



Non-Discrimination Program

Title VI Environmental Justice Language Access

October 1, 2020 – September 30, 2021

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NON-DISCRIMINATION POLICY STATEMENT

The Bangor Area Comprehensive Transportation System (BACTS), as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes and regulations, is committed to ensuring that no person shall, on the grounds of race, color, national origin, gender, age, disability, income, or limited English proficiency, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by BACTS, regardless of whether programs and activities are federally funded or not.

Sara Devlin

September 30, 2020

Sara Devlin
BACTS Executive Director

This policy statement shall be circulated throughout BACTS and be included by reference in all contracts, agreements, programs, and services administered by BACTS.

Authorities:

Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq)
Section 162 (a) of the Federal-Aid Highway Act of 1973
Age Discrimination Act of 1975
Section 504 of the Rehabilitation Act of 1973
Americans With Disabilities Act of 1990
Civil Rights Restoration Act of 1987
49 CFR Part 21
23 CFR Part 200
USDOT Order 1050.2
Executive Order #12898 (Environmental Justice)
Executive Order #13166 (Limited-English-Proficiency)

SECTION 1 INTRODUCTION

Although Title VI, Environmental Justice (EJ), and Equity are distinct elements of Civil Rights, collectively they can contribute to the development of an equitable transportation system. These elements are regularly mistaken and used interchangeably, thus making it essential to understand their differences.

Nondiscrimination is more inclusive than the Title VI statute as it covers additional classes of individuals and pertains to other civil rights authorities with which funding recipients must comply. Under the Title VI statute, protected classes include race, color, and national origin; limited English proficiency is included with the class of national origin. BACTS Title VI program, in accordance with FHWA's Title VI program (in contrast to the Title VI statute), expands the covered classes to include **gender, age, disability and low-income**.

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination based on **race, color, and national origin** in programs and activities receiving federal assistance. More specifically, Title VI provides that *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."* The word "person" is important as the protections afforded under Title VI are not limited to citizens of the United States.

Environmental Justice (EJ) focuses on identifying and addressing disproportionately high and adverse human health or environmental effects of Agency's programs, policies and activities on **minority populations and low-income populations** to achieve an equitable distribution of benefits and burdens. This objective is achieved, in part, by actively adhering to the principles and practices of both Title VI and the National Environmental Policy Act (NEPA) during the development and implementation of transportation activities. The classes covered by EJ vary slightly from those covered by Title VI and other nondiscrimination statutes.

Together, EJ, Title VI, and other nondiscrimination authorities protect diverse segments of the population which may be at risk of being unduly impacted by, or which have been historically underrepresented, within the transportation decision-making process. Considering the needs of and potential impacts of projects on these populations may result in greater transportation equity as benefits are likely to be more equitably distributed amongst the affected communities.

Equity in transportation seeks fairness in mobility and accessibility to meet the needs of all community members. A central goal of transportation equity is to facilitate social and economic opportunities by providing equitable levels of access to affordable and reliable transportation options based on the needs of the population being served, particularly populations that are traditionally underserved. This population group includes individuals in at least one of the following categories: **low-income, minority, elderly, children, limited English proficiency, and/or disabled**.

It is important to understand equity does not mean equal. An equitable transportation plan considers the circumstances impacting a community's mobility and connectivity needs and this information is used to determine the measures needed to develop an equitable transportation network. To attain an equitable transportation network, all components of nondiscrimination must be considered.

Relationship between Title VI and Other Civil Rights Laws



SECTION 2 ORGANIZATION AND STAFFING

The Bangor Area Comprehensive Transportation System (BACTS) was designated in 1982 as the Metropolitan Planning Organization (MPO) advancing the transportation interests of the greater Bangor urbanized area (UZA), and carrying out the federal and state mandated continuing, cooperative, and comprehensive urbanized transportation planning responsibilities.

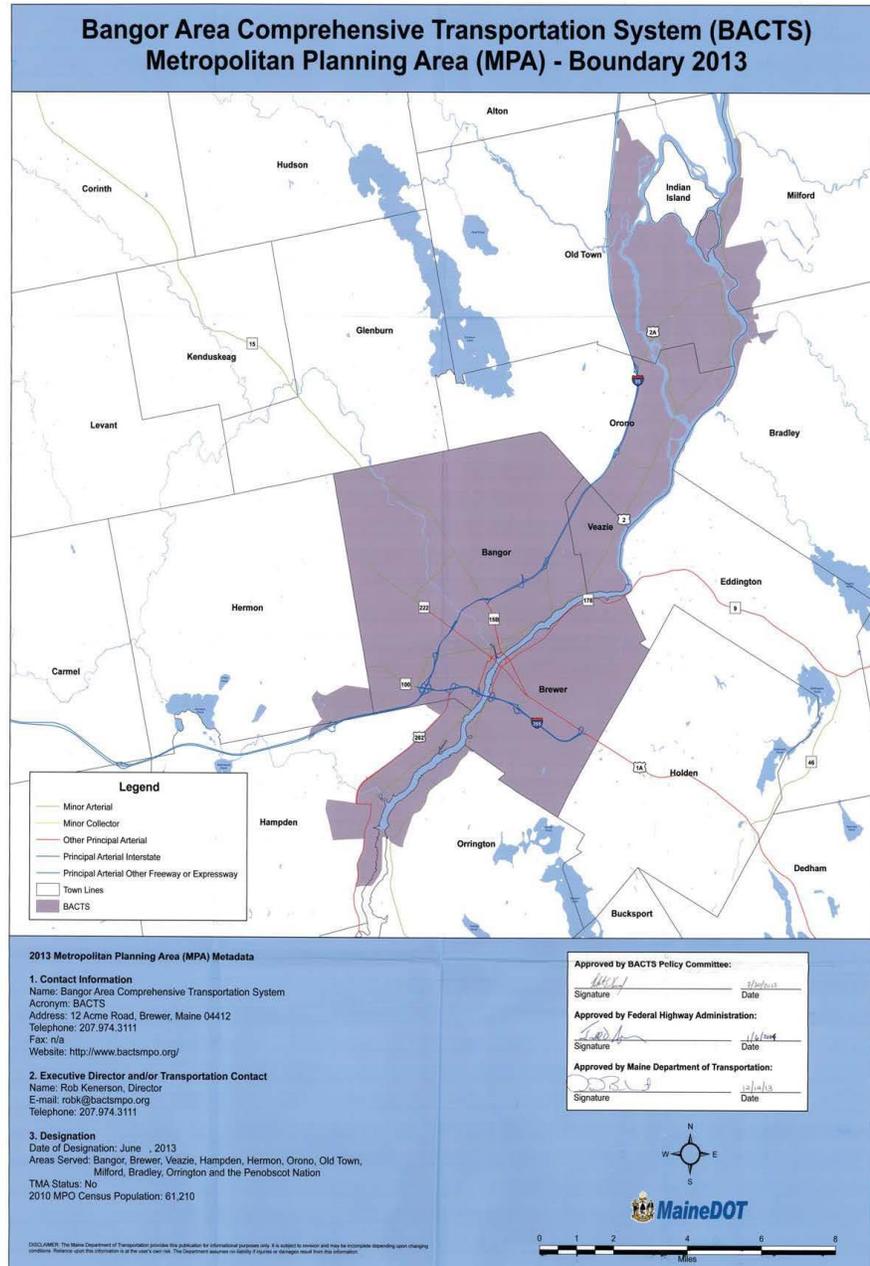
Designation

The boundaries of a Metropolitan Planning Area (MPA), are determined by agreement between the MPO and the Governor. At a minimum, the boundary shall encompass the entire existing urbanized area as defined by the U.S. Bureau of the Census, plus the contiguous area expected to become urbanized within the 20-year forecast period for the Metropolitan Transportation Plan (MTP). As of the latest designation in June 2013, the BACTS MPA includes all of Bangor, Brewer, Penobscot Indian Island, Veazie; and portions of Bradley, Hampden, Hermon, Milford, Old Town, Orono, and Orrington, covering 43 square miles with a population of 61,210.

Membership

Municipalities and tribe wholly or partially within the greater Bangor urbanized area as designated by the U.S.

Census, are members of BACTS. Each member municipality and tribe have the right to appoint one voting member for every three thousand (3,000) people in their urbanized area with a minimum of one vote and a maximum of four votes. The Maine Department of Transportation (MaineDOT) also has the right to appoint one voting member. In addition to the voting members of the Committee, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) each have one non-voting member appointed.



Number of Voting Members	Municipality/ Organization
4	City of Bangor
2	City of Brewer
1	Town of Bradley
1	Town of Hampden
1	Town of Hermon
1	Town of Milford
2	City of Old Town
2	Town of Orono
1	Town of Orrington
1	Penobscot Indian Island
1	Town of Veazie
1	Maine Department of Transportation

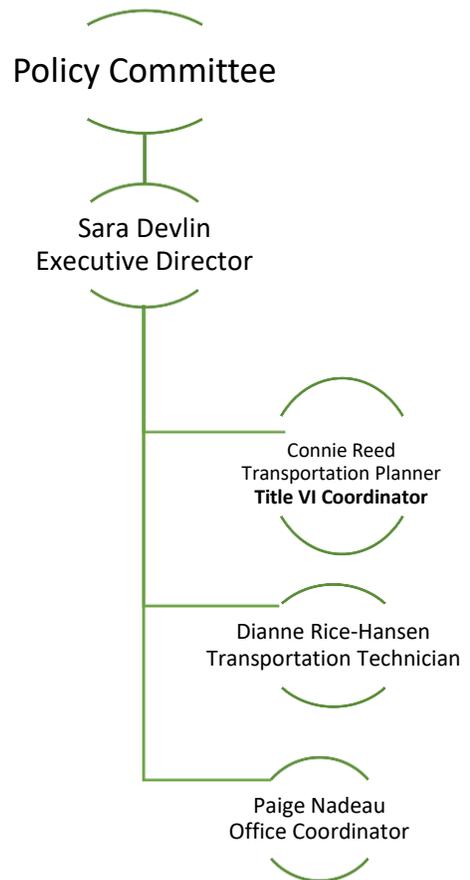
Breakdown of Policy Committee

The BACTS Policy Committee is the forum for cooperative decision making on metropolitan transportation-related matters, providing guidance, and direction for the metropolitan planning process. There are 18 total voting members of the BACTS Policy Committee. These representatives are appointed by the member municipality or organization. Male members make up 72.2% and female members make up 27.8% of the Policy Committee. The racial makeup of the Policy Committee is 94.4% white and 5.6% American Indian. The demographic profile of the region is included in Section 6 of this document.

