



Policy Committee Meeting

October 18th, 2022

1:00 PM

Orono Town Hall and via Zoom

Agenda

1) Call to Order

2) Public Comment

Members of the public in attendance of today's meeting have an opportunity to provide public comment on today's agenda items.

3) Approval of September 20th, 2022 BACTS Policy Committee Meeting Minutes (Attachment A)

4) Staff Report (Attachment B)

5) Penobscot Climate Action Project

Staff Report

In the last month the consultants have held an advisory committee meeting and multiple stakeholder interviews to collect information, perspectives, and experiences from the people in this region. By the end of October the consultants will release draft reports for the Vulnerability Assessment and Greenhouse Gas Inventory for your review. In the meantime, please visit the project website for preliminary information: www.penobscotclimateaction.org

Proposed Action: For discussion only.

6) 2022 Title VI Update (Attachment C)

Staff Report

Staff have completed required updates to BACTS' Title VI civil rights plan, issuing a new demographic report on the region based on ACS 2016-2020 data. This plan must be approved by the policy committee before required submission to Maine DOT and federal agencies.

Proposed Action: Approve 2022 Title VI update.

7) BACTS UPWP Budget (Attachment D)

Staff will provide budgetary information regarding the 2022-2023 UPWP budget.

Proposed Action: For discussion only.

8) Transit Updates

Staff and The Community Connector will provide updates on transit studies, operations, or other transit related items.

Proposed Action: For discussion only.

9) Project Updates

Members will provide updates on BACTS funded construction projects in the region.

Proposed Action: *For discussion only.*

10) MaineDOT Report

MaineDOT staff will provide an update on any MaineDOT projects, policies, or plans.

Proposed Action: *For discussion only.*

11) Other Business

Discussion of other items not on today's agenda.

12) Upcoming Meetings

Transit Committee - November TBD, 2022 - Virtual

Policy Committee - November 15th, 2022 - Brewer City Council Chambers



Attachment A
BACTS Policy Committee Meeting
September 20th, 2022 via ZOOM

Minutes

| Committee Members | Affiliation |
|--|-------------|
| Laurie Linscott Courtney O'Donnell John Theriault | Bangor |
| Jeremy Caron | Brewer |
| Amy Ryder | Hampden |
| Kyle Drexler Belle Ryder Rob Yerxa | Orono |
| Chris Backman | Orrington |
| Mark Leonard | Veazie |
| MaineDOT | |
| John Devin, Stacie Haskell | |
| BACTS | |
| Sara Devlin, Madeline Jensen, Evan King, Paige Nadeau, Mary O'Flaherty | |

1) Call to Order

Meeting was called to order by John Theriault at 1:00PM.

2) Public Comment

There were no public comments.

3) Approval of August 23rd, 2022 BACTS Policy Committee Meeting Minutes

No comments on the minutes, Belle Ryder made a motion to approve the minutes as written, seconded by Jeremy Caron, roll call taken, minutes approved unanimously as written, with three abstaining.

4) Staff Report

Sara Devlin asked the group if there were any questions on the staff report, none at this time.

5) Regional Collector Road Assessment and Condition Inventory

Staff Report

Over the past several months, Staff has composed an RFP for a regional collector paving inventory and assessment, similar to the regional traffic signal inventory and assessment. The purpose of the inventory is to establish a baseline assessment of all of the collector roads in the BACTS region, which will inform our investment priorities. The RFP was posted August 16th, two proposals were received. The proposal scoring committee reviewed, scored and selected their preferred consultant. Staff is requesting authorization to enter into contract negotiations with the preferred consultant.

Proposed Action: Approve BACTS to enter into a contract with the selected consultant for a total contract price not to exceed \$45,000.00.

Sara Devlin provided an overview of the process thus far regarding the RFP development and scoring process. Committee discussed approval for entering into negotiations with the selected consultant, Sewall, for a contract not to exceed \$60,000. Discussion ensued regarding the amount budgeted for the contract and expectations for scope of work. BACTS staff will discuss this scope and associated staff time with the selected consultant and feel comfortable that negotiations will be able to fall under the amount of \$60,000.

Belle Ryder made a motion to approve BACTS to enter into a contract with the selected consultant for a total contract price not to exceed \$60,000, Jeremy Caron seconded. Roll call was taken, unanimously approved.

6) Penobscot Climate Action Project

Staff Report

BACTS, Bangor and Orono have been working with the BSC team on Phase 1 of the Penobscot Climate Action Project. The PCA is a two phase project, currently in phase 1 which is to complete greenhouse gas emissions inventories and a climate vulnerability assessment for the BACTS region. Today, the BSC team would like to lead a workshop with the BACTS Policy Committee to hear from you about what changes you have seen in the region over the years, what opportunities might be associated with this plan and the recommendations, what are some potential challenges, and what values/principals should help guide the development of this work.

Please visit the project website for more information: www.penobscotclimateaction.org

BSC led a workshop discussing this project.

7) BACTS UPWP Budget

Staff will provide budgetary information regarding the 2022-2023 UPWP budget.

No comments from the committee.

8) Transit Updates

Staff and The Community Connector will provide updates on transit studies, operations, or other transit related items.

Laurie Linscott provided an update. The Community Connector is still running a modified service, still down two runs and Saturday service. The Community Connector is actively recruiting. Will be hosting a class for up to 10 people, \$1,500, 48 hour course, a few steps to the process but would be eligible to be a certified instructor as well as licensed. The Transit Center is nearly complete.

9) Project Updates

Rob Yerxa provided an update on Orono projects

- Route 2 Culvert Project - Ongoing and on schedule.

Jeremy Caron provided an update on Brewer projects

- Phase 3 of the riverwalk is expected to be paved this week, waiting on poles.
- North Main and State are expected to be paved soon as well.
- Wrapping up a few smaller storm drain projects.

