



# Title VI Implementation Plan: Federal Fiscal Year 2022



Office of Civil Rights  
Title VI Branch

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(Hmong)

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(Spanish)

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(Korean)

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(Resisan)

Для получения услуг или копий в одном из указанных альтернативных форматов или на другом языке, просим звонить Glenda Collins по телефону (916) 324-8379 или посетить сайт [www.dot.ca.gov](http://www.dot.ca.gov).

(Tagalog)

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(Vietnamese)

Để có các dịch vụ hoặc bản sao dưới một dạng thức hoặc ngôn ngữ khác, xin liên lạc Glenda Collins tại (916) 324-8379, hoặc đến viếng trang mạng [www.dot.ca.gov](http://www.dot.ca.gov).

(Chinese)

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## I. Introduction

The California Department of Transportation (Caltrans) is a recipient of Federal Highway Administration (FHWA) federal-aid highway funds. Recipients of federal funds are required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 ("Title VI"). Title VI forbids discrimination against anyone in the United States on the basis of race, color, or national origin in the programs and activities of an agency receiving federal financial assistance. In addition to Title VI, other non-discrimination statutes that afford legal protection are: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability). Together, these requirements define an over-arching Title VI Program.

It is important to also understand that Title VI and the additional non-discrimination requirements apply to all Caltrans programs even if only one program were to receive federal funds. The Civil Rights Restoration Act of 1987 defined the word "program" to clarify that discrimination is prohibited throughout an entire agency if any part of the agency receives federal funds. Simply stated, Caltrans is to ensure that none of its activities or programs treat any person or any part of a community any differently than another. Caltrans is committed to achieving full compliance and expects every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by Caltrans to be aware of and apply the intent and requirements of Title VI and related non-discrimination statutes in performing assigned duties.

The FHWA requires Caltrans, as a recipient, to prepare a plan to clarify roles, responsibilities, and procedures to ensure compliance with Title VI and related non-discrimination statutes. Title 23 of the Code of Federal Regulations (CFR) 200.9(b)(11) requires an updated Title VI Program Plan for every year by October 1.

The *California Department of Transportation Title VI Implementation Plan* ("Plan") focuses on the functional areas with significant public contact and public impact responsibilities and provides the policy direction necessary to ensure compliance with Title VI and related non-discrimination statutes.

Caltrans Office of Civil Rights (OCR), through its Deputy Director, works with staff to implement and monitor compliance with Title VI non-discrimination requirements.



Questions about Caltrans' Title VI Program are to be directed to:

Office of Civil Rights, Title VI Branch, 1823 14<sup>th</sup> Street, MS-79, Sacramento, CA 95811. Phone: (916) 324-8379; Fax (916) 324-1949; E-mail: [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov)

## A. Caltrans Non-Discrimination Policy Statement (English)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

### DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR  
P.O. BOX 942873, MS-49  
SACRAMENTO, CA 94273-0001  
PHONE (916) 654-6130  
FAX (916) 653-5776  
TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



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September 2021

### 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; PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 324-8379 (TTY 711); or at [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov).



Toks Omishakin  
Director

*"Provide a safe and reliable transportation network that serves all people and respects the environment."*

## B. Caltrans Non-Discrimination Policy Statement (Spanish)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

### DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR  
P.O. BOX 942873, MS-49  
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### DECLARACIÓN DE POLÍTICA DE NO DISCRIMINACIÓN

El Departamento de Transporte de California, bajo el Título VI de la Ley de Derechos Civiles de 1964, asegura que *"Ninguna persona en los Estados Unidos, debido a su raza, color u origen nacional, será excluida de participar, ni se le negarán los beneficios, o será objeto de discriminación, en ningún programa o actividad que reciba ayuda financiera federal."*

Caltrans hará todos los esfuerzos para asegurar que no exista discriminación en ninguno de sus servicios, programas y actividades, ya sea que reciban fondos del gobierno federal o no, y que los servicios y beneficios sean justamente distribuidos a todas las personas sin importar su raza, color, u origen nacional. Adicionalmente, Caltrans facilitará la participación significativa en el proceso de planeación de los programas de transporte de manera no discriminatoria.

Los estatutos federales relacionados, los remedios, y la ley estatal refuerzan estas protecciones para incluir el sexo, la discapacidad, la religión, la orientación sexual y la edad.

Para información u orientación sobre cómo presentar una queja o para obtener más información relacionada con el Título VI, por favor comuníquese con el Gerente del Título VI al teléfono (916) 324-8379 o visite la siguiente página de Internet: <https://dot.ca.gov/programs/civil-rights/title-vi>.

Para obtener esta información en un formato alternativo como el Braille o en un lenguaje diferente al inglés, por favor póngase en contacto con la Oficina de Derechos Civiles del Departamento de Transporte de California, al 1823 14<sup>th</sup> Street, MS-79, Sacramento, CA 95811; PO Box 942874, MS-79, Sacramento, CA 94274-0001; al teléfono (916) 324-8379 (Teléfono de Texto TTY: 711); o al email: [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov)



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## C. Non-Discrimination Laws and Executive Orders

Caltrans policies and procedures are governed by a wide range of requirements, including federal laws, regulations, and executive orders. Title VI requirements include, but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000d et seq.) is a federal law that protects all persons in the U.S. from discrimination on the basis of race, color, or national origin in federally assisted programs and activities. Since other non-discrimination authorities have expanded the scope and range of Title VI application and reach, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.<sup>1</sup>
- The Uniform Act of 1970 (42 U.S.C. 4601 et seq.) prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.<sup>2</sup>
- Section 162(a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324) prohibits discrimination based on gender.
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) prohibits discrimination based on a handicap/disability.<sup>3</sup>
- The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) prohibits discrimination based on age.<sup>4</sup>
- The Civil Rights Restoration Act of 1987 (Pub. L. 100-259) further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.<sup>5</sup>
- 23 Code of Federal Regulations (CFR) Part 200, the Federal Highway

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<sup>1</sup>US Department of Justice. Title VI of the Civil Rights Act of 1964. Accessed August 24, 2021. <https://www.justice.gov/crt/fcs/TitleVI-Overview>

<sup>2</sup> Federal Highway Administration (FHWA). Federal-Aid Policy Guide. Accessed August 24, 2021.

<https://www.fhwa.dot.gov/legregs/directives/fapg/cfr4924a.htm>

<sup>3</sup> FHWA Title VI of the Civil Rights Act and Additional Non-Discrimination Requirements. Accessed August 24, 2021.

