

Civil Rights Academy: February 2, 2023
Title VI Q&A

Title VI Complaints

1. Why would the Federal Highway Administration (FHWA) be responsible for Title VI complaints? Is it only for complaints associated with a specific project funded by FHWA?

On June 13, 2018, the FHWA released a Guidance Memorandum titled, "[Processing of Title VI Complaints.](#)" All Title VI complaints received by a Local Public Agency (LPA) are to be forwarded to Caltrans to be submitted to the FHWA Division Office.

Yes, Title VI only applies to federal-aid projects.

2. I am confused about WHEN an LPA sends a Title VI complaint to Caltrans or whether we investigate ourselves as an LPA.

Local public agencies do not investigate themselves for a Title VI FHWA-funded complaint. These are sent to Caltrans and forwarded to the FHWA Division Office.

3. If the LPA receives a complaint and sends it to Caltrans, does that satisfy the federal transit administration (FTA) requirements?

Title VI FTA complaints filed with Caltrans against an LPA will be investigated by Caltrans. If the complaint is filed with the LPA, the LPA is responsible for investigating the complaint in accordance with [FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.](#)

4. Can you provide the link that documents the FHWA complaints resolution please?

https://www.fhwa.dot.gov/civilrights/programs/title_vi/titleviqa.cfm#Toc522787056

Title VI Policy

5. Although not required, could public input on Title VI policies still be requested?

LPAs may solicit public input on Title VI policies. All Title VI policies must meet and/or exceed the regulations set forth in [Part 200 et. seq. in Title 23 of the Code of Federal Regulations \(23 CFR 200 et. seq.\)](#).

Data Collection and Limited English Proficiency

6. Tell us more about the “English Language Proficiency” being a protected category.

English Language Proficiency is not a protected category under Title VI. However, it is a strong indicator of national origin, which is a protected category within Title VI.

7. Are you able to look more specifically at the census data within the county?

Yes, FHWA published a walkthrough of the [U.S. Census – Limited English Proficiency Data Collection Walkthrough](#). This article provides details how to search by census tract and LPAs may search the US Census Geo function by zip code as well.

Also, on July 22, 2022, the Caltrans Division of Local Assistance and Office of Civil Rights hosted a Limited English Proficiency training that guided attendees through the U.S. Census database as well. Please refer to slides 26-29 for a more detailed explanation:

<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/title-vi/office-of-civil-rights-limited-english-proficiency-four-factor-analysis-training-part-2.pdf>

8. Why does Title VI favor spoken over written language proficiency?

Title VI does not favor spoken over written language proficiency. Both are important whether it's the need to translate public hearings or vital documents. The focus is to provide equal opportunity for all individuals to participate by removing any language barriers.

Training

9. Since training is required every two years, will this training be offered every two years and will certificates of completion be provided for tracking who attended the training?

While the Civil Rights Academy Title VI training may be utilized to satisfy an LPA's staff biennial training requirement, this was not the intent of conducting this presentation. LPAs should develop their own training based on the composition of their organization to determine who needs the training and what will they need to know about Title VI regulations while working for your LPA. Unfortunately, there is no certification for the Title VI Civil Rights Academy training.