

Training, Education, and Workforce Development

Title VI and Nondiscrimination Program

Background:

The focal point of nondiscrimination law is Title VI of the Civil Rights Act of 1964 (42 United States Code (U.S.C) §2000d), which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. However, the broader application of nondiscrimination law is found in other statutes, regulations and Executive Orders. Section 324 of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability as does the Americans with Disabilities Act of 1990 (ADA). The ADA also prohibits discrimination in the provisions of access to public buildings and requires that rest areas be accessible to persons with disabilities. The Age Discrimination Act of 1975 prohibits age discrimination. The Civil Rights Restoration Act of 1987 (Public Law 100-209) clarified the intent of Title VI to include all programs and activities of Federal-aid recipients and contractors whether those programs and activities are federally funded or not.

Title 49, Code of Federal Regulations (CFR), Part 21 of the U.S. Department of Transportation (USDOT) Regulations for the implementation of Title VI require assurances from States that no person on grounds of race, color, or national origin is excluded from participation, denied the benefits of, or in any other way subjected to discrimination under any program or activity for which the recipient receives Federal assistance from the USDOT, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

It is the policy of the FHWA to ensure compliance with Title VI and related statutes and regulations. Title 23, CFR, Part 200 provides guidelines for implementation of the FHWA's Title VI compliance programs and related civil rights laws and regulations, and for conducting Title VI program compliance reviews relative to the Federal-aid highway program. Part 200 also states that it is the States' responsibility to conduct reviews of planning agencies and other recipients of Federal-aid highway funds.

Authorities: **Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)**
23 CFR §200
49 CFR §21

FHWA Stewardship/Oversight Responsibilities:

- Ensure that all FHWA recipients/sub-recipients have an approved assurance/action plan that is being implemented in accordance with regulations (including complaint procedures)
- Ensure that recipient's programs and activities provide for a fully coordinated process (i.e., data collection and analysis of effects of transportation actions, public involvement that includes a process for seeking out and considering the needs of those traditionally underserved)
- Utilize an interdisciplinary approach, monitor and evaluate recipients/ sub-recipients' efforts to prevent, resolve or mitigate issues/situations that could lead to Title VI violations

State Transportation Agency (STA) Responsibilities:

- Submit signed Title VI Assurances
- Establish a civil rights unit with adequate staff and designate a Title VI coordinator with a responsible position and easy access to the head of the STA
- Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints
- Ensure that all Civil rights personnel be trained in compliance investigations
- Collect statistical data (race, color national origin, sex) of participants in and beneficiaries of State highway programs, (i.e., relocates, impacted citizens, and affected communities)
- Conduct annual reviews of all pertinent programs and Title VI reviews of sub-recipients, (cities, counties, consultants, universities, etc.)
- Conduct training programs on Title VI and related statutes
- Prepare a yearly Title VI Accomplishment Report and Submit an annual updated Title VI Implementation Plan to FHWA Division office
- Develop Title VI information for dissemination to the general public, when appropriate, in languages other than English
- Establish procedures for pre-grant and post-grant approval reviews
- Establish procedures to identify and eliminate discrimination; promptly resolve deficiencies, and reduce remedial actions to writing

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For more information visit our website:

www.fhwa.dot.gov/civilrights

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