<https://www.fhwa.dot.gov/civilrights/programs/tvi.cfm>

<sup>4</sup> US Department of Health and Human Services. Civil Rights Age Discrimination. Accessed August 24, 2021. <https://www.hhs.gov/civil-rights/for-individuals/age-discrimination/index.html>

<sup>5</sup> FHWA. Civil Rights Restoration Act. Accessed August 24, 2021.

[https://www.fhwa.dot.gov/environment/environmental\\_justice/legislation/restoration\\_act.cfm](https://www.fhwa.dot.gov/environment/environmental_justice/legislation/restoration_act.cfm)

- Administration's Title VI Program Implementation and Review Procedures.<sup>6</sup>
- 49 CFR Part 21, the U.S. Department of Transportation's Implementing Regulations of Title VI of the Civil Rights Act of 1964.<sup>7</sup>
  - Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, addresses disproportionate adverse environmental, social, and economic impacts that may exist in communities, specifically minority and low-income populations.<sup>8</sup>
  - Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak, or understand English.<sup>9</sup>
  - DOT Order 1050.2A requires Caltrans to include certain language into contracts to ensure non-discrimination is being implemented on a contractual level.<sup>10</sup>

## II. Staffing and Organization

### A. Caltrans Title VI Coordinator

Caltrans' Director is ultimately responsible for assuring full compliance with the provisions of Title VI and has directed that non-discrimination is required of all agency employees. Pursuant to 23 CFR 200.9 (b) (1), Caltrans has established an adequately staffed Office of Civil Rights (OCR) to fulfill Title VI statutory and regulatory requirements. Pursuant to 23 CFR 200.9, the OCR

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<sup>6</sup> FHWA. Federal-Aid Policy Guide. Accessed August 24, 2021.

<https://www.fhwa.dot.gov/legregs/directives/fapg/cfr0200.htm>

<sup>7</sup> US Government Publishing Office. Electronic Code of Federal Regulations.

Accessed August 24, 2021. <https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=5fc7946b772f5f6b1177c7eebb0fc39&rgn=div5&view=text&node=49:1.0.1.1.15&idno=49>

<sup>8</sup> US DOT. Executive Order 12898. Accessed August 24, 2021.

<https://www.transportation.gov/civil-rights/civil-rights-library/executive-order-12898>

<sup>9</sup> US DOT Title VI & Executive Order 13166. Accessed August 24, 2021.

<https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/title-vi-executive-order-13166>

<sup>10</sup> DOT Order 1050.2A. Accessed August 24, 2021.

[https://www.faa.gov/about/office\\_org/headquarters\\_offices/acr/com\\_civ\\_support/non\\_disc\\_pr/media/dot\\_order\\_1050\\_2A\\_standard\\_dot\\_title\\_vi\\_assurances.pdf](https://www.faa.gov/about/office_org/headquarters_offices/acr/com_civ_support/non_disc_pr/media/dot_order_1050_2A_standard_dot_title_vi_assurances.pdf)

has been delegated the responsibility for Title VI actions and its Deputy Director has been designated the Title VI Coordinator. The Title VI Coordinator has direct access to Caltrans' Director.

## **B. Office of Civil Rights' Role and Responsibilities**

The Title VI Coordinator provides leadership and guidance to OCR's Title VI Office. The Title VI Office has a team of staff who act as resource for Caltrans staff statewide, especially to District Title VI Liaisons in District offices and Title VI Program Area Advisors in Headquarters (HQ) Divisions. These staff also prepare implementation plans, conduct annual assessments of pertinent Caltrans program areas, make recommendations to enhance compliance, investigate and resolve Title VI complaints if designated to do so by FHWA, and prepare all necessary reports.

In accordance with 23 CFR Section 200.9(b)<sup>11</sup>, Caltrans is obligated to:

- Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints received directly by Caltrans and not by FHWA.
- Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens, and affected communities.
- Develop a program to conduct Title VI reviews of program areas.
- Conduct annual reviews of special emphasis program areas to determine the effectiveness of program area activities at all levels.
- Conduct training programs on Title VI and related statutes for Caltrans personnel.
- Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
- Submit annually an updated Title VI Program Implementation Plan to the Regional Federal Highway Administrator for approval or disapproval.
- Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- Establish procedures to identify and eliminate discrimination when it is found to exist.

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<sup>11</sup> FHWA. Federal-Aid Policy Guide. Accessed November 22, 2017.  
<https://www.fhwa.dot.gov/legregs/directives/fapg/cfr0200.htm>

- Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

OCR will assist the Districts and HQ Divisions (Divisions) in meeting the above stated mandates by:

- Providing technical assistance to department personnel and maintaining the internal Public Participation Page.
- Assisting department personnel in correcting discriminatory practices or policies.
- Reviewing documents as needed for compliance with Title VI to ensure that procedures used have safeguards to prevent discrimination.
- Conducting Title VI compliance reviews of Districts and specific Divisions determined to be critical for Title VI compliance.
- Developing Title VI training material and conducting training sessions and workshops.
- Developing Title VI information for dissemination to the public and, where appropriate, in languages other than English.
- Processing Title VI external complaints of discrimination using the [Caltrans Title VI Complaint Process](#).
- Collection of statistical data (race, color, national origin, sex, disability, and age) on participants in, and beneficiaries of Caltrans' programs, activities, and services.
- Identifying and eliminating discrimination when found to exist.
- Providing technical assistance to Districts/Divisions with conducting Title VI compliance reviews of Caltrans program area activities and cities, counties, consultants, contractors, suppliers, planning agencies, and other sub-recipients of federal financial assistance.
- Ensuring Title VI requirements are included in Caltrans procedure manuals or handbooks and that the procedures have built-in safeguards to prevent discrimination.
- Coordinating the development and implementation of a training program.
- Preparing and submitting the Title VI Implementation Plan and the Title VI Accomplishments and Goals Report. After final copies are submitted to the FHWA, OCR will offer to meet Districts/HQ Divisions individually and provide feedback.
- Assisting department personnel to correct Title VI problems or discriminatory practices or policies found when conducting self-monitoring and/or compliance review activities.

- Updating the Language Access Plan (LAP) as needed for Caltrans.