Organizational Structure

The Transportation Planner, under the direction of the Executive Director, serves as the Title VI Coordinator and is responsible for the overall management and administration of the Non-Discrimination Program. The Title VI Coordinator has the responsibility of managing and monitoring compliance with the Title VI regulations and related statutes. These responsibilities include:

- Monitoring Title VI activities;
- Answering public inquiries, documenting, addressing, investigating and/or forwarding complaints to MaineDOT;
- Staying informed of, and providing guidance and training to staff on, Title VI requirements;
- Preparing and submitting reports of accomplishments and goals to MaineDOT annually by October 1;
- Annually reviewing, updating and submitting Title VI/Environmental Justice Non-Discrimination Program to MaineDOT;
- Establishing procedures to review, collect and analyze statistical data;
- Reviewing and resolving identified deficiencies.



SECTION 3 ADMINISTRATION

The Title VI Coordinator has lead responsibility for coordination and administration of the BACTS Title VI / Environmental Justice Non-Discrimination Program. BACTS has also adopted a Public Participation Plan, which is used in conjunction with the Non-Discrimination Program and is included by reference.

Training

BACTS is a subrecipient of MaineDOT federal transportation funding. MaineDOT occasionally provides opportunities for training to its subrecipients. BACTS will participate any time MaineDOT extends training opportunities. BACTS staff also takes advantage of the available resources and participates in webinars and / or on-line training programs offered by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the National Highway Institute (NHI).

Non-Discrimination Reviews

BACTS does not have funding sub-recipients; but does occasionally hire consultants or contractors to assist in carrying out program objectives and/or projects. BACTS shall include Non-Discrimination Assurance language in all Solicitations for Bids/Requests for Proposals and include Non-Discrimination requirements and assurances in all prime contracts, as well as requires the prime contractor to include appropriate Non-Discrimination language and assurances into all subcontracts regardless of tier.

As needed, based on the contract, a non-discrimination compliance review will be conducted by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Acts. The reviews will entail examination of the contractor's adherence to all Title VI, Environmental Justice and Non-Discrimination requirements. The status of any such review(s) will be reported in the Annual Title VI Report to MaineDOT.

Annual Reports

A report of accomplishments covering the previous fiscal year activities and goals for the upcoming fiscal year shall be prepared annually. The Title VI Coordinator will be responsible for coordination and compilation of these reports, which will be submitted to MaineDOT no later than October 1 of each year.

Non-Discrimination Program Updates

Statistical data available from the U.S. Decennial Census and American Community Survey (ACS) detailing race, color, national origin, gender, age, disability, income, and English language proficiency of populations within the BACTS planning area shall be reviewed and the Non-Discrimination Program shall be updated annually. The Title VI Coordinator shall be responsible for coordination and submission of the updated program to MaineDOT each year by October 1. A full detailed demographic profile of each member municipality will be reviewed and updated every three years when the Language Access Plan is reviewed and updated. The next update is due to be completed by October 1, 2022.

Public Dissemination of Non-Discrimination Program Information

BACTS will disseminate the Non-Discrimination Program information to BACTS employees and to the general public. The Non-Discrimination information shall be provided to contractors and beneficiaries. Public dissemination will include inclusion of Non-Discrimination language in contracts, posting the Title VI Notice to the Public at its office located at 12 Acme Road, Suite 104, Brewer, Maine, and posting the Non-Discrimination Plan, Complaint Procedures and Policy Statement on BACTS' website.

Public Involvement and Traditionally Underserved Populations

Many people in minority and low-income communities, as well as those with low literacy and/or limited English proficiency, have traditionally been underserved by conventional outreach methods. Reaching out to traditionally underserved groups helps ensure that all customers and stakeholders have opportunities to influence the decision-making process. It sets the tone for subsequent project activities and promotes a spirit of inclusion.

The BACTS Public Participation Plan outlines the various techniques for public outreach and opportunities for public participation in the transportation planning process. [The Public Participation Plan](https://bactsmmpo.org/wp-content/uploads/2019/09/PubPlan2018.pdf) is available in the Public Information section of the BACTS website at <https://bactsmmpo.org/wp-content/uploads/2019/09/PubPlan2018.pdf>.

Public Notice

**Notice to the Public
Title VI of the Civil Rights Act of 1964**

In accordance with Title VI of the Civil Rights Act of 1964 and other authorities, the Bangor Area Comprehensive Transportation System (BACTS) is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the public-at-large is afforded access to our programs and services.

To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any BACTS program or activity on the grounds of race, color, or national origin.

BACTS conducts its Title VI Program in a team approach involving all BACTS personnel to promote awareness for the provisions of Title VI and the responsibilities associated with that Act. We are readily available to assist you with resources, guidance, and information on Title VI.

For more information on Title VI, please contact:

Connie Reed, Title VI Coordinator
BACTS
12 Acme Road
Suite 104
Brewer, Maine 04412
207.974.3111
connier@bactsmmpo.org

Language translation services are available upon request.

SECTION 4 COMPLAINT DISPOSITION AND INVESTIGATION PROCEDURES

Discrimination complaints and inquiries concerning BACTS' policies, investigations, complaints, and compliance with applicable laws and regulations may be directed to:

Connie Reed, Title VI Coordinator
BACTS
12 Acme Road
Suite 104
Brewer, Maine 04412
207.974.3111
connier@bactsmmpo.org

Discrimination complaints may also be filed directly with the Maine Department of Transportation (MaineDOT), Federal Highway Administration (FHWA), or the Department of Justice (DOJ) at:

<p>Amy E. Hughes, Director Civil Rights Office <i>Maine Department of Transportation</i> 16 State House Station Augusta, Maine 04333-0016 207.624.3056 Office 207.624.3021 FAX amy.hughes@maine.gov</p>	<p>Wanda Hughley-Culbertson, Civil Rights Specialist <i>Maine and New Hampshire Division Offices</i> <i>Federal Highway Administration</i> 53 Pleasant Street, Suite 2200 Concord, New Hampshire 03301 603.410.4860 Office 603.228.28.29 FAX wanda.hugley-culbertson@dot.gov</p>
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Federal Highway Administration Headquarters U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue SE 8 th Floor E81-105 Washington, DC 20590 202.366.0693 Office FHWA.TitleVIcomplaints@dot.gov FHWA.ADAcomplaints@dot.gov	U.S. Department of Justice Civil Rights Division Federal Coordination and Compliance Section 950 Pennsylvania Avenue NW 4CON 7 th Floor Washington, DC 20530 1.888.848.5306
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Processing Procedures for External Complaints of Discrimination

Purpose - The purpose of the discrimination complaint procedures is to describe the process by which aggrieved persons may raise complaints of discrimination regarding BACTS' programs, activities and services as required under Title VI of the Civil Rights Act of 1964 and related statutes.

Responsibility - The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. It is the Title VI Coordinator's responsibility to conduct an impartial and objective investigation, collect factual information, prepare a report based upon the information obtained from the investigation, and forward the written complaint and supporting documentation to the MaineDOT Civil Rights Office.

These procedures do not preclude the responsible staff from attempting to resolve any verbal or non-written concerns or complaints that it is aware of. In all situations, the BACTS employees must contact the BACTS Title VI Coordinator immediately upon receipt of a discrimination complaint.

Applicability - The complaint procedures apply to the beneficiaries of the BACTS programs, activities and services including, but not limited to, the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.

Eligibility - Any person who believes that s/he has been excluded from participation in, denied benefits or services of any program or activity administered by BACTS or its sub-recipients, consultants, and contractors on the basis of race, color, national origin, limited English proficiency, gender, age, income, or disability may bring forth a complaint of discrimination under Title VI of the Civil Rights Act of 1964, EO 12989 - Environmental Justice, EO 13166 - Limited English Proficiency.

Availability - The complainant shall make him or herself reasonably available to any designated investigator, to ensure completion of the investigation within the timeframes set forth.

Time Limitation - Per 49 CFR §21.11(b), a complaint must be filed no later than 180 days after the date of the last instance of the alleged discrimination, unless the time for filing is extended by the Secretary.

Filing Options - Complaints of discrimination related to the Federal-aid Highway program may be filed with:

- Bangor Area Comprehensive Transportation System
- Maine Department of Transportation
- Federal Highway Administration Division Office
- Federal Highway Headquarters Office of Civil Rights
- U.S. Department of Transportation Departmental Office of Civil Rights
- The U.S. Department of Justice

Form of Complaints - A complaint shall be submitted in writing and signed by the individual or his/her representative (the Complainant), and may be filed by postal mail, in person, or via email. In cases where the Complainant is unable, or incapable, of providing a written statement, the Title VI Coordinator will ensure the complainant is assisted in transcribing a verbal complaint into a written complaint. However, the written complaint must be reviewed and signed by the Complainant and/or the Complainant's representative. The discrimination complaint form can be accessed on the BACTS website at <https://bactsmmpo.org/wp-content/uploads/2020/09/Complaint-Form1.pdf> and is included in this Plan as Attachment 1.

The complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- Complainant's contact information, including, if available, full name, postal address, phone number, and email address;
- The basis of the complaint (i.e., race, color, national origin, disability);
- Identification of specific person(s) and respondents (i.e., agencies/organization/contractor) alleged to have discriminated;
- Sufficient information to understand the facts that led the Complainant(s) to believe that discrimination occurred in a program or activity that received federal financial assistance; and
- The date(s) of the alleged discriminatory acts(s) and whether the alleged discrimination is ongoing.

Investigations - BACTS does not investigate complaints filed against itself. FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

- All complaints shall ultimately be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or Subrecipients of federal financial assistance. BACTS is a subrecipient of MaineDOT federal financial assistance.
- Within 10 calendar days of receipt of a written complaint, the BACTS Title VI Coordinator shall document the complaint and forward the written complaint and supporting documentation to the MaineDOT Civil Rights Director.
- The MaineDOT Civil Rights Director will then forward the complaint to the Maine FHWA Division Office Civil Rights Program Manager, who will forward the complaint to FHWA Headquarter Office of Civil Rights (HCR).
- When the FHWA HCR decides whether to accept, dismiss, or transfer the complaint, they will notify the Complainant, the FHWA Maine Division Office, MaineDOT, and BACTS.

Outcomes for Processing a Complaint - There are four potential outcomes for processing complaints:

1. **Accept:** if a complaint is filed timely, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the Complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
2. **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss the claim; or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
3. **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
4. **Referral/Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter; or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient (which BACTS is a subrecipient of MaineDOT), HCR may either conduct the investigation itself, or it may delegate the investigation to the primary Recipient State DOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the Complainant and respondent, but the State DOT will conduct all data requests, interviews, and analysis. In this case MaineDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI.

Timeframe for Investigation - There is no regulatory timeframe for FHWA to complete investigations. However, FHWA strives to complete all tasks 180 days from date of acceptance. For complaints that have been delegated to MaineDOT by FHWA, 23 CFR §200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

External Discrimination Complaint Form

See Attachment 1

SECTION 5 PROGRAM AREAS

Transportation planning is the process that transportation agencies use with members of the public and other interested organizations to identify transportation policies, goals, and projects to prepare for future needs to move people and goods. BACTS makes regional level transportation plans, programs, and policies and has responsibility for determining how to distribute federal transportation funds within the region.