John Theriault provided an update on Bangor projects

- State Street project is ongoing (Hancock to Hogan), nearly fully paved.
- Culvert on Grandview is opening up soon.

10) MaineDOT Report

- Hampden / Newburgh Route 69 project, wrapping up, expected to finish in a month.
- Interstate Work - Hampden Bridges - was expected to be paved this year, due to construction delays, and will be paved next year. Will also pave the SB visitor center and Coldbrook Rd on/off ramps.
- Broadway (Near Giffords) section is milled, expected to be paved soon.

11) Other Business

No updates at this time.

12) Upcoming Meetings

Transit Committee - September 22nd, 2022 at 9:30AM - Virtual

Policy Committee - October 18th, 2022 - Bangor City Council Chambers

The meeting was called to adjourn by Belle Ryder and seconded by Jeremy Caron. Meeting was ended at 1:33PM.



Attachment B

Staff Report

October 2022

Audit - BACTS consultant is currently working on the financial statement review and overhead audit report. This is expected to be finalized soon.

Penobscot Climate Action - Staff are assisting the consultants with the collection of a few remaining data needs as well as assisting with public outreach through stakeholder interviews.

Bus Stop Policy Working Group - Staff is reviewing and editing the Bus Stop Design Guidelines document and working with Community Connector and the City of Bangor to answer remaining questions.

Traffic Incident Management (TIM) - Staff has been working with the TIMS groups on scheduling after action reviews and quarterly TIMS meetings.

Collector Pavement Inventory and Analysis Data Collection - Staff has been working with Sewall on the initial data collection of the collector roads in the BACTS region.

Old Town LAP - BACTS has been working with Sebago Technics on the development of a contract modification for LAP services for the balance of the contract.

Meetings and Conferences

- MaineDOT Coordination Meetings
- TIMS - FHWA webinar
- MaineDOT - MPO Monthly Check in Meeting
- Highway Safety Conference
- Region 4 MaineDOT Synergy Meeting
- Penobscot Safety Patrol Planning meeting
- Collector paving assessment contract negotiation
- Penobscot Climate Action Stakeholder Interviews
- Dixmont Selectboard meeting
- BACTS MTP Kickoff meeting
- MMA Conference



Title VI / Environmental Justice Non-Discrimination Plan

October 1, 2022 – September 30, 2023

Bangor Area Comprehensive Transportation System (BACTS)
12 Acme Road, Suite 104, Brewer, ME 04401
(207) 974-3111
www.bactsmmpo.org

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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.

September 30, 2022

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)

US 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, 2022

Sara Devlin
BACTS Executive Director

Introduction

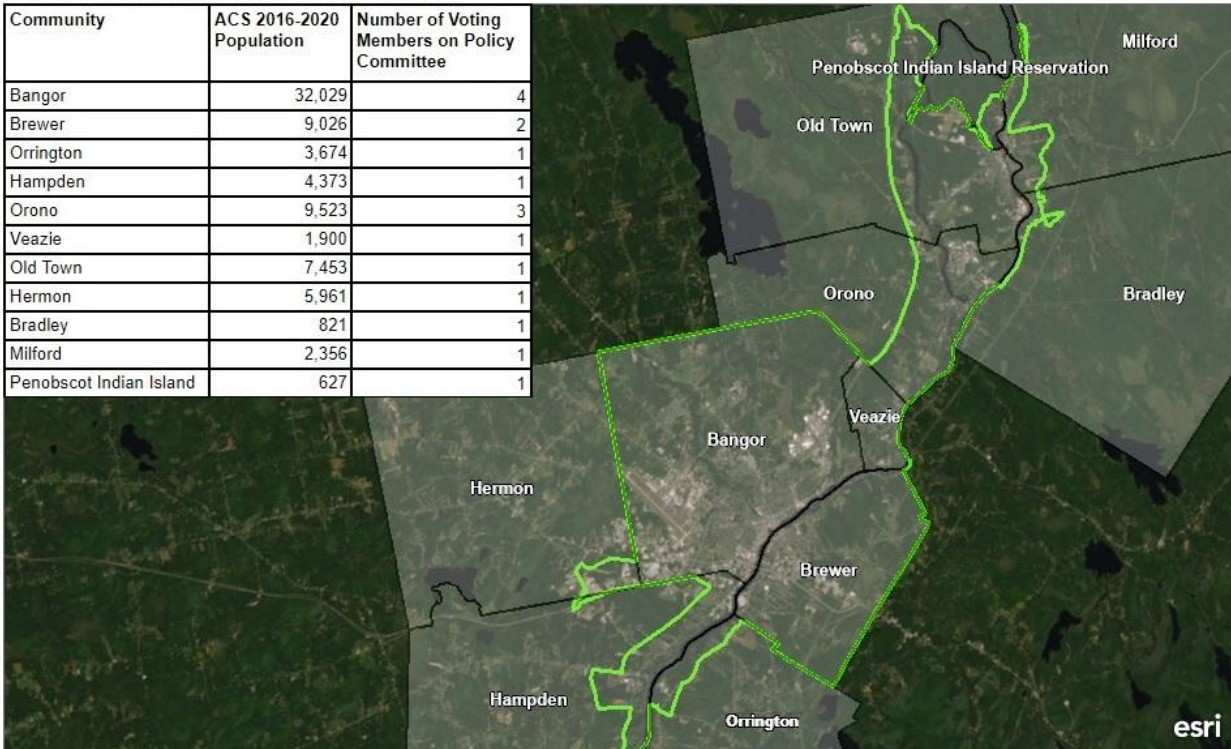
About BACTS

The Bangor Area Comprehensive Transportation System (BACTS) is the federally-designated metropolitan planning organization (MPO) for the Bangor urbanized area (UZA). BACTS is responsible for planning, federal funding allocation, and assisting with the intergovernmental decision-making process necessary for transportation projects and policies of regional scope.

