental Review	State DOT prepares the environmental document, assessing as necessary alternative corridors, as well as likely impacts to both physical and human environments, including but not limited to historical resources, farmlands, aesthetics, water/air

<sup>2</sup> The population in Puerto Rico is 99% Hispanic. Many are unfamiliar with the distinction between race and national origin, though this is improving with each new census product. Nevertheless, for effective analysis, PRTHA must often use poverty and age statistics as exordium to discovering race and/or ethnicity.



	quality, protected species, wetlands, noise, employment, economic development, social services, and communities; In coordination with stakeholders and the public, State DOT identifies avoidance, minimization and mitigation strategies for any adverse impacts and develops project commitments to ensure the strategies are actually deployed.
Public Participation	Project development follows a plan for early and continuous engagement of the public, including property owners, tenants, business owners and operators, public officials and agencies, facility users, interested individuals, special interest groups vulnerable users and traditionally underserved communities; the plan details how public input is considered and used to inform project decisions and resolve issues.
Procurement	State DOT procures professional services (A&E) consistent with 2 CFR 200, FHWA, and State requirements, including DBE goals and bidders list requirements (if applicable), prohibition of local contracting preferences or points, and insertion of nondiscrimination Assurance clauses (A & E); State DOT monitors consultant performance to ensure adherence to NEPA and related authorities, including those requiring nondiscrimination in consultant selection and delivery of services.
Environmental Screening	State DOT employs an EST to (at a minimum) integrate/store project and related data from multiple sources, and to analyze the effects of proposed projects on the human and physical environment.

### 3. Right of Way

Culturally, the people of Puerto Rico are fiercely proud of their island and the portions of it they call their own. This makes acquisition of property both a difficult and important decision for PRHTA. The Right of Way Section is responsible for the acquisition of all property required for highway construction, material sources, and maintenance shed sites. Procedures for the acquisition of highway right of way, appraisals, negotiations, title requirements, relocation assistance, utility adjustments and other works related to the acquisition or disposition of real property are important elements of Title VI monitoring during this phase of the highway process. The acquisition of right of way follows the planning, design phases of the highway development process, and is one of the final phases prior to the actual award of the construction contract. PRHTA adheres to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and required FHWA regulations, including those that prohibit discrimination based on Title

VI.

The ROW Section has an assigned Title VI Liaison responsible for monitoring day to day Section activities for nondiscrimination. The Liaison must also collect and provide to the Title VI Coordinator specific information so that she can conduct an annual review of the program area:

Right of Way Title VI Liaison Reporting	Title VI Coordinator Review
Contract appraisers used during the reporting period by race, ethnicity, and gender	Contract appraiser demography is representative of the project area
Appraisal comparisons conducted during the reporting period to ensure like sized/located properties are not disparately valued	Verify analysis and sample appraisals to identify incidences or trends of discrimination
Appraiser contracts executed during the reporting period	Contract package includes Appendices A and E from 1050.2A
ROW project plans including location, block and track data from US Census, lists of impacted owners/renters, demographic identification of each owner/renter	Data is best-quality source, current and likely to be probative for decision making.  Any disparity in impacted properties by race/ethnicity as compared to properties not acquired
Interviews and customer satisfaction forms	Screen for discrimination complaints or information that suggests disparity based on race or ethnicity
Complaints or concerns received ROW Section that suggest discrimination, disparate treatment, inequity, unfairness based on membership in a protected class	Review to determine whether Title VI is implicated. If so, transfer to FHWA or FTA depending on the activity or program. Attempt resolution where possible.
New or altered policies, procedures, specifications, guidance materials or other similar materials	Section authorities are consistent with PRTHA's Title VI program and do not discriminate or suggest disparity
New hires, consultants, contract appraisers that require Title VI training	Schedule and deliver Title VI training
Appraisal & Acquisition	State DOT provides in-depth appraisals to ensure impacted owners receive no less than fair market value for properties and are treated equitably and consistently, including during imminent domain proceedings; State DOT adheres to the Uniform Act and related regulations requiring fair negotiation, adequate notice, and just compensation, to include reasonable fees for legal representation, independent appraisal and other similar expenses.
Relocation	State DOT offers relocation assistance to eligible displaced persons, providing adequate notice and (for residential relocation) help in locating and obtaining comparable replacement property that is safe and sanitary; State DOT ensures the