### **C. Districts and Divisions Roles and Responsibilities**

Caltrans has 12 District offices statewide where each District consist of divisions (Planning, Design, Environmental, Construction, Project Management, Right of Way, and Maintenance) that have public contact or public impact. Each District and HQ Division (identified in this Plan as having a significant role) has an important role to play in ensuring that Title VI issues are handled as they arise, and that every person in California is offered the opportunity to receive the benefits of, services from, and participate in activities of Caltrans. Deputy Directors, Assistant Directors, District Directors, and Division Chiefs are to promote awareness on Title VI issues and ensure that Caltrans' actions and services are consistent with policy guidance and with existing federal and state laws and regulations. Each Division and District is responsible for:

- Participating in the program and maintaining compliance with Title VI requirements by providing staff with the appropriate resources, time, and training.
- Appointing a District Title VI Liaison (Liaison) or HQ Division Program Area Advisor (PAA) and include Title VI duties in their duty statement.
- Developing and updating Title VI policies and procedures.
- Developing procedures for processing external discrimination complaints and ensuring they are sent to OCR in a timely manner.
- Providing accommodations for Limited English Proficient (LEP) persons and translating vital documents.
- Ensuring non-discrimination in the public participation process.
- Collecting Title VI data and submitting to OCR for review/analysis to ensure non-discrimination in programs and activities.
- Reporting Title VI accomplishments and goals to OCR for inclusion in the annual Title VI Goals and Accomplishments report.
- Reporting any changes to the District's/Division's approach to Title VI that is reported in the Title VI Implementation Plan.
- Disseminating Title VI information by way of posters, brochures, and links on the internet and intranet page of the District/Division for internal and external awareness.
- Reviewing internal practices and processes for compliance with Title VI policies and requirements continually.
- Reviewing external recipients of Caltrans funds (sub-recipients, contractors, consultants, local agencies, universities, etc.) for compliance with Title VI requirements, including providing technical assistance and training.

- Reviewing and incorporating Caltrans' Language Access Plan into District and Division-wide policies and procedures.

#### **D. Program Area Advisors and District Title VI Liaisons**

The HQ Division Program Area Advisors (PAAs) are responsible for the application of Title VI in their respective program areas and are responsible for ensuring Title VI compliance in their respective divisions through policy development, procedures, and monitoring. These individuals work closely with the Title VI Branch and Liaisons. PAAs are in 14 of the HQ Divisions and are responsible for ensuring Title VI compliance in their respective divisions.

The Liaisons work closely with the Title VI Branch and PAAs through programs, procedures, implementation, and ongoing monitoring in the districts. Liaisons are in each of the 12 district offices and are responsible for ensuring Title VI compliance in their respective districts.

The PAAs' and Liaisons' responsibilities include:

- Assisting Caltrans personnel in correcting Title VI problems or discriminatory practices found through self-monitoring and review activities.
- Being the contact person for Title VI implementation and monitoring of programs within the Divisions/Districts.
- Following the complaint process/procedures and assisting other staff in doing so.
- Attending trainings and quarterly meetings held by the Title VI Branch.
- Advising the Title VI Branch of Title VI complaints, using the Title VI email ([Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov)). The complaint should be reported to OCR within 24 hours of receiving it.
- Ensuring Title VI requirements are included in Caltrans policies, procedures, contracts, handbooks, and program manuals and that the procedures have built-in safeguards to prevent discrimination. This includes adding or updating Title VI requirements when policies, procedures, contracts, handbooks, and manuals are updated.
- Ensuring the collection and analysis of statistical data to determine transportation investment benefits and burdens to the eligible population and to identify any potential disparate impacts.
- Conducting self-monitoring activities within the District/Division to identify and correct possible violations of Title VI.
- Providing guidance and technical assistance to department staff to correct Title VI problems or discriminatory practices or policies.

- Working with District/Division personnel to promote awareness of Title VI requirements, policies, and processes internally and externally.
- Assisting the Title VI Branch in coordinating and conducting compliance reviews.
- Ensuring staff complete the Title VI online training every two years.
- Requiring retired annuitants and student assistants to complete Title VI training every two years. As these employees most likely do not have access to the Title VI Online Training, provide hardcopies of the online training to the employee and score the answers to the quiz. When complete, contact the Title VI Branch for a copy of the certificate.
- Providing Title VI compliance information to Prime Contractors at pre-construction meetings.
- Updating the Caltrans Volunteer Bilingual List annually.

## **E. Headquarters (HQ) Divisions**

The Title VI Branch works with 14 Divisions in HQ where these Divisions have limited contact with the public; however, these Divisions have oversight and/or set policies and procedures for HQ staff to use, as well as for District staff.

The following HQ Divisions are required to appoint a PAA and comply with the requirements in this document:

### **1. Administration**

#### **Division of Procurement and Contracts**

The Division of Procurement and Contracts (DPAC) ensures that Caltrans service contracts and construction contracts (\$333,000 or less) are consistent with existing federal and state contracting laws and regulations, including Title VI requirements.

For more information about DPAC, please visit:

<https://dot.ca.gov/programs/procurement-and-contracts/>

### **2. Maintenance and Operations**

#### **Division of Maintenance**

The Division of Maintenance ensures preservation, maintenance, and restoration of the California State Highway System, including the operation of highway facilities and services to provide a satisfactory and safe highway transportation system. Due to limited resources, maintenance activities must

be accomplished according to standard priorities in order of importance: safety, preservation of the facility, traffic service, and appearance.

For more information about the Division of Maintenance, please visit: <https://dot.ca.gov/programs/maintenance>

### **Division of Traffic Operations**

The Division of Traffic Operations establishes statewide policies and procedures related to the program, identifies, and prioritizes the programming of safety and operational improvement projects, and manages the Statewide Transportation and Encroachment Permits programs. The Division of Traffic Operations plays an important role in efficient system management through administering effective transportation and incident management and traveler information programs.

For more information about the Division of Traffic Operations, please visit: <https://dot.ca.gov/programs/traffic-operations>

## **3. Planning and Modal Programs**

### **Division of Aeronautics**

The Division of Aeronautics is responsible for managing permits and annual inspections of heliports and public-use airports; making recommendations regarding proposed school sites within two miles of an airport runway and authorizes helicopter landing sites at or near schools; administering noise regulation and land-use planning laws that foster compatible land-use planning around airports and encourages environmental mitigation measures to lessen noise, air pollution, and other impacts caused by aviation; and providing grants and loans for safety, maintenance, and capital improvement projects at airports.