The Bangor UZA, or BACTS area, includes the entire areas of several towns and cities, urbanized portions of several towns, and one American Indian reservation, communities numbering 11 in total. The BACTS Area had a population of around 65,585 individuals during the 2016-2020 American Community Survey (ACS) data collection window.

BACTS Area and Member Communities

| Community | ACS 2016-2020 Population | Number of Voting Members on Policy Committee |
|-------------------------|--------------------------|--|
| Bangor | 32,029 | 4 |
| Brewer | 9,026 | 2 |
| Orrington | 3,674 | 1 |
| Hampden | 4,373 | 1 |
| Orono | 9,523 | 3 |
| Veazie | 1,900 | 1 |
| Old Town | 7,453 | 1 |
| Hermon | 5,961 | 1 |
| Bradley | 821 | 1 |
| Milford | 2,356 | 1 |
| Penobscot Indian Island | 627 | 1 |



Note - Municipality and reservation populations listed above are total populations of these jurisdictions, not populations within BACTS UZA.

Purpose

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on *race, color, or national origin*, in any program or activity receiving federal funding. The purpose of this plan is to fulfill the tenets of this act, and protections added in subsequent legislation, in all of BACTS' activities. For descriptions of protections added to Title VI in later legislation, see section [Title VI and Subsequent Pertinent Regulations](#) of this document. This plan outlines BACTS' methods of ensuring careful consideration of its impacts on protected groups, representation of protected groups in decision making processes, and full access to the benefits of BACTS' work by groups that have been historically underserved.

BACTS Policy Committee Representation

BACTS' member communities determine the makeup of the BACTS Policy Committee - the organization's decision-making body - BACTS does not select members of this committee. Each member community is allotted one voting member per 3,000 residents (within its portion of the

BACTS urbanized area), with a minimum of one and a maximum of four. There are currently 17 total voting members. The representative nature of this committee is intended to capture a region-wide diversity of interests through appointments by multiple elected governments. The voting membership of the Penobscot Nation ensures a direct, permanent voice in BACTS decision-making for one of the region's largest minority groups.

BACTS Policy Committee voting members are currently around 94.1% white and 5.9% American Indian, reflecting a region with relatively small minority populations. Around 41.1% of BACTS Policy Committee voting members are women.

BACTS Title VI Administration and Activity

Administration and Administrator Responsibilities

The BACTS Office Manager serves as the Title VI Coordinator and is responsible for the overall management and administration of the Non-Discrimination Program. Responsibilities of the Title VI Coordinator are listed below.

1. Monitoring Title VI activities
2. Answering public inquiries, documenting, addressing, investigating, and/or forwarding complaints to MaineDOT
3. Staying informed of, and providing guidance on, Title VI requirements
4. Preparing and submitting reports of accomplishments and goals to MaineDOT annually by October 1
5. Annually reviewing, updating and submitting Title VI/Environmental Justice Non-Discrimination Program to MaineDOT

BACTS has also adopted a Public Participation Plan, which is used in conjunction with the Non-Discrimination Program and is included by reference.

Title VI Compliance in BACTS Primary Program Areas

This section describes how BACTS' primary work promotes and complies with Title VI goals.

Key Planning and Programming Activities

BACTS receives federal funds to develop regional transportation plans, programs, and studies, and assists with the selection and prioritization process for projects. An MPOs primary required planning documents are:

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

Other areas of MPO planning work include environmental issues, safety, transportation data analysis, asset inventory and management, major project studies, and training and technical assistance for communities.

Public Involvement in Planning Activities

The goals 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
- Ensure full and fair participation in the transportation decision-making process.

BACTS will:

- Ensure the BACTS Public Participation Plan is reviewed periodically and updated as necessary
- Serve as a resource helping to ensure participation of interested and affected parties and protected populations (see following section) in decision making

Programming and Impact Assessment

BACTS makes regional level transportation plans, programs, and policies and has responsibility for determining how to distribute federal transportation funds within the region. BACTS' primary means of evaluating the risks, costs, and benefits of transportation projects is through the project prioritization and selection process. This process informs BACTS' TIP, an annually-revised schedule of funded projects for 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.

BACTS will:

- Ensure that all aspects of the planning process operation, including environmental impact reviews, comply with Non-discrimination Acts and Regulations
- Assess potential transportation projects for disparate impacts on populations protected under Title VI in TIP prioritization and selection process
- Prepare and update a demographic profile of the region using the most recent and appropriate statistical information at least every three years, and consult it when assessing potential impacts of projects on protected populations

Public Participation Plan

BACTS is required to provide an updated Public Participation Plan (PPP) on a triennial basis. BACTS' current PPP can be found here:

<https://bactsmpo.org/about-bangor-area-comprehensive-transportation-system/bangor-area-transportation-system-mpo/>

This plan discusses BACTS' various means of increasing public participation in and awareness of BACTS' activities. Page 19 of this plan has a summary table of these strategies, including methods for undertaking them and quantitatively evaluating their results.

BACTS 2021-2022 Title VI Complaint Log

BACTS has received no Title VI complaints since the previous update to this plan in October 2021. BACTS has not been involved in or subject to any lawsuits or investigations during this time.

BACTS Title VI Discrimination Complaint Procedures and Form

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

Paige Nadeau, Title VI Coordinator
BACTS
12 Acme Road, Suite 104
Brewer, Maine 04412
(207) 974-3111
info@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).

| | |
|---|--|
| <p>Sherry Tompkins, Director Civil Rights Office Maine Department of Transportation 16 State House Station Augusta, Maine 04333-0016 (207) 624-3066 Office (207) 624-3021 Fax sherry.tompkins@maine.gov</p> | <p>Wanda Hughley-Culbertson, Civil Rights Specialist Maine and New Hampshire Division Offices Federal Highway Administration 53 Pleasant Street, Suite 2200 Concord, New Hampshire 03301 (603) 410-4860 Office (603) 228-2829 Fax wanda.hugley-culbertson@dot.gov</p> |
| <p>Federal Highway Administration Headquarters U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue SE 8th Floor E81-105 Washington, DC 20590 (202) 366-0693 Office FHWA.TitleVIcomplaints@dot.gov FHWA.ADAcomplaints@dot.gov</p> | <p>U.S. Department of Justice Civil Rights Division Federal Coordination and Compliance Section 950 Pennsylvania Avenue NW 4CON 7th Floor Washington, DC 20530 1-888-848-5306</p> |

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. The Title VI Coordinator has a 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 they have 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 themselves 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:

- BACTS
- Maine DOT
- FHWA Division Office
- Federal Highway Headquarters Office of Civil Rights
- U.S. DOT Departmental Office of Civil Rights
- U.S. DOJ

Form of Complaints - A complaint shall be submitted in writing and signed by the individual or their 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 [here](#) and can also be found below.