The BACTS Policy Committee discusses and votes on multi-modal transportation issues of region-wide significance, decides which local transportation projects should be implemented, and encourages and provides numerous opportunities for public involvement in the transportation planning process.

Key Planning and Programming Activities

As the designated Metropolitan Planning Organization (MPO) in the greater Bangor urbanized area, BACTS receives federal funds to develop regional transportation plans and programs and to coordinate technical and policy studies on a wide range of transportation programs. The primary products of the transportation planning process include:

- Long-Range Metropolitan Transportation Plan (MTP)
- Transportation Improvement Program (TIP)
- Unified Planning Work Program (UPWP)
- Public Participation Plan (PPP)

Planning also encompasses clean air issues, safety, pavement management, transportation analysis, transportation reporting, inventory, research, mapping, major project studies, and training and technical assistance for communities.

BACTS will:

- Ensure that all aspects of the planning process operation, including environmental impact reviews, comply with Non-discrimination Acts and Regulations.
- Prepare and update a demographic profile of the region using the most recent and appropriate statistical information available on race, income and other pertinent data, at least every three years.
- Provide an annual report on accomplishments for the previous year and goals for the next year.
- Ensure equal opportunity for participation on Advisory Committees.

Public Involvement in Planning Activities

The goal of public involvement in the metropolitan planning and programming processes are to:

- Inform and engage local and state agencies, planning partners and stakeholders in plans and programs;
- Obtain an understanding of transportation needs and desires;
- Engage the public in transportation decision-making early and often;
- Provide the public reasonable access at key decision points during the development of plans and programs; and
- Ensure full and fair participation in the transportation decision-making process.

BACTS provides an opportunity for public involvement and full access to the transportation decision-making process to all segments of the population as described in the BACTS Public Participation Plan. Specifically related to Title VI, Environmental Justice, and Equity, BACTS seeks out and considers the needs of those traditionally underserved by existing transportation systems, who may also face challenges accessing employment and other services, including:

- Low-income households;
- Minority households;
- Limited-English proficiency populations;
- Senior populations;
- Zero-car households; and
- Persons with disabilities.

BACTS will:

- Ensure the BACTS Public Participation Plan is reviewed periodically and updated as necessary.
- Serve as a resource helping to ensure participation of a cross section of people representative of the affected population, including various and diverse social, economic, and ethnic interest groups are represented in the planning process.

Consultant Contracts Activities

BACTS occasionally hires Consultants to assist in carrying out program objectives and/or projects. BACTS is responsible for selection, negotiation, and administration of consultant contracts. When not prohibited by federal procurement rules, BACTS will use the MaineDOT Pre-Qualified Consultant List when soliciting Requests for Proposals (RFP). BACTS includes the nondiscrimination paragraph from the U.S. DOT Title VI Assurances in all solicitations for bid / RFPs.

Upon selection of Consultant, BACTS will draft a contract, which includes the appropriate non-discrimination provisions and Title VI language. The clauses of Appendix A of the U.S. DOT Standard Title VI Assurances are included in every contract subject to the Act and the Regulations and Form FHWA-1273 is attached to all federal aid contracts of \$10,000 or more. In addition, the agreement states that the Consultant is responsible to insert the Title VI / Nondiscrimination Assurance information in all subcontracts regardless of tier. All contracts and agreements drafted by BACTS are submitted to MaineDOT for compliance review and approval.

BACTS is committed to nondiscrimination in the award of contracts in connection with projects receiving federal financial assistance by engaging disadvantaged business enterprises (DBE) in procurement opportunities as much as feasible. As appropriate, DBE provisions will be included in RFPs and contracts. MaineDOT administers the DBE program and certifies all DBEs in Maine.

BACTS will:

- Ensure Non-Discrimination, Title VI and Environmental Justice assurances and provisions language is included or incorporated by reference in every Solicitation for Bids, Request for Proposal and federally-funded contract or agreement;

- Ensure all consultants verify their compliance with Non-Discrimination, Title VI and Environmental Justice procedures and requirements;
- Periodically review documents and language to ensure compliance with current laws and regulations;
- Periodically review outreach activities to ensure small, disadvantaged, minority and women-owned businesses are included in procurement opportunities;
- Review federally funded projects for application of disadvantage business enterprise (DBE) goals; and
- Perform reviews as needed for compliance with Title VI and related non-discrimination laws and regulations.

Special Emphasis Program Areas

Special Emphasis Program areas are internal programs in which BACTS has identified a trend or pattern of discrimination. BACTS shall use various factors to make the special emphasis determination, those factors will include:

- Deficiencies or observations made during the most recent process review;
- Questions or concerns in regard to complaints and history of deficiencies in a particular program area;
- Observations during the review of the program areas’ annual report;
- An increase of risk within the program, given new processes and areas of focus that may impact populations defined in Title VI;
- New staff assigned to Title VI in a specific program area.

If a program area is found to have deficiencies, the BACTS Title VI Coordinator will provide the technical assistance and guidance needed to develop a Corrective Action Plan, which will be implemented within 90 days of the determination.

BACTS has not found discrimination risk in any of its program areas; and therefore, does not have any Special Emphasis Program Areas at the time.

SECTION 6 BACTS REGIONAL DATA SUMMARY

The regional data summary details socioeconomic characteristics for the Greater Bangor Urbanized area as reported in the American Community Survey (ACS) 2014-2018 5-year estimates. This information is gathered to assist in understanding the region’s total population in contrast to those protected populations under Title VI of the Civil Rights Act of 1964 (Title VI), and those protected under Executive Orders 12989 (Environmental Justice) and 13166 (Limited English Proficiency). In addition, BACTS Non-Discrimination program also ensures protections based on gender, age, and disability.

Regional Data Summary Greater Bangor Urbanized Area Demographic Profile 2018 Estimates	
	Count
Total Estimated Population	59,243
Total Population Under 18 Years	9,825
Total Population 65 years and Older	8,981
Total Male Population	29,191
Total Female Population	30,052
Total Civilian Non-Institutionalized Population	58,153
Total Number of Families	12,077
Total Households	24,100
Total Number of Workers 16 Years and Older	28,270

Source: 2014-2018 American Community Survey (ACS) 5-Year Estimates

Regional Data Summary of Protected Populations

Regional Data Summary Greater Bangor Urbanized Area Demographic Profile of Protected Populations 2018 Estimates		
Population Group	Count	Percent of Total
Minority Populations	5,099 People	8.60%
Foreign-Born Populations	2,510 People	4.20%
Population 65 Years and Older	8,981 People	15.20%
Noninstitutionalized Population with a Disability	10,295 People	17.70%
Population Living Below Poverty Level	11,796 People	22.00%
Households with No Vehicle Available	3,349 Housing Units	13.90%
Population 18+ with Limited English Proficiency	357 People	0.70%

Source: 2014-2018 American Community Survey (ACS) 5-Year Estimates

Title VI affords protections based on the grounds of race, color or national origin. The table below shows the breakdown of the population by race.

Regional Data Summary Greater Bangor Urbanized Area Race Breakdown 2018 Estimates		
Race	Count	Percent
One race	57,630	97.30%
White	54,144	91.40%
Black or African American	1,002	1.70%
American Indian and Alaska Native	1,095	1.80%
Asian	1,240	2.10%
Asian Indian	160	0.30%
Chinese	488	0.80%
Filipino	98	0.20%
Japanese	32	0.10%
Korean	126	0.20%
Vietnamese	31	0.10%
Other Asian	305	0.50%
Native Hawaiian and Other Pacific Islander	18	0.03%
Other Pacific Islander	18	0.03%
Some other race	131	0.20%
Two or more races	1,613	2.70%
White and Black or African American	331	0.60%
White and American Indian and Alaska Native	707	1.20%
White and Asian	293	0.50%
Black or African American and American Indian and Alaska Native	62	0.10%

Source: 2014-2018 American Community Survey (ACS) 5-Year Estimates

Native born people are citizens at birth. All people with the following citizenship status are native born: (1) Born in the United States; (2) Born in Puerto Rico or a U.S., outlying area; or (3) Born abroad of American parents. All other people are foreign born. In the Greater Bangor Urbanized Area, 4.20% of the population is foreign-born.

EO 12989 (Environmental Justice) provides policy guidance in protections to minority and low-income populations. As shown in the Demographic Profile of Protected Populations table above, 8.6% of the population in the BACTS region are minorities and 22% of the population is living below the poverty level.

EO 13166 (Limited English Proficiency) provides policy guidance in providing access to persons with limited English proficiency. Of the population that is 18 years old and greater only 0.7% speak English less than very well, and of the population 5 years and older 1.21% speak English less than very well.

Regional Data Summary Greater Bangor Urbanized Area Languages Spoken Population 5 Years and Older that Speak English "Less Than Very Well" 2018 Estimates					
Language	Total	Speak English "very well"	Speak English "Less than very well"	Percent of Total Population	Percent of Language- Speaking Population
Total Population 5 Years and Older	56,446				
English Only	52,884				
Spanish	593	472	121	0.21%	20.40%
French, Haitian, or Cajun	869	739	130	0.23%	14.96%
German or other West Germanic	264	247	17	0.03%	6.44%
Russian, Polish, or other Slavic	35	35	0	0.00%	0.00%
Other Indo-European languages	564	464	100	0.18%	17.73%
Korean	44	24	20	0.04%	45.45%
Chinese, Mandarin, Cantonese	449	248	201	0.36%	44.77%
Vietnamese	31	31	0	0.00%	0.00%
Tagalog, Filipino	74	74	0	0.00%	0.00%
Other Asian and Pacific Island languages	208	197	11	0.02%	5.29%
Arabic	168	97	71	0.13%	42.26%
Other and Unspecified languages	263	249	14	0.02%	5.32%

Source: 2014-2018 American Community Survey (ACS) 5-Year Estimates

Based on the data, the highest concentration of vulnerable, or traditionally underrepresented, populations in the Greater Bangor Urbanized Area are people living below the poverty level (22.0%), those living with a disability (17.70%), and seniors aged 65 years and older (15.20%). These populations fall outside of the Title VI and EO 13166 (LEP) regulatory protections and authorities; however, are included and are considered relevant to the BACTS Non-Discrimination Program.

SECTION 7 DEMOGRAPHIC PROFILE OF EACH MEMBER MUNICIPALITY

A detailed demographic profile of each member municipality will be reviewed and updated every three years when the Language Access Plan is also reviewed and updated.

To see maps of percentage of population by demographic profiles of each member municipality see Attachment 2.

