



CIVIL RIGHTS ACADEMY: TITLE VI PROGRAM



DANIEL BURKE

daniel.burke@dot.ca.gov

CATHY LY

cathy.ly@dot.ca.gov

ALLYSON BEEM

allyson.beem@dot.ca.gov

FEBRUARY 2023



Questions?



You may type and submit questions in
the Chat Area Text Box

Response to questions will be held periodically

What is Title VI?



“No person shall, on the grounds 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 assistance.”

—Civil Rights Act of 1964

- Don't confuse with Title VII:
 - Prohibits **employment discrimination** based on race, color, religion, sex and national origin

[23 CFR 200.9\(a\)\(1\)](#)

Local Public Agency (LPA) Requirements

1. Coordinator
2. Nondiscrimination statement
3. Assurances in contracts/agreements
4. Complaints and logs
5. Data collection
6. Dissemination of information
7. Language access plan
8. Title VI Internal training
9. Accomplishments and future goals
10. Implementation program plan



Note: Although 23 Code Federal Regulation (CFR) part 200 is explicitly stated for State DOTs, the regulations are also used to apply for sub-recipients

1. Title VI Coordinator

- Designate a coordinator or specialist responsible for local public agency's (LPA's) Title VI program
- Easy access to LPA executives and important to list your contact information
- Responsible for initiating and monitoring Title VI activities and preparing required reports
- Disseminate Title VI Information to public: e.g. posting in public areas and on website

[23 CFR 200.9\(b\)\(1\)](#)

2. Nondiscrimination Statement

- Policy statement signed by the LPA executive
- Posted in public areas and on the LPA's website
- Recommend for wide publication in public documents, contracts, etc.



August 2020

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures "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."

Caltrans will make every effort to ensure nondiscrimination in all of its services, programs and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin. In addition, Caltrans will facilitate meaningful participation in the transportation planning process in a nondiscriminatory manner.

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 324-8379 or visit the following web page: <https://dot.ca.gov/programs/civil-rights/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Civil Rights, at 1823 14th Street, MS-79, Sacramento, CA 95811; (916) 324-8379 (TTY 711); or at <Title_VI@dot.ca.gov>.

Original signed by
Toks Omishakin
Director

[23 CFR 200.9\(a\)\(1\)](#)

[Non-Discrimination Policy Statement \(English\)](#)

3. Title VI Assurances in Contract Documents and Agreements

- [Appendices A-E of the Title VI Assurances](#)
 - Required to be included in **all** federal-aid federal highway administration (FHWA) contracts and subcontracts
 - Covers nondiscrimination, transfer of deeds, licenses, leases, permits, and bases of sex, age, disability, and English proficiency
- [Exhibit 12-G Required Federal-Aid Contract Language](#)
 - Required to be included in all federal-aid **construction** contracts and subcontracts

[23 CFR 200.9\(a\)\(1\)\(2\)3](#)

4. Title VI Complaints & Logs

- Any person who believes they have been discriminated against based on race, color, or national origin may file a Title VI complaint by completing and submitting the Local Public Agency's (LPA's) Title VI Complaint Form
 - [Complaint form](#) must contain:
 - the date of the complaint
 - complainant's contact information
 - complainant race, color, or national origin
 - details of the alleged discrimination
 - the complainant's signature
 - All Title VI complaints received by the LPA are to be forwarded to the Caltrans Office of Civil Rights at Title.VI@dot.ca.gov

[23 CFR 200.9\(b\)\(3\)](#)

4. Cont'd: Title VI Complaints & Logs

- All complaints filed directly with Caltrans will be forwarded to the Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA) expects all transit-related Title VI complaints to be handled at LPA level
- All FTA Title VI complaints where Caltrans is the respondent will be investigated by Caltrans
 - May be elevated to FTA
- All LPAs must retain a [log](#) of Title VI complaints

[23 CFR 200.9\(b\)\(3\)](#)

Pop Quiz





5. Data Collection

- Use data collection to determine impacted demographics
 - [FHWA's recommendations in Data Collection and Analysis](#)
- Caltrans recommends using <https://data.census.gov/cedsci/>
 - In the search box enter C16001 (language spoken at home for the population 5 years and over by the American Community Service)
 - Click on the C16001 hyperlink
 - Select Geos
 - Search for your agency

