

# **Title VI Nondiscrimination Program for Certification Acceptance Agencies (Federal Highway Administration)**

Presentation by ADOT Civil Rights Office

June 19, 2019

# Agenda

- **Welcome** 8:30 AM – 8:45 AM
- **FHWA Title VI Program Overview** 8:45 AM – 9:45 AM
- **Break** 9:45 AM – 10:00 AM
- **Shared Commendable Practices (Activity)** 10:00 AM – 12:00 PM
  - Develop Standard Operating Procedures (SOP)
  - Present procedures to group/Feedback
- **Closing Remarks/Survey** 12:00 PM – 12:30 PM

# Title VI Plan – Procedures

- The Agency submits the Plan to **ADOT** for review and acceptance
- Once accepted, ADOT sends an **approval letter, signed by the Title VI Program Manager**

# Title VI Plan – Procedures

- **23 CFR §200.9(b)(11)**: States “**annually** submit an **updated** Title VI implementing plan...”.
- The Plan represents policies and procedures for implementation in the **current State Fiscal Year**.
  - **Certification Acceptance** – August 1, 2019, State Fiscal Year 2020 Plan (July 1-June 30)

# Title VI Implementation Plan Activity

Write a Standard Operating Procedure (SOP) for three Implementation Plan elements that thoroughly describes the:

- process being conducted, and
- manner in which it is conducted.

Present your Team's SOPs to the class for feedback.

# Title VI Plan – Elements

- 1. Policy Statement**
- 2. Standard USDOT Title VI Assurances**
- 3. Organization & Staffing**
- 4. Program Area Review Procedures**
- 5. Special Emphasis Program Areas**
- 6. Sub-recipient Review Procedures**
- 7. Data Collection**
- 8. Training**
- 9. Complaint Procedures**
- 10. Dissemination of Title VI Information**
- 11. Limited English Proficiency**
- 12. Environmental Justice**
- 13. Review the Agency's Directives**
- 14. Compliance & Enforcement Procedures**

# 1. Policy Statement

- An **express commitment** to the Title VI Program
- Specific **programs and activities** covered by the Title VI Program
- The **Agency Title VI Program Coordinator**
- A **delegation of authority and responsibilities** to appropriate Bureau/Division Managers
- The Policy should be **signed by the Chief Executive Officer** and **circulated** throughout the organization and made available to the public

## 2. Signed Assurances

- Attach the latest USDOT Assurances, including Appendices—signed by head of Agency (head of the operating administration)
  - Attach Appendix [A](#) and [E](#) to all contracts that are federally funded
  - Attach Appendix [B](#), [C](#), & [D](#) when applicable (Real Estate)

### 3. Organization & Staffing of Civil Rights Unit

- Include a description of the relationship between the **Title VI Coordinator and the head of the Agency**
- A **description of the Title VI Coordinator's Unit** along with an organizational chart
- Outline the **roles and responsibilities** of the Title VI Coordinator, Title VI Specialist/Manager & staff

# 4. Program Area Review Procedures

- **Describe** pertinent **program areas** and the Title VI **responsibilities** of each program area and the process for conducting **yearly reviews**. The process should define:
  - The **types** of reviews and their objectives,
  - What **activities** will be reviewed for the program,
  - What **data** will be sought from the program area(s),
  - How the **data obtained** will be analyzed, and
  - How will the review determine **effectiveness**.

# 5. Special Emphasis Program Areas



*They're all Special!*

- Definition – A Program Area in which the Agency has identified a **trend** or **pattern of Discrimination** during a review of the Program Area. Once a special emphasis program has been identified:
  - Track the progress made
  - Report on progress in the Annual Report
- This section of the Plan should also:
  - Describe the process the Agency uses to identify their special emphasis program areas
  - How they address identified trends or patterns of discrimination in those areas

## 6. Sub-recipient Review Procedures

- Describe the process for conducting reviews of the sub-recipients. The process should define:
  - A **schedule** or **amount** of reviews anticipated per year,
  - The **types** of reviews and their objectives,
  - Where and when the **outcome** of the reviews will be reported,
  - What **activities** will be reviewed, and
  - How will the review determine **effectiveness**.

# 7. Data Collection & Analysis

- Develop a process for collecting data that should describe:
  - How the Agency collects data,
  - What data is collected, and
  - How the data is analyzed.
- The Agency must collect Title VI Program-related data on an on-going basis.
  - The data collected needs to be directly related to the specific processes in a Program Area.



Program Area/Activity	Demographic Data Collected	Title VI Analysis
Procurement (Purchasing) - Contracts	Race and sex of all bidders	Demographics of all bidders compared to awardees.
Public Meetings	Race and sex of all attendees (Self-ID Surveys)	Compare meeting attendee demographics with the demography of the city or neighborhoods affected.
Right-of-Way (Real Estate)	Race and sex of people whose property has been acquired	Assess demographics of relocatees compared to just compensation offers.
Maintenance	Mapped areas of maintenance work	Overlay maintenance work with race demographics.

## 8. Title VI Training

- *What are some ways your Agency provides Title VI training to your staff? Consultants, contractors?*
  - *New hire orientation*
  - *Manager training*
  - *Quarterly liaison meetings*



## 8. Title VI Training

- Describe **how** and **when** members of the following will be **trained** on Title VI Program requirements and responsibilities:
  - Agency's Civil Rights **staff**,
  - Title VI **liaisons**, and
  - Other **employees** within the agency.
- Include procedures as to **how** and **when** training will be conducted for **subrecipients** and **stakeholders**



# Complaint Procedures – Yes or No?

*Can an FHWA Title VI complaint be filed under this basis...?*

- A. Sex **No**
- B. Race **Yes**
- C. Environmental Justice **No**
- D. National Origin **Yes**
- E. Disability **No, but FHWA does accept disability complaints**

# 9. Complaint Procedures

- Describe the Agency's procedures for prompt processing, investigation, and resolution of Title VI Program complaints (race, color, and national origin) received by the Agency.
- Procedures must include:
  - A description of the complaint process identifying how and where a complaint would be filed, with which department or person, and all applicable timeframes.
  - A description of the process by which the Agency will track the complaints and keep the required data for each complaint received.
  - All FHWA Title VI & ADA complaints are to be forwarded to ADOT for processing, within 72 hours.

