

## Caltrans Division of Local Assistance Title VI Compliance Guide for Local Public Agencies

The purpose of this document is to provide Local Public Agencies (LPAs), receiving the Federal Highway Administration (FHWA) funds through the California Department of Transportation (Caltrans) Division of Local Assistance, resources for complying with Title VI of the Civil Rights Act of 1964 (Title VI) and additional non-discrimination statutes requirements. For additional information or assistance, please contact Loi Tran, Local Title VI Coordinator, at [loi.tran@dot.ca.gov](mailto:loi.tran@dot.ca.gov).

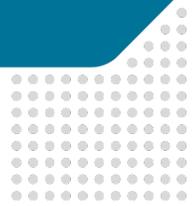
### **AUTHORITIES**

- [Title VI of the Civil Rights Act of 1964 \(42 U.S.C. § 2000d et seq.\) \(Title VI\)](#)
- [Civil Rights Restoration Act of 1987 \(amended Title VI\)](#)
- [Section 162 \(a\) of the Federal-Aid Highway Act of 1973 \(23 U.S.C. Section 324\) \(sex\)](#)
- [Age Discrimination Act of 1975 \(42 U.S.C. Sections 6101-6107\) \(age\)](#)
- [Section 504 of the Rehabilitation Act of 1973 \(49 CFR Part 27\) / Title II of the Americans with Disabilities Act of 1990 \(ADA\) \(disability\)](#)
- [Executive Order 12898 - "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"](#)
- [Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency \(LEP\)"](#)
  - [U.S. Department of Justice \(U.S. DOJ\) LEP Guidance](#)
  - [U.S. Department of Transportation \(U.S. DOT\) LEP Guidance](#)
- [U.S. DOJ Title VI Requirements – 28 CFR 42 Subpart F](#)
- [U.S. DOT Title VI Requirements – 49 CFR Part 21](#)
- [U.S. DOT Order Title VI Order 1000.12C](#)
- [FHWA Title VI Requirements – 23 CFR Part 200](#)

### **REQUIRED TITLE VI DOCUMENTS/REPORTS**

- [Title VI Assurances \(USDOT Order 1050.2A\)](#) (Title VI Assurances is also part of Exhibit 4-C “Master Agreement Administering Agency-State Agreement for Federal-Aid Projects.”)
- [Title VI Implementation Plan](#) (Title VI Plan) ([28 CFR 42.415](#) and [23 CFR 200.9\(b\)\(11\)](#)) – Updated every year by October 1.
  - If there are no changes to the LPA's Title VI Plan, the LPA is not required to update the plan yearly. Minor changes can be made on the LPA's website.
- [Title VI/Non-Discrimination Policy Statement \(49 CFR 21.7\(b\)\)](#) – Updated and signed by the head of the agency every year and must be included in the LPA's Title VI Plan.
- [Limited English Proficiency \(LEP\) Assessment \(Four Factor Analysis\) / Language Access Plan \(LAP\)](#) (Executive Order 13166) – The LEP Assessment is conducted every year and update the LAP as needed.
- [Title VI Accomplishments and Goals Report \(Title VI Annual Work Plan\)](#) ([23 CFR 200.9\(b\)\(11\)](#)) - Updated every year by September 30.

Revised 3/14/24



## **LPA TITLE VI PROGRAM REQUIREMENTS (FHWA)**

1. **Title VI Implementation Plan (Title VI Plan)** (28 CFR 42.415 and 23 CFR 200.9(b)(11)) - The LPA is mandated to develop a written plan for enforcement that sets out its priorities and procedures. This plan must be available to the public (for example, posted on the website) and address **all** the items listed in this section. The LPA must implement and enforce the Title VI Plan to ensure compliance with FHWA's Title VI requirements.

Examples:

- [Yuba City Title VI Implementation Plan PDF](#)
- [County of Los Angeles PDF](#)
- [County of San Diego PDF](#)
- [Sample – FHWA Title VI Plan](#)
- [FHWA State Title VI Implementation Plans: Commendable Practices and Procedures](#)
- [Caltrans Title VI Implementation Plan FFY 2022](#)

[FHWA Federal-aid Essentials for Local Public Agencies: Title VI Implementation Plans](#)

[FHWA Title VI Program 101 Presentation](#)

[FHWA Writing Effective Title VI Plans Presentation](#)

[FHWA Title VI Implementation Plans Factsheet](#)

[FHWA Title VI Implementation Plan Checklist](#)

2. **Title VI Coordinator** (23 CFR 200.9(b)(1)) - Each LPA must identify their Title VI Coordinator who has easy access to the head of the agency. The coordinator's contact information should be made available to the public, for example on the LPA's website.
3. **Title VI/Non-Discrimination Policy Statement** (49 CFR 21.7(b)) - The LPA must develop a Title VI policy statement for signature by the head of the agency and be made available to the public. The statement must give a reasonable guarantee that the programs administered by the LPA are conducted in compliance with all Title VI nondiscrimination requirements.

Examples:

- [U.S. DOT Equity and Access Policy Statement](#)
  - Caltrans Title VI/Non-Discrimination Policy Statement ([English](#)/[Spanish](#))
4. **Limited English Proficiency (LEP) Assessment (Four Factor Analysis)/ Language Access Plan (LAP)** (Executive Order 13166) - The LPA is required to ensure programs and activities normally provided in English are accessible to LEP persons. Each LPA must perform an annual assessment (also referred to as a Four Factor Analysis) to determine if modifications are needed to their programs and activities to ensure meaningful access by LEP persons,



culminating in the development of a Language Access Plan (LAP). The LAP must be available to the public (for example, posted on the website).

The four factors are:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered
- 2) The frequency of LEP contacts
- 3) The nature and importance of the programs, services, or activities provided
- 4) The resources available for LEP persons

Examples:

- [U.S. DOT Language Access Plan \(PDF\)](#)
- [Caltrans Language Access Plan 2020 \(PDF\)](#)
- [SACOG's Title VI LEP Plan 2018 \(PDF\)](#)

[LEP.gov Videos](#)

[Training: LEP/Four Factor Analysis Webinar](#)

5. **Dissemination of Title VI Information** (23 CFR 200.9(b)(12)) - The LPA must develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English (determined by the LEP Assessment). The purpose of the information is to communicate information about the public's rights under Title VI.

Examples:

- [Caltrans Title VI Poster \(PDF\)](#)
- [Caltrans Title VI Poster Spanish \(PDF\)](#)
- Caltrans and You Brochure – Your Rights Under Title VI and Related Statutes
  - [Arabic \(PDF\)](#)
  - [Armenian \(PDF\)](#)
  - [Chinese \(PDF\)](#)
  - [English \(PDF\)](#)
  - [Hmong \(PDF\)](#)
  - [Korean \(PDF\)](#)
  - [Russian \(PDF\)](#)
  - [Spanish \(PDF\)](#)
  - [Tagalog \(PDF\)](#)
  - [Vietnamese \(PDF\)](#)

6. **Title VI Training for LPA Staff** (23 CFR 200.9(b)(9)) - The LPA must provide Title VI training for all LPA employees every two years. Title VI training should cover what is Title VI, how the LPA implements its Title VI program to meet federal requirements, and what steps to take for



handling Title VI complaints, as well as language interpretation (verbal)/translation (written) requests.

Example:

- [FHWA Title VI Essentials Presentation](#)

7. **Title VI Assurances in Contract Documents and Agreements** (23 CFR 200.9(a)(1) and 49 CFR 21.7) – The LPA must include required Title VI assurances (specifically, Appendices A and E of the Title VI Assurances) in all sub-contracts and sub-agreements with federal funds, where applicable. The LPA signed the Title VI assurances as part of [Exhibit 4-C, “MASTER AGREEMENT - ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS”](#).

**Note:** The LPA will insert the clause of the Appendix E of the Title VI Assurance in every federal-aid contract and agreement. The Exhibit 4-C Master Agreement contains Appendices A – D but not Appendix E of the Title VI Assurances. There is a [U.S. Department of Transportation Order 1050.2A](#) requirement to add Appendix E, which is not included in Exhibit 4-C.

Examples:

- [Appendix E of the Title VI Assurances](#)
- [Appendices A – E of the Title VI Assurances](#)

#### [FAQs Appendix E of the Title VI Assurances](#)

8. **Title VI Complaint Procedures** (23 CFR 200.9(b)(3)) - LPAs must develop a Title VI complaint form and a log for Title VI complaints received. In addition, LPAs must develop procedures for prompt processing (including logging Title VI complaints, determining jurisdiction, and determining if the complaint is a Title VI complaint) and disposition of Title VI complaints received directly by the LPA.

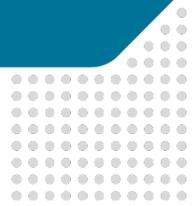
**Note:** Per the FHWA Guidance Memorandum, *Processing of Title VI Complaints*, dated June 13, 2018, all Title VI complaints received by LPAs are to be forwarded to Caltrans to be submitted to the FHWA Division Office. Title VI complaints should be sent within one business day of receipt via email to [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov).

Examples:

- Caltrans Title VI Complaint Process ([English/Spanish](#))
- Caltrans Title VI Complaint Forms ([English/Spanish](#))
- [SAMPLE Title VI Discrimination Complaint Log \(PDF\)](#)
- [SAMPLE Title VI Discrimination Complaint Log \(Excel\)](#)

#### [FHWA Title VI Complaints Presentation](#)

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[FHWA Title VI - Intentional Discrimination and Disparate Impact Presentation](#)  
[FHWA Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights of 1964](#)

9. **Title VI Data Collection** (23 CFR 200.9(b)(4)) - The LPA must develop procedures for the collection of statistical data (race, color, and national origin) of participants in, and beneficiaries of, federally funded roadway projects, e.g., citizens impacted by relocation and participants that attended the public hearing during an environmental review. For example, the LPA can collect Title VI data of participants at public meetings.

In addition, the LPA must analyze the data collected to determine the effectiveness of outreach methods to ensure that no group is excluded during the decision-making process or is not given an opportunity to voice their opinions or concerns. For example, in analyzing the data collected in the example above, the LPA would determine if the LPA needed to conduct additional outreach to the group(s) who did not attend the public meeting, where these groups make up a good portion of the population.

Examples:

- [FHWA Title VI Data Collection Flyer Sample](#)
- [FHWA Title VI Sample Data Sources Assessment](#)
- [FHWA Title VI Data Collection Presentation](#)

10. **Internal/External Title VI Reviews** (23 CFR 200.9(a)(4), 23 CFR 200.9(b)(5), 23 CFR 200.9(b)(6), and 23 CFR 200.9(b)(7)) - Each LPA must develop a program to conduct internal Title VI reviews of program areas and to conduct external Title VI reviews of sub-awardees. This effort ensures both the LPA, and its sub-awardees comply with FHWA's Title VI requirements.

Examples:

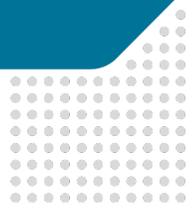
- [SAMPLE Internal Review Report](#)
- [SAMPLE Spot Check Checklist](#)

[FHWA Introduction to Title VI Reviews](#)

11. **Title VI Accomplishments and Goals Report (Title VI Annual Work Plan)** (23 CFR 200.9(b)(10)) - The LPA must develop an annual Title VI Accomplishments and Goals Report which consists of accomplishments for the past year, and goals for the next year. This report should be made available to the public and when requested by Caltrans.

Example:

- [Caltrans Title VI Goals & Accomplishment Report 2020](#)



## [FHWA Title VI Goals and Accomplishments Reports Factsheet](#)

### **TITLE VI GUIDANCE MATERIALS/RESOURCES**

#### **USDOJ/FHWA**

- [U.S. DOJ Title VI Videos](#)
- [FHWA Title VI of the Civil Rights Act of 1964 and Additional Nondiscrimination Requirements](#)
- [FHWA Federal-aid Essential for Local Public Agencies Training Videos – Civil Rights](#)
- [FHWA Title VI Toolkit](#)

#### **Caltrans**

- [Section 9.2 of the Caltrans Local Assistance Procedures Manual](#)
- [FHWA Title VI LPA Requirements \(with samples\)](#)
- [Local Agency FHWA Title VI Training](#)
- [Caltrans DLA Title VI Complaints](#)
- [Caltrans Office of Civil Rights Title VI Branch](#)
  - [Caltrans 2024 Title VI Implementation Plan](#)
  - Caltrans Title VI/Non-Discrimination Policy Statement ([English](#)/[Spanish](#))
  - Caltrans Title VI Complaint Process ([English](#)/[Spanish](#))
  - Caltrans Title VI Complaint Form ([English](#)/[Spanish](#))
  - [Caltrans Language Access Plan \(LAP\)](#)
  - Caltrans Title VI Brochures - Caltrans and You - Your Rights Under Title VI and Related Statutes ([Arabic](#), [Armenian](#), [Chinese](#), [English](#), [Hmong](#), [Korean](#), [Russian](#), [Spanish](#), [Tagalog](#), and [Vietnamese](#))