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, sex, age, 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
- 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 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).

**Bangor Area Comprehensive Transportation System (BACTS) External
Discrimination Complaint Form
(Title VI/Nondiscrimination and ADA/Section 504 Complaints)**

| | | | | | |
|--|--------------------------------------|--|---|---|--|
| Name | | Phone | | Name of Person(s) That Discriminated Against You | |
| Address | | | | Location and Position of Person (If Known) | |
| City, State, Zip | | | | City, State, Zip | |
| Agency Involved | | | | | Date of Alleged Incident |
| Discrimination Because of: | <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> National Origin | <input type="checkbox"/> Sex | What remedy are you requesting? |
| | <input type="checkbox"/> Age | <input type="checkbox"/> 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 | |

**Please Mail Complaint to:
Paige Nadeau, Title VI Coordinator
BACTS
12 Acme Road, Suite 104
Brewer, ME 04412
info@bactsmmpo.org**

Public Notice

BACTS publishes the following public non-discrimination notice at its office at 12 Acme Rd Suite 104 in Brewer, ME, on its official website, and on its Facebook page. BACTS also sends this notice to a list of interested and affected parties when notifying them of public meetings and proposed actions.

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 of 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:

Paige Nadeau, Title VI Coordinator
BACTS
12 Acme Road, Suite 104
Brewer, Maine 04412
(207) 974-3111
info@bactsmmpo.org

Language translation services are available upon request.

BACTS Title VI - Specific Procedures

BACTS undertakes the following activities on a regular or procedural basis to ensure fulfillment of Title VI requirements.

Training

BACTS is a subrecipient of MaineDOT federal transportation funding and occasionally receives Title VI-related training from MaineDOT. 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).

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 Reviews

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 5 Title VI / Environmental Justice Non-Discrimination Plan groups covered by the Acts. The reviews will examine 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.

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, 2023.

Public Dissemination of Non-Discrimination Program Information

BACTS will disseminate 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 Non-Discrimination language in contracts, posting the Title VI Notice to the Public at BACTS' office, and posting the Non-Discrimination Plan, Complaint Procedures, Public Notice, and Policy Statement on BACTS' website and in this plan.

Public Involvement and Traditionally Underserved Populations

BACTS' Public Participation Plan details efforts over the previous year to involve and serve historically underserved populations and includes goal setting and monitoring for these activities - a link to this plan can be found later in this document.

The required Language Access Plan, more specifically addresses the needs of citizens with limited English proficiency, can be found later in this document.

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
- An increase of risk within the program, given new processes and areas of focus that may impact populations defined in Title VI

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 this time.

Note on Subrecipient Monitoring

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. BACTS will also require the prime contractor to include appropriate Non-Discrimination language and assurances into all subcontracts regardless of tier.

Note on Transit Investment Impacts

The Community Connector, Bangor's city-owned transit system, has transit-focussed Title VI procedures in line with FTA's requirements as laid out in Circular 4702.1B. Though a demographic assessment of transit investment impacts is not currently available, Community Connector has well-developed procedures for consideration of any service or fare changes - and stringent public notification procedures in the event of these changes' enactment. Major capital investment proposals undergo all applicable impact assessments and extensive public input and engagement before implementation.

Demographic Report

Introduction - Protected Populations

Metropolitan planning organizations (MPOs) are required to provide an annual, up-to-date demographic profile of their regions, focused on populations protected under Title VI and subsequent legislation. Protected populations are demographic groups with physical or socio-economic disadvantages, often historically underserved by public and private services. Title VI and subsequent legislation aim to mitigate social inequalities by focusing resources on these populations, which are described below.

1. Minority Population - This consists of racial and ethnic minorities, meaning non-white and Hispanic people. These groups have faced, and continue to face, discrimination by various means and ongoing socio-economic consequences of historic abuse.
2. Foreign-Born Population - Area residents not born in the United States are foreign-born. Foreign-born populations are disadvantaged by lesser social capital than native-born residents, likelihood of lesser proficiency in English, and tendencies of discrimination.
3. Population 65 Years and Older - People above 65 years in age are disadvantaged by health issues and their costs, the tendency to be retired from work, and infrastructural deficiencies for less able-bodied people.
4. Noninstitutionalized Population with a Disability - Those living in conventional housing with a disability constitute this population, which faces institutional and infrastructural inadequacies that can cut them off from social and economic opportunities.
5. Low-Income Population - The US Department of Health and Human Services calculates poverty thresholds based on family size, income, and other economic factors. This section will consider the population living below 100% and 150% of this threshold.
6. Households with No Private Vehicle - Infrastructure and land use patterns in the US and in the BACTS area prioritize needs of private vehicles over other modes of transportation. Those without private vehicles are disadvantaged in access to goods, services and jobs.
7. Population Older than 5 Years with Limited English Proficiency - Lack of proficiency in English is a disadvantage in a predominantly English-speaking country, and a goal of

civil rights protections is to ensure language capability does not exclude residents from public services.

