



Memorandum

Subject: Rescission of FHWA Policy and Guidance
concerning Title VI of the Civil Rights Act of
1964

Date: APR 25 2019

From: Irene Rico
Associate Administrator for Civil Rights

In Reply Refer To: HCR-20

To: Division Administrators
Assistant Division Administrators
Chief Operating Officers; Second-in-
Line
Civil Rights Specialists

As part of an ongoing effort to clarify policy and guidance related to Title VI by the Headquarters Office of Civil Rights, this memorandum rescinds the following previously issued and outdated documents that may currently be in use as policy and guidance:

- Title VI: Nondiscrimination in the Federal Aid Highway Program Handbook, Publication: FHWA-HCR-06-006.
- Title VI: Nondiscrimination in the Federal Aid Highway Program Desk Reference, Publication: FHWA-HCR-07-0001.
- Limited English Proficiency Program and the Federal-Aid Highway Program Handbook, Publication: FHWA-HCR-07-0010.
- Title VI Considerations in the Major Federal-Aid Highway Programs, Unknown Publication Number.
- Your Rights Under Title VI of the Civil Rights of 1964, brochure, Publication: FHWA-HCR-06-003.
- Preventing Discrimination in the Federal Aid Program: Systematic Interdisciplinary Approach Reference Notebook, Unknown Publication Number.
- March 22, 2006 Memorandum on Processing Complaints filed under the Americans with Disabilities Act of 1990 and Title VI of the Civil Rights Act of 1964.
- Impacts of the Civil Rights Restoration Act of 1987 on FHWA programs, September 2, 1992, Classification Code N 4720.6, superseded by 49 CFR 21.23(e), September 2002.
- All Title VI processes and procedures included in the Procedures Manual for Processing External Complaints of Discrimination. Federal Highway Administration, July 9, 2010.

Please see the attached crosswalk table for information regarding rescinded documents and current guidance and technical assistance.

The Headquarters' Office of Civil Rights is requesting that Divisions contact their State Departments of Transportation to inform them that these materials are not in use by FHWA and should not be relied on or referenced by FHWA recipients and sub-recipients. HCR also request that Divisions ask their States to remove these materials from any public-facing websites and ensure the documents are not provided as part of any training materials or presentations.

The Federal Highway Administration, Office of Civil Rights, has published an online Title VI Toolkit at https://www.fhwa.dot.gov/civilrights/programs/title_vi/ which contains all current policy, guidance, and regulations as they pertain to Title VI. The toolkit also contains links to associated policy and guidance documents, reference materials, data collection and analysis tools, helpful forms, templates, fact sheets, presentations, and case decisions for Title VI.

If you have any questions about this memorandum, please contact Nichole McWhorter on (202) 366-3384.

Attachment: Rescission Crosswalk

**cc: Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division,
Departmental Office of Civil Rights
James Esselman, Senior Attorney Advisor, FHWA's Office of Chief Counsel
Sandy Talbert-Jackson, Civil Rights Technical Director, FHWA's Resource Center**

Attachment: Rescission Crosswalk Table

Rescinded Document	Current Document(s)	Comments
<p>1. Title VI: Nondiscrimination in the Federal Aid Highway Program Handbook, Publication: FHWA-HCR-06-006</p>	<ul style="list-style-type: none"> • Title VI Essentials Presentation • Title VI Data Collection and Analysis Presentation • Introduction to Title VI Reviews Presentation • Title VI Complaint Procedures Presentation • Writing Effective Title VI Plans Presentation • Intentional Discrimination and Disparate Impact Presentation • Data Collection Flyer Sample • Title VI Requirements for Subrecipients Sample • Title VI Basics Factsheet • Title VI Implementation Plans Factsheet • Goals and Accomplishments Reports Factsheet • Types of Discrimination Factsheet • Ensuring Compliance Through Reviews Factsheet • Data Collection and Analysis Walkthrough • State Title VI Plans - Promising Practices and Procedures • Data Sources Assessment Sample 	<p>In response to its internal Title VI Task Force recommendations and a national review by the FHWA Program Management Improvement Team, the FHWA Office of Civil Rights created a set of practical Title VI tools and training materials. FHWA's goal was to provide state and local entities, as well as FHWA personnel, with simple, "how to" materials on the essentials of Title VI, demographic data collection and analysis, legal standards, and promising state practices and procedures. In April, 2019, the Office of Civil Rights released its Title VI Toolkit and additional training materials on the Office of Civil Rights Public website. FHWA will continue to update its website with new Title VI materials and revisions as necessary.</p>
<p>2. Title VI: Nondiscrimination in the Federal Aid Highway Program Desk Reference, Publication: FHWA-HCR-07-0001</p>	<ul style="list-style-type: none"> • Title VI Essentials Presentation • Title VI Data Collection and Analysis Presentation • Introduction to Title VI Reviews Presentation • Title VI Complaint Procedures Presentation • Writing Effective Title VI Plans Presentation • Intentional Discrimination and Disparate Impact Presentation • Data Collection Flyer Sample • Title VI Requirements for Subrecipients Sample • Title VI Basics Factsheet • Title VI Implementation Plans Factsheet • Goals and Accomplishments Reports Factsheet • Types of Discrimination Factsheet • Ensuring Compliance Through Reviews Factsheet • Data Collection and Analysis Walkthrough • State Title VI Plans - Promising Practices and Procedures • Data Sources Assessment Sample 	<p>In response to its internal Title VI Task Force recommendations and a national review by the FHWA Program Management Improvement Team, the FHWA Office of Civil Rights created a set of practical Title VI tools and training materials. FHWA's goal was to provide state and local entities, as well as FHWA personnel, with simple, "how to" materials on the essentials of Title VI, demographic data collection and analysis, legal standards, and promising state practices and procedures. In April, 2019, the Office of Civil Rights released its Title VI Toolkit and additional training materials on the Office of Civil Rights Public website. FHWA will continue to update its website with new Title VI materials and revisions as necessary.</p>