For more information about the Division of Aeronautics, please visit: <https://dot.ca.gov/programs/aeronautics>

### **Division of Local Assistance**

The Division of Local Assistance ensures that all local agencies receiving federal-aid funds through Caltrans are fully informed of, and comply with, Title VI requirements. Details regarding local agency compliance can be found in [Chapter 9 of the Local Assistance Procedures Manual](#).

For more information about the Division of Local Assistance, please visit: <https://dot.ca.gov/programs/local-assistance/>

**Division of Rail and Mass Transportation**

The Division of Rail and Mass Transportation (DRMT) administers and manages state and federal transit and rail grant programs that provide funding for operating assistance, capital improvements, and equipment to California's public transportation agencies. DRMT plans and develops intercity rail capital projects and highway/railroad crossing improvements and develops the California State Rail Plan and the Statewide Transit Strategic Plan to strategically plan, support, and coordinate California's passenger rail and mass transportation system.

For more information about the Division of Rail and Mass Transportation, please visit: <https://dot.ca.gov/programs/rail-and-mass-transportation>

[Note: DRMT prepares it's own Title VI Implementation Plan for the Federal Transit Administration.](#)

**Division of Research, Innovation and System Information**

The Division of Research, Innovation and System Information (DRISI), in collaboration with academic and industry partners including minority institutions, is responsible for developing innovative technologies to build an integrated up-to-date transportation system using cutting edge technology in accordance with Title VI requirements. In addition, DRISI works closely with other Caltrans programs and State agencies to provide design, construction, and maintenance solutions to day-to-day problems.

For more information about the Division of Research, Innovation and System Information, please visit: <https://dot.ca.gov/programs/research-innovation-system-information/>

**Division of Transportation Planning**

The Division of Transportation Planning develops policies and programs to implement and to coordinate transportation equity in the planning process; works with districts, regional planning agencies, federal agencies, and other appropriate entities; develops strategies to improve the participation of under-represented groups in planning and decision making; and provides for sufficient and appropriate data equity analysis and studies for transportation decisions and technical assistance to address and promote Title VI.

For more information about the Division of Transportation Planning, please visit: <https://dot.ca.gov/programs/transportation-planning>

## 4. Project Delivery

### **Division of Construction**

The Division of Construction ensures the delivery of quality transportation products and services that comply with Title VI during project delivery, including mitigation measures. The Division of Construction establishes the division's direction, definition, and the policy and objectives. The Division of Construction develops and uses performance measures to determine program efficiency and effectiveness.

For more information about the Division of Construction, please visit:  
<https://dot.ca.gov/programs/construction>

### **Division of Design**

The Division of Design ensures project plans, specifications, and estimates conform with federal and state laws, including Title VI requirements. Using the Project Development Teams, they ensure mitigation measures are carried out.

For more information about the Division of Design, please visit:  
<https://dot.ca.gov/programs/design>

### **Division of Engineering Services**

The Division of Engineering Services ensures that construction contracts are consistent with federal and state contracting laws and regulations, including Title VI requirements.

For more information about the Division of Engineering Services, please visit:  
<https://dot.ca.gov/programs/engineering-services>

### **Division of Environmental Analysis**

The Division of Environmental Analysis (DEA) ensures compliance with Title VI during project development and within the National Environmental Policy Act (NEPA) process. The DEA conducts project level and community impact assessments concerning adverse environmental, economic, health and social issues during project development. The DEA also provides guidance to internal and external environmental planners on ways to understand, measure, and minimize or avoid adverse project impacts on the human environment.

For more information about the DEA, please visit:  
<https://dot.ca.gov/programs/environmental-analysis/>

**Division of Project Management**

The Division of Project Management is responsible for the management and delivery of transportation improvement projects from inception to construction to close-out to meet the transportation needs for the people of the state of California.

For more information about the Division of Project Management, please visit: <https://dot.ca.gov/programs/project-management>

**Division of Right of Way and Land Surveys**

The Division of Right of Way and Land Surveys ensures that the property acquisition for construction transportation projects and its effects are in accordance with federal and state laws, including Title VI requirements.

For more information about the Division of Right of Way and Land Surveys, please visit: <https://dot.ca.gov/programs/right-of-way>

**III. Internal Review Procedures****A. Compliance Review Process**

Title VI Branch is required to conduct compliance reviews of Caltrans programs. The Title VI Branch conducts compliance reviews of the Districts and HQ Divisions to:

- Ensure compliance with Title VI
- Provide technical assistance in the implementation of the Title VI Program
- Correct deficiencies, within 90-days, if they are found to exist

The review consists of a desk review and, if needed, an onsite review to ensure compliance with Title VI requirements.

**B. Compliance and Enforcement**

When deficiencies are found, the Title VI Branch will give Districts and HQ Divisions 90 days to correct deficiencies included in the written report provided to Districts and Divisions. The Title VI Branch will provide an opportunity to discuss deficiencies with Districts and HQ Divisions.

Within 90 days, Districts and HQ Divisions may contact the Title VI Branch for assistance or guidance. If Districts and HQ Divisions provide evidence of the corrections and/or a corrective action plan by 90 days, the Title VI Branch will close out the review. After 90 days, if Districts and HQ Divisions fail to send the

Title VI Branch the corrective action plan, the Title VI Branch will follow-up with Districts and HQ Divisions to determine the reason for not meeting the deadline.

If Districts and Divisions are having difficulties implementing the corrections and/or coming up with a plan to correct deficiencies, the Title VI Branch will assist and work with the Districts and HQ Divisions. The Title VI Branch Manager may give additional time for Districts and HQ Divisions to correct deficiencies or may deem them non-compliant after attempts to work with Districts and HQ Divisions fail.

For non-compliance, the Title VI Branch will draft a memorandum for the Title VI Coordinator's signature to the Director indicating the deficiencies and a summary of actions taken. The Director will then be responsible for taking the appropriate corrective actions for non-compliant Districts or HQ Divisions.

### **C. Desk Review**

The Title VI Branch conducts desk reviews on a biannual basis (half of the 26 reviews each fiscal year), reviewing the District's or HQ Division's prior year's Title VI Goals and Accomplishments report and other available material to understand how the District or HQ Division is complying with Title VI requirements. The Title VI Branch will use a rubric to determine Districts' and Divisions' compliance status and, at the conclusion of the desk review, will determine which Districts and HQ Divisions are to receive an onsite review, using the quantity and quality of non-compliant items to inform that decision. Districts and Divisions with fewer non-compliant items and less egregious non-compliant items are considered to be low risk and will not receive an onsite review.

