



# LOCAL AGENCY GUIDE TO IMPLEMENT TITLE VI PROGRAM



**CATHY LY**

**CIVIL RIGHTS COORDINATOR**

**CALTRANS DIVISION OF LOCAL ASSISTANCE**

**EMAIL: [CATHY.LY@DOT.CA.GOV](mailto:CATHY.LY@DOT.CA.GOV)**

**PHONE: 916-654-4344**

**FEBRUARY 2021**



# Caltrans Division of Local Assistance Contacts

## Cathy Ly

Civil Rights Coordinator

[Cathy.Ly@dot.ca.gov](mailto:Cathy.Ly@dot.ca.gov)

(916) 654-4344

## Annette Goudeau

Civil Rights Analyst

[Annette.Goudeau@dot.ca.gov](mailto:Annette.Goudeau@dot.ca.gov)

(916) 653-4850

## Daniel Burke

Civil Rights Manager

[Daniel.Burke@dot.ca.gov](mailto:Daniel.Burke@dot.ca.gov)



**Mission: “Provide training and guidance to improve stakeholder processes.”**

**Vision: “Strengthen partnerships and Civil Rights through excellent customer service and user-friendly communications.”**

# Learning Objectives

- Federal Highway Administration (FHWA) Title VI Implementation/Program Plan**
- Local Public Agency (LPA) requirements**

**Note: Although 23 Code Federal Regulation (CFR) part 200 is explicitly stated for State Department of Transportations (DOT), the regulations are also used to apply for local public agency.**



# Communication Guidelines

1. This webinar is being recorded, and will be posted and available on the [Caltrans Division of Local Assistance Title VI website](#).
2. For each slide, you will be provided thirty (30) seconds to type and submit questions in the Chat Area Text Box. Please include the slide # associated to your question.
3. Your questions and answers will be read aloud toward the end of this training, and Frequently Asked Questions will be posted on the Title VI website for future reference.
4. We will take five (5) minutes break toward mid-presentation.
5. We will have fun Poll Questions throughout this training.

# What is Title VI (6)?



“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

## Other nondiscrimination and cross cutting authorities include:

- Section 504 of the 1973 Rehabilitation Act
- Civil Rights Restoration Act of 1987
- The 1973 Federal-aid Highway Act
- The 1975 Age Discrimination Act
- Executive Order 12898 on Environmental Justice (EJ)
- Executive Order 13166 on Limited English Proficiency (LEP)

# What is FHWA's Title VI Program?

Assures nondiscrimination on the grounds of race, color, national origin, **Disability**, **Sex**, and **Age** in programs or activities receiving financial assistance, whether those programs or activities are FHWA funded or not.

**NOTE: [23 CFR Part 200](#), the Federal Highway Administration's Title VI Program Implementation and Review Procedures**

# FHWA Title VI Program Plan

1. Designation of a Title VI Coordinator
2. Title VI Assurances in Contract Documents and Agreements
3. Title VI Nondiscrimination Statement
4. Dissemination of Title VI Information
5. Title VI Training
6. Title VI Complaint Process
7. Data Collection and Analysis



# Poll Question





# Title VI Coordinator

- ❑ Designate a responsible point of contact to coordinate Title VI efforts
- ❑ Easy access to the head of the LPA/Leadership
- ❑ Responsible for initiating and monitoring Title VI activities and preparing required reports (Goals and Accomplishments Report)
- ❑ Developing Title VI information for dissemination: e.g. Posting in public areas and on website

[\(23 CFR 200\)](#)

# Title VI Assurances in Contract Documents and Agreements

## [FHWA Form 1273](#)

- Required to be included in all FHWA contracts and subcontracts of \$10,000 or more
- Allows enforcement of Title VI and other non-discrimination requirements

## [Exhibit 4-C: Master Agreement \(MA\)](#)

- Local agencies sign assurances as part of the MA
- Conform to Caltrans Local Assistance Procedures Manual and the Local Assistance Program Guidelines

## [Exhibit 4-D Program Supplement Agreement \(PSA\)](#)

- Each project includes the local agency's reaffirmation of the nondiscrimination assurances contained in the MA