Note on Data and Data Gathering

Demographic data for this Title VI compliance plan update is derived from the US Census Bureau's American Community Survey (ACS) five-year estimates, for the period of 2016-2020. This data was accessed using MySidewalk, a subscription-based web application for census and other data aggregation and visualization.

Map color schemes show proportions of populations - the two digits to the right of decimal points in the map keys constitute percentages, so '.12' means 12%, and '.023' is 2.3%

BACTS collects Title VI-related demographic data on an annual basis to update this plan.

Minority Populations

Minority residents make up around 9.9% of the BACTS area's population, numbering about 6,494 according to American Community Survey (ACS) 2016-2020 estimates. A current breakdown of minority group (and non-hispanic white) presence in the BACTS area is shown below.

Greater Bangor UZA - Race and Ethnicity Breakdown

| Race | Count | Percent |
|--|-----------|---------|
| Black | 935.4356 | 1.4 |
| Asian | 1,016.037 | 1.6 |
| White | 59,091.46 | 90.1 |
| All Hispanic | 1,553.511 | 2.4 |
| American Indian | 963.0132 | 1.5 |
| Native Hawaiian and Other Pacific Islander | 0 | 0 |
| One other race | 200 | 0.3 |
| Two or more races | 1,825.816 | 2.8 |

Source - 2016-2020 American Community Survey (ACS) 5-Year Estimates

The census block group map below depicts concentration of all non-white, multi-racial and hispanic people in the BACTS area.

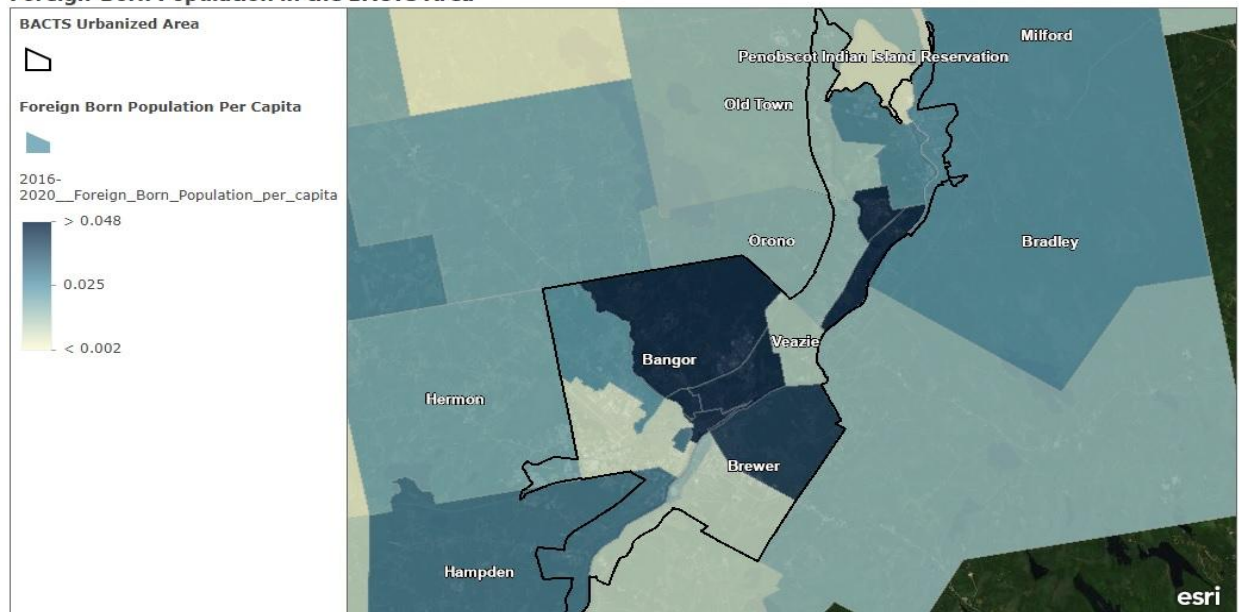
Minority Population Per Capita in BACTS Area



Foreign-Born Populations

Foreign born residents in the BACTS area numbered around 2,792 between 2016 and 2020, comprising about 4.3% of the total population. Geographic concentration of foreign born residents (at the census tract level) can be seen below.

Foreign-Born Population in the BACTS Area



Population 65 Years and Older

Seniors (those aged 65 years and older) numbered around 10,740 in the BACTS area from 2016 to 2020, comprising about 16.4% of the total population. The census block-level map below shows areas where seniors are concentrated.