The desk review also includes researching the District's or HQ Division's Internet and intranet pages for the following:

- Links to OCR's complaint process and to OCR's complaint form, in both English and Spanish.
- Feature the Non-Discrimination Policy Statement, in both English and Spanish.
- Notification of upcoming public events or public involvement opportunities (such as fairs, workshops, or public meetings) accompanied with a statement informing the public of free language interpreting/translation services in languages other than English.

## Procedures

There are three steps in completing the Title VI desk compliance reviews:

1. Perform a desk review of a District or pertinent HQ Division using information gathered from the appropriate intranet and internet sites, the Title VI Goals and Accomplishments report from the most recent federal fiscal year, Title VI training data, a supplemental questionnaire (if needed), and other Department resources, such as manuals, handbooks, policies, and procedures. The review is conducted using a rubric created by the Title VI Branch analysts which evaluates Districts and HQ Divisions for compliance with the requirements laid out in this Plan. The desk review portion consists of:
  - a. Sending a notification email to the District Director/Division Chief, carbon copying the chain of command down to the Liaison/PAA and the Title VI analyst's chain of command
  - b. Gathering all of the pertinent information and documents
  - c. Reviewing the documentation and information and filling out the rubric
  - d. Sending the draft rubric to the other Title VI analysts for their feedback
  - e. Updating the rubric to include the other Title VI analysts' feedback and sending to the Title VI Branch Manager for approval
  - f. Drafting the cover memo and sending the cover memo and the approved rubric to the Office Chief for approval and a signature on the cover memo
  - g. Drafting and sending the Title VI Branch Manager the template email for the closeout of the desk compliance review
  - h. If the District/Division had action items to complete, once their responses are returned, verifying they have completed their action items
  - i. Drafting the closeout cover memo and sending to the Office Chief for approval and a signature on the cover memo
  - j. Drafting and sending the Title VI Branch Manager the template email for the second closeout memo

2. Send the results of the desk review to the appropriate District Title VI Liaison (Liaison) or HQ Program Area Advisor (PAA) and their chain of command including their District Director or Division Chief. These results are to be sent out via email by the Title VI Branch Manager who will carbon copy the Title VI analyst that performed the review, the Title VI Office Chief, and the Deputy Director of Caltrans' Office of Civil Rights (OCR).
3. The Title VI Branch analysts and OCR Management determine which divisions and districts will receive an onsite review based on the results of the desk review.

#### **D. Onsite Visit and Review**

During a compliance review onsite visit, Title VI Branch staff will review the District or HQ Division in the following areas:

- Program Area Advisor/District Title VI Liaison Roles and Responsibilities (23 CFR 200.9(b)(2))
- Policy and Procedure Review Process (23 CFR 200.9(b)(14))
- Title VI Complaint Procedures (23 CFR 200.9(b)(3))
- Training (Director's Policy (DP) 28-R1)
- Self-Monitoring and Data Collection (23 CFR 200.9(b)(4) and 49 CFR 21.9(b))
- Limited English Proficiency (LEP) (23 CFR 200.9(b)(12); Executive Order 13166)
- Dissemination of Title VI Information to the Public (23 CFR 200.9(b)(12))
- Contracts, Grants, and Agreements (23 CFR 200.9(b)(13), DOT Order 1050.2A).

#### **Procedures**

There are six steps in completing the Title VI onsite compliance reviews:

1. Contact the appropriate Liaisons and PAAs to create a schedule for the onsite review.
2. Send the Liaisons and PAAs a checklist for the onsite review which includes a list of who should be available for meetings and what information will be covered in the training, which is based on the findings of the desk review.
3. Schedule travel and prepare itinerary. Then, send to management for approval.

- a. If management does not approve, correct the travel plans and itinerary as necessary and resubmit.
4. Day 1: The onsite compliance review will start with an entrance meeting with the District Director or the Division Chief. For the remainder of the day, the Review Team will meet with preselected employees helping them understand the reporting requirements and other Title VI-related information. This day will also be used to verify some of the physical requirements of Title VI, such as the posting of the Non-Discrimination Policy Statements and the availability of Title VI Brochures.
5. Day 2: The Review Team will conduct a group training where all of the preselected employees will be trained on the particular areas of information in which the group at large underperformed.
6. Day 3: The Review Team will attend a public meeting if one is conveniently available during the week of the onsite review. The absence of a public meeting does not preclude an onsite review. This day may be swapped with another day of the review if necessary.

## **E. After the Onsite Visit Review**

After the onsite visit review has been completed, Title VI Branch staff will conduct an exit interview. During this exit interview, Title VI Branch staff will deliver results of the compliance review and work to find meaningful solutions to issues found, if any. This is also the time that District or HQ Division staff can weigh in on the issues and can discuss points of contention. Title VI Branch staff will create a written report that will document this review.

## **Procedures**

After the onsite review has been completed, the following steps are conducted to close out the review:

1. An exit meeting will take place at the end of the review to share preliminary findings/observations with the District Director or Division Chief. The timing of the exit meeting will depend on the schedule for the review, potentially taking place at the end of Day 2 or at the beginning or end of Day 3.

2. Complete another desk review 90 day after the onsite review. This review will use information contained within the current federal fiscal year Title VI Goals and Accomplishments Report as well as all other previously mentioned resources.
3. Send the 90-day desk review report to the District Director or Division Chief and appropriate District Title VI Liaison or PAA.

The onsite review is complete when all action items are completed by the District or Division. If completed action items are not submitted and the District or Division will not work with the Title VI Branch, the Branch will consult the Deputy Director of the Office of Civil Rights.

## **IV. Program Area Reviews**

Caltrans' mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities. Caltrans has a comprehensive transportation program, each area of which is essential to achieving the mission through Caltrans core values. To measure the effectiveness of the program and ensure mission advancement, Caltrans monitors and collects program data related to transportation issues. The following describes the various program areas, the activities conducted, and the data reviewed for nondiscrimination.

### **A. General Guidelines**

The cornerstone of Title VI compliance in all Caltrans programs is outreach and public involvement. Caltrans has a Public Involvement Program that is designed to provide early, continuous, and extensive outreach to all communities, but particularly to ensure that project selection does not subject populations to disparate, adverse effects based on race, color, or national origin. Each district/HQ divisions uses a manual which describes how the district/HQ division complies with Title VI requirements. Each district/HQ division reports annually to the Title VI Branch, who reviews each report for compliance.