	reimbursement of reasonable moving costs and maintains regular communication with displaced persons, answering questions and offering assistance.
Public Participation	State DOT maintains demographic information on anyone impacted by acquisition and relocation, as well as documenting all communication; State DOT provides ROW assistance in alternate languages, as appropriate, and solicits customer service feedback from those impacted by acquisition and relocation activities.
Procurement	When necessary, State DOT obtains certified property appraisers, making reasonable efforts to ensure appraisers are representative of the population in the relevant service area in terms of race, ethnicity and gender; State DOT procures contracts consistent with 2 CFR 200, FHWA, and State requirements, including application of DBE goals and bidders list requirements (if applicable), prohibition of local contracting preferences or points, and insertion of nondiscrimination Assurance clauses (Appendices A & E).
Property Management & Outdoor Adverts.	State DOT monitors improvements on acquired property to ensure expeditiously removed in advance of construction; State DOT oversees temporary management, sale and leasing of surplus property, maintaining a safe and kempt environment consistent with the surrounding area; State DOT controls ODA signs within National & State highway right of way, including sign height, size, spacing and lighting.

#### 4. Design and Construction

The Design and Construction Section is responsible for delivery of projects planned and developed by the other sections. The Section completes and reviews designs, lets road/bridge contracts, conducts contract oversight and administration, and inspects and final accepts the finished project. CRO has close contact with the Section because of other nondiscrimination responsibilities such as preconstruction notifications, bulletin board requirements, equal employment opportunity, on-the-job training, disadvantaged business enterprise and prevailing wages. As such, Design and Construction have fewer responsibilities than sections that must regularly report to the Title VI Coordinator. Nevertheless, the majority of PRHTA funding is expended in this program, making it an area of vital importance. Moreover, despite the closer ties between the Section and CRO, there are some Title VI elements that require monitoring and reporting by the Title VI Liaison, including:

- Documenting input received from minority, low-income and other Title VI protected populations facing barriers to access during construction.

- Ensure Contractor adheres to and effectively implements avoidance or mitigation commitments identified during project development.
- Review monitoring/inspection activities to ensure the design or construction procedures/practices do not result in disparate treatment of communities based on race and/or ethnicity.

The Liaison must also collect and provide to the Title VI Coordinator specific information so that she can conduct an annual review of the program area:

Design & Construction Title VI Liaison Reporting	Title VI Coordinator Review
Traffic Management Plans consider operation of schools, businesses, faith-based and civic organization	Plans sampled to ensure construction activities do not hamper or impede critical activities of public based on race/ethnicity
Designs reviewed to ensure no unreasonable loss of access	Plans sampled to ensure identify communities by race/ethnicity that may have unmet needs during project delivery
Contracts let during the reporting period	Contract package sampled to ensure inclusion of the standard specifications (clauses from Appendices A and E from 1050.2A)
New or altered policies, procedures, specifications, guidance materials or other similar materials	Section authorities are consistent with PRTHA's Title VI program and do not discriminate or suggest disparity
New hires, consultants, or other staff that require Title VI training	Schedule and deliver Title VI training
Context Sensitivity	State DOT develops, implements and monitors policies, procedures, standards and supporting materials for the design of roadways, structures and pedestrian facilities; State DOT employs context sensitive design that considers geographical location, surrounding land use, and the needs of all users of the facility.
Temporary Traffic Control	State DOT design standards describe requirements for safe maintenance of traffic during construction, including consideration of: facility proximity to social, government and commercial services, traffic volumes and speeds, pedestrian use, changing conditions relative to time of day, and availability of safe/accessible pedestrian routes (either temporary or alternate).
Public Participation	State DOT actively solicits and engages the public for input in developing project design, adhering to the state's approved PPP when conducting and documenting targeted outreach, as well as when considering or responding to public comments.
Procurement	State DOT procures design professional services

