

# **Title VI/Nondiscrimination Implementation Plan FY 2026**

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## **I. BACKGROUND**

According to Plan Number 6 for the Reorganization of the Executive Branch of the Commonwealth of Puerto Rico, effective January 2, 1973, the Department of Transportation and Public Works (DTPW) was reorganized and re-designated. DTPW is the central government agency responsible for the Commonwealth's transportation programs. Through this reorganization, the Puerto Rico Highways and Transportation Authority (PRHTA), the Ports Authority (later separated by subsequent legislation), and the Metropolitan Bus Authority (MBA) were all assigned to DTPW. These modal authorities are public corporations with fiscal autonomy and are recipients of federal assistance. Their structure and governance were further modified in fiscal year 2014. Under Law No. 41 of March 21, 2014, a Board of Directors was established, presided over by the Secretary of DTPW, which now serves as PRHTA's governing body<sup>1</sup>. PRHTA is the designated recipient of FHWA financial assistance.

The legal relationship between DTPW and PRHTA reflects close collaboration. DTPW develops public transportation policy, focusing mainly on state roads and the licensing of drivers and vehicles, while PRHTA executes projects as a recipient for expressways or under contract with DTPW for state roads. PRHTA operates with greater agility due to its fiscal status as a recipient. Its operations are complex, as they involve multiple elements that provide services and facilities directly to the public. Both DTPW and PRHTA have their main offices at the Roberto Sánchez Vilella Government Center, South Building, with regional offices distributed across the Island to serve Puerto Rico's 78 municipalities.

## **II. POLICY STATEMENT**

It is the policy of the PRHTA that every Agency employee perform all official actions affirmatively and in full compliance with both the spirit and the letter of the Constitution of the United States and the Constitution of the Commonwealth of Puerto Rico. Accordingly, PRHTA adheres to Title VI of the Civil Rights Act of 1964 to ensure that no individual is excluded from participation in, denied the benefits of, or subjected to discrimination based on race, color, or national origin. PRHTA also complies with other federal and state civil rights laws that prohibit discrimination on additional grounds, including sex, age, disability, and social or economic status.

The Secretary of DTPW endorses this policy and designates the Director of the Civil Rights Office (CRO) as the formal representative of PRHTA in matters of civil rights compliance. The Secretary further directs that this policy be made publicly available on the PRHTA Civil Rights website and prominently posted in common areas of all PRHTA facilities. A copy of the full Policy Statement is included as Attachment A.

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<sup>1</sup> In addition, Law No. 123, approved on August 3, 2014, established the new Integrated Transportation Authority (ITA), which operates under a governing board chaired by the Secretary of DTPW. ITA consolidates the operations of the MBA, the Maritime Transportation Authority (MTA), and the Tren Urbano (Urban Train), which is currently operated under contract between PRHTA and a private company (Alternate Concepts Inc.). The full transfer of these operations to ITA is still in progress.

### **III. STANDARD ASSURANCES**

Each year, the DTPW Secretary executes a nondiscrimination assurance. This document, entitled Standard Title VI/Non-Discrimination Assurance, DOT 1050.2A, serves two purposes. First, it affirms the executive leadership of PRHTA's commitment to nondiscrimination. Second, it contractually obligates PRHTA to maintain nondiscrimination in order to receive federal financial assistance from the U.S. DOT and its modal agencies. PRHTA's current assurance is attached to this document as Attachment B and is also available online at the PRHTA's website. Individuals without internet access may request to view the Assurance and other public nondiscrimination documents by contacting the Title VI/Nondiscrimination Coordinator at 787-721-8787 Ext. 51740, or, for those with hearing impairments, by dialing 711.

The 2025 Standard Assurance was signed on March 24, 2025, and published on the PRHTA Civil Rights Office (CRO) website. The Assurance includes standard nondiscrimination contract clauses, contained in Appendices A through E. Appendices A and E apply to all PRHTA contracts and are included in every agreement, while Appendices B and C apply only in specific circumstances. All documents are available on the PRHTA's website.

### **IV. ORGANIZATION STRUCTURE**

#### **1. Civil Rights Office**

The primary goal of the CRO is to ensure nondiscrimination across all PRHTA programs, services, and activities. A civil right is the term commonly used to describe those rights guaranteed to all individuals in the United States under the Constitution of the Commonwealth of Puerto Rico, the United States Constitution, and other legislation ensuring equal treatment. Such protection is guaranteed without distinction based on race, color, or national origin (Title VI), as well as sex, age, disability, or social and economic status (other federal and state nondiscrimination authorities). The responsibilities of the CRO are organized by specific civil rights program areas. The CRO is managed by its Director, who reports to both the Secretary of DTPW and PRHTA's Executive Director. The CRO Director has direct, regular, and independent access to either or both of these executive officials.

A detailed composition of the CRO, including staff positions and program assignments, is provided in Attachment C.

#### **2. Title VI Program**

Title VI references a section of the Civil Rights Act of 1964 that provides that no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation. Subsequent legislation and related authorities extended protections to include age, social and economic status, as well as individuals with disabilities.

This Implementation Plan is specific to Title VI; however, its processes and procedures are designed to ensure that no person in Puerto Rico is subjected to discrimination based on any protected class by either PRHTA or DTPW.

### **3. Roles and Responsibilities**

The Title VI Coordinator (Coordinator) reports to the CRO Director on all issues and accomplishments related to PRHTA's Title VI/Nondiscrimination Program, as well as on program concerns and achievements within the department. If the CRO Director is unavailable, or if the coordinator is otherwise unable to report directly to them, the coordinator may instead report to either the PRHTA Executive Director or the DTPW Secretary.

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

- Developing, coordinating, and implementing all Title VI procedures, ensuring affirmative measures, and correcting within ninety (90) days any deficiencies that could result in the Department being placed in a deficiency or non-compliance status by FHWA.
- Providing training, technical assistance, and guidance on Title VI matters to Department personnel.
- Conducting Title VI reviews of federal program areas to ensure that programs, services, and activities are administered in a nondiscriminatory manner.
- Reviewing Title VI complaints to ensure they are promptly processed in accordance with the PRHTA Title VI/Nondiscrimination complaint procedure and shared with the appropriate U.S. DOT modal agencies.
- Providing Title VI/Nondiscrimination information in languages other than English, as needed, in coordination with Puerto Rico DOT supervisory personnel.
- Collaborating with other Civil Rights Program staff in program activity reviews that involve Title VI or other nondiscrimination issues.
- Updating and submitting to FHWA, the Title VI Implementation Plan on an annual basis reflecting any changes in organization, policy, or implementation.
- Preparing an annual report summarizing Title VI accomplishments from the past year and identifying goals for the following year.

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

PRHTA has established strategies to ensure, demonstrate, and document compliance with Title VI. These strategies require systematic consideration of demographic information in transportation planning, project development, and service delivery. To support this, PRHTA has created a demographic profile identifying the locations of socio-economic groups not only by race and ethnicity, but also by age, income, and education.

The planning process is structured to recognize the needs of protected communities and to ensure fair access to, and participation in, transportation decision-making. Public participation involves outreach, notifications, and opportunities for public comment.

PRHTA strengthens this process by collaborating with community organizations, posting notices along affected service routes, and translating information when demographic data indicate that individuals with limited English proficiency are likely to be affected. In the project development stage, nondiscrimination remains central to evaluating and selecting projects. Unlike planning, this phase focuses on advancing individual projects toward construction and requires a closer analysis of projected impacts. Where potential impacts may disproportionately affect racial or ethnic groups, strategies are developed to avoid or mitigate those impacts.

Design and construction require even more detailed engagement at the project level. While fewer Title VI concerns are expected, since issues should already have been addressed during planning and development, this stage introduces additional considerations, such as managing temporary impacts and ensuring nondiscrimination in contracting.

Across all program areas, Directors within DTPW or PRHTA federal program areas are accountable for ensuring compliance with Title VI within their respective scopes. However, the monitoring, coordination, and documentation of Title VI compliance are the direct responsibility of the designated Area Title VI Liaison, who may be the Director or a designee. Title VI Liaisons are tasked with collecting and analyzing program-specific data to detect anomalies, trends, or disparities, and they submit quarterly reports to the CRO Title VI Coordinator. Based on these reports, the Coordinator selects up to three program areas each year for in-depth review.

PRHTA has designated five (5) primary Title VI program areas. This designation does not exclude other PRHTA programs, services, or activities from Title VI coverage, nor does it prevent review by the Title VI Coordinator. Undesignated areas are considered ancillary programs, which, due to lower funding levels, reduced public interaction, and limited relevance to PRHTA's mission, are categorized as lower risk and require fewer Title VI resources than the primary program areas.

The sections that follow present each designated Title VI program area, outlining its scope, the expectations for Title VI compliance, and the respective responsibilities of the Area Liaison and the CRO Title VI Coordinator.

## **1. Planning**

The Planning Section is responsible for carrying out the state highway planning process in accordance with Title VI program requirements. Each year, it develops several studies and plans, the most critical being the Long-Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Public Participation Plan (PPP). The LRTP provides a 25-year vision of multimodal transportation needs along with cost projections and serves as PRHTA's primary planning product; all projects advanced for design and construction must be consistent with it. The TIP, by contrast, is a shorter-term, five-year document that includes specific cost projections and a prioritized list of projects developed through public input. To support both plans, PRHTA relies on the PPP, which explains how input will be solicited from all communities, including racial and ethnic minorities.

The Planning Section also incorporates demographic data from the U.S. Census to identify key characteristics such as race and national origin across the island. In addition, it uses a mapping system that integrates secondary data, including age, poverty, and education, and compares it with transportation usage, unmet needs, crash and safety data, and access to health and food. These mapping efforts provide PRHTA with a clearer picture of how transportation projects address critical needs across different areas of the island.

The following outlines the reporting responsibilities of the Planning Section's Title VI Liaison and the corresponding role of the CRO Title VI Coordinator in ensuring Title VI compliance.

Planning Title VI Liaison Role	Title VI Coordinator Role
Ensure draft plans or plan amendments are available for review and reflect Title VI considerations.	Oversee that demographic data and Title VI requirements are appropriately incorporated in planning documents.
Oversee RFP/RFQ notifications for consultant contracts issued by the Planning Section to address Title VI considerations.	Verify that contract documents comply with Title VI program requirements, including the nondiscrimination assurances outlined in Appendices A and E of 1050.2A.
Ensure that new or updated demographic data sets are incorporated into the mapping system to support Title VI considerations.	Ensure that the demographic data used represents the best available sources, is current, and is sufficient to inform nondiscrimination decisions.
Monitor projects or plans that may affect discrete communities of racial or ethnic minorities to identify potential Title VI concerns. <sup>2</sup>	Assess whether any impacts could disproportionately affect communities based on race or ethnicity and provide guidance to address such concerns.
Track whether the Planning Area received any complaints related to discrimination during the reporting period.	Review complaint records and provide guidance on integrating race and ethnicity data into the community characteristics inventory, as needed.
Identify complaints or concerns received by the Planning Section that suggest discrimination or disparate treatment based on membership in a protected class.	Review complaints to determine whether Title VI is implicated and, if so, coordinate with FHWA or FTA as appropriate and facilitate resolution where possible.
Review new or revised policies, procedures, specifications, guidance materials, or similar documents to confirm consistency with Title VI requirements.	Confirm that section authorities align with PRHTA's Title VI program and do not create discriminatory or disparate effects.
Track new hires, consultants, or other staff who require Title VI training and coordinate their participation.	Oversee the Title VI training program to confirm that all relevant staff receive appropriate training.

<sup>2</sup> The population of Puerto Rico is 98.8% Hispanic. Despite extensive outreach by the U.S. Census, the significant changes in the 2020 decennial figures suggest that many Puerto Ricans may be unfamiliar with the distinction between race and national origin. Therefore, for effective analysis, PRHTA often relies on poverty and age statistics as a starting point for assessing race and/or ethnicity.

Confirm whether the PRMPO has a Community Characteristics Inventory (CCI) that provides area demography by race and ethnicity.	Review the long-range plan to verify the existence of the CCI and that its data is accurate and current.
Track whether the CCI was updated during the reporting period.	Review updates to planning products, including amendments, and evaluate the data used to assess impacts on protected classes.
Track whether PRMPO approved any planning products during the reporting period, such as LRTP, TIP, UPWP, or PPP.	
Track whether PRMPO solicited review and concurrence from the CRO before approving planning products.	
Maintain a record of all amendments to planning documents during the reporting period.	
Assess whether amendments to planning documents may impact communities of concern for Title VI.	
Record the number of public meetings delivered by the MPO during the reporting period.	Oversee MPO public engagement and LEP compliance to ensure all communities, including those with limited English proficiency, have fair access to planning information.
Identify how many of these meetings occurred in areas of concern for Title VI.	
Document which planning products or publicly disseminated information were translated into languages other than English during the reporting period.	
Note whether the MPO provided oral interpretation of planning information in languages other than English.	
Urban Planning: Oversee MPO activities, including transportation studies and modeling to produce the Long-Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), and Public Participation Plan (PPP). Congestion Management and Bike/Pedestrian plans may also be integrated or associated with these core planning products.	Provide overall oversight to ensure Urban Planning activities comply with Title VI and address the needs of all communities, including protected and vulnerable populations.
Statewide Planning: Oversee State DOT activities in nonurbanized transportation planning and, in cooperation with MPOs, the development of the Statewide Transportation Improvement Program (STIP), which informs the five-year	Provide overall oversight to ensure Statewide Planning activities comply with Title VI and address the needs of all communities, including protected and vulnerable populations.

transportation work program. Monitor MPO compliance with planning regulations, state requirements, and 2 CFR 200.	
Public Participation: Oversee MPO and State DOT activities to maintain, implement, update, and evaluate the effectiveness of Public Participation Plans (PPPs), including how public input is solicited and considered through websites, social media, visualization techniques, meetings, board composition, and other factors. Ensure that core planning products, their production schedules, and amendment processes are clearly documented and accessible.	Provide overall oversight to ensure public participation activities comply with Title VI and effectively engage all communities, including protected and vulnerable populations.
Procurement: Oversee MPO and State DOT procurement of consultant services in accordance with 2 CFR 200, FHWA, and State requirements, including DBE goals, bidders list requirements (if applicable), prohibition of local contracting preferences or points, and inclusion of nondiscrimination assurances (Appendices A & E). Monitor consultant performance to support nondiscriminatory selection and delivery of services.	Provide overall oversight to ensure procurement activities comply with Title VI and promote nondiscrimination in consultant selection and service delivery.
Vulnerable Users: Oversee plans or programs, whether standalone or part of core planning products, for pedestrians and bicyclists to promote safe and accessible transportation choices for all users, including transportation-disadvantaged individuals and those with disabilities.	Provide overall oversight to ensure planning activities for vulnerable users comply with Title VI and address the needs of all communities, including protected and transportation-disadvantaged populations.

## **2. Project Development**

In Project Development, PRHTA evaluates 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, responsible for monitoring section activities. The following table presents the Liaison's responsibilities and the Coordinator's oversight role, focusing on nondiscrimination.

Project Development Title VI Liaison Role	Title VI Coordinator Role
Record the number and category of Environmental Documents processed during the reporting period.	Review documents to confirm that the level of analysis is appropriate for the project's size, scope, and type, and that public involvement and demographic data are sufficient to identify potential discrimination or trends.
Oversee RFP/RFQ notifications for professional services consultant contracts issued by the Project Development Section, ensuring the scope requires demographic analysis to identify benefits and burdens on racial and ethnic minorities.	Review contract packages to confirm inclusion of Appendices A and E from 1050.2A and verify that demographic analyses meet Title VI requirements.
Incorporate new or updated demographic data sets into the mapping system to support project analyses.	Review demographic data to confirm it represents the best available sources, is current, and is suitable for evaluating potential impacts on protected communities.
Identify projects that may affect discrete communities of racial or ethnic minorities <sup>3</sup>	Assess potential impacts to determine whether discrimination or cumulative effects on communities based on race or ethnicity may occur.
Identify complaints or concerns received during Project Development that suggest discrimination or disparate treatment based on membership in a protected class.	Evaluate whether Title VI is implicated and coordinate with the appropriate federal agency (FHWA or FTA) as necessary, facilitating resolution when possible.
Review new or revised policies, procedures, specifications, guidance materials, or similar documents within Project Development to confirm consistency with Title VI requirements.	Verify that section authorities align with PRHTA's Title VI program and do not create discriminatory or disparate effects.
Identify new hires, consultants, or other staff requiring Title VI training and coordinate their participation.	Oversee the Title VI training program to ensure all relevant staff receive appropriate instruction.
Project Development: Oversee State DOT activities	Provide overall oversight to confirm that

<sup>3</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, PRHTA must often use poverty and age statistics as exordium to discovering race and/or ethnicity.

<p>in developing, updating, and maintaining process manuals that describe compliance with NEPA and other federal and state environmental authorities. Ensure project purpose/need, boundaries, and descriptions align with applicable planning documents, and consider context and project intensity when assigning a NEPA class of action.</p>	<p>Project Development activities comply with Title VI and that environmental planning and documentation consider potential impacts on all communities, including protected and vulnerable populations.</p>
<p><b>Environmental Review:</b> Oversee State DOT preparation of environmental documents, assessing alternative corridors and likely impacts to physical and human environments, including historical resources, farmlands, aesthetics, water/air quality, protected species, wetlands, noise, employment, economic development, social services, and communities. Coordinate with stakeholders and the public to identify avoidance, minimization, and mitigation strategies for adverse impacts and ensure project commitments are implemented.</p>	<p>Provide overall oversight to confirm that environmental review activities comply with Title VI and that potential impacts on all communities, including protected and vulnerable populations, are appropriately considered.</p>
<p><b>Public Participation:</b> Oversee project development's early and continuous public engagement plan, including outreach to property owners, tenants, business owners/operators, public officials and agencies, facility users, interested individuals, special interest groups, vulnerable users, and traditionally underserved communities. Ensure public input is documented and used to inform project decisions and resolve issues.</p>	<p>Provide overall oversight to confirm that public participation activities comply with Title VI and effectively involve all communities, including protected and vulnerable populations.</p>
<p><b>Procurement:</b> Oversee State DOT procurement of professional services (A&amp;E) in accordance with 2 CFR 200, FHWA, and State requirements, including DBE goals, bidders list requirements (if applicable), prohibition of local contracting preferences or points, and inclusion of nondiscrimination assurance clauses (Appendices A &amp; E). Monitor consultant performance to ensure compliance with NEPA and related authorities.</p>	<p>Provide overall oversight to ensure procurement activities comply with Title VI and promote nondiscrimination in consultant selection and service delivery.</p>
<p><b>Environmental Screening:</b> Oversee State DOT use of the Environmental Screening Tool (EST) to integrate and store project-related data from multiple sources and analyze the effects of proposed projects on the human and physical environment.</p>	<p>Provide overall oversight to ensure that environmental screening activities comply with Title VI and consider potential impacts on all communities, including protected and vulnerable populations.</p>

### **3. Right of Way**

Culturally, the people of Puerto Rico take great pride in their land, making property acquisition both a sensitive and important process for PRHTA. The Right of Way (ROW) Section is responsible for acquiring all property necessary for highway construction, material sources, and maintenance shed sites. Procedures for highway right of way acquisition including appraisals, negotiations, title requirements, relocation assistance, utility adjustments, and other property-related activities are critical elements for Title VI monitoring during this phase. The acquisition of right of way follows the planning and design phases and is one of the final steps before the award of construction contracts.

PRHTA adheres to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and FHWA regulations, including prohibitions on discrimination under Title VI.

The ROW Section has an assigned Title VI Liaison, responsible for monitoring daily section activities for nondiscrimination and collecting information to provide to the CRO Title VI Coordinator, who conducts the annual program area review.

Right of Way Title VI Liaison Role	Title VI Coordinator Role
Record the race and ethnicity of contract appraisers used during the reporting period.	Review appraiser demographics to confirm they are representative of the project area.
Conduct appraisal comparisons during the reporting period to ensure properties of similar size and location are valued fairly.	Review analyses and sample appraisals to identify potential incidences or trends of discrimination.
Track appraiser contracts executed during the reporting period.	Review contract packages to confirm inclusion of Appendices A and E from 1050.2A.
Maintain ROW project plans, including location, block, and tract data from the US Census, lists of impacted owners/renters, and demographic identification of each owner/renter.	Review data to confirm it is the best available, current, and suitable for decision-making; assess any disparities in impacted properties by race/ethnicity compared to properties not acquired.
Collect and review interviews and customer satisfaction forms.	Screen for complaints or information indicating potential discrimination or disparities based on race or ethnicity.
Identify complaints or concerns received by the ROW Section suggesting discrimination or disparate treatment based on membership in a protected class.	Review complaints to determine whether Title VI is implicated and, if so, coordinate with FHWA or FTA as appropriate and facilitate resolution where possible.
Review new or revised policies, procedures, specifications, guidance materials, or similar documents within the ROW Section to confirm consistency with Title VI requirements.	Verify that section authorities align with PRHTA's Title VI program and do not create discriminatory or disparate effects.
Identify new hires, consultants, or contract appraisers requiring Title VI training and coordinate their participation.	Oversee the Title VI training program to ensure all relevant ROW staff and consultants receive appropriate instruction.
Appraisal & Acquisition: Oversee State DOT in conducting thorough appraisals to ensure impacted property owners receive fair market value and fair treatment, including during eminent domain proceedings. Confirm compliance with the Uniform Act and related regulations regarding negotiation, adequate notice, just compensation, and reasonable fees for legal representation, independent appraisal, and related expenses.	Provide overall oversight to ensure appraisal and acquisition activities comply with Title VI and protect the rights of all affected property owners, including fair treatment of protected and vulnerable populations.
Relocation: Oversee State DOT provision of relocation assistance to eligible displaced	Provide overall oversight to ensure relocation activities comply with Title VI and treat all

persons, ensuring adequate notice, support in locating and obtaining comparable replacement properties, reimbursement of reasonable moving costs, and ongoing communication to address questions and provide guidance.	displaced persons fairly, including those in protected or vulnerable populations.
Public Participation: Oversee State DOT in maintaining demographic information for individuals impacted by acquisition and relocation, documenting all communications, providing assistance in alternate languages as needed, and collecting customer service feedback.	Provide overall oversight to ensure public participation and communication activities comply with Title VI and effectively serve all impacted communities, including protected and vulnerable populations.
Procurement: Oversee State DOT in obtaining certified property appraisers and other contracts, making reasonable efforts to ensure appraisers are representative of the relevant service area by race and ethnicity. Ensure contracts comply with 2 CFR 200, FHWA, and State requirements, including DBE goals, bidders list requirements (if applicable), prohibition of local contracting preferences or points, and inclusion of nondiscrimination assurance clauses (Appendices A & E).	Provide overall oversight to ensure procurement activities comply with Title VI and uphold fair representation and nondiscrimination in appraiser selection and contracting.
Property Management & Outdoor Adverts: Oversee State DOT in monitoring improvements on acquired property to ensure timely removal prior to construction; supervise temporary management, sale, and leasing of surplus property to maintain safe and orderly conditions; and manage Outdoor Advertising (ODA) signs within National and State highway rights of way, including height, size, spacing, and lighting.	Provide overall oversight to ensure property management and ODA activities comply with Title VI and do not disproportionately impact protected or vulnerable populations.

#### **4. Design and Construction**

The Design and Construction Section is responsible for delivering projects developed by Planning and Project Development. The Section completes and reviews designs, lets road and bridge contracts, conducts contract oversight and administration, and inspects and accepts the finished projects. Although CRO maintains close contact with the Section due to nondiscrimination responsibilities such as preconstruction notifications, bulletin board requirements, equal employment opportunity, on-the-job training, Disadvantaged Business Enterprise (DBE), and prevailing wage compliance Design and Construction has fewer regular reporting obligations to the Title VI Coordinator.

Nonetheless, this program expends the majority of PRHTA funding and requires oversight of specific Title VI elements. The Design and Construction Title VI Liaison is responsible for:

- Documenting input received from minority, low-income, and other Title VI protected populations facing barriers to access during construction.
- Ensuring contractors adhere to and effectively implement avoidance or mitigation

commitments identified during Project Development.

- Reviewing monitoring and inspection activities to confirm that design and construction procedures do not result in disparate treatment of communities based on race or ethnicity.

The Liaison collects and provides all relevant information to the CRO Title VI Coordinator, who conducts the annual program area review.

Design & Construction Title VI Liaison Role	Title VI Coordinator Role
Review Traffic Management Plans to ensure operation of schools, businesses, faith-based, and civic organizations are considered during construction.	Sample plans to verify that construction activities do not disproportionately affect critical activities of the public based on race or ethnicity.
Review designs to ensure no unreasonable loss of access during construction.	Sample plans to identify communities by race/ethnicity that may have unmet needs during project delivery.
Monitor contracts let during the reporting period to confirm proper documentation.	Review a sample of contract packages to verify inclusion of standard nondiscrimination specifications, including clauses from Appendices A and E of 1050.2A.
Review new or altered policies, procedures, specifications, guidance materials, or similar documents to confirm they comply with Title VI.	Ensure that section authorities and materials remain consistent with PRHTA's Title VI program and do not create or suggest disparity.
Identify new hires, consultants, or other staff requiring Title VI training and schedule delivery.	Oversee and verify that Title VI training is provided to all required personnel.
Monitor implementation of context-sensitive design policies, procedures, and standards for roadways, structures, and pedestrian facilities.	Verify that context-sensitive designs consider geographic location, surrounding land use, and the needs of all users, including protected populations.
Monitor Temporary Traffic Control plans to ensure safe maintenance of traffic during construction, considering pedestrian access and proximity to social, government, and commercial services.	Verify that traffic control measures provide safe, accessible, and fair access for all users, including protected populations.
Monitor public participation activities to ensure engagement and documentation follow the approved Public Participation Plan (PPP).	Verify that public input is solicited, considered, and documented appropriately, with attention to protected populations.
Monitor procurement of design professional services to ensure adherence to 2 CFR 200, FHWA, and State requirements, including DBE goals and nondiscrimination clauses.	Verify that consultant selection and service delivery comply with Title VI requirements, including inclusion of Appendices A & E in contracts.
Monitor coordination with Utilities and Rail offices to ensure project designs comply with approved procedures and plans.	Verify that utility and railroad accommodations follow established guidelines and do not disproportionately impact protected populations.

Monitor contract administration processes to ensure compliance with Title 23, FHWA 1273, and other related requirements for all phases of work.	Verify that contract oversight and documentation demonstrate nondiscrimination and compliance with Title VI requirements across all projects and funding sources.
Monitor construction activities to ensure safe, accessible, and fair transportation facilities, including temporary traffic control, service interruptions, and project-related impacts.	Verify that project delivery considers safety, accessibility, minimal inconvenience, and adherence to environmental and Title VI commitments for all users, including protected populations.

## 5. Community Involvement

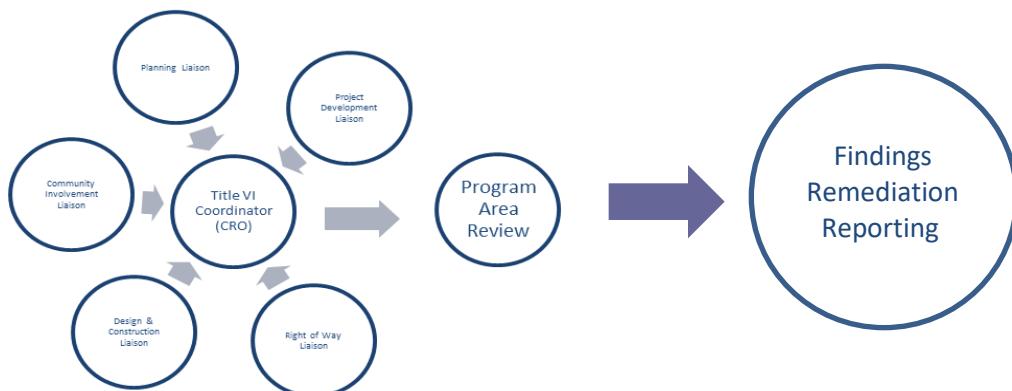
Community Involvement is a requirement for every PRHTA program area, and the section often identifies potential issues in PRHTA plans, programs, or projects. PRHTA has designated a Community Involvement Title VI Liaison responsible for reviewing public participation plans and assessing their effectiveness, ensuring that racial and ethnic minorities are solicited for participation and that their input is considered. The Liaison reports key information to the CRO Title VI Coordinator, who reviews it to identify missed engagement opportunities or communities that may require different types of outreach. The Liaison also advises the Coordinator when updates are made to PRHTA's Planning Public Participation Plan or when projects require separate participation plans. Efforts to encourage public involvement throughout the planning and development of the highway process are monitored to ensure Title VI compliance.

Community Involvement Title VI Liaison Role	Title VI Coordinator Role
Monitor use of minority-focused media outlets to ensure outreach reaches racial and ethnic minority communities.	Verify that outreach efforts through media are inclusive and effectively engage protected populations.
Monitor public meeting or hearing notifications to ensure inclusion of appropriate nondiscrimination and LEP access statements.	Verify that notices comply with Title VI and LEP requirements, ensuring accessibility for protected populations.
Monitor amendments or updates to primary Public Participation Plans to verify inclusion of racial and ethnic minorities and update community characteristics inventories as needed.	Review plan updates to ensure compliance with Title VI, verifying that minority communities are accurately represented and considered.
Monitor complaints, concerns, questions, or other communications to identify potential Title VI issues and ensure proper documentation.	Review reported concerns to determine whether Title VI is implicated and ensure appropriate processing and follow-up. <sup>4</sup>
Monitor public notifications in English, Spanish, and Haitian Creole to ensure LEP populations are reached.	Review sampled notifications to verify that required language access is provided for all affected communities.

<sup>4</sup> FTA requires PRHTA to investigate complaints of Title VI discrimination filed against DTPW 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, which then transmits them to FHWA Headquarters for processing.

Monitor new or revised policies, procedures, specifications, guidance, or similar materials to ensure consistency with Title VI requirements and absence of discriminatory language.	Review updates to verify that Section materials comply with PRHTA's Title VI program and do not create discrimination or disparate treatment.
Identify new hires, consultants, or staff requiring Title VI training and coordinate delivery.	Ensure that all designated personnel complete Title VI training and maintain proper documentation.
Public Participation: Oversee State DOT in maintaining project information in accessible formats; ensure that notices, meetings, and engagement activities are available in alternate languages, as needed; track and document engagement with vulnerable users, racial/ethnic minorities, and other underserved communities; and verify that outreach methods effectively encourage participation.	Provide overall oversight to ensure that State DOT's public participation processes comply with Title VI, review liaison reports for potential gaps in outreach, verify nondiscrimination in public communications, and monitor that protected and vulnerable populations are effectively informed and engaged throughout project planning and delivery.

## Title VI Program Area Review Process



## VI. TRAINING

The PRHTA Title VI Coordinator provides both internal and external training on Title VI and other nondiscrimination provisions. Training covers their application to program operations, identification of Title VI issues, and procedures for resolving complaints. Annually, each designated Section Liaison is required to attend at least one training session, which is generally conducted by the Coordinator or by representatives from FHWA or FTA. In addition, all new PRHTA employees receive general training that includes Title VI, EEO, and



other relevant policies and procedures. External training is also available upon request or as part of other events.

Although PRHTA does not currently have its own computer-based training platform for Title VI, it uses four FHWA Federal-Aid Essentials Title VI videos to train municipalities. For internal staff, PRHTA relies on the *Understanding and Abiding with Title VI* videos from the U.S. Department of Justice, which, though dated, remain relevant to reinforcing staff responsibilities.<sup>5</sup>

Furthermore, all civil rights training and technical assistance events include a Title VI module. This approach emphasizes that affirmative action and other requirements do not exist in isolation. For example, PRHTA is one of three state departments of transportation that make up the Caribbean Transportation Partners Civil Rights Workgroup, which annually hosts a workshop addressing key topics and emerging issues. Even though the workshops are not Title VI-specific, they consistently include at least one hour of Title VI instruction.

Title VI Coordinator records all training events, including the name, date, location, number of attendees, and their agency or company. These records are reported to FHWA either through the Civil Rights Connect system or as part of PRHTA's Annual Goals and Accomplishments Report, submitted at the beginning of each federal fiscal year.

## **VII. LANGUAGE ASISTANCE PLAN (Attachment D)**

Title VI of the Civil Rights Act prohibits discrimination based on national origin, among others. Previously, in consistency with TVI the EO 13166 ("Improving Access to Services for Persons with Limited English Proficiency") ensured that persons with Limited English Proficiency (LEP) had meaningful access to federally conducted and federally funded programs and activities. Said Order required agencies receiving federal financial assistance to issue guidance on how Title VI applies to recipients in their contact with LEP persons, and to create plans ensuring their own activities provide meaningful access for LEP individuals.

However, on March 1, 2025, President Trump issued Executive Order 14224, "Designating English as the Official Language of the United States", which revoked EO 13166. Section 3 of EO 14224 states:

"(b) Executive Order 13166 of August 11, 2000 (Improving Access to Services for Persons with Limited English Proficiency), is hereby revoked; nothing in this order, however, requires or directs any change in the services provided by any agency. Agency heads should make decisions as they deem necessary to fulfill their respective agencies' mission and efficiently provide Government services to the American people. Agency heads are not required to amend, remove, or otherwise stop production of documents, products, or other services prepared or offered in languages other than English."

Even though EO 13166 has been revoked, the protections of Title VI remain in full effect. Agencies and recipients of federal funding must continue to provide meaningful access to programs and activities for individuals regardless of their English proficiency, in accordance

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<sup>5</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://highways.dot.gov/fed-aid-essentials/videos>

with Title VI and applicable law.

The US Census Survey estimate for 2024, indicates that about 73.6% of Puerto Ricans over age 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 verbally conducted business with the public takes place in Spanish. Furthermore, PRHTA is committed to ensure that all documents intended for public use are in Spanish, or in 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 develops or revises a policy, procedure, guidance, or other directive, each Section is responsible for reviewing it to ensure alignment with internal and external requirements, including Title VI. The CRO Director, as part of PRHTA’s executive leadership, meets as needed with the directors of the Directorates and Offices, the PRHTA Executive Director, and the DTPW Secretary. She reviews and approves the directives issued or, when appropriate, assigns the Title VI Coordinator to conduct a compliance review.

In addition, documents prepared by middle management within the different offices are identified on a quarterly basis as part of Title VI reporting. These are reviewed by the Coordinator to determine whether the Title VI program is implicated or affected.

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

PRHTA has no record of Title VI violations identified by FHWA or FTA within the past ten (10) years, which is the standard record retention period. Most issues are identified internally through program area reviews, during which data from various Sections is collected and analyzed to detect incidents or trends of noncompliance. In addition, potential issues are often identified through FHWA/PRHTA stewardship and oversight activities. The CRO maintains direct and regular access to the Secretary and the Executive Director, along with broad authority to review work across all PRHTA areas and offices. It also sustains a cooperative working relationship with its federal modal partners. Any discrimination or noncompliance issue that cannot be promptly and effectively remedied internally will be reported to FHWA or FTA for review and recommendations, up to and including funding eligibility determinations.

## **X. COMPLAINT PROCEDURE**

The Department of Transportation and Public Works (DTPW) and the Puerto Rico Highway and Transportation Authority (PRHTA) have adopted a public grievance procedure for prompt and fair resolution of complaints alleging an action prohibited by federal regulations.

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<sup>6</sup> See American Community Survey table S1601 for 2024, *Language Spoken at Home* <https://data.census.gov/table?q=United+States&t=Language+Spoken+at+Home&g=040XX00US72>

The purpose of the public grievance procedure is to describe the steps used by the DTPW 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 who believes he or she has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under a DTPW/PRHTA program or activity because of their race, color, national origin, age, sex, or disability may file a formal complaint with DTPW's/PRHTA's Civil Rights Office (CRO). The complaint must be filed within one hundred eighty (180) days of the alleged discrimination
2. The complaint must be written and signed by the complainant and shall 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 facts and documentation.
3. The complaint must be filed by completing and signing the Complaint Form (Attachment E) and delivering it personally, by email or by mail to:

Highway and Transportation Authority  
Civil Rights Office  
PO Box 42007 San Juan, PR 00940-2007

4. Upon receipt of a complaint, the CRO will determine jurisdiction, acceptability or need for additional information. CRO also provides a copy of the complaint to the applicable U.S. Department of Transportation Modal agency.
5. The CRO will conduct its investigation, which should be completed within approximately 60 days of receiving the full grievance.
6. Once the investigation is concluded, the CRO will notify the complainant of the result.
7. If the complainant does not agree with the result, he or she may file a reconsideration with the DTPW's Legal Adviser's Office, within thirty 30 days of the notification of such result.
8. If the complaint cannot be resolved by DTPW, the matter will be forwarded to the U.S DOT within ten (10) days for further processing.

## **XI. ATTACHMENTS**

### **A. Policy Statement**

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 con el 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 querella con 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 querella 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; o a través del correo electrónico [derechosciviles@act.pr.gov](mailto:derechosciviles@act.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 Highway 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 with 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; or through the email address [derechosciviles@act.pr.gov](mailto:derechosciviles@act.pr.gov).

Rev. 1/2025

## ***B. Assurances***



### **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.

#### **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 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated or will be (with regard to a “facility”) operated or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **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 or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

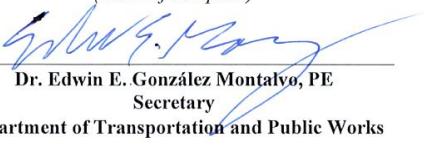
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, 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, 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:

  
Dr. Edwin E. González Montalvo, PE  
Secretary  
Department of Transportation and Public Works

Dated: OCT 02 2025

## 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, **FHWA and FTA**, 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 **FHWA or FTA** 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 **FHWA or FTA**, 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 **FHWA or FTA** 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 **FHWA or FTA** 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 **FHWA and FTA Programs**, and the policies and procedures prescribed by the **FHWA and FTA** 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 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 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. \*