Caltrans uses a process to annually review Title VI activities to ensure nondiscrimination. The Title VI Branch examines data for nondiscrimination, which may include, but not be limited to:

- Sampling of contracts to ensure inclusion of required nondiscrimination provisions as well as nondiscrimination in the selection of consulting firms.

- Sampling of public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language and to ensure that such outreach is conducted in other languages as appropriate.
- Reviewing Title VI annual reports analyzing data for possible trends of discrimination.
- Interviewing district staff to identify emerging issues and needs.
- Sampling environmental documents to ensure Community Impact Assessments appropriately identify underserved communities and discuss avoidance, minimization, and mitigation of potentially disproportionate, adverse impacts.
- Choosing media outlets and other disbursement networks to ensure access to traditionally underserved and LEP customers.
- Ensuring that meetings, hearings, and other public involvement events are held in accessible locations and at times to garner the best representation of the impacted community.
- Collecting questions, concerns, comments, or complaints from the public, ensuring they are appropriately addressed and forwarding potential discrimination concerns to the appropriate official.

## V. Sub-recipient Review Procedures

Sub-recipients of federal aid in California, specifically local agencies, including cities, counties, Metropolitan Planning Organizations (MPOs), and Regional Transportation Planning Agencies (RTPAs) receiving U.S. Department of Transportation (USDOT), FHWA funds through Caltrans, are required to comply with Title VI requirements. Guidelines for complying with Title VI requirements are found in the Division of Local Assistance's Local Agency Procedures Manual (LAPM), Chapter 9–“[Civil Rights and Disadvantaged Business Enterprises](#).”

The Office of Civil Rights oversees the Division of Local Assistance and the Division of Transportation Planning in their oversight efforts during Title VI Compliance Reviews.

### A. Division of Local Assistance

California Department of Transportation (Caltrans) Division of Local Assistance (HQ DLA) conducts sub-recipient compliance reviews to ensure compliance with federal and state regulations, including Title VI of Civil Rights of 1964. In addition, sub-recipients are required to comply with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and

Low-Income Populations," and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency."

Compliance reviews are conducted in each of the 12 districts. The compliance reviews apply to the local public agencies, contractors, and subcontractors. The nature of the compliance review is to document that the required processes are being followed in compliance with the laws and regulations. Compliance review team members are typically representatives from Federal Highway Administration (FHWA), consultants, Caltrans Office of Civil Rights (OCR), and HQ DLA, as well as other involved District staff. The frequency of these reviews and selection of districts depends on the subject and level of compliance; reviews can occur at any time and at Caltrans' discretion. Reviews consist of a desk assessment and/or an onsite visit. Reviewers summarize observations and findings in a compliance review report that is provided to the local agency and to OCR and FHWA upon request. Corrective action may be required, where applicable.

## **1. Notification**

HQ DLA staff will send a notice of compliance review providing the reason for the review and a request for documents to the sub-recipient. The sub-recipient will have sixty (60) days to produce the requested documentation. The District office will also be notified of the compliance review. Any sub-recipient who fails to respond to a notice of compliance review, including the request for information, within the prescribed deadline shall receive written notification of sub-recipient's deficiency status from HQ DLA.

## **2. Desk Assessments/Onsite Reviews**

Information received from the sub-recipient is desk reviewed by HQ DLA staff, and a telephone call is scheduled to discuss preliminary deficiencies observed and to request additional information as necessary. The findings made during the desk assessment generally determine whether an onsite review will be necessary. If an onsite review is necessary, the subrecipient will be notified.

HQ DLA staff will prepare a report of findings, which may include recommendations to strengthen the sub-recipient's Title VI program. Following the conclusion of the desk assessment and/or onsite review, the reviewer shall provide the sub-recipient with a written report of preliminary findings which shall:

- Document any deficiencies observed and direct the subrecipient to come into compliance within 90 days.
- Require that any deficiency which cannot possibly be resolved within 90 days shall be reflected in the compliance action plan submitted to HQ DLA for approval within the 90-day period and shall include dates by which compliance will be achieved and specific action or steps with identified task ownership.
- Notify HQ DLA that the sub-recipient has achieved its approved compliance plan goals. Failure to provide such notice may place the sub-recipient in deficiency status.

If the sub-recipient does not voluntarily comply within 90 days of the original notification, either by resolving the deficiency or by completing and submitting a compliance action plan to Caltrans, Caltrans will issue a notice of noncompliance.

If the sub-recipient fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, Caltrans will issue a noncompliance letter and forward a copy to FHWA and may then take or participate in pursuing other legally available action against the sub-recipient for failure to comply.

### **3. Deficiencies**

Deficiencies will be documented in the report and must be corrected by the sub-recipient. If there are no deficiencies, the report may still provide recommendations for strengthening the sub-recipient's Title VI program.

Examples of Title VI deficiencies:

- Title VI Coordinator has not been identified
- A Title VI Implementation Plan does not exist or meet requirements
- There is not a Title VI Annual Goals & Accomplishments Report
- The sub-recipient does not collect, analyze, and report data sufficient to identify program areas where discrimination may occur
- Title VI Coordinator does not participate in Title VI training
- Subcontracts do not contain non-discrimination assurance language
- No method exists to provide services to LEP persons
- No Title VI complaint log exists
- No Title VI complaint procedures exist

#### **4. Follow-up Monitoring**

HQ DLA will determine if additional monitoring is needed to obtain a compliant status and ensure ongoing compliance with Title VI/Non-Discrimination requirements.

### **B. Division of Transportation Planning**

#### **1. Regional Planning**

Annually, each Metropolitan Planning Organization (MPO) and Regional Transportation Planning Agency (RTPA) is required to develop and submit an Overall Work Program (OWP) that its Governing Board adopts. Caltrans Division of Transportation Planning (DOTP) staff conduct a technical review in the work elements to ensure Title VI compliance requirements are being met.

Refer to the [Regional Planning Handbook](#) for more information.

### **C. Additional Sub-Recipient Monitoring and/or Educating**

Caltrans staff working directly with sub-recipients (cities, counties, local governments), consultants/contractors (regardless of tier), suppliers, universities, colleges, planning agencies, and other recipients of federal-aid funds are encouraged to conduct external monitoring and educating.