	consistent with 2 CFR 200, FHWA, and State requirements, including application of DBE goals and bidders list requirements (if applicable); prohibition of local contracting preferences or points; insertion of nondiscrimination Assurance clauses (Appendices A & E). State DOT monitors consultant performance to ensure nondiscrimination in consultant selection and consultant delivery of services.
Utilities/Railroads	State DOT Design staff coordinates project designs with Utilities and Rail offices, as necessary, and adheres to the to approved utility accommodation and/or procedures manuals, and the State DOT Rail System Plan.
Contract Administration	State DOT develops, updates, maintains, enforces and documents its processes for monitoring all phases of work to demonstrate contract compliance with Title 23 and related requirements, including FHWA 1273; State DOT similarly oversees work performed by asset maintenance contractors, without regard funding source(s).
Project Delivery	State DOT visibly oversees construction activities, showing public commitment to safe, efficient and equitable transportation facilities; State DOT monitors temporary traffic control, service interruptions, and project-related noise/dirt intrusion, emphasizing safety, accessibility, and minimal inconvenience to users to the extent possible; State DOT verifies that project staff is aware of and addresses project environmental commitments, as necessary.

### 5. Community Involvement

Community Involvement is a requirement of every PRHTA program area, and the section is often the first to learn of potential problems or issues in PRHTA plans, programs, or projects. In fact, Community Involvement responsibilities overlap the primary program areas to such an extent that PRHTA has designated a Community Involvement Title VI Liaison. The Liaison is responsible for reviewing public participation plans and assessing their effectiveness, ensuring that racial and ethnic minorities are both solicited for participation and their input considered during the process. The Liaison also reports basic information to the Title VI Coordinator, who reviews it seeking missed opportunities for engagement or identification of communities that may require more or different types of outreaches. The Liaison also advises the Coordinator whenever PRHTA’s Planning Public Participation Plan is updated or when projects must have separate participation plans. Efforts to encourage public involvement during the planning and development of the highway process are monitored to ensure compliance with Title VI requirements.

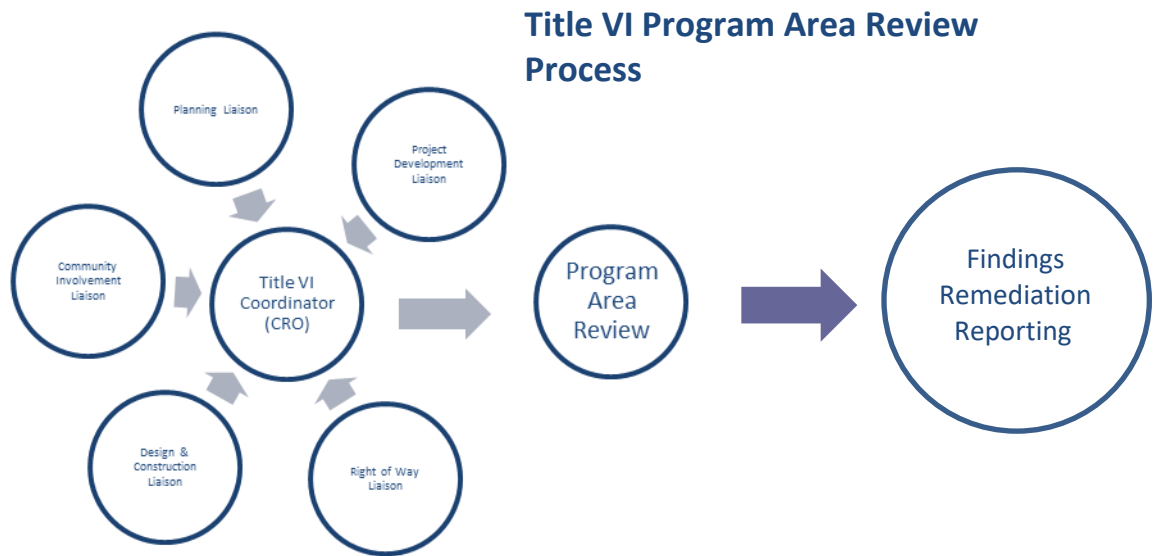
Regular reporting items of the Community Involvement Liaison include:

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Community Involvement Title VI Liaison Reporting	Title VI Coordinator Review
Minority-focus media outlets used during the reporting period	Plans sampled to ensure construction activities do not hamper or impede critical activities of public based on race/ethnicity
Public meeting or hearing notifications published by PRHTA during the reporting period	Notice language sampled to ensure correct nondiscrimination and LEP access statements
Amendments or updates to the primary Public Participation Plans for planning and project development	All amendments and plan updates reviewed to verify race/ethnic inclusion and consideration; ensure that community characteristics inventories are updated in the plans, if warranted.
Complaints, concerns, questions, or other communication received by the Section during the reporting period and that might involve discrimination or inequity	Reviews information seeking potential Title VI complaints subject to PRHTA's intake and processing requirements <sup>3</sup>
Number of public notifications provided in English, Spanish, Haitian Creole during the reporting period along with the name and location of the project or event	Samples notifications to ensure LEP access is provided in the required language
New or altered policies, procedures, specifications, guidance materials or other similar materials	Section authorities are consistent with PRHTA's Title VI program and do not discriminate or suggest disparity
New hires, consultants, or other staff that require Title VI training	Schedule and deliver Title VI training
Public Participation	State DOT posts and maintains project information in a format accessible to the general public, including in languages other than English, if appropriate; State DOT ensures continuous notice to and engagement of the general public, partners/ stakeholders, and those impacted by construction; State DOT identifies the presence of vulnerable users, racial/ethnic minorities, and other underserved communities, using methods designed to engage and involve these users.

<sup>3</sup> FTA requires PRHTA to investigate complaints of Title VI discrimination filed against DTOP transit entities, including the Ports Authority, Tren Urbano and the Metropolitan Bus Authority (MBA). FHWA requires PRHTA to forward all Title VI complaints filed against PRHTA to the FHWA Division Office, that sends it to FHWA Headquarters for processing.





## VI. TRAINING

The PRHTA Title VI Coordinator provides internal and external training related to Title VI and other nondiscrimination provisions, its application to program operations, identification of Title VI issues and resolution of complaints. Annually the Coordinator will require that each designated Section Liaison attend at least one training, generally provided by the Coordinator or by FHWA or FTA representatives. All new hires to PRHTA receive general training that includes Title VI along with EEO and other policies/procedures. External training is offered upon request or as part of other events.

Currently, PRHTA lacks its own computer-based training platform for Title VI, however, PRHTA uses four *FHWA Federal-Aid Essentials Title VI* videos to provide training to municipalities and the dated but still relevant *Understanding and Abiding with Title VI* videos from USDOJ to remind internal staff of its responsibilities.<sup>4</sup>

Finally, all civil rights training and technical assistance events include a Title VI module. This ensures attendees realize that affirmative action and other equity requirements do not exist in a vacuum. For example, PRHTA is one of three state departments of transportation that make up the Caribbean Partners Civil Rights in Transportation workgroup that annually hosts a workshop on key topics and emerging issues. Even though these events may not be focused on Title VI, they nonetheless include at least 1 hour of Title VI instruction.

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<sup>4</sup> Understanding and Abiding by Title VI can be found on YouTube at <https://www.youtube.com/watch?v=lw0mefqIZ5Y> while the Title VI Federal-aid Essentials videos are available at <https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?category=civilrig>



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The Title VI Coordinator captures all Title VI training events by name, date, location and number of attendees and attendee agency or company. The Coordinator reports them to FHWA via its Civil Rights Connect system or as part of the Annual Goals and Accomplishments Report provided by PRHTA to the Division at the beginning of each federal fiscal year.

## VII. LANGUAGE ASSISTANCE PLAN

Title VI of the Civil Rights Act prohibits discrimination based on national origin, among other things. The LEP Executive Order (Executive Order 13166) ensures that, consistent with Title VI, persons with Limited English proficiency ("LEP") have meaningful access to federally conducted and federally funded programs and activities. The Order requires all agencies that provide Federal financial assistance to issue guidance on how Title VI applies to recipients of that assistance in their contact with persons who are LEP. The Order also requires that Federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP. (*Appendix 1*)

The 2022 1-year estimate from the U.S. Census American Community Survey (ACS) estimates that about 79% of Puerto Ricans over the age of 5 speak English 'less than very well' and that Spanish is the primary language spoken at home.<sup>6</sup> This means that the majority of Puerto Rico is likely LEP and in need of interpretation and translation services.

All PRHTA business conducted verbally with the public takes place in Spanish. Further, PRHTA strives to ensure that all documents produced for the benefit of the public are in Spanish, if not both English and Spanish. Generally, documents produced for or at the request of federal entities are produced in English.

