

DIVISION OF LOCAL ASSISTANCE



CALTRANS OVERSIGHT INFORMATION NOTICE



DLA COIN Issue #15-03

Release Date: April 24, 2015

Welcome to the C O I N !

This is a Caltrans Oversight Information Notice, or “COIN” for short. These short, single-topic bulletins are intended to provide outreach information and guidance to local agencies on issues pertaining to Federal-aid projects. They cover a wide variety of subjects, including discussions of findings resulting from process reviews by Caltrans and/or FHWA, changes in procedures or regulations, reminders of existing procedures or best practices, and other timely information. The goal is to ensure proper and timely delivery of Federal-aid projects.

Topic: Title VI Compliance by Local Agencies

I. BACKGROUND

The Local Agencies as recipients of Federal financial assistance are required to comply with various nondiscrimination laws and regulations including Title VI of the Civil Rights Act of 1964 and related statutes. The Civil Rights Restoration Act of 1987 amended each of the affected statutes by adding a section defining the word “program” to make clear that **discrimination is prohibited throughout an entire agency if any part of the agency receives Federal financial assistance.** The California Department of Transportation (Caltrans) is required by 23 Code of Federal Regulations (CFR), Part 200, Section 200.9(b)(7) to conduct reviews of sub-recipients (Local Agencies) of Federal-aid to ensure compliance with Title VI of the Civil Rights Act of 1964 and related statutes through the requirements under the Federal Highway Administration (FHWA), the U.S. Department of Transportation (USDOT), and the U.S. Department of Justice (USDOT) regulations and guidance materials related to the implementation of Title VI.

Recent Local Agency Compliance Reviews conducted by Caltrans on their Title VI Programs have highlighted the lack of awareness by the Local Agencies on Title VI Compliance thus leading to the lack of enforcement of the Title VI Program or the total absence of the Title VI Program, which is mandated for the Local Agencies receiving Federal financial assistance.

II. POLICY

Local Agencies are required to institute and maintain a Title VI Program in accordance with the Civil Rights Act of 1964 and related statutes as required by 23 CFR Part 200.

III. PROCEDURE

Caltrans has summarized and presented the “*Local Agency Requirements on Title VI Compliance*” (see below). The Local Agencies are encouraged to follow the guidance provided in instituting and maintaining their Title VI Programs. Sections 1 through 4 provide specific guidelines for Local Agencies on Title VI compliance.

IV. APPLICABILITY/IMPACTS

This COIN applies to all Local Agencies receiving Federal financial assistance.

Title VI

Caltrans is required by 23 Code of Federal Regulations (CFR), Part 200, Section 200.9(b)(7) to conduct reviews of sub-recipients (Local Agencies) of federal-aid to ensure compliance with Title VI of the Civil Rights Act of 1964 and the related statutes (**Title VI**) through the requirements under the Federal Highway Administration (FHWA), the U.S. Department of Transportation (USDOT), and the U.S. Department of Justice (USDOJ) regulations and guidance materials related to the implementation of Title VI.

The scope of the process reviews conducted by Caltrans focuses on the Local Agency's adherence to the FHWA's Title VI Program (**Race, Color & National Origin**) and the related statutes protecting additional classes as required under

- Federal-Aid Highway Act of 1973 (**Sex**),
- The Age Discrimination Act of 1975 (**Age**), and
- The Americans with Disabilities Act of 1990 (**ADA**) (**Disability**) and Section 504 of the Rehabilitation Act of 1973 (**Disability**).

The **Civil Rights Restoration Act of 1987** amended each of the affected statutes by adding a section defining the word "program" to make clear that **discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance**. If a unit of a state or local government is extended federal-aid and distributes such aid to another governmental entity, all of the operations of the entity which distribute the funds and all of the operations of the department or agency to which the funds are distributed are covered under **Title VI**. In addition, the Department, the recipient, and the Local Agencies, the sub-recipients, are required to comply with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed on February 11, 1994 and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," signed on August 11, 2000 by President Clinton.