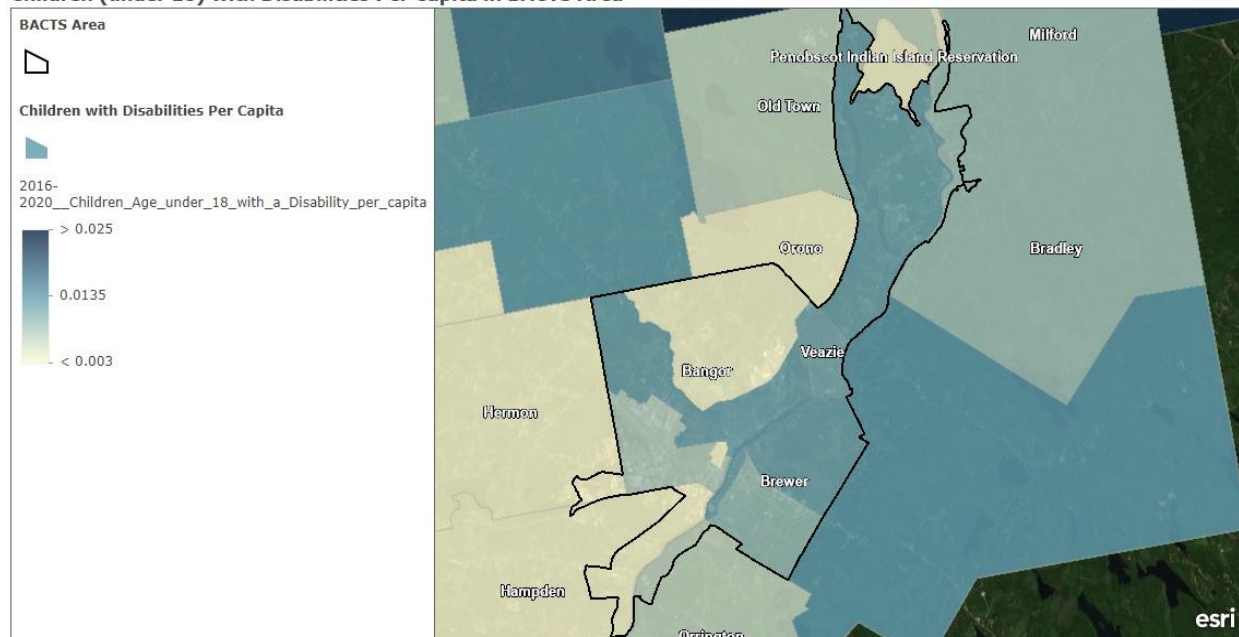
Population 65 And Older in BACTS Area



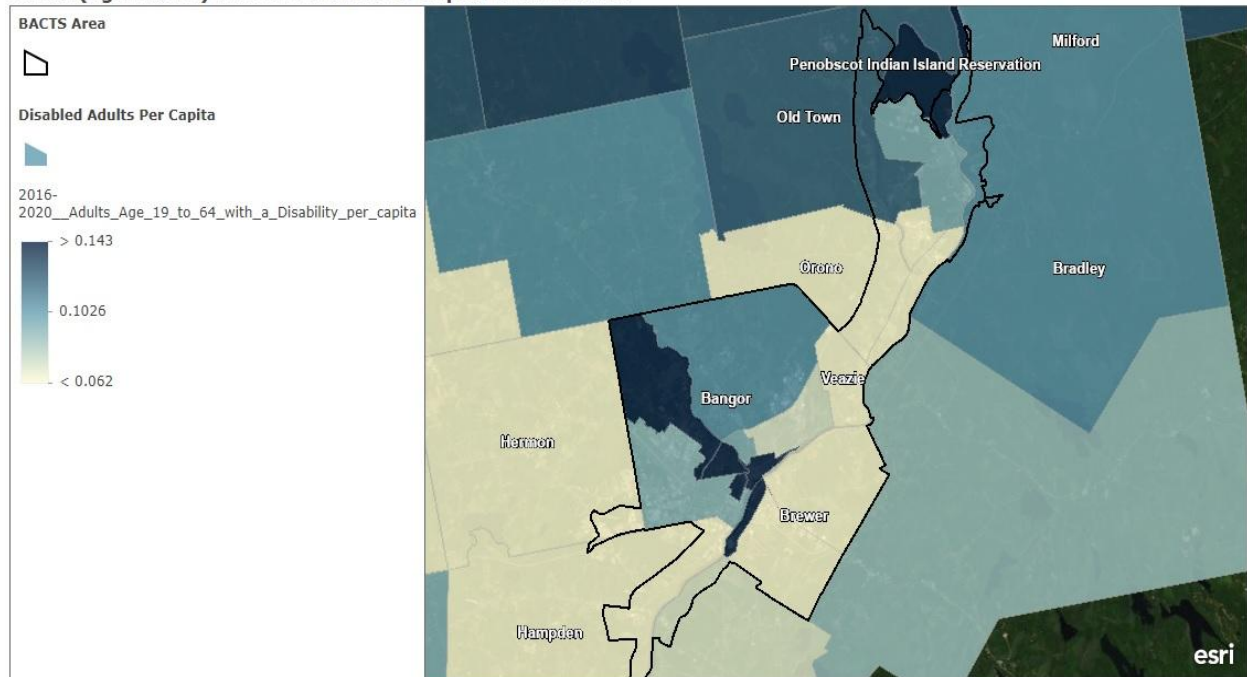
Noninstitutionalized Population with a Disability

The BACTS area is home to around 7,603 (non-institutionalized) people with disabilities, nearly 11.6% of the total population. The maps below display concentrations of people with disabilities by age group, at the census tract level.

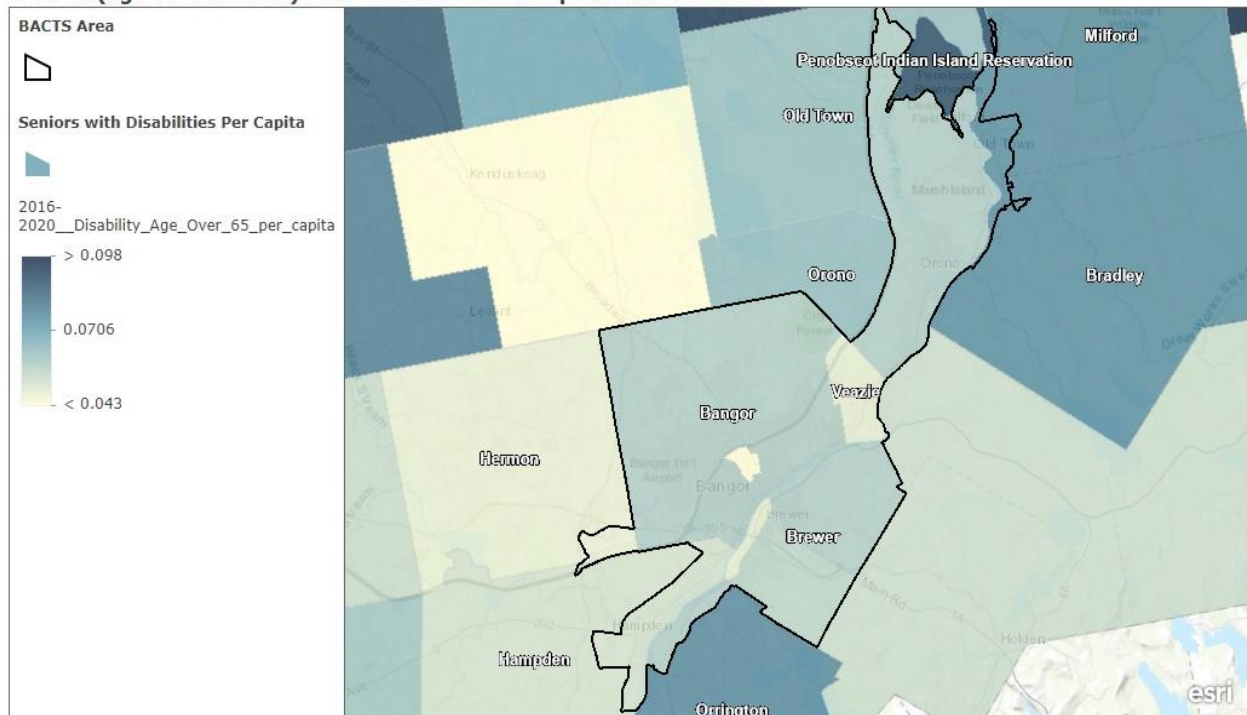
Children (under 18) with Disabilities Per Capita in BACTS Area