## VIII. REVIEW OF PRHTA DIRECTIVES

Whenever PRHTA promulgates or alters a policy, procedure, guidance document or other similar directive, each Section is responsible for reviewing it for consistency with internal and

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<sup>5</sup> PRHTA was one of six states that participated in the 2023 Title VI Summer Camp, a training event designed to develop Title VI Program Area Review tools. These tools will be in testing during FY2024 and, if successful, become a permanent part of the PRHTA Title VI Program beginning in FY2025.

<sup>6</sup> See American Community Survey table S1601 for 2022, *Language Spoken at Home*  
[https://data.census.gov/table?q=United+States&t=Language+Spoken+at+Home&g=010XX00US\\_040XX00US72&tid=ACST1Y2022.S1601](https://data.census.gov/table?q=United+States&t=Language+Spoken+at+Home&g=010XX00US_040XX00US72&tid=ACST1Y2022.S1601)

external authorities. Title VI is no exception. The CRO Director is a member of PRHTA's executive leadership and meets, whenever necessary, with Area or Office Directors and the PRHTA's Executive Director and DTOP's Secretary. She reviews and approves directives issued by the group or, if appropriate, assigns review to the Title VI Coordinator to verify compliance.

PRHTA documents worked by middle management in the areas or offices are identified quarterly as part of the Title VI reporting and reviewed by the coordinator to determine whether the Title VI program is implicated or impacted.

## **IX. ADDRESSING TITLE VI DISCRIMINATION AND/OR NONCOMPLIANCE**

PRHTA lacks any evidence of Title VI violations found by FHWA or FTA in the past ten (10) years, the length of time for which records are generally maintained. Nevertheless, PRHTA is compelled by law, by the 1050.2A Assurances and by its own commitment to the public to resolve noncompliance issues within ninety (90) days of notification or discovery.

More often, PRHTA self-identifies issues through its program area reviews whereby data is collected from various Sections and analyzed for incidents or trends of noncompliance. While these are not necessarily issues of discrimination, they could mask and inadvertently promote disparity. For example, in 2022 PRHTA examined the distribution of bicycle/pedestrian projects in the San Juan area to ensure that communities with higher minority representation were not receiving fewer of these projects (essential for safety and access to employment & other services). The CRO found discrete communities notable for their national origin (Dominican Republic) and also for lower than median income. When crosschecking these areas with the projects programmed, the CRO determined that they were more likely to receive the safety and pedestrian projects than areas with lower representation of minorities.

Another more common occurrence is identification of possible issues through FHWA/PRHTA stewardship and oversight activities. In the past three years, Title VI has not been the subject of findings or recommendations under routine S&O efforts. However, in 2017, FHWA completed an assessment of PRHTA's CRO and found that the CRO Director was covering Title VI due to staffing shortages. It also suggested that PRHTA was unsure of how to implement Title VI in the program areas. Consequently, in 2018, PRHTA added staff and created the program described herein.

CRO has direct, easy, and regular access to the Secretary and the Executive Director along with broad authority to access and review work produced by any PRHTA's areas or offices. It also shares a cordial working relationship with its federal modal partners. Any discrimination or noncompliance that cannot be effectively and quickly remedied internally will be reported to FHWA or FTA for consideration and recommendation, up to and including funding eligibility.

## **X. COMPLAINT PROCEDURE**

The DTOP and the PRHTA have adopted a public grievance procedure for prompt and equitable resolution of complaints alleging an action prohibited by federal regulations.

The purpose of the public grievance procedure is to describe the steps used by the DTOP and PRHTA for processing complaints under Title VI of the Civil Rights Act of 1964, Title II of

the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Intimidation or retaliation because of a complaint is prohibited by law.

Procedure:

1. Any person believes he or she have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under a DTOP/PRHTA program or activity because of their race, color, national origin, age, sex, or disability may file a formal complaint with DTOP's/PRHTA's Civil Rights Office (CRO). The complaint must be filed within one hundred eighty (180) days of the alleged discrimination.
2. All complaints filed against PRHTA and alleging discrimination based on race, color or national origin will be immediately provided to Federal Highway Administration for review and further processing, as required.<sup>7</sup> Complaints alleging discrimination based on other protected classes will be investigated by PRHTA in cooperation with federal or state partners, as applicable.
3. Complaints must be written and signed by the complainant and include:
  - The Complainant(s) name, address, and phone number
  - Basis of complaint (race, color, national origin, sex, age, disability)
  - Date(s) of alleged discriminatory act(s)
  - A statement of the complaint, including specific details, relevant information
4. The complaint must be filed by completing and signing the Complaint Form and delivering it personally, email or by mail to:

Highway and Transportation Authority      Fax: (787) 721-2621  
Civil Rights Office      Email: [derechosciviles@act.pr.gov](mailto:derechosciviles@act.pr.gov)  
PO Box 42007 San Juan, PR 00940-2007
5. Upon receipt of a complaint, the CRO will determine jurisdiction, acceptability or need for additional information. CRO will also provide a copy of the complaint to the applicable U.S. Department of Transportation Modal agency.
6. The CRO will conduct its investigation, which should be concluded in approximated sixty (60) days, after receiving the complete grievance.
7. Once the investigation is concluded, the CRO will notify the complainant of the result.
8. If the complainant does not agree with the result, he or she may file a reconsideration at the DTOP's Legal Adviser's Office, within thirty 30 days of the notification of such result.

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<sup>7</sup> PRHTA will always try to resolve any complaint or issue brought to its attention. However, FHWA interpretation of 23 CFR 200.9 precludes PRHTA from issuing findings under Title VI. Therefore, any complaint alleging race, color, or national origin discrimination in the Federal-aid Highway Program must be provided to FHWA for processing.

9. If the complaint cannot be resolved by DTOP, the matter will be forwarded to the U.S DOT within ten (10) days for further processing.  
*(Appendix 2)*

## Appendix 1

### LANGUAGE ASSISTANCE PLAN

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or “LEP.”

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or “LEP,” entitled to language assistance with respect to a particular type of service, benefit, or encounter. Section 601 of the Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d](#), provides that no person 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 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the U.S. Department of Justice’s Policy Guidance.

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program 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 program to people's lives; and (4) the resources available to the grantee/recipient and costs.

It is the policy of the Puerto Rico Highways and Transportation Authority (PRHTA) and the Department of Transportation and Public Works (DTOP) that every Agency employee shall perform all official actions affirmatively and in full accord with the spirit and letter of the Constitutions of the United States and of the Commonwealth of Puerto Rico. Therefore, the Agency adheres to Title VI of the Civil Rights Act of 1964 to ensure that no one is excluded from participation in, denied the benefits of or discriminated against on the basis of race, color or national origin. The Agency is committed to providing meaningful access to its programs and services to persons who, as a result of their national origin, are limited in English proficiency.



## **Analysis of Factors**

### **Factor 1: The number and Proportion of LEP Person Encountered in the Eligible Service Population**

The 2021 American Community Survey (ACS) 5-year Summary File Data from the US Census Bureau determined that in Puerto Rico, 99.0% of its population is of Hispanic Origin and that 94.8% of its residents speak a language other than English at home. The US Census 2021 also indicates that out of the population of 5 years and over 75.9% speak English “less than very well”, 94.8% speak a language other than English and 5.1% speak English only.

Puerto Rico is the only USA territory where Spanish is spoken as the main language; it is predominantly Hispanic jurisdiction. All these characteristics determine that people in contact with transit vehicle operators, transit station managers, the Agency’s customer service calls, the Agency’s visitors, access agency website, etc. speak mostly Spanish.

### **Factor 2: Frequency of Contact**

Spanish is the main language spoken in Puerto Rico. The Agency serves almost exclusively Spanish speaking individuals since 99.0% of its population is Hispanic. Contact with non -English speaking population is always present. All the services provided by the DTPW are directed to Spanish speaking population. Public Employes, transit vehicle operators, transit station managers, customer service calls, visitors, speak mostly Spanish and in some cases English.

### **Factor 3: the importance to LEP Persons of (DTPW-PRHTA) Programs Activities and Service**

DTPW is the central government agency in charge of the planning and coordination of the activities in the field of transportation of the Commonwealth of Puerto Rico. He DTPW has seven regional offices under the Public Works Directorate, located in Aguadilla, Arecibo, Guayama, Humacao, Mayaguez, Ponce and San Juan. The Public Works Directorate oversees all construction and maintenance of state roads as well as issuance of access permits. It also has a Drivers’s Services Directorate with 15 Drivers Service Centers located in Aguadilla, Arecibo, Barranquitas, Bayamon, Caguas, Fajardo, Vieques, Manati, Guayama, Humacao, Mayaguez, Ponce, Carolina, Rio Piedras and Utuado. This directorate is in charge of all transactions related to vehicles including licensing. Also, the maintenance Area of the DTPW oversees landscaping and the issuance of permits, among other things.