[23 CFR 200.9\(b\)\(4\)](#)

5. Cont'd: Data Collection Example

- Example from <https://data.census.gov/cedsci/>

The screenshot shows the Census Bureau's data portal interface. The search results for 'C16001' in 'Sacramento city, California' are displayed. The table shows the following data:

Label	Estimate
Total:	497,556
Speak only English	323,569
Spanish:	77,821
Speak English "very well"	51,533
Speak English less than "very well"	26,288
French, Haitian, or Cajun:	816
Speak English "very well"	723
Speak English less than "very well"	93
German or other West Germanic languages:	1,785
Speak English "very well"	1,616

5. Cont'd.: Limited English Proficiency

Data collection should use the “Four-Factor” analysis based on:

Demography

Number and/or proportion of Limited English Proficient persons served and languages spoken in service area

Frequency

Rate of contact with service or program

Importance

Nature and importance of program/service to peoples lives (transportation)

Resources

Available resources, including Language assistance

Note: Four-Factor Analysis should be conducted per project

6. Dissemination

- What are we translating and disseminating?

Table 1

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

- Vital language in documents such as environmental impact reviews that affect Title VI populations
 - Also no parking and alternate route signs/letters for construction projects
- Examples: [Nondiscrimination statement](#), [Caltrans and You Brochure - Your Rights Under Title VI and Related Statutes](#), [Complaints](#), etc.

7. Language Access Plan (LAP)

- A [LAP](#) addresses the Limited English Proficiency public including dissemination of documents, and engagement in public outreach events or meetings
 - Based on 5. Data Collection, but can be strengthened
- Language Assistance Resources
 - Bilingual staff: Certification unnecessary, but helpful
 - “I speak” Cards or [Language Identification Flashcard](#)
 - Qualified interpreters
 - Telephone Interpretation – Not an endorsement, Caltrans uses [Languageline Solutions](#)



Learning via Environmental Justice (EJ)

- What is EJ? – Avoiding disproportionately high and adverse effects on minority populations and low-income populations
- Why is it important? Ensures full and fair participation by potentially affected communities in every phase of the transportation decision-making process
- Over the DLA project lifecycle, EJ will most likely arise within the Preliminary Engineering or Project Approval & Environmental Documents phase

[Presidential Executive Order #12898](#)

Learning via Environmental Justice (EJ)

- [Exh. 6-A: Preliminary Environmental Study \(PES\)](#)
- If 23-32 are marked yes, or if the PES results in an Environmental Assessment or Environmental Impact Statement:
 - a. Any vital public communication must be translated and accessible to 5% of population or 1,000 individuals, whichever is fewer
 - b. Contact Caltrans District Senior Environmental Planner and the District Senior Right of Way Agent to inform them the agency may implement Title VI and outreach for this project.

[Presidential Executive Order #12898](#)

Moar Quiz Questions

**Title VI
Training**



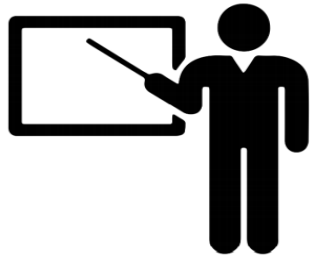
**I was paying
attention**



**Perfect Quiz
Score!!**







8. Title VI Internal Training

- Caltrans requires Title VI training to managers, supervisors, civil rights staff, and general staff who have frequent public contact every two years
- Samples of Title VI training:
 - [Federal-aid Essentials for Local Public Agencies](#)
 - [FHWA Title VI Toolkit](#)
- LPAs should ask and incorporate into their training: “What [topics in 1-7](#) are most vital to our agency?”

[23 CFR 200.9\(b\)\(9\)](#)

9. Goals and Accomplishments Report

- Develop [annual report of Title VI accomplishments for the past year and goals](#) for the next year
 - [Report](#) must at least include Title VI training, complaints and any corrective actions to achieve compliance
 - Covers recent accomplishments & goals for the next year
 - **Not due to Caltrans:** Submit Report to head of LPA for review
 - Separate document from the Title VI Implementation Plan

[23 CFR 200.9\(b\)\(10\)](#)

10. Implementation Program Plan

Where can my LPA make self-improvements?