Adults (Ages 18-64) with Disabilities Per Capita in BACTS Area



Seniors (age 65 and older) with Disabilities Per Capita in BACTS Area



Low-Income Population

There are around 10,427 people living below the federal poverty line in the BACTS area, comprising about 15.9% of the population. Their geographic distribution on a census block group level is shown below. An additional 5,372 people (8.2% of the population) in the BACTS area are considered to be of moderate income, with income above the poverty threshold but not more than 50% above it.

Poverty Per Capita in the BACTS area



Households with No Private Vehicle

Around 4.5% of households in the BACTS area, 2,952 in total, do not have access to a private vehicle. Concentrations of these households are shown on the census block group level below.

Percentage of Households with No Private Vehicle Available in BACTS Area



Population Older than 5 Years with Limited English Proficiency

Around 1.2% of BACTS area residents, or 795 people, speak English with limited proficiency. The following chapter - the BACTS Language Access Plan, will discuss limited English proficiency (LEP) populations and BACTS assistance activities in more detail. A map showing the concentrations of this demographic group can be found in the next section of this document.

BACTS Language Access Plan

Introduction

Civil rights legislation stipulates that language ability must not be a barrier to access for federal government services. The basis of this stipulation is Executive Order 13166, which states that Title VI protections obligate government services to provide language assistance to persons with limited English proficiency (LEP). Organizations receiving federal funding must submit an updated language access plan annually.

The US census bureau offers four categories of English speaking ability in its data collection and reporting: Very Well, Well, Not Well, and Not At All. A person is considered to have limited English proficiency if they are over five years of age and report speaking English at any level less than Very Well.

This plan outlines language statistics and geography in the BACTS region, the basis of BACTS' allocation of language assistance resources, and BACTS' resources and methods for assisting LEP residents with language access.

Four-Factor Analysis

The Federal Transit Administration's (FTA) Circular 4702.1B clarifies compliance procedures and civil rights protections under Title VI. Title VI stipulates that agencies must take reasonable steps to ensure access to services by LEP populations, and Circular 4702.1B outlines the procedure to determine those reasonable steps. The four components of this analysis are outlined and performed in this section.

Factor 1 - The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient

As stated in the previous section, 2016-2020 American Community Survey (ACS) data puts the number of LEP persons in the BACTS area at around 795, or 1.2% of the 65,585 total inhabitants of the BACTS urbanized area. With a total LEP count below 1,000 and percentage well under 5%, BACTS is not obligated to provide translated written documents under the Department of Justice's Safe Harbor provision, which mandates such translations for regions with populations above these thresholds. However, BACTS is still required to provide oral language assistance when deemed necessary and reasonable, and to keep residents informed of their rights to these and any services regardless of English speaking ability.

To effectively fulfill these obligations, it is helpful to understand the spatial distribution of potential language needs. The map below shows the relative geographic concentrations of residents with limited English proficiency in the BACTS urbanized area, at the census tract level.

Limited English Proficiency Per Capita in BACTS Area



Given such a small range of percentage values, there is limited use in drawing comparative conclusions about parts of this map. However, LEP concentrations in the northernmost, sparsely populated census tracts in the City of Bangor correlate with concentrations of foreign-born residents in those tracts. Another notable concentration of LEP residents is in the Town of Orono, indicating linguistic diversity typical of a University. Public outreach efforts and public meetings of concern to these areas are most likely to benefit from language access assistance.

2016-2020 American Community Survey (ACS) data tell us what linguistic needs BACTS area LEP residents are likely to have overall. The table below shows the prevalence of non-English languages spoken at home by category.

| Language Spoken at Home in BACTS Area | | |
|---------------------------------------|-------|-------------------------------------|
| | Count | Percentage of BACTS Area Population |
| Spanish | 873 | 1.3% |
| Other Indo-European | 1,735 | 2.6% |
| Asian - Pacific Islander | 635 | 1.0% |
| Other | 461 | 0.7% |

Source - 2016-2020 American Community Survey (ACS) 5-Year Estimates

The largest ACS category reported above is *other Indo-European*. The predominant language in this category in the BACTS area is French, which is unlikely to change at this time. The less-represented categories above are more likely to have limited English proficiency, however, based on national data and previous BACTS reports, especially those in the Asian-Pacific Islander category.

Factor 2 - The frequency with which LEP persons come in contact with the program

BACTS has no documented interactions with LEP individuals to date where language access services were needed. This is likely due to the low prevalence of LEP people in the BACTS area and the nature of BACTS planning activities. The most likely scenarios for this need to arise are public meetings associated with transportation planning efforts and similarly associated outreach efforts. BACTS' measures for meeting LEP language access needs and increasing LEP involvement are described in the following sections and in BACTS' Public Involvement Plan.