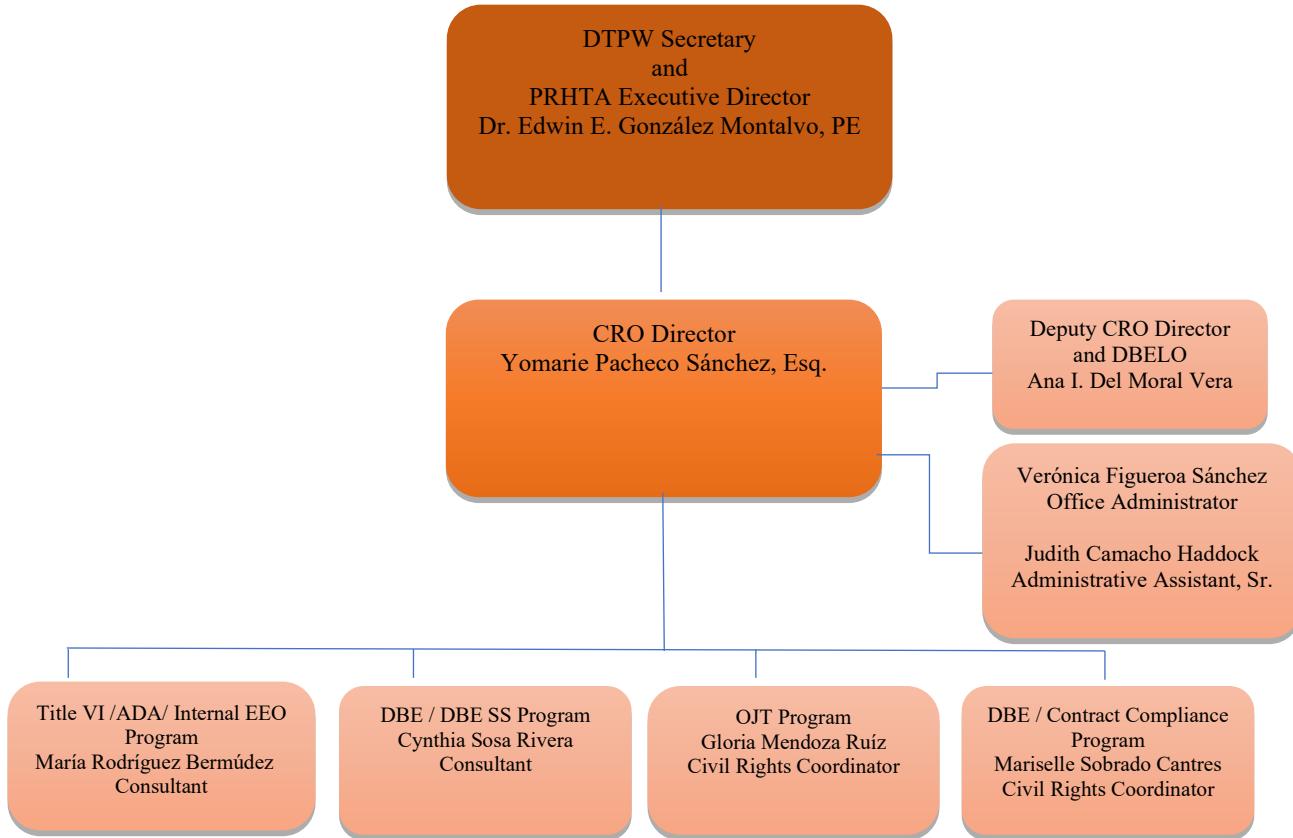
(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## 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 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.*).

## **C. CRO Composition**



## **D. Language Assistance Plan**

### **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 people. Federal agencies were instructed to publish guidance for their respective recipients 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 people. 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 (DTPW) 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 based on race, color, or national origin. The Agency is committed to providing meaningful access to its programs and services to persons who, because 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 2024 American Community Survey (ACS) 5-year Summary File Data from the US Census Bureau determined that in Puerto Rico, 98.8% of its population is of Hispanic Origin and that 94.9% of its residents speak a language other than English at home and 5.1 % speak English only. The US Census 2024 also indicates that out of the population of 5 years 73.6% speak English “less than very well”.

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 98.8% 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 oversees 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

## ***E. Complaint Procedure***



### **Formulario De Querella 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:

**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)

*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, or if you have any questions, please do not hesitate to call, at (787) 721-8787 Ext. 51740. Once completed, send it to:*

**Civil Rights Office  
Puerto Rico Highways and Transportation Authority  
PO Box 42007  
San Juan, PR 00940-2007**

Email: [derechos civiles@act.pr.gov](mailto:derechos civiles@act.pr.gov)

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Sección 1. /Section 1.

Apellidos/ Last Name  
Initials

Iniciales/

Nombre/First Name

Address

Dirección/

Correo Electrónico/ E-mail address

Teléfono/Telephone

ROBERTO SÁNCHEZ VILELLA GOVERNMENT CENTER, SOUTH TOWER, 10TH FLOOR, DE DIEGO AVENUE,  
SANTURCE, PO BOX 42007, SAN JUAN PR 00940-2007. WWW.ACT.PR.GOV



## Sección 2. /Section 2.

Entiendo se discriminó en mi contra basado en: (marque todas las que aplican)

*I believe that I have been discriminated on the basis of: (check all that apply)*

Raza/Race /or Color     Origen Nacional/National Origin     Edad/Age     Sexo/Sex  
 Disability/Impedimento  
 Otro/Other \_\_\_\_\_

Fecha de la alegada discriminación (mes, dia, año):

Date of the alleged discrimination (month, day, year):

### Sección 3. /Section 3.

Explique de la manera más clara posible lo que sucedió y por qué cree que se discriminó en su contra. Describa a todas las personas quienes estuvieron involucradas. Incluya el nombre e información contacto de la(s) persona(s) que discriminó (discriminaron) en su contra (si lo sabe), al igual que el nombre e información de contacto de cualquier testigo(s). Incluya papel adicional, de necesitar más espacio:  
*Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. If more space is needed, please use additional paper.*

ROBERTO SANCHEZ VILELLA GOVERNMENT CENTER, SOUTH TOWER, 10TH FLOOR, DE DIEGO AVENUE,  
SANTURCE, PO BOX 42007, SAN JUAN PR 00940-2007. WWW.ACT.PR.GOV



Sección 4. /Section 4.

¿Ha presentado una queja del Titulo VI/ADA con esta agencia anteriormente?  SI/YES  NO  
*Have you previously filed a Title VI/ADA complaint with this agency?*

¿Ha presentado esta queja ante otra agencia estatal o federal?  SI/YES  NO  
*Have you filed this complaint with any other state or federal?*

Si la contestación es en la afirmativa, favor proporcionar la información de la persona contacto en la agencia en donde se presentó la queja:

*If yes, please provide the contact person's information at the agency where the complaint was filed:*

Nombre/Name: \_\_\_\_\_ Puesto/Title: \_\_\_\_\_

Agencia/Agency: \_\_\_\_\_ Teléfono/Telephone: \_\_\_\_\_

\_\_\_\_\_  
Firma/Signature

\_\_\_\_\_  
Fecha/Date