On the other hand, the Puerto Rico Highway and Transportation Authority (PRHTA) is a public corporation and government instrumentality of the Commonwealth of Puerto Rico. It was created to provide people with the best means of transportation, and to expedite the movement of vehicles and individuals, to relieve in every possible way the hazards and inconvenience caused by congestion on the roads of Puerto Rico. Five regionals’ offices carry out the construction projects under the direction of the Construction Area: South, East, West and Metropolitan. Under the Toll Road Area, PRHTA manages toll roads that cover the South (PR52) and East (PR66, PR53), with a portion of PR20.

DTPW, PRHTA and Tren Urbano’s users, transit vehicles operators, transit station managers, employees and customers area mainly of Hispanic origin which are mostly Spanish speaking. Normal interactions between them are done in Spanish language.

#### Factor 4: The Resources Available to the Recipient and Costs

The implementation of the LEP access Program will cause no additional cost to the agency since Spanish is the primary language spoken in the island. All public employees of the DTPW and the PRHTA and transit system speak Spanish and in some cases English.

Policies, publications regarding public hearings, bid advertisements, Title VI related surveys, complaint forms, Tren Urbano signs, communications, printed materials, special fare applications, maps, brochures and general information, danger signs, alarms, exists, etc. are all provided in Spanish and English.

#### Implementation Plan

The DTPW will comply with the federal requirements by providing assistance as follows:

Identifying LEP Individuals Who Need Language Assistance: Spanish is the primary language spoken in Puerto Rico, normal interaction with people helps identify the language spoken by an individual. Spanish is the norm, not the exception.

Language Assistance Measures: DTPW employees are Spanish speaking and in some cases, they also speak English. The following documents are all provided in Spanish: Policies, publications regarding public hearings, bid advertisements, Title VI related surveys, complaint forms, employment applications, Tren urbano, signs, communications printed materials, special fare applications, maps, brochures and general information, etc. Agency staff, vehicle operators, stations managers, etc. speak Spanish language and in some cases English.

Training Staff: All our staff Spanish Speaking and in some cases, they speak English.

Providing Notice to LEP Persons: All communications (newspapers, radio, television. Advertisements, signs and handouts available at stations, announcements in vehicles and at stations, agency website, customer service lines are provided in Spanish.

Monitoring and Updating the LEP Plan: DTPW will evaluate and update this LEP Program

## Appendix 2



### Formulario De Querrela Por Discrimen Titulo VI/ADA TITLE VI/ADA DISCRIMINATION COMPLAINT FORM

El Departamento de Transportación y Obras Públicas y la Autoridad de Carreteras y Transportación están comprometidos en proveer sus servicios sin discriminar para asegurarse que ninguna persona sea excluida de participar en, ni se le negará los beneficios de, o será objeto de discriminación, como lo exigen las leyes federales.

*The Department of Transportation and Public Works and the Puerto Rico Highway and Transportation Authority are committed to providing non-discriminatory services to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services, as required by federal laws.*

Si usted entiende que ha sido discriminado, favor de proveer la siguiente información para facilitar la tramitación de su queja. Si necesita asistencia para completar el formulario o de tener alguna pregunta, no dude en comunicarse al (787) 721-8787 Ext. 51740. Una vez completado, envíelo a:

*If you feel that you have been discriminated against, please provide the following necessary information in order to facilitate the processing of your complaint. If assistance is required to complete the form, if you have any questions, please do not hesitate to call, at (787) 721-8787 Ext. 51740. Once completed, send it to:*

**Oficina de Derechos Civiles  
Autoridad de Carreteras y Transportación  
PO Box 42007 San Juan PR 00940-2007  
Email: [derechos civiles@act.pr.gov](mailto:derechos civiles@act.pr.gov)**

**Sección 1. /Section 1.**

Apellidos/ Last Name  
Initials

Iniciales/

Nombre/First Name

Address

Dirección/

Correo Electrónico/ E-mail address

Teléfono/Telephone