# 9. Complaint Procedures

If your Agency were to receive an FHWA Title VI complaint, who would investigate?

- A. CA Agency
- B. ADOT
- C. FHWA Division Office
- D. Once FHWA Division Office receives the complaint, they may delegate ADOT to investigate the Title VI complaint against the subrecipient**

# 10. Disseminate Title VI Information



- Describe your processes and procedures on educating the public on their Title VI program rights in the Transportation decision-making process
- Include the **tools, techniques, and strategies** used to involve and educate the public, including Limited English Proficient persons.

# 10. Disseminate Title VI Information



- Common methods of dissemination:
  - Notice to the Public
  - FHWA Title VI Nondiscrimination brochures
  - FHWA Title VI Nondiscrimination Implementation Plan posted on website

# 11. Limited English Proficiency (LEP)

- Describe how the Agency reaches populations with Limited English Proficiency (LEP), by including processes for:
  1. Identifying LEP Individuals Who Need Language Assistance
  2. Language Assistance Measures (how will language be provided)
  3. Training Staff
  4. Providing Notice to LEP Persons
  5. Monitoring and Updating the LEP Plan

# 11. Limited English Proficiency (LEP)

- At minimum your Implementation Plan should include:
  1. Four Factor Analysis conducted on the entire service area
  2. A process of self-assessment to determine which personnel interact with members of the public.
    - Where will your Agency potentially encounter persons with LEP?
  3. Process to identify LEP Populations citywide and project-by-project

# Four Factor Analysis

1. **Demography** – Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population
2. **Frequency** - Frequency With Which LEP Individuals Come in Contact With the Program
3. **Importance** - Nature and Importance of the Program, Activity, or Service Provided by the Program
4. **Resources** – Resources Available to the Recipient and Costs

# 12. Environmental Justice (EJ)

- *What is Environmental Justice?*
  - *Environmental Justice (EJ) at the Federal Highway Administration (FHWA) means identifying and addressing disproportionately high and adverse effects of the agency's programs, policies, and activities on **minority populations** and **low-income populations** to achieve an **equitable distribution of benefits and burdens**.*

# 12. Environmental Justice (EJ)

- Describe the process of **how** EJ is integrated into **each** program area.
  - How does Agency collect minority (race) and low-income population data?
    - Current sources? Potential sources?
    - Describe how the affected program area is using the minority (race) and low-income data to further evaluate impacts to these populations according to the EJ Executive Order and available Federal guidance (i.e., identify disproportionate and highly adverse impacts, conduct a benefits and burdens analysis, etc.)
  - Describe how each program integrates EJ into Public Participation

# 13. Review of Agency Directives

- Agency must describe the process of reviewing directives for potential Title VI implications.
  - Agency's should periodically review their local directives
- Agency must also describe process for reconciling issues if directives have Title VI implications.
  - If Title VI implications are found, then the Agency needs to interpret how this may affect each program area (from a Title VI perspective).



# 14. Compliance and Enforcement Procedures

- How are trends/patterns of discrimination:
  - Identified
  - Eliminated
- How are compliance reviews of sub-recipients:
  - Conducted
  - Determined compliant
  - Enforced



# Implementation Plan Wrap-Up

- Plan should have the submittal date, and the effective date
- Plan should contain the Agency Title VI Standard Operating Procedures (SOP) and NOT updates and accomplishments
- Agencies will submit a Plan every year, with newly signed FHWA Title VI Assurances and Policy Statement, and a Four Factor Analysis
- Post ADOT CRO approved FHWA Title VI Nondiscrimination Plan on your Agency's public website
  - ADOT may “conditionally approve” Plan with changes to be made in upcoming year

# Goals and Accomplishments – Procedures

- **23 CFR §200.9(b)(10)**: States “prepare a yearly report of Title VI **accomplishments** for the past year and **goals** for the next year.”

# Accomplishments should include:

1. **Program Area Reviews** - Number of reviews, results, and actions taken; any corrective actions being taken
2. **Subrecipient Reviews** - Number of reviews, results, and actions taken
3. **Training** - Number of trainings, topics covered, audience, number of attendees, and follow up (if any)
4. **Title VI Complaints** - Summary for each complaint with current status

# Goals should include:

5. Number of reviews planned for the next year

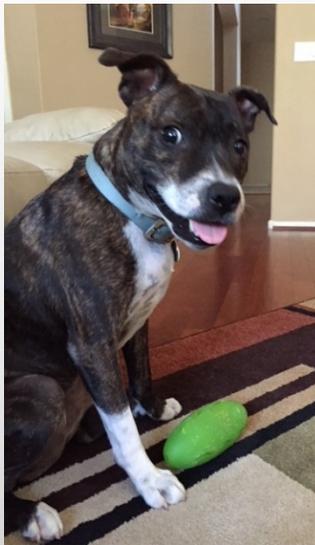
- Program Area Reviews
- Sub-recipient Reviews

6. Number and description of sessions planned for FHWA Title VI training

- Internal (to Agency staff)
- External (has the Title VI Coordinator attended any trainings)

7. Any other Title VI related goals the Agency anticipates for the upcoming year

# Questions



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