[Local Assistance Procedure Manual \(LAPM\), Chapter 9: Title VI](#)

# Changes in Title VI Required Assurances

- ❑ [DOT U.S. Order 1050.2A](#) – Required to attach Appendix A-E to comply with Title VI provisions
- ❑ [APPENDIX A-E of the Title VI Assurances](#)
- ❑ [FAQs - Appendix E of the Title VI Assurances](#) – Effective September 17, 2020, all LPAs are required to insert Appendix E of the Title VI Assurances in each federal-aid contract

**NOTE: These changes are for Federal Highway Administration (FHWA) funds only.**

[Local Assistance Procedure Manual \(LAPM\), Chapter 9: Title VI](#)

# Poll Question



# Title VI Nondiscrimination Statement

- ❑ Policy statement signed by the head of the local agency
- ❑ Disseminated to the public via such methods as posting in public areas and/or on the agency's website

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE DIRECTOR  
P.O. BOX 942873, MS-4F  
SACRAMENTO, CA 94273-0001  
PHONE (916) 454-6130  
FAX (916) 453-8774  
TTY 711  
www.dot.ca.gov

  
Making Connections  
a California Way of Life.

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 14<sup>th</sup> Street, MS-79, Sacramento, CA 95811; (916) 324-8379 (TTY 711); or at [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov).

Original signed by  
Taks Omishakin  
Director

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

# Dissemination of Title VI Information

❑ To the General public, and where appropriate, in languages other than English

❑ EXAMPLES:

❑ Caltrans Non-Discrimination Policy Statement

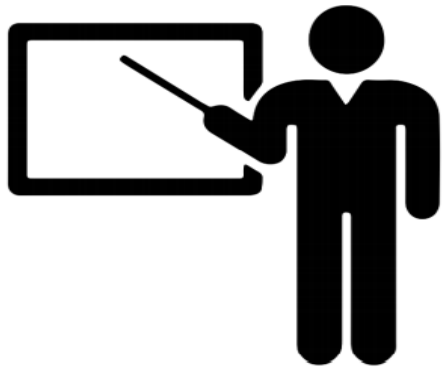
❑ [Caltrans Non-Discrimination Policy Statement](#)

❑ [Declaración de Política de no Discriminación \(Spanish\) \(PDF\)](#)

❑ [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 \(PDF\)](#), and [Vietnamese \(PDF\)](#)

[\(23 CFR 200\)](#)



# Title VI Training

- Provide Title VI training for its managers, supervisors, and staff with frequent public contact every two years
- Samples of Title VI training:
  - [Federal-aid Essentials for Local Public Agencies](#)
  - [FHWA Title VI Toolkit](#)
- Limited English Proficiency/Language Assistance Services

[\(23 CFR 200\)](#)

# Poll Question





**TIME** FOR A  
BREAK



# Title VI Complaint Process

## Caltrans Office of Civil Rights (OCR) Process

- All FHWA Title VI complaints received by a local agency are to be forwarded to Caltrans to be submitted to FHWA Division Office

## Title VI Complaints Processed Under the Federal Highway Administration (FHWA)

- All complaints filed with Caltrans will be forwarded to FHWA

## Title VI Complaints Processed Under the Federal Transit Administration (FTA)

- Title VI complaints filed with Caltrans in which Caltrans is named as the Respondent will be investigated by Caltrans

[\(23 CFR 200\)](#)

# Data Collection and Analysis

- ❑ Develop procedures for the collection of statistical data
- ❑ Analyze data collected to determine the effectiveness of outreach methods
  - ❑ [FHWA Resources in Data Collection and Analysis](#)
- ❑ United States Census Bureau, available at [Data.Census.Gov](#) is the primary source for gathering the relevant data from the US Census
- ❑ [Disparate treatment vs and Disparate Impact](#)

[\(23 CFR 200\)](#)

# Poll Question



# **Limited English Proficiency (LEP)**

## **(Executive Order #13166)**

**Four-Factor analysis shall be based on the following factors:**

### **Demography**

Number and/or proportion of LEPs 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.**

# Language Assistance Plan (LAP)

## □ Language Assistance/Access Plan (LAP)

- LAP addresses LEP customers when agency engages in public outreach events or public meetings
- Free of Charge

## □ Interpretation

- Immediate rendering of oral language from the source language into the target language

## □ Translation



- Rendering of a written text from one language into another language



# LAP Plan Continues...

## □ Language Assistance Resources

- Bilingual Staff
- “I speak” Cards or Language Identification Flashcard
- Qualified Interpreters
- Telephone Interpretation

	
<p>Hello, I'm from the U.S. Census Bureau. Is someone here now who speaks English and can help us? If not, please write your phone number and someone will contact you in English.</p>	01. English
<p>Buenos días (Buenas tardes), soy de la Oficina del Censo de los Estados Unidos. ¿Se encuentra alguien que hable inglés y pueda ayudarnos? Si no, por favor, anote su número de teléfono y alguien se comunicará con usted en español.</p>	02. Español/ Spanish
<p>Përshëndetje, unë vij nga Zyra e Regjistrimit të Popullsisë së Sh.B.A-së. A ndodhet dikush tani këtu që flet anglisht dhe mund të na ndihmojë? Nëse jo, ju lutemi shkruani numrin e telefonit tuaj dhe dikush do t'ju kontaktojë në gjuhën shqipe.</p>	03. Shqip/ Albanian
<p>እንደምንገት ፡ ከእምግራን የሕዝብ ቆጠራ ቢር ነኝ ፡፡ እሁን እንግሊዝኛ ቋንቋ የሚናገር እና ለረዳት የሚችል ሰው አለ? ከሌለ እኩንግን የሰለክ ቁጥርን ይጻፉልንና በእምግራኛ የሚያናግርን ይጻፉልን፡፡</p>	04. ብሔራዊ/Amharic
<p>مرحبًا، أنا من مكتب الإحصاء الأمريكي. هل يوجد هنا الآن شخص يتحدث الإنجليزية ويمكنه مساعدتنا؟ إذا كان لا يوجد، فلارجاء كتابة رقم هاتفكم وسيتصل بكم أحد الأشخاص بلغة العربية.</p>	05. العربية/ Arabic
<p>Բարև Ձեզ, ես ԱՄՆ-ի Մարդահամարի Բյուրոյից եմ: Ներկա* է արդյոք մեկը, որը խոսում է Ամերկայերեն և կարող է մեզ օժնենել: Եթե ոչ, մերեք Ձեր հեռախոսի համարը և Ձեզ հետ կկապվեն հայերենով:</p>	06. Հայերեն/ Armenian
<p>হ্যালো, আমি ইউ.এস. সেন্সাস বিউরো থেকে এসেছি। এখানে এখন এমন কেউ আছে কি যিনি ইংরেজি বলতে পারেন এবং আমাদের সাহায্য করতে পারেন যদি তখন কেউ না থাকে, আপনার ফোন নম্বর লিখে দিন এবং আপনার সঙ্গে একজন বাংলার যোগাযোগ করবো।</p>	07. বাংলা/ Bengali

# Poll Question



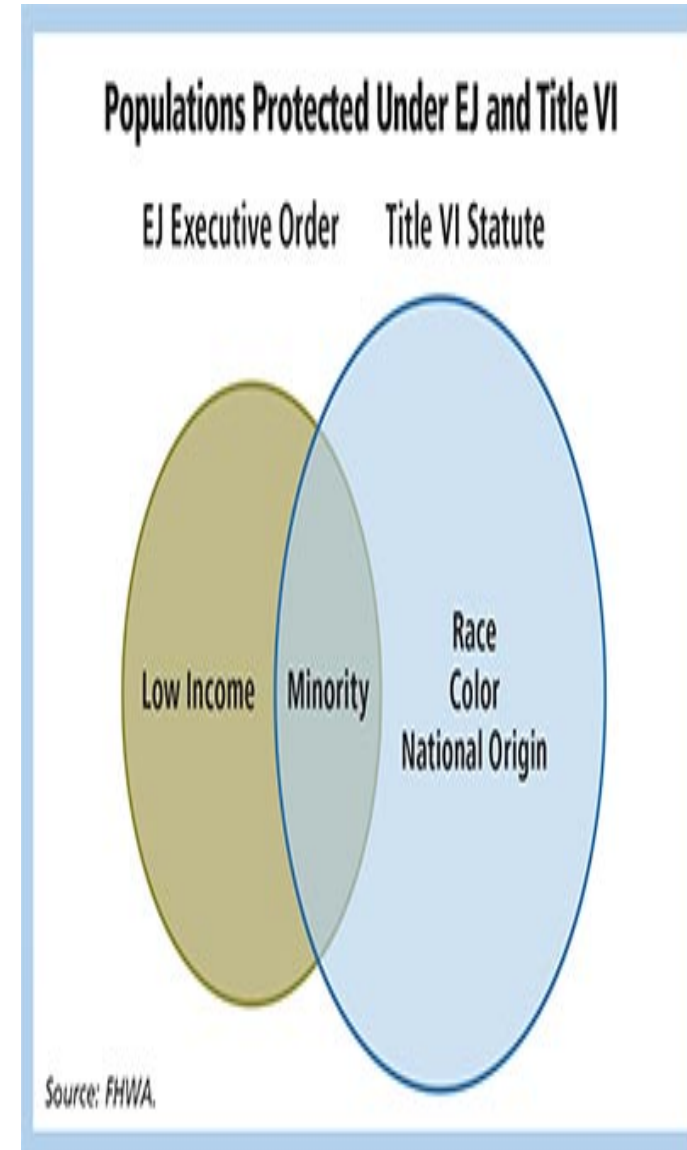


# Environmental Justice (EJ)

## □ Exhibit 6-A Preliminary Environmental Study (PES) Form

If questions 23-32 are marked yes, or if the PES results are in an Environmental Assessment or Environmental Impact Statement:

- a) Any vital public communication must be translated and accessible to 5 percentage 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.



# Goals and Accomplishments Report (G&A)

Develop a yearly report of Title VI accomplishments for the past year and goals for the next year

- Separate document from the Title VI Program/Implementation Plan
- Covers activities that were carried out and activities planned for the next year
- Submit G&A Report to head of agency yearly for review
- [G&A Report entails](#): program area review, local agency reviews, training, Title VI complaints and corrective actions plan.

[\(23 CFR 200\)](#)

# Poll Question



# **TITLE VI PLAN WRAP-UP**

- 1. Designation of a Title VI Coordinator**
- 2. Title VI Assurances in Contract Documents and Agreements**
- 3. Title VI Nondiscrimination Statement**
- 4. Dissemination of Title VI Information**
- 5. Title VI Training**
- 6. Title VI Complaint Process**
- 7. Data Collection and Analysis**

# 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)

Chapter 9, 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>

## USDOT Title VI Regulations (49 CFR 21)

Prohibited discriminatory actions (21.5)

Required assurance (21.7)

Compliance information (21.9)

Procedure for effecting compliance (21.13)

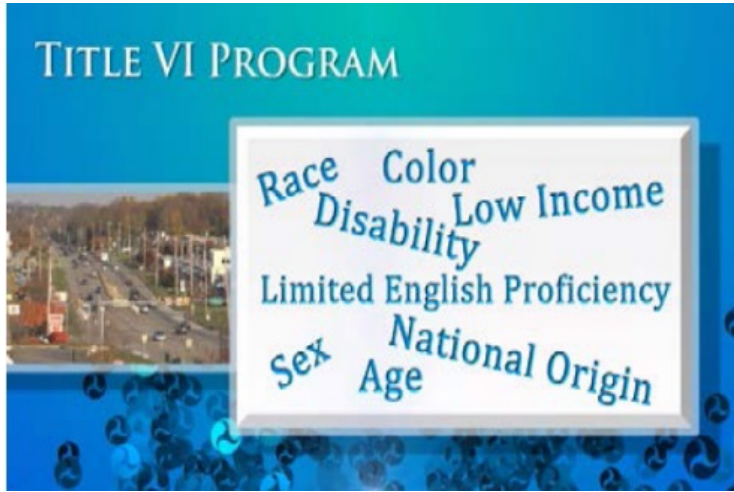
## FHWA Title VI Regulations (23 CFR 200)

State Transportation Agency responsibilities (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.**