Race

Based on the 2017 ACS data, the BACTS region, has a small (8.46%) minority population. The table below shows the breakdown of the minority population in the urbanized area, as well as each of the 11 communities that make up the BACTS region. Total minority population in the Greater Bangor Urbanized Area is 8.46%, the largest segment of which is reported as two or more races (2.71%), followed by Asian (2.22%), American Indian and Alaskan Native (2.02%), Black or African American (1.34%), Other .15% and Native Hawaiian or Other Pacific Islander (0.2%).

Demographic Profile Minorities in the Urbanized Area and in Each Community in the BACTS Area 2017 Estimates									
	Total 2017 Estimated Population	Black/ African American	American Indian/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Other	Two or More Races	Total Minority Population	Percent Minority Population
Greater Bangor Urbanized Area	60,248	806	1,218	1,339	13	88	1,633	5,097	8.46%
Bangor	32,237	484	349	800	-	197	827	2,657	8.24%
Bradley	1,478	-	29	4	-	-	28	61	4.13%
Brewer	9,167	35	50	16	-	-	149	250	2.73%
Hampden	7,314	67	-	172	-	-	32	271	3.71%
Hermon	5,789	1	40	-	-	-	83	124	2.14%
Milford	3,002	-	-	16	-	-	-	16	0.53%
Old Town	7,594	95	179	64	-	-	237	575	7.57%
Orono	10,914	228	83	329	-	10	366	1,016	9.31%
Orrington	3,676	-	-	33	-	-	101	134	3.65%
Penobscot Indian Island	783	-	574	7	13	3	105	702	89.66%
Veazie	1,960	-	-	-	-	-	85	85	4.34%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

National Origin

The ACS defines foreign-born as people who are not U.S. Citizens at birth. This includes naturalized U.S. citizens, lawful permanent residents (immigrants), temporary migrants (such as foreign students), humanitarian migrants (such as refugees and asylees), and persons illegally present in the United States. Based on the 2017 ACS data, the

Demographic Profile National Origin of Population in the Urbanized Area and Each Community in the BACTS Area 2017 Estimates				
	Total Estimated Population	Native-Born Population	Foreign-Born Population	Percent Population Foreign-Born
Greater Bangor Urbanized Area	60,248	57,820	2,428	4.03%
Bangor	32,237	30,980	1,257	3.90%
Bradley	1,478	1,457	21	1.42%
Brewer	9,167	8,953	214	2.33%
Hampden	7,314	7,092	222	3.04%
Hermon	5,789	5,663	126	2.18%
Milford	3,002	2,957	45	1.50%
Old Town	7,594	7,312	282	3.71%
Orono	10,914	10,220	694	6.36%
Orrington	3,676	3,620	56	1.52%
Penobscot Indian Island	783	770	13	1.66%
Veazie	1,960	1,949	11	0.56%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

BACTS region, has a small (4.03%) foreign-born population. The table below shows the breakdown of the native and foreign-born population in the urbanized area, as well as each of the 11 communities that make up the BACTS region.

Dependent Population

Dependent population is defined as that part of the population that does not work and relies on others for the goods and services they consume. In practice, specific population age groups have in their entirety been categorized as dependent population, even while the definition may not necessarily apply to every individual in the population with the indicated ages. In general, those categorized as dependents include children under the age of 18 and senior adults age 65 years and older.

The table below shows the breakdown of the dependent population in the urbanized area, as well as each of the 11 communities that make up the BACTS region. In the BACTS region, 14.8% of the population is 65 years and older and 17.2% is under 18 years old.

Demographic Profile Dependent Population in the Urbanized Area and Each Community in the BACTS Area 2017 Estimates							
	Total Population	Under 18 Years	65 Years and Older	Age Dependency Ratio	Old Age Dependency Ratio	Child Dependency Ratio	Median Age
Greater Bangor Urbanized Area	60,248	17.2%	14.8%	47.2	21.8	25.4	33.3
Bangor	32,237	17.3%	15.9%	49.8	23.8	26.0	37.0
Bradley	1,478	17.1%	17.3%	52.2	26.3	26.0	48.1
Brewer	9,167	21.3%	16.5%	60.9	26.5	34.3	40.3
Hampden	7,314	20.5%	15.4%	56.0	24.0	31.9	43.2
Hermon	5,789	23.7%	11.4%	54.2	17.6	36.6	38.3
Milford	3,002	19.9%	12.4%	47.8	18.4	29.4	47.8
Old Town	7,594	17.6%	15.5%	49.4	23.2	26.2	36.8
Orono	10,914	8.5%	11.3%	24.7	14.1	10.6	21.8
Orrington	3,676	20.6%	19.1%	66.0	31.8	34.3	48.9
Penobscot Indian Island	783	21.8%	11.9%	50.9	17.9	32.9	35.7
Veazie	1,960	21.3%	21.5%	74.7	37.5	37.2	43.4

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

The age dependency ratio is derived by dividing the combined under-18 and 65-and-over populations by the 18-to-64 population and multiplying by 100. The old-age dependency ratio is derived by dividing the population 65 and over by the 18-to-64 population and multiplying by 100. The child dependency ratio is derived by dividing the population under 18 by the 18-to-64 population and multiplying by 100.

Population 65 Years and Older

An analysis of the senior population (Age 65 and Older) in the BACTS region indicates the majority of that population is female (60.7%), with a median age of 74.7. This segment of the population is also predominantly white (97.8%), making up 14.7% of the foreign-born population, and 18.44% of the population that speak English less than very well in the Greater Bangor Urbanized Area. The population age 65 and older accounts for 30.07% of the population living with a disability in the BACTS region and 5.33% of the population living below 100 percent of the poverty level.

Population Living with a Disability

The civilian noninstitutionalized population is defined as “all U.S. civilians not residing in institutional group quarters facilities such as correctional institutions, juvenile facilities, skilled nursing facilities, and other long-term care living arrangements.” The Census Bureau defines a disability as a “long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.”

Greater Bangor Urbanized Area Demographic Profile 2017		
	Total Estimate	65 and Older
Total population	60,248	8,942
SEX AND AGE		
Male	49.1%	39.3%
Female	50.9%	60.7%
Median age (years)	33.3	74.7
RACE AND HISPANIC OR LATINO ORIGIN		
One race	97.3%	99.6%
White	91.5%	97.8%
Black or African American	1.3%	0.5%
American Indian and Alaska Native	2.0%	0.9%
Asian	2.2%	0.3%
Native Hawaiian and Other Pacific Islander	0.0%	0.0%
Some other race	0.1%	0.0%
Two or more races	2.7%	0.4%
Hispanic or Latino origin (of any race)	1.5%	0.2%
White alone, not Hispanic or Latino	90.6%	97.6%
DISABILITY STATUS		
Civilian noninstitutionalized population	59,185	8,341
With any disability	17.2%	36.7%
No disability	82.8%	63.3%
PLACE OF BIRTH, NATIVITY AND CITIZENSHIP		
Total population	60,248	8,942
Native	57,820	8,585
Foreign born	2,428	357
LANGUAGE SPOKEN AT HOME AND ABILITY		
Population 5 years and over	57,320	8,942
English only	93.7%	93.8%
Language other than English	6.3%	6.2%
Speak English less than "very well"	1.1%	1.3%
POVERTY STATUS IN THE PAST 12 MONTHS		
Population for whom poverty status is	54,512	8,341
Below 100 percent of the poverty level	22.4%	7.8%
100 to 149 percent of the poverty level	11.4%	11.8%
At or above 150 percent of the poverty	66.2%	80.4%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

The table below shows the breakdown of the 17.2% of persons living with a disability within the civilian noninstitutionalized population in the urbanized area, as well as each of the 11 communities, by type of disability.

Demographic Profile Characteristics of Disabled Population in the Urbanized Area and Each Community in the BACTS Area 2017 Estimates								
	Total Civilian Non- Institutionalized Population	Percent with a Disability	Hearing Difficulty	Vision Difficulty	Cognitive Difficulty	Ambulatory Difficulty	Self-Care Difficulty	Independent Living Difficulty
Greater Bangor Urbanized Area	59,185	17.2%	4.0%	2.3%	9.8%	8.0%	3.0%	7.8%
Bangor	31,474	19.6%	4.7%	2.9%	11.6%	9.7%	3.7%	9.5%
Bradley	1,478	15.8%	5.5%	1.3%	5.7%	8.4%	1.8%	4.6%
Brewer	9,040	16.0%	4.5%	1.8%	7.1%	8.0%	2.9%	7.0%
Hampden	7,299	12.2%	4.4%	1.2%	8.0%	4.4%	3.7%	8.2%
Hermon	5,789	11.0%	2.3%	2.2%	4.6%	6.0%	3.6%	5.3%
Milford	3,002	18.2%	9.0%	4.9%	9.7%	8.4%	4.1%	9.7%
Old Town	7,589	19.0%	5.5%	2.2%	9.4%	7.3%	2.3%	7.2%
Orono	10,766	11.0%	2.8%	1.3%	5.7%	4.2%	1.4%	3.0%
Orrington	3,647	14.7%	3.8%	3.2%	6.4%	6.4%	1.4%	6.5%
Penobscot Indian Island	768	24.2%	7.0%	4.7%	18.0%	11.2%	4.4%	10.4%
Veazie	1,960	15.7%	3.8%	1.1%	7.5%	8.0%	4.4%	8.3%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Low Income Population

The U.S. Department of Transportation and Federal Highway Administration use the federal poverty guidelines to determine low-income status. These guidelines are adjusted annually for inflation with information provided by the U.S. Census Bureau and are reported in the Federal Register by the U.S. Department of Health and Human Services (HHS). A low-income individual is one whose median household income is at or below the HHS poverty guidelines.

The table below shows the 2017 Department of HHS Poverty Guidelines at 100% of the poverty level through 150% of the poverty level. The Census Bureau's poverty thresholds are the same nationwide for the 48 contiguous states and the District of Columbia.

2017 U.S. Department of Health and Human Services Poverty Guidelines							
Household/ Family Size	*100%*	125%	130%	133%	135%	138%	150%
1	\$ 12,060	\$ 15,075	\$ 15,678	\$ 16,040	\$ 16,281	\$ 16,643	\$ 18,090
2	\$ 16,240	\$ 20,300	\$ 21,112	\$ 21,599	\$ 21,924	\$ 22,411	\$ 24,360
3	\$ 20,420	\$ 25,525	\$ 26,546	\$ 27,159	\$ 27,567	\$ 28,180	\$ 30,630
4	\$ 24,600	\$ 30,750	\$ 31,980	\$ 32,718	\$ 33,210	\$ 33,948	\$ 36,900
5	\$ 28,780	\$ 35,975	\$ 37,414	\$ 38,277	\$ 38,853	\$ 39,716	\$ 43,170
6	\$ 32,960	\$ 41,200	\$ 42,848	\$ 43,837	\$ 44,496	\$ 45,485	\$ 49,440
7	\$ 37,140	\$ 46,425	\$ 48,282	\$ 49,396	\$ 50,139	\$ 51,253	\$ 55,710
8	\$ 41,320	\$ 51,650	\$ 53,716	\$ 54,956	\$ 55,782	\$ 57,022	\$ 61,980
9	\$ 45,500	\$ 56,875	\$ 59,150	\$ 60,515	\$ 61,425	\$ 62,790	\$ 68,250
10	\$ 49,680	\$ 62,100	\$ 64,584	\$ 66,074	\$ 67,068	\$ 68,558	\$ 74,520

Source: <https://aspe.hhs.gov/poverty-guidelines>

The breakdown of the population living below the poverty level and below 150% of the poverty level in the urbanized area, as well as each of the 11 communities that make up the BACTS region is shown in the table below. In the BACTS region, 14.1% of the population is living below the poverty level and 21.7% is living below 150% of the poverty level.