Title VI technical assistance may take the form of:

- Providing samples of Caltrans Title VI brochures
- Participating in local agency workshops and conferences and providing Title VI information
- Participating in local agency transportation decision making and providing Title VI information
- Participating in identifying mitigation measures for minority and/or low-income communities
- Attending statewide/regional planning and project meetings/hearings involving Title VI issues or where Title VI impacts have been identified
- Reviewing all contracting procedures to ensure non-discrimination language is included

## **VI. Public Involvement**

Public involvement is fundamental and essential in achieving equitable transportation that meets the needs of all persons in California. Caltrans must seek out those traditionally underserved by existing or future transportation

systems, minority or low-income households, and all other users of California's transportation system. Caltrans should also seek out affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties of the community affected by transportation plans, programs, and projects.

Refer to the manuals for public meetings/hearings (such as the ones listed below), for division specific information. While these manuals serve as a job aid, they are not all-encompassing of Title VI requirements.

- Public Engagement for Transportation Planning
  - Transportation Planning Public Engagement Page
  - Public Engagement Best Practices
  - Workshop Planning Checklist
- Project Development Procedures Manual
  - Chapter 11 (Public Hearing)
  - Chapter 22 (Community Involvement)
- Standard Environmental Reference
  - Volume 1 (Guidance for Compliance)
    - Chapter 3 (Public Participation)
  - Volume 4 (Community Impact Assessment)
    - Chapter 8 (Title VI and Environmental Justice)

District/Division planning processes must include a proactive public involvement process that provides complete public information, timely notice, and full public access to key decisions. The public involvement process includes the following<sup>12</sup>:

- Public comment period prior to initial adoption or revision of policy/procedures related to the public involvement process.
- Timely information about transportation issues and processes to all interested parties involved and affected by transportation plans, programs, and projects.
- Reasonable public access to technical and policy information used in development of transportation plans.
- Adequate public notice of public involvement activities and time for public review and comment at key decision points including but not limited to approval of transportation plans.

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<sup>12</sup> [23 CFR §450.210](#)

- Demonstrate consideration and response to public input received during planning and project development processes.
- Make a concerted effort to involve the public, especially those traditionally underserved by existing or future transportation systems, including, but not limited to, low-income and/or minority households.
- Ensure opportunities for significant input on a draft transportation plan. Summarize the input received and include the summary as part of the record supporting the final plan.
- Where the final transportation plan differs significantly from one presented for public comment by a transportation planning agency and raises new material issues, which interested parties could not have reasonably foreseen from public involvement efforts, an additional opportunity for public comment on the revised plan shall be made available.
- Periodic review of the public involvement process to ensure standards are met, to evaluate the public involvement process for effectiveness, and to ensure there is full and open access to all.
- Coordination of metropolitan planning processes, where necessary, with statewide public involvement processes to enhance public consideration of the issues, plans, and programs and to reduce redundancies and cost.
- Ensure opportunities for full participation and provide accommodations for persons with disabilities at meetings by:
  - Meeting in a fully accessible facility.
  - Providing notice that documents can be made in alternate formats upon request.
  - Considering accessible alternatives such as videos with real-time captioning, the use of interpreters, or Braille.
  - Accommodating hearing impaired persons effectively by providing sign language interpreter or real-time captioning.
- Ensure that all persons have meaningful access to the benefits, services, and activities that Caltrans provides, which includes persons with Limited English Proficiency (LEP).<sup>13</sup>
- A minimum of 30 days notice of any public outreach event to provide the public sufficient time to plan for the event.

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<sup>13</sup> Refer to the [Limited English Proficiency section](#) for more information.

Districts and HQ Divisions conducting public outreach are encouraged to implement new strategies of conducting public involvement using technologies such as telephone town halls, online meetings, pop-up outreach, social meetings/meeting-in-a-box kits, story maps, quick videos, crowdsourcing, survey tools, real-time polling tools, social media, visualization, and working with bloggers. However, Caltrans staff must consider limitations with these mediums, and ensure that user access is not hindered. Using virtual public involvement techniques does not change existing public involvement requirements established by statute, regulation, or executive order, and these tools are not intended to completely replace in-person public involvement opportunities, which remain an important part of a balanced public involvement approach.

Data gathering tools available for conducting inclusive public participation include:

- [Data.Census.Gov](#) - The new platform to access data and digital content from the U.S. Census Bureau.
- [On the Map](#) - An online mapping and reporting application showing where workers are employed and where they live with companion reports on worker characteristics and optional filtering by age, earnings, or industry groups.
- [EJ Screen](#) - An environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators.

The Office of Civil Rights is continually updating the Title VI Branch's [Public Participation Page](#) on its intranet. This page serves as a resource for conducting inclusive public participation. Districts and HQ Divisions conducting public outreach should visit this page for the most up-to-date information.

## VII. Data Collection and Analysis Methods

Data is the foundation for disparate impact analysis; and, demographic data is crucial, but it must be paired with other information on impacts. Systematic reviews require more than one year of study and Title VI analysis involves pairing two things: Demographics and impacts/benefits. Our efforts towards improved data collection and analysis are on-going. Caltrans is continually improving our procedures and use of demographic data, as well as survey data. These improvements will address our growth areas in current data

collection and analysis methods to provide greater effectiveness of the Plan.

Districts perform most of the data collection and analysis in the department as all projects are planned in the Districts. This analysis involves identifying the benefits and burdens of the planned project on the surrounding communities as well as identifying any disproportionate or disparate impact or burden on the minority populations and low-income populations. The Title VI Branch reviews the Districts in the Title VI Compliance Reviews for compliance with analysis procedures and policies.

### **A. Contracts and Awards**

In order to measure disparate impact, relevant demographic data for our projects and programs must be collected and analyzed to see if one protected class is disproportionately impacted compared to other groups.

Caltrans construction contracts are awarded to the lowest bidder. Architectural & Engineering (A&E) contracts are awarded based on contractor-demonstrated competence and qualification. HQ Divisions involved in the contracting process must collect and review demographic data. Divisions must collect demographic data on contract bidders and contract awardees. The data collected must be analyzed to ensure non-discrimination in the bidding and award processes.

### **B. Limited English Proficiency (LEP)**

Limited English Proficiency (LEP) is a term used to refer to persons who are not proficient in English. Caltrans is required to take reasonable steps to ensure LEP persons have meaningful access to Caltrans' programs and activities. In order to track compliance, it is essential to track translation and interpretation services Caltrans provides.

For any interpretation or translation provided to a member of the public, staff should fill out the LEP Reporting Form. Completed forms shall be sent to the Title VI Branch.

- [LEP Reporting Form \(Fillable\)](#)
- LEP Reporting Form (Online)

For more information on LEP, see section VIII, Limited English Proficiency.

## C. Public Involvement

The public involvement process includes procedures for the collection and analysis of statistical data of public participants in, and beneficiaries of state transportation programs. Caltrans Public Involvement data collection procedures seek to identify and eliminate discrimination. Caltrans will accomplish this task through its integrated transportation planning processes, including the public involvement process, for the statewide transportation plan and the federal statewide transportation improvement program.

Data collection is necessary to analyze whether discrimination or lack of access occurs and provide documentation of actions taken and why. Caltrans' ultimate goal is for Districts and HQ Divisions to be able to answer the following questions:

- What records and reports are maintained that specifically reflect compliance with Title VI?
- What data (race, color, national origin, language considerations, sex, disability, and age) does the District/Division maintain that reflects the extent to which members of minority groups are beneficiaries of the program?
- Who is responsible for developing, maintaining, monitoring, and reporting this data to OCR?
- How is this data used?
- How is data reported to the Title VI Branch?

All Districts and HQ Divisions are required to collect data of program participants. Those conducting public outreach should follow the procedures on the internal OCR Public Participation Page. Data collection forms must be compiled and analyzed by individual programs. The results of those forms must be sent monthly to the Title VI Branch.

## D. Title VI Goals & Accomplishments Reporting

All Districts and HQ Divisions (including Aeronautics; Construction; Design; Engineering Services; Environmental Analysis; Local Assistance; Maintenance; Procurement & Contracts; Project Management; Rail & Mass Transportation; Research, Innovation & System Information; Right of Way & Land Surveys; Traffic Operations; and Transportation Planning) must report Title VI goals and accomplishments. OCR must also report its Title VI goals and accomplishments.

The Title VI Goals and Accomplishments (G&A) Report is an annual report written by Caltrans to document our progress toward compliance with Title VI in our programs and activities. The G&A Report should list all of the accomplishments that Caltrans has achieved in the area of Title VI, such as program area reviews, training, and processing of Title VI complaints. The Goals section of the report explains what Caltrans plans to accomplish in the upcoming year in relation to our Title VI program.

This data is compiled using a G&A Template. Districts and HQ Divisions shall send monthly Title VI Accomplishments updates to the Title VI Branch to ensure Title VI is being implemented consistently throughout the year and to reduce low-quality reporting in the final report. Districts and HQ Divisions shall send a final report, signed by the Division Chief or District Director to the Title VI Branch by August 1<sup>st</sup> of each Federal Fiscal Year. For more detailed information on Title VI Goals & Accomplishments visit: <https://ocr.onramp.dot.ca.gov/title-vi-program/title-vi-accomplishments-and-goals-report> (intranet)

## **VIII. Title VI Complaint Process**

Any person who believes they have been discriminated against based on race, color, or national origin by Caltrans or a sub-recipient may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. OCR only processes complaints that are complete and are received no more than 180 days after the alleged incident.

The Complainant will receive an acknowledgement letter informing them that the complaint has been received.

<https://dot.ca.gov/programs/civil-rights/title-vi/title-vi-complaint-process>

### **A. Internal Process**

#### **1. Districts and HQ Divisions**

Districts and HQ Divisions should develop and disseminate a Title VI Complaint Handling Process to assist Caltrans staff in identifying and handling a Title VI Complaint. This process should include having staff send the complaint to the District Title VI Liaison or Program Area Advisor for awareness purposes.

District Title VI Liaisons and Program Area Advisors must forward all Title VI complaints to the Office of Civil Rights, Title VI Branch within 24 hours of receiving the complaint.

## **B. Complaints Filed Against Caltrans**

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

Title VI complaints filed with Caltrans in which Caltrans is named as the Respondent will be forwarded to the FHWA Division Office. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.

Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by a sub-recipient are to be forwarded to Caltrans to be submitted to the FHWA Division Office. Complaints should be sent within one business day of receipt via email to [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov). If Headquarters Office of Civil Rights (HCR) determines a Title VI complaint against a sub-recipient can be investigated by Caltrans, HCR may delegate the task of investigating the complaint to Caltrans.

### **2. 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. Per FTA, Title VI complaints are to be handled at the local level or elevated to FTA under egregious Title VI discriminatory circumstances. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and whether the complaint will be investigated by Caltrans or forwarded to FTA.

### **3. Other Complaints**

All complaints that do not fall under Title VI or a program that is in direct receipt or use of federal funds will be forwarded to the appropriate office within Caltrans for processing. If a complaint is determined to relate to external discrimination but does not fall into the jurisdiction of FHWA or FTA, the Office of Civil Rights, Title VI Branch will investigate the complaint in accordance with the procedures on their website: <https://dot.ca.gov/programs/civil-rights/title-vi/title-vi-complaint-process>.

## **C. Complaints Filed Against a Sub-recipient**

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

Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by a sub-recipient are to be forwarded to Caltrans to be submitted to FHWA Division Office for investigation or review. Complaints should be sent within one business day of receipt via email to [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov).

If HCR determines a Title VI complaint against a sub-recipient can be investigated by Caltrans, HCR may delegate the task of investigating the complaint to Caltrans.

If OCR is delegated the responsibility of performing an investigation, OCR has 90 days to investigate the complaint. If additional time is needed, OCR will call and inform the Complainant.

If more information is needed to resolve the case, the OCR investigator may contact the Complainant. The Complainant has ten business days from the date of the letter to send the requested information to the investigator assigned to the case.

If the investigator is not contacted by the Complainant or does not receive the additional information within ten business days, OCR will consult with HCR regarding the disposition of the complaint. Disposition of Title VI complaints will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to all parties via the Division Office.

Federal Highway Administration  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-105  
Washington, DC 20590

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

FTA recommends, but does not require, that individuals first file a complaint directly with their transit provider to give the provider an opportunity to resolve

the situation. FTA grantees are required under the ADA, Title VI, and EEO to have local complaint procedures.

Federal Transit Administration  
Civil Rights Division  
Attention: Complaint Team  
East Building, 5th Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

## **IX. Dissemination of Title VI Information**

Caltrans disseminate Title VI information to the public by way of posters, brochures, and links on the internet and intranet page of the District/Division for internal and external awareness. Title VI posters (available in English and Spanish), the Caltrans Non-Discrimination Policy Statement (English and Spanish), and Title VI brochures (available in Arabic, Armenian, Chinese, English, Hmong, Khmer, Korean, Russian, