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Civil Rights Title VI Program Compliance and Enforcement

www.fhwa.dot.gov/federal-aidessentials

A Federal-aid recipient must perform civil rights compliance monitoring and provide enforcement of the Federal regulations



Title VI of the Civil Rights Act of 1964, along with other nondiscrimination authorities, prohibits discrimination based upon race, color, national origin, sex, age, disability, income status, and limited English proficiency in any program or activity of an entity that receives Federal-aid.



To ensure continuous compliance with Title VI, the Federal Highway Administration, the FHWA, requires each Federal-aid recipient to have a Title VI program. That program includes assurances, a signed agreement between the recipient and FHWA that the recipient will work to prevent discrimination in all its programs and activities.



The Title VI program includes methods of administration, a system of policies and practices typically contained in an implementation plan.



Policies and practices address implementation, monitoring, and compliance and enforcement activities.

Let's take a look at how these procedures can ensure compliance with and enforcement of Title VI program requirements.

To demonstrate that an agency's programs and activities are consistently meeting requirements, agencies routinely participate in a review.



During the review, the agency is asked to show its Title VI assurance document and implementation plan. The agency also provides additional records to verify that activities, such as data collection, training, outreach, public involvement, and complaint handling, are being conducted as described in its plan.



As a result of the review, an agency may learn about actual or potential discriminatory practices, called findings, along with specific ways to remedy problems and strengthen its program. This could include training, technical assistance, or other corrective actions. Findings and corrective actions are then summarized in a report.



By implementing the report's corrective actions in a timely fashion, agencies maintain compliance with Title VI program requirements.



Failure to implement those actions can lead to a pattern of discriminatory practices that result in enforcement actions, such as suspension or termination of project funding or Federal funding as a whole. To illustrate how this process works, let's follow along as a State department of transportation, or State DOT, conducts a review of a local public agency, or LPA.

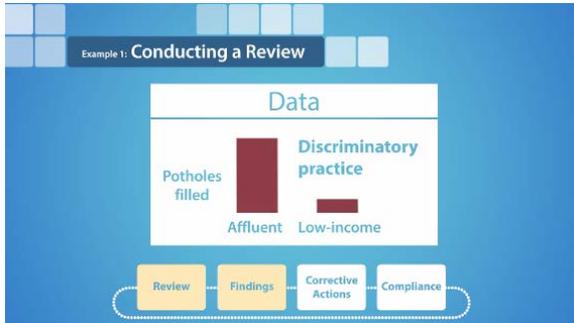


Initially, the LPA receives a letter from the State DOT informing it of an upcoming Title VI program review. The reviewer arrives onsite and asks to see the Title VI assurance document and the implementation plan.



When reviewing the plan, the reviewer notices that priorities for filling potholes will be based on

need, such as the impact on traffic. During a meeting with the maintenance department, the reviewer asks for data on the number of potholes filled and their locations.



The reviewer finds that potholes are five times more likely to be repaired in affluent areas than in low-income areas and that filling potholes based on location, rather than need, is a discriminatory practice. The reviewer recommends that the LPA adhere to their procedures and conduct nondiscrimination training sessions for the maintenance department within 90 days.



In another example, the fictional River City Department of Transportation awards a small portion of its Federal funds to Pebble Creek, an adjoining town, to help construct a bridge. After Pebble Creek conducts its public input meeting, River City receives several calls from concerned community members who were unable to attend the meeting.



River City learns that Pebble Creek’s meeting was held when most people were at work. Furthermore, while the Pebble Creek residential population largely consists of Vietnamese immigrants, no translation services were provided during the meeting, and all meeting materials were in English.

River City finds these practices inconsistent with its Title VI implementation plan. River City asks Pebble Creek to conduct an additional outreach meeting within 30 days and to provide an interpreter as well as an bilingual handouts.



As our examples illustrate, by signing the Title VI assurance document as a condition to using Federal funds, awardees agree to follow their implementation plan, participate in reviews with their funding agency, conduct reviews of any sub-awardees, and take enforcement actions when required. Failure to do so may result in a suspension or termination of Federal-aid on any or all federally funded projects. Consult your Title VI implementation plan when preparing for a review or responding to a complaint. If you have questions about creating or updating a Title VI implementation plan, consult your agency or State DOT Title VI Coordinator.

Additional Resources

- FHWA's Title VI and related statutes, including regulations for Implementing the Title VI program requirements
http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title23/23cfr200_main_02.tpl
- U.S. DOT regulations for implementing its Title VI nondiscrimination requirements
http://www.ecfr.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl
- FHWA's Office of Civil Rights Web site with additional resources to Title VI program implementation.
<http://www.fhwa.dot.gov/civilrights/>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH61-11-D-00025 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This Companion Resource is the script content for the video production of the same name.