Factor 3 - The nature and importance of the program, activity, or service provided by the program to people's lives

Decisions of the BACTS Policy Committee can involve expenditures of public funds and can have impacts on people and services. Given a history of disproportionate impacts to disadvantaged people in US transportation projects, it is crucial for BACTS to promote their access to and participation in its activities. Given the importance of BACTS' work to all members of the public, those with limited English proficiency must have the opportunity to participate in it.

Factor 4 - The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach

While BACTS has no documented rendering of language assistance service, the agency has resources at the ready should they be needed in a public meeting setting. 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. Interpreter services are on a "pay as needed" basis.

For BACTS' public outreach activities and the resources engaged for them, see the BACTS Public Participation Plan.

Given the limited need for language access services in the BACTS region and especially at BACTS public meetings, there is little budgetary or resource limitation to meeting these needs.

Language Access Plan Administration and Continuity

Evaluating and Updating the Language Access Plan

The BACTS Title VI Coordinator will evaluate and update the language access plan based on the level of LEP service use and feedback from municipal members, social service agencies and residents. The Language Access Plan will be reviewed and updated every three years. This reevaluation process will ensure that the focus of the Language Access Plan reflects the needs of the region.

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.

Title VI and Subsequent Pertinent Regulations

Title VI of the Civil Rights Act of 1964 (42 USC 4601 to 4655; 23 USC 109(h)) is a federal law that protects people from discrimination on the basis of race, color or national origin in federally assisted programs and activities. This plan sets out BACTS' policies and procedures for compliance with this legislation. Other legislation and regulations have since expanded Title VI protections to other groups, and *subsequent legislation* as mentioned in this plan refers to the provisions briefly described below.

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 mandates equal access to public places and benefits of government programs for people of all physical abilities.

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) clarifies the intent of Title VI to include all programs and activities of entities, 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, directs agencies to assess environmental impacts, potential and existing, of government projects on minority and low-income populations

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, requires agencies to provide language access assistance to beneficiaries of their work with limited English proficiency when needed.

Appendices for US DOT Standard Title VI Assurances

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).

1. 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 original, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
 2. 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.*
 3. 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:

1. 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.
2. 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);
3. Federal-Aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
4. 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;
5. The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
6. 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);
7. 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);
8. 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;
9. 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);
10. 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;
11. 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);
12. 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
BACTS 2022-2023 UPWP
As of 09/30/2022

| Task | Project | Total Alloted | Total Spent | In-Kind | Total Remaining | Contract to Date Trend | | | Forecasted Trend (Projected Figures) | | | | |
|------------|------------------------|---------------|-------------|---------|-----------------|------------------------|------------------------------|-----------|--------------------------------------|-----------|------------|-----------------|---------------------|
| | | | | | | Actual % Usage | Amount Should be as of 09/30 | Variance | Total Remaining (Less In Kind) | Salary | Consultant | Direct Expenses | Estimated Remaining |
| | FHWA | | | | | | 37.5% | | | | | | |
| 1 | Admin and Coordination | \$333,914 | \$111,377 | \$0 | \$222,537 | 33.4% | \$125,218 | \$13,840 | \$222,537 | \$181,212 | \$0 | \$14,417 | \$26,907 |
| 2 | Programming | \$64,000 | \$5,818 | \$0 | \$58,182 | 9.1% | \$24,000 | \$18,182 | \$58,182 | \$9,683 | \$10,000 | \$514 | \$37,985 |
| 3 | Data and Studies | \$198,500 | \$62,053 | \$0 | \$136,447 | 31.3% | \$74,438 | \$12,385 | \$136,447 | \$69,205 | \$24,906 | \$8,243 | \$34,093 |
| 4 | Planning | \$184,000 | \$10,879 | \$0 | \$173,121 | 5.9% | \$69,000 | \$58,121 | \$173,121 | \$18,097 | \$149,969 | \$2,534 | \$2,521 |
| 5* | Unallocated 2020-2021 | \$133,289 | \$19,217 | \$0 | \$114,072 | 14.4% | \$49,983 | \$30,767 | \$114,072 | \$11,713 | \$177,457 | \$7 | -\$75,105 |
| Total FHWA | | \$913,703 | \$209,343 | \$0 | \$704,360 | 22.91% | \$342,639 | \$133,295 | \$704,360 | \$289,911 | \$362,333 | \$25,715 | \$26,401 |
| | FTA | | | | | | | | | | | | |
| 1 | Admin and Coordination | \$49,628 | \$22,159 | \$4,432 | \$23,036 | 44.7% | \$18,610 | -\$3,549 | \$17,543 | \$36,239 | \$0 | \$693 | -\$19,390 |
| 2 | Programming | \$31,200 | \$1,750 | \$350 | \$29,100 | 5.6% | \$11,700 | \$9,950 | \$23,210 | \$2,917 | \$0 | \$0 | \$20,294 |
| 3 | Data and Studies | \$31,200 | \$2,878 | \$576 | \$27,747 | 9.2% | \$11,700 | \$8,822 | \$22,082 | \$4,788 | \$0 | \$8 | \$17,287 |
| 4 | Planning | \$93,600 | \$12,295 | \$2,459 | \$78,846 | 13.1% | \$35,100 | \$22,805 | \$62,585 | \$20,492 | \$0 | \$0 | \$42,092 |
| Total FTA | | \$205,628 | \$39,082 | \$7,816 | \$158,729 | 19.01% | \$77,110 | \$38,028 | \$125,420 | \$64,435 | \$0 | \$702 | \$60,283 |
| Total | | \$1,119,331 | \$248,426 | \$7,816 | \$863,088 | 22.19% | \$419,749 | \$171,323 | \$829,779 | \$354,346 | \$362,333 | \$26,417 | \$86,684 |

* - Task 5 - Staff are working with MaineDOT and is currently in the process of being added to the 2022-2023 UPWP.