1. Designation of a Coordinator
2. Nondiscrimination Statement
3. Assurances in Contract Documents and Agreements
4. Complaints and Logs
5. Data Collection and Analysis
6. Dissemination Information
7. Language Access Plan
8. Internal Training
9. Accomplishments and Future Goals



[23 CFR 200.9\(b\)\(11\)](#)

Last Title VI Quiz

I will ace this quiz!



I'm doing my part!



Resources to Implement Title VI Compliance

Caltrans Division of Local Assistance, Title VI Website

<https://dot.ca.gov/programs/local-assistance/guidance-and-oversight/title-vi/requirements>

Caltrans Local Assistance Procedure Manual (LAPM)

Section 9.2, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED STATUTES

[HTTPS://DOT.CA.GOV/-/MEDIA/DOT-MEDIA/PROGRAMS/LOCAL-ASSISTANCE/DOCUMENTS/LAPM/CH09.PDF](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/ch09.pdf)

Caltrans Division of Local Assistance Blog

Subscribe to the Caltrans Local Assistance Email list to receive updates to this blog and news related to the federal-aid process and our publications

<http://www.localassistanceblog.com/>

Caltrans Office of Civil Rights, Title VI Website

<https://dot.ca.gov/programs/civil-rights/title-vi>

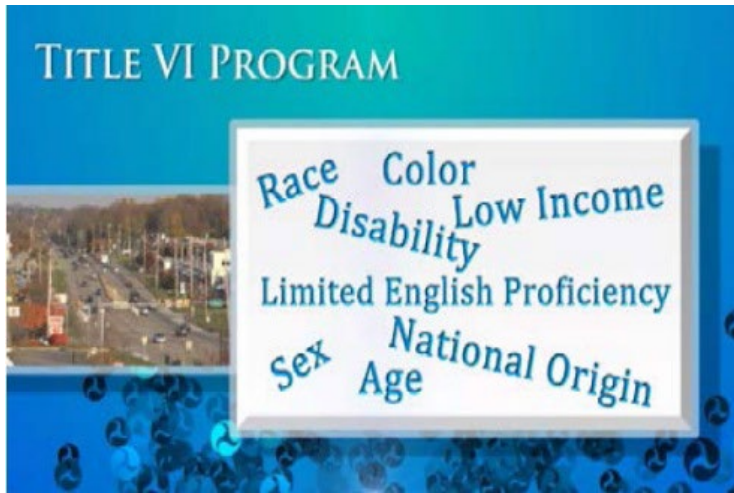
FHWA Title VI Regulations (23 CFR 200)

<https://www.ecfr.gov/current/title-23/chapter-I/subchapter-C/part-200/section-200.9>



Useful Links

- [Chapter 9, Local Assistance Procedures Manual \(LAPM\), Civil Rights](#)
- [The U.S. Department of Justice \(USDOJ\) Title VI Webpage](#)
- [United States Census Bureau Language Use](#)
- [The USDOJ Webpage on Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency \(LEP\)](#)
- [The USDOJ Video on Title VI of the Civil Rights Act of 1964:](#)
- [The USDOJ Video on Language Access - Breaking Down the Language Barrier \(English\)](#)
- [The USDOJ Video on Overcoming Language Barriers - Creating Language Access Policies](#)
- [The USDOJ Webpage on Other Civil Rights Publications](#)
- [U.S. Department of Transportation, Federal-aid Essentials for Local Public Agencies](#)
- [Office of Civil Rights \(OCR\)](#)
- [Limited English Proficiency \(LEP\) Website](#)
- [49 CFR PART 21-NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION-EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964](#)
- [23 CFR PART 200-TITLE VI PROGRAM AND RELATED STATUTES-IMPLEMENTATION AND REVIEW PROCEDURES](#)
- [Electronic Code of Federal Regulations \(CFR\)](#)
- [Environmental Review Toolkit](#)



**Thank you for participating
in today's Title VI webinar**