3. Limited English Proficiency Program and the Federal-Aid Highway Program Handbook, Publication: FHWA-HCR-07-0010

- **LEP: Four-Factor Analysis Walkthrough**
- **Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons; 70 Fed. Reg. 74087 (Dec. 14, 2005)**

As part of the Office of Civil Rights Title VI Toolkit and training materials, FHWA included new "how to" tutorials on LEP data collection and analysis, in addition to links to the U.S. Department of Transportation LEP guidance.

4. Title VI Considerations in the Major Federal-Aid Highway Programs, Unknown Publication Number

- **Title VI Essentials Presentation**
- **Title VI Data Collection and Analysis Presentation**
- **Introduction to Title VI Reviews Presentation**
- **Title VI Complaint Procedures Presentation**
- **Writing Effective Title VI Plans Presentation**
- **Intentional Discrimination and Disparate Impact Presentation**
- **Data Collection Flyer Sample**
- **Title VI Requirements for Subrecipients Sample**
- **Title VI Basics Factsheet**
- **Title VI Implementation Plans Factsheet**
- **Goals and Accomplishments Reports Factsheet**
- **Types of Discrimination Factsheet**
- **Ensuring Compliance Through Reviews Factsheet**
- **Data Collection and Analysis Walkthrough**
- **State Title VI Plans - Promising Practices and Procedures**
- **Data Sources Assessment Sample**

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5. Your Rights Under Title VI of the Civil Rights of 1964, brochure, Publication: FHWA-HCR-06-003

- **Title VI Basics Factsheet**
- **Types of Discrimination Factsheet**
- **Ensuring Compliance Through Reviews Factsheet**

As part of the Office of Civil Rights Title VI Toolkit and training materials, FHWA included factsheets and sample handouts to address the basics of Title VI for the public.

6. Preventing Discrimination in the Federal Aid Program: Systematic Interdisciplinary Approach Reference Notebook, Unknown Publication Number

- Title VI Essentials Presentation
- Title VI Data Collection and Analysis Presentation
- Introduction to Title VI Reviews Presentation
- Title VI Complaint Procedures Presentation
- Writing Effective Title VI Plans Presentation
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7. March 22, 2006 Memorandum on Processing Complaints filed under the Americans with Disabilities Act of 1990 and Title VI of the Civil Rights Act of 1964.

- 6/13/18 Memorandum on Processing Title VI Complaints
- Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964.

FHWA issued new guidance in the form of its Title VI Complaints Q&A document, which supersedes the prior guidance.

8. Impacts of the Civil Rights Restoration Act of 1987 on FHWA programs, N 4720.6, September 2, 1992

- 68 FR 51389, Aug. 26, 2003; 49 C.F.R. §21.23(e).

Original FHWA Notice described effects of the Civil Rights Restoration Act of 1987 on FHWA programs. In 2003, the USDOT published updated regulations for the USDOT and all modal administrations to codify the effect of the Restoration Act.

9. All Title VI processes and procedures included in the Procedures Manual for Processing External Complaints of Discrimination. Federal Highway Administration, July 9, 2010

- Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964.

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