Demographic Profile Low Income Families in the Urbanized Area and Each Community in the BACTS Area 2017 Estimates			
	Total Number of Families	Below Poverty Level	Below 150% of Poverty Level
Greater Bangor Urbanized Area	12,355	14.1%	21.7%
Bangor	6,987	15.8%	23.5%
Bradley	464	8.2%	14.7%
Brewer	2,286	6.3%	13.0%
Hampden	2,095	0.8%	3.6%
Hermon	1,673	0.6%	1.9%
Milford	815	6.3%	11.8%
Old Town	1,854	18.5%	26.5%
Orono	1,343	7.1%	13.3%
Orrington	1,088	4.2%	5.5%
Penobscot Indian Island	206	32.5%	46.1%
Veazie	485	15.9%	20.4%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

No Vehicle Households

In the BACTS region, 12.6% of the occupied housing units have no vehicle available. The table below shows the number of occupied housing units the urbanized area, as well as each of the 11 communities that make up the BACTS region, which have no vehicle available.

Demographic Profile Housing Units with No Vehicle Available in the Urbanized Area and Each Community in the BACTS Area 2017 Estimates			
	Occupied Housing Units	Units with No Vehicle Available	Percent of Occupied Units
Greater Bangor Urbanized Area	24,256	3,059	12.6%
Bangor	14,035	2,249	16.0%
Bradley	639	15	2.3%
Brewer	3,754	355	9.5%
Hampden	2,793	31	1.1%
Hermon	2,179	8	0.4%
Milford	1,193	95	8.0%
Old Town	3,318	247	7.4%
Orono	3,121	198	6.3%
Orrington	1,589	40	2.5%
Penobscot Indian Island	328	63	19.2%
Veazie	844	36	4.3%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Means of Transportation to Work

Of the 28,637 workers 16 years and older in the BACTS region, 74.5% commute to work in single occupancy automobiles, 12.7% carpool, 6.3% bicycle or walk, and 1.3% use public transit. The table below shows the means of transportation to work for workers in the Greater Bangor Urbanized Area, and within each of the 11 communities in the BACTS area, by mode.

Demographic Profile Means of Transportation to Work in the Urbanized Area and Each Community in the BACTS Area 2017 Estimates										
	Workers 16 and Older	Single Occupancy Vehicle	Carpool	Public Transit	Taxi	Motorcycle	Bicycle	Walk	Other	Work at Home
Greater Bangor Urbanized Area	28,637	21,334	3,644	359	48	51	156	1,655	312	1,078
Bangor	15,141	11,268	1,977	227	11	17	25	796	178	642
Bradley	777	671	75	-	-	-	-	-	-	31
Brewer	4,819	3,999	442	19	19	28	7	42	72	191
Hampden	4,021	3,545	273	18	-	-	-	20	-	165
Hermon	3,225	2,765	250	-	-	16	-	27	13	154
Milford	1,621	1,217	324	-	-	-	25	-	38	17
Old Town	3,855	2,789	664	35	18	-	79	111	-	159
Orono	4,815	3,150	533	48	-	12	45	758	22	247
Orrington	1,773	1,504	165	-	-	-	-	20	-	84
Penobscot Indian Island	321	228	60	6	-	-	-	17	2	8
Veazie	930	828	61	6	-	11	-	-	-	24

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

The table below shows the socioeconomic characteristics of workers in the Greater Bangor Urbanized Area who commute by single occupancy vehicle, carpool, and public transit.

Demographic Profile Socioeconomic Characteristics and Means of Transportation to Work in the Greater Bangor Urbanized Area 2017 Estimates				
	Total	Single Occupancy Vehicle	Carpool	Public Transit
Workers 16 years and over	28,637	21,334	3,644	359
AGE				
16 to 19 years	5.7%	4.2%	3.8%	3.9%
20 to 24 years	16.1%	15.1%	18.1%	17.3%
25 to 44 years	42.1%	42.1%	52.5%	56.3%
45 to 54 years	16.2%	16.5%	12.8%	10.0%
55 to 59 years	7.5%	8.4%	6.2%	5.0%
60 years and over	12.6%	13.8%	6.6%	7.5%
Median age (years)	36.8	38.9	32.2	28.8
SEX				
Male	50.8%	50.3%	55.1%	32.6%
Female	49.2%	49.7%	44.9%	67.4%
RACE AND HISPANIC OR LATINO ORIGIN				
One race	98.1%	98.2%	97.5%	96.1%
White	92.6%	94.7%	82.2%	86.9%
Black or African American	1.1%	0.6%	1.7%	3.6%
American Indian and Alaska Native	2.1%	1.3%	6.3%	1.7%
Asian	2.3%	1.6%	7.1%	3.9%
Native Hawaiian and Other Pacific Islander	0.0%	0.0%	0.1%	0.0%
Some other race	0.1%	0.1%	0.0%	0.0%
Two or more races	1.9%	1.8%	2.5%	3.9%
Hispanic or Latino origin (of any race)	1.5%	1.0%	1.4%	0.0%
White alone, not Hispanic or Latino	91.5%	94.1%	81.8%	86.9%
NATIONAL ORIGIN				
Native	95.5%	96.0%	92.1%	88.9%
Foreign born	4.5%	4.0%	7.9%	11.1%
LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH				
Speak language other than English	5.2%	4.2%	9.5%	7.8%
Speak English "very well"	4.0%	3.8%	3.0%	7.8%
Speak English less than "very well"	1.2%	0.4%	6.4%	0.0%
POVERTY STATUS IN THE PAST 12 MONTHS				
Workers 16 years and over for whom poverty status is determined	27,175	20,786	3,621	332
Below 100 percent of the poverty level	13.5%	12.3%	16.3%	37.0%
100 to 149 percent of the poverty level	8.1%	6.5%	17.0%	10.2%
At or above 150 percent of the poverty level	78.4%	81.2%	66.7%	52.7%
VEHICLES AVAILABLE				
No vehicle available	3.3%	1.4%	4.5%	43.4%
1 vehicle available	27.3%	24.5%	41.8%	24.1%
2 vehicles available	46.0%	47.3%	40.8%	19.6%
3 or more vehicles available	23.4%	26.8%	12.9%	13.0%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

SECTION 8 LIMITED ENGLISH PROFICIENT POPULATION – LANGUAGE ACCESS PLAN

Limited English Proficient (LEP) persons are individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the transportation provider or other DOT recipient.

Language barriers prohibit people who have limited English proficiency from obtaining services and information relating to transportation services and programs. Because people with LEP are not able to read instructions or correspondence written in English and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek.

It is essential that the BACTS personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about their diverse clientele from a linguistic, cultural, and social perspective. These individuals should become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate transportation services with more knowledge and confidence.

Four Factor Analysis

Under guidance from the U.S. Department of Transportation (USDOT), BACTS is required to take reasonable steps to ensure meaningful access to programs and activities by Limited English Proficient (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:

Factor 1: The number or proportion of LEP persons who may be serviced or are likely to encounter a program, activity, or service.

The first step towards understanding the extent of the LEP population in BACTS' planning area is a review of American Community Survey (ACS) data. An analysis of the ACS 2013-2017 5-Year Estimates groups the number and percentage of persons who speak English "less than very well" in four major language groups: Spanish, Other Indo-European Languages, Asian and Pacific Island Languages, and Other Languages.

An analysis of the 2017 data shows 615 persons (1.07%) 5 years and older and 279 persons (.58%) 18 years and older in the greater Bangor urbanized area speak English less than very well. Of the population identified as speaking English less

than very well, individuals identified as speaking Asian and Pacific Island languages make up the largest segment. The classification of Asian and Pacific Island languages includes: Chinese, Japanese, Korean, Hmong, Vietnamese, Khmer, Thai, Tai-Kadai, Burmese, Karen, Turkish, Uzbek, Tagalong, Ilocana, Samoan and Hawaiian.

Department of Justice guidance indicates written translation of vital documents be provided for each language which individuals who speak English "less than very well" constitute 5% of the service area population or 1,000 persons (whichever is less). Since there is no language identified as meeting the threshold, BACTS documents are all printed in English; however, BACTS does provide for oral interpretation for any individual in the service area requiring these services through over-the-phone interpretation using LanguageLine Services.

Greater Bangor Urbanized Area Language Spoken 2017				
	Total Population	Speak English Very Well	Speak English Less Than Very Well	
		Total	Total	Percent
Population 5+	57,320	56,705	615	
Speak English Only	53,717			
Speak Language Other than English	3,603	2,988	615	1.07%
Spanish	590	489	101	0.18%
Other Indo-European Languages	1,754	1,516	238	0.42%
Asian and Pacific Island Languages	876	616	260	0.45%
Other Languages	383	367	16	0.03%
Population 18+	48,477	48,198	279	
Speak Only English	46,241			
Speak Language Other than English	2,236	1,957	279	0.58%
Spanish	528	446	82	0.17%
Other languages	1,708	1,511	197	0.41%

Source: ACS 5-Year Estimates 2013-2017

Factor 2: The frequency with which LEP persons come in contact with programs, activities or services.

USDOT guidance indicates that “recipients should first examine prior experience with LEP individuals to determine the breadth and scope of language services needed.” Although BACTS does not have any documented incidences to date, it is most likely contact with LEP individuals would occur at public meetings associated with transportation planning efforts. BACTS has over-the-phone interpretation services through LanguageLine Services available, if requested. If such services are needed, BACTS uses a language identification card to assist individuals in identifying their language and contacting an interpreter.

Because of the limited number of individuals in the service area who speak English less than very well, no prior incidence, and BACTS commitment to ensuring all individuals are afforded access to programs and services, BACTS does not believe LEP populations are underserved by any of its programs and services.

Factor 3: The nature and importance of programs, activities or services to the LEP population.