Local Agency Requirements on Title VI Compliance

(1) Title VI Coordinator

The Local Agency must have a designated Title VI Coordinator.

It is a requirement for the Local Agency to designate a Title VI coordinator who has a responsible position in the organization and easy access to the head of the agency. This person shall be responsible for initiating and monitoring Title VI activities. [23 CFR 200.9(b)(1)]

(2) Title VI Policy and Procedures

Sample Title VI Non-Discrimination Policy

(Name of the Local Agency), under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the (Local Agency's jurisdiction) shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

Example:

The City of Compliance, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the City of Compliance shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

Title VI Aids and Procedures

- Title VI Posters and Brochures informing the public of their rights under Title VI and the related statutes – (1) Posters posted within the Local Agency’s premises in highly visible locations and (2) Brochures for distribution to the public
- Procedures on (1) How to file a Title VI complaint? and (2) Resolution of Title VI complaints
- Environmental Justice – Local Agency’s outreach for Public Involvement, i.e. informing the public and gaining their participation
- Limited English Proficiency (LEP) – Local Agency equipped to provide (1) translated documents for public use and (2) interpreters when needed or requested by the public

Examples of other Local Agency websites on Title VI:**City of Whittier Title VI Webpage**

<http://www.cityofwhittier.org/depts/prcs/transit/titlevi/default.asp>

City of Los Angeles Title VI Webpage

http://bca.lacity.org/index.cfm?nxt=ee&nxt_body=div_occ_affirm_eeo_forms.cfm

Sample Title VI Brochures:**In English:**

http://www.dot.ca.gov/hq/bep/title_vi/documents/Title_VI_1213_crop2.pdf

In Spanish:

http://www.dot.ca.gov/hq/bep/title_vi/documents/Title_VI_040714_spansh_crop.pdf

Language Identification (“I speak”) Flashcards:

http://www.dot.ca.gov/hq/bep/title_vi/LEP/documents/ISpeakCards2004.pdf

Caltrans Website on Title VI:

http://www.dot.ca.gov/hq/bep/title_vi/t6_prog_overview.htm

Caltrans Limited English Proficiency (LEP) WebPages:

http://www.dot.ca.gov/hq/bep/title_vi/LEP/index.htm

(3) Title VI Assurances in Contract Documents and Agreements

All Local Agency Federal-aid contract documents and agreements shall incorporate Title VI Assurances in its entirety as presented in “Appendix A to Exhibit B” of the Caltrans – Local Agency Master Agreement (LAPM, Exhibit 4-C).

Caltrans – Local Agency Master Agreement

<http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/chapter4/4c.pdf>

(4) Title VI Training for Local Agency Staff

The training material should provide an overview of Title VI, the rights of the public and employees under Title VI, and expectations of the Local Agency staff under Title VI.

Title VI Related Websites and Training Material:

The US Department of Justice (USDOJ) Title VI Webpage:

<http://www.justice.gov/crt/about/cor/coord/titlevi.php>

The USDOJ Webpage on Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency (LEP):

<http://www.justice.gov/crt/about/cor/13166.php>

The USDOJ Video on Title VI of the Civil Rights Act of 1964:

<http://www.justice.gov/crt/pressroom/videos.php?group=1>

The USDOJ Video on Language Access - Breaking Down the Language Barrier (English):

<http://www.justice.gov/crt/pressroom/videos.php?group=2>

The USDOJ Video on Overcoming Language Barriers – Creating Language Access Policies:

<http://www.justice.gov/crt/pressroom/videos.php?group=4>

The USDOJ Webpage on Other Civil Rights Publications:

http://www.justice.gov/crt/about/cor/pubs.php#Civil_Rights_Pubs

Caltrans Title VI and Related Statutes Online Training Module:

http://onramp/hq/bep/online_training/