As a Metropolitan Planning Organization (MPO), BACTS has authority and responsibility for transportation policy-making in the metropolitan planning area. This includes ensuring that existing and future expenditures for transportation projects and programs and based on a continuing, cooperative and comprehensive planning process; and cooperating with the MaineDOT and the City of Bangor Community Connector to set spending levels for federal funds that are meant for transportation projects. As part of the transportation policy-making and investment planning process, BACTS ensures that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved. The impact of proposed transportation investments on underserved and under-represented population groups are part of the evaluation process.

Factor 4: The resources available to the recipient and overall costs to provide LEP assistance.

BACTS has measures in place to ensure that the needs of individuals that require language assistance are addressed when needed. Interpreter services are on a “pay as needed” basis. Because of the very low incidence of LEP persons in the service area, the cost to provide assistance has not been a significant factor in budgeting and programming.

Detailed Demographic Profile

The majority of the population age 5 years and older in the BACTS region speaks English as their primary language (93.71%). The BACTS region does not have a large LEP population and falls well below the safe harbor threshold requirements for translation of documents. An analysis of the population that speaks a primary language other than English shows that the largest non-English speaking segment of the population in the BACTS region is French (French, Haitian, or Cajun). Although the number of persons whose primary language is French that report speaking English less than very well (126) is less than a quarter of one percent of the total population 5 years and older (57,320) in the Greater Bangor Urbanized Area; with the exception of Milford, every community in the BACTS metropolitan planning area, has French speaking population which report speaking English less than very well.

It is important to note that the data shown for each member community is inclusive of the entire community and not of just that portion of the community which falls within the BACTS metropolitan planning area.

The graphics below depict the number of individuals age 5 years and older who speak a language other than English as their primary language in each of the 11 communities which make up the BACTS region.

Demographic Profile
Primary Language Spoken and Number of Individuals that Speak English "Less Than Very Well"
for Population Age 5 Years and Older in the Urbanized Area and Each Community in the BACTS Area
2017 Estimates

	Total Population 5 Years and Older	Spanish		French, Haitian, or Cajun		German or other West Germanic languages		Russian, Polish, or other Slavic languages		Other Indo-European languages		Korean		Chinese, Mandarin, Cantonese		Tagalog, Filipino		Other Asian and Pacific Island languages		Arabic		Other/ Unspecified language	
		Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"	Total	Speak English less than "very well"
Greater Bangor Urbanized Area	57,320	590	101	936	126	248	13	50	7	520	92	39	39	522	221	38	0	277	0	81	13	302	3
Bangor	30,669	358	76	541	34	97	0	18	7	296	44	36	36	347	170	19	0	105	0	0	0	83	3
Bradley	1,425	0	0	25	3	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11	0
Brewer	8,602	65	5	124	47	6	0	4	0	50	16	0	0	0	0	0	0	0	0	0	0	0	0
Hampden	7,038	0	0	175	58	0	0	17	0	0	0	0	0	0	0	107	57	89	0	0	0	0	0
Hermon	5,385	25	0	231	37	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0
Milford	2,678	0	0	35	0	28	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Old Town	7,111	27	0	119	53	26	0	0	0	64	25	0	0	11	0	0	0	0	0	0	0	43	0
Orono	10,730	192	21	152	8	112	26	28	0	110	7	0	0	164	51	19	0	70	0	81	13	84	0
Orrington	3,585	8	0	77	45	0	0	19	0	0	0	0	0	0	0	0	0	20	20	0	0	0	0
Penobscot Indian Island	721	4	0	2	1	0	0	0	0	0	0	3	3	0	0	0	0	13	0	0	0	80	0
Veazie	1,879	0	0	23	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0
Total	79,823	679	102	1,504	289	274	26	86	7	520	92	39	39	522	221	145	57	297	20	81	13	328	3
Greater Bangor UZA/Total 11 Communities	71.81%	86.89%	99.02%	62.23%	43.60%	90.51%	50.00%	58.14%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	26.21%	0.00%	93.27%	0.00%	100.00%	100.00%	92.07%	100.00%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates C16001

Reasonable Steps for Meaningful Access

U.S. DOT guidelines state that recipients of federal financial assistance “must take reasonable steps to ensure that such persons have meaningful access to the programs, services and information those recipients provide, free of charge...” Reasonable steps will depend on:

- The number and proportion of LEP persons potentially served by the recipient’s programs or activities and the variety of languages spoken in the recipient’s service area.
- The frequency with which LEP individuals are affected by the program or activity.
- The importance of the effect of the recipient’s program on LEP individuals.
- The resources available to the recipient and whether the recipient has budgeted for provision of special language services.
- The level of services provided to fully English proficient people.
- Whether LEP persons are being excluded from services or provided a lower level of services.
- Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.

Safe Harbor Provision

The Department of Justice considers compliance with the recipient’s written translation obligations if the recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

Translation of other documents, if needed, can be provided orally; or (b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Availability of Language Assistance

If an interpreter is required, BACTS staff shall use a language identification card to assist individuals in identifying the language they speak. The text on the card states “Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.” Staff initiates a phone call to the interpreter at LanguageLine Solutions.

LanguageLine Solutions
www.languageline.com
Tel: 1-800-752-6096

- BACTS will list in any public announcement of a BACTS public meeting that “Accommodations will be made for persons with disabilities. Auxiliary aids will be provided upon advanced notice. BACTS will bring a language card to each public meeting so anyone needing translation services can be accommodated.” BACTS has an account with LanguageLine Solutions to provide over-the-phone translation services. Anyone needing sign language interpreting must give BACTS at least three (3) days advanced notice, and we will use Bangor Interpreting Agency of Hampden to fulfill these needs.

Evaluating and Updating the Language Access Plan

The BACTS Transportation Planner shall evaluate and update the language access plan based on the level of use of LEP services and feedback from municipal members, social service agencies and citizens. The data collected from interpreter services, the number of times the service was used in a year and the languages interpreted. Otherwise, the Language Access Plan will be reviewed and updated every three years. The data will be used to help assess if key documents need to be translated into any additional languages. Open communication and the use of feedback from municipalities and social service agencies will ensure that the focus of BACTS Language Access Plan is reflective of the respective community.

Staff Training

BACTS staff receive training to understand and know BACTS' Language Access policies and procedures. Staff receive annual reviews and updates. The level and extent of training will be reflective of assistance required by the LEP population.

SECTION 9 STATUTORY AND REGULATORY AUTHORITIES

Title VI of the Civil Rights Act of 1964 (42 USC 4601 to 4655; 23 USC 109(h)) is a federal law that protects individuals, groups and organizations from discrimination on the basis of race, color or national origin in federally assisted programs and activities. Since other nondiscrimination authorities have expanded the scope and range of Title VI application and reach, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.

The 1970 Uniform Act (42 U.S.C. 4601) prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).

Americans with Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reasons of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability.

The Age Discrimination Act of 1975 (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination based on age.

The Civil Rights Restoration Act of 1987, P.L. 100-209 further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.

23 CFR Part 200, the Federal Highway Administration's Title VI Program Implementation and Review Procedures.

49 CFR Part 21, the U.S. Department of Transportation's Implementing Regulations of Title VI of the Civil Rights Act of 1964.

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

SECTION 10 U.S. DOT STANDARD TITLE VI ASSURANCES

The United States Department of Transportation (USDOT) FHWA Standard Title VI/Nondiscrimination Assurances

DOT Order No. 1050.2A

The *Bangor Area Comprehensive Transportation System (BACTS)* (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through The Federal Highway Administration (FHWA), 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 FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 nondiscrimination 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 Highway Program:

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 (RFP) for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

BACTS, 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 insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response

to this invitation and will not be discriminated against on the grounds of race, color, 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, **BACTS** also agrees to comply (and require any subrecipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA and USDOT** 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 **FHWA and USDOT**. You must keep records, reports, and submit the material for review upon request to **FHWA and USDOT**, or their designees 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.

BACTS 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 Aid Highway Program**. This ASSURANCE is binding on **BACTS**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Aid Highway Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

September 30, 2020

Sara Devlin

Sara Devlin
BACTS Executive Director

Appendices A, and C, D, and E

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration (FHWA)**, 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 as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 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**, 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**, 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**, 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**, 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 C

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

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

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, 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 said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all other 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, **BACTS** will have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above nondiscrimination covenants, **BACTS** will have the right to enter or re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of **BACTS** 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 **BACTS** 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 discriminations, (3) that the (grantee, licensees, 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, **BACTS** 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, **BACTS** will there upon revert to and vest in and become the absolute property of BACTS 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:

Pertinent Non-Discrimination 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); 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 U.S.C. §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 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 of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

ATTACHMENT 1 – EXTERNAL DISCRIMINATION COMPLAINT FORM

**Bangor Area Comprehensive Transportation System
External Discrimination Complaint Form**

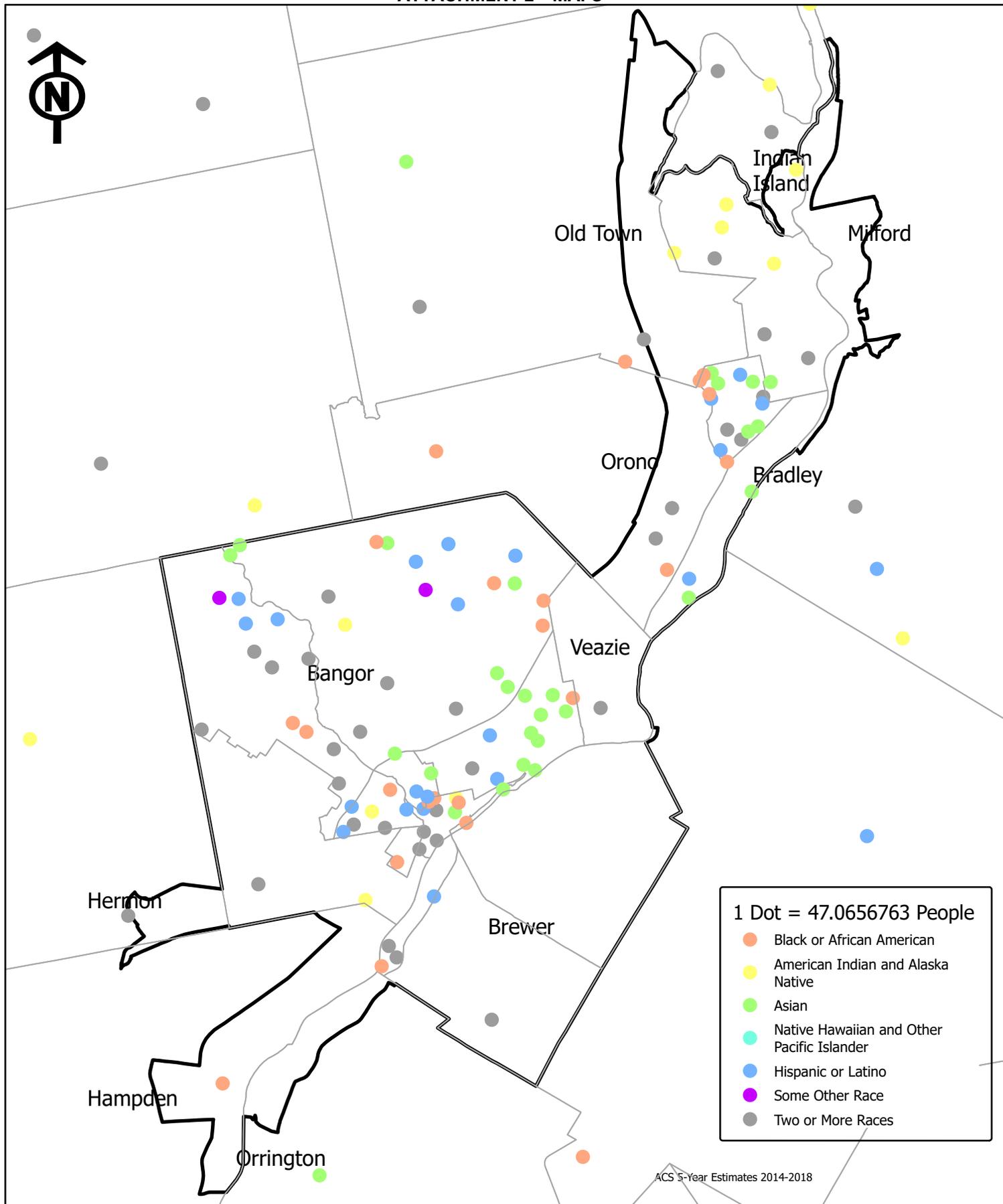
(Title VI/Nondiscrimination and ADA/Section 504 Complaints)

Name	Phone	Name of Person(s) alleged to have engaged in discrimination against you.
Address		Agency/Organization alleged to have engaged in discrimination.
City, State, Zip		City, State, Zip
Email Address		Date of Alleged Incident <input type="text"/>
Discrimination because of:		What remedy are you requesting?
Race	Color	
National Origin	Gender	
Age	Disability	

Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also attach any written material pertaining to your case.

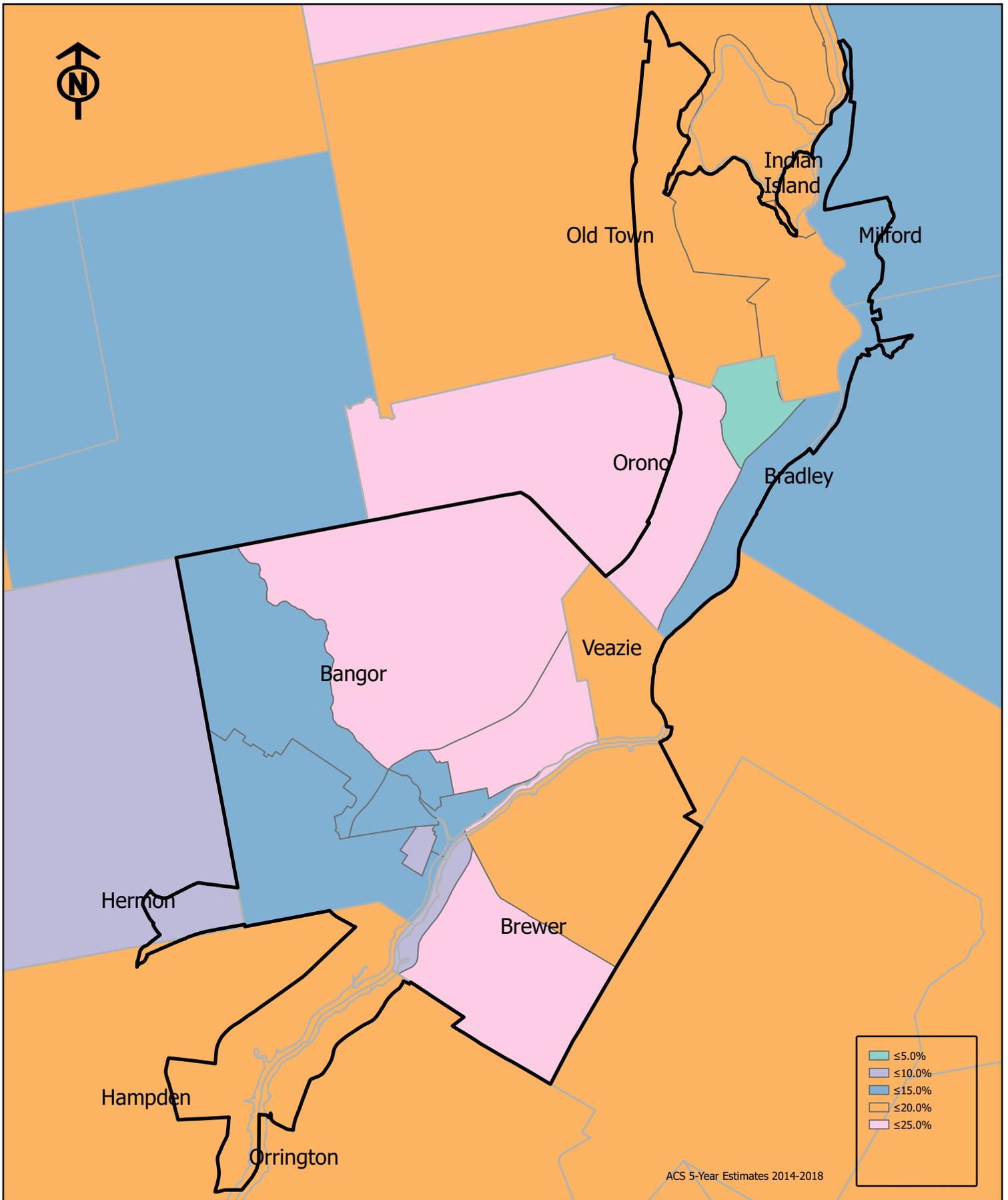
Signature	Date <input type="text"/>
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Return Completed Form to:
Connie Reed, Title VI Coordinator
BACTS
12 Acme Road, Suite 104
Brewer, Maine 04412
connier@bactsmmpo.org



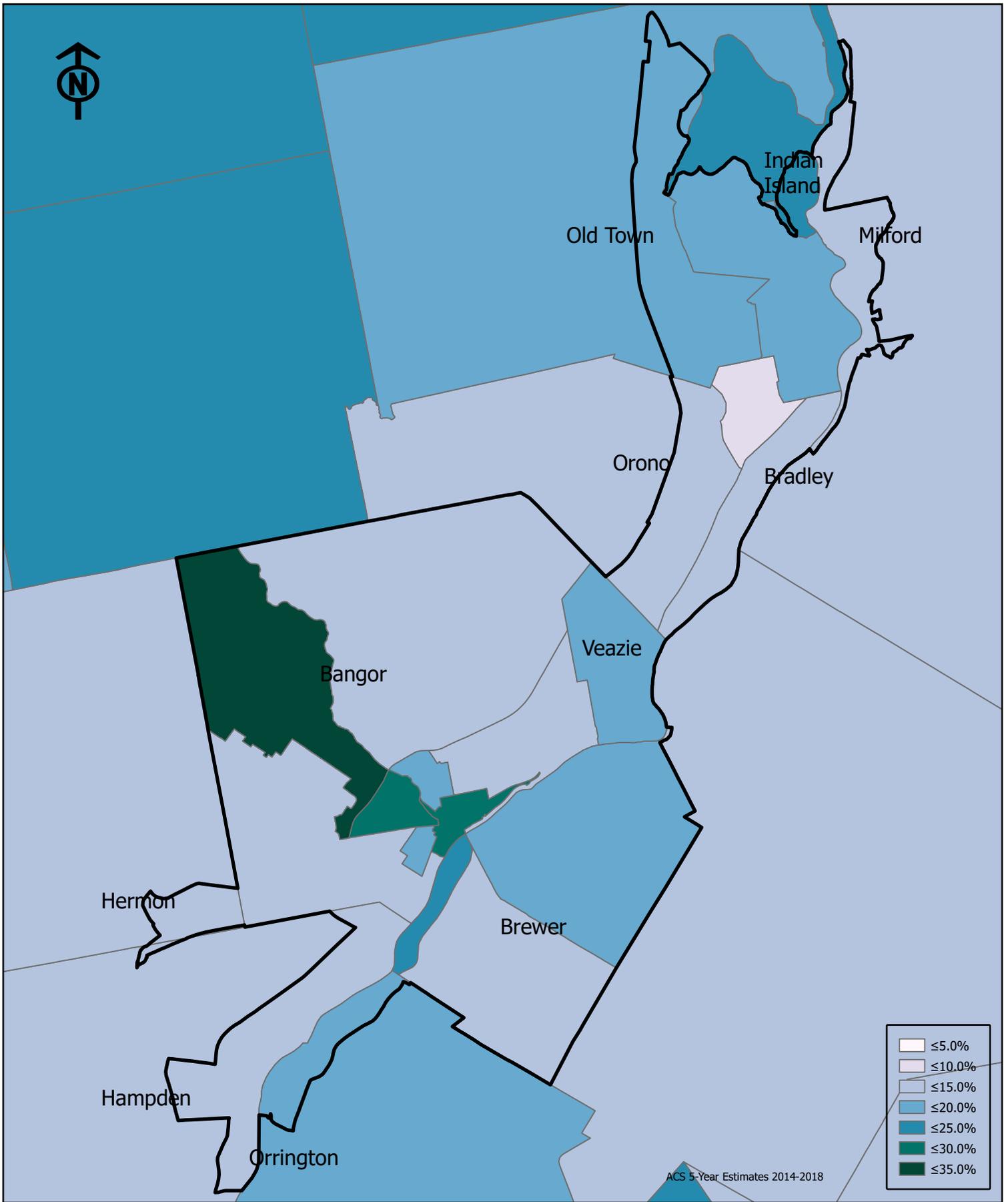
Minority Populations





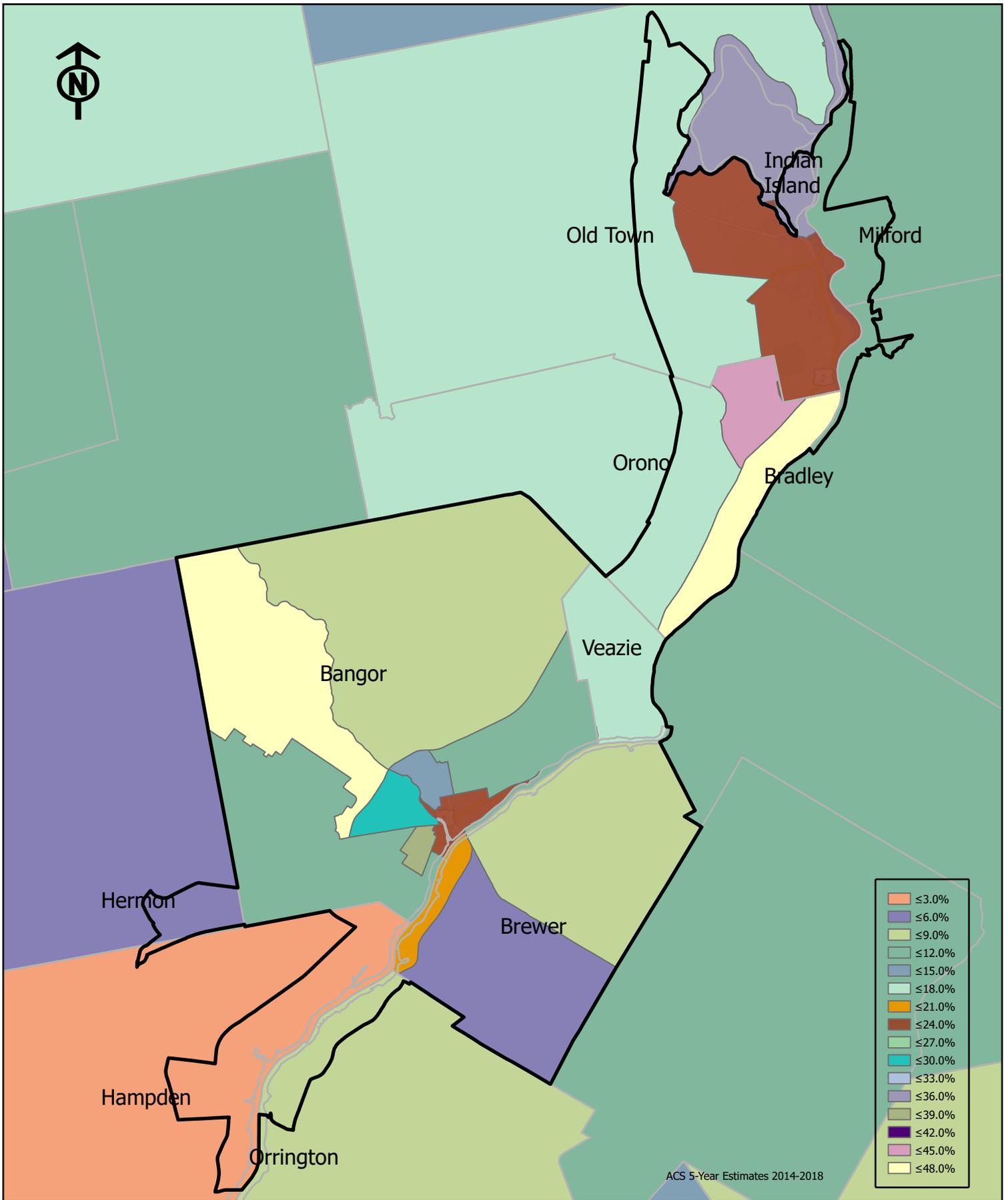
Percent of Population 65 Years and Older





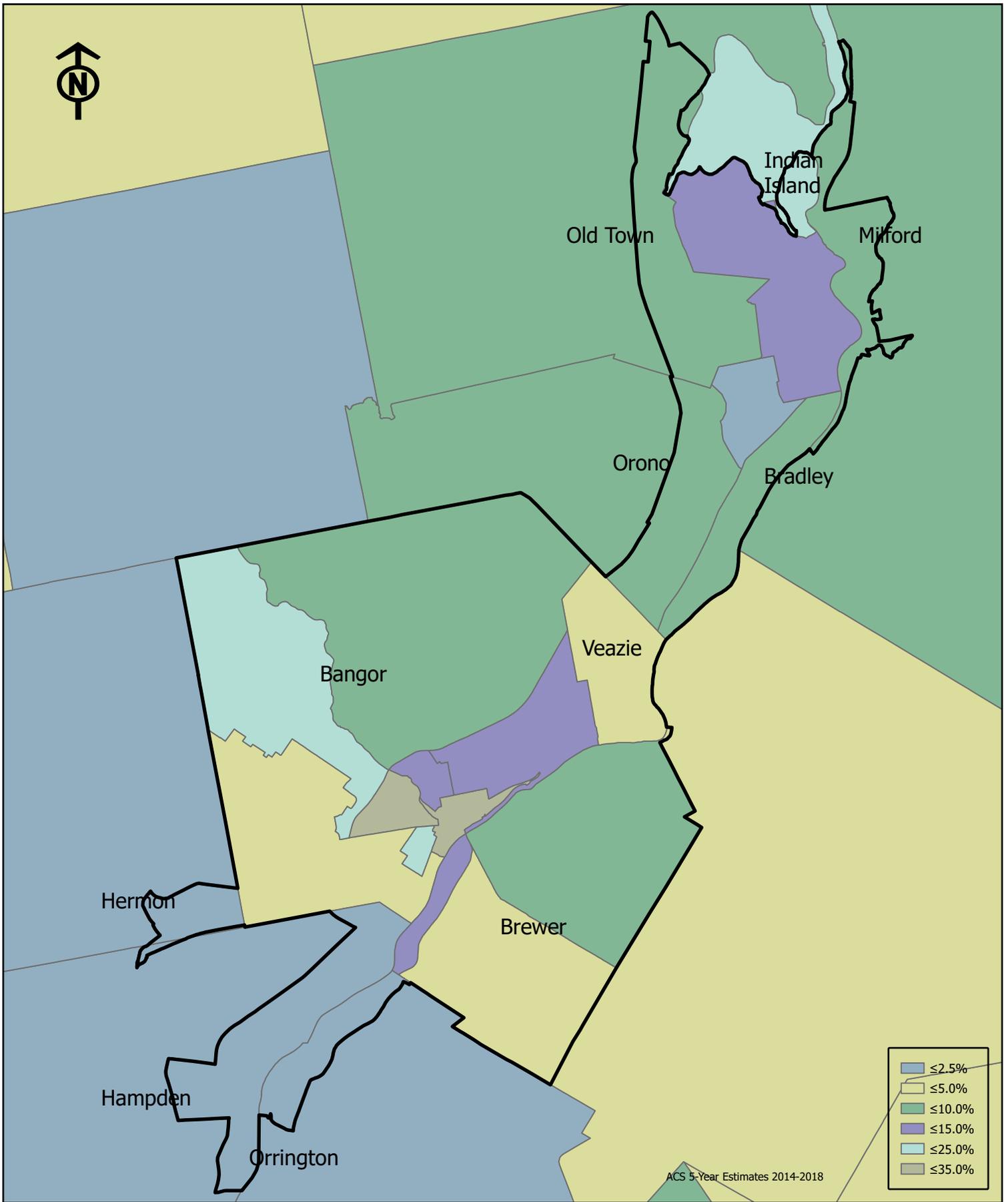
Percent of Population with a Disability





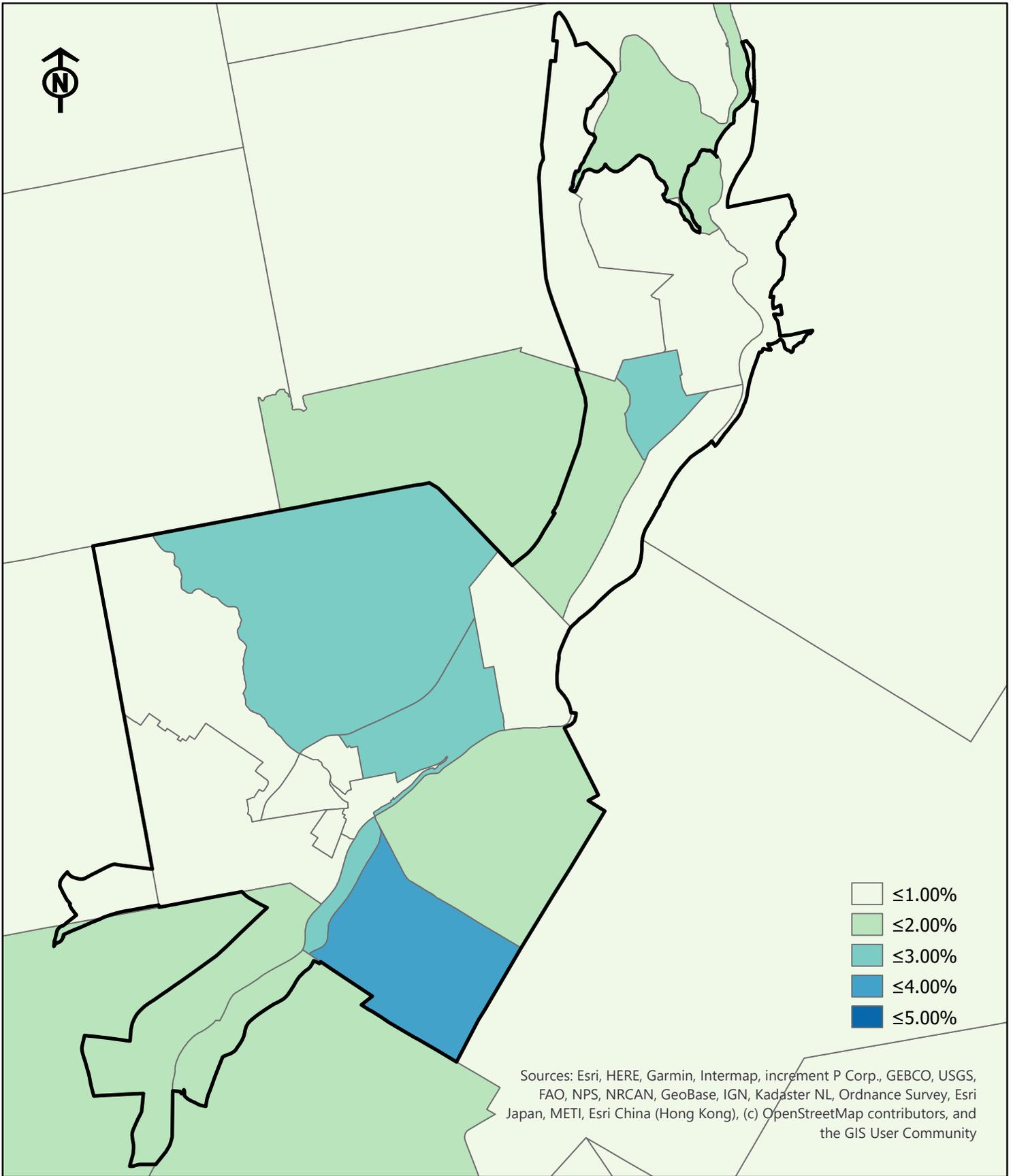
Percent of Population with Income Below Poverty Level In Past Twelve Months





Percent of Households with No Vehicle





Percent of Population 18 Years and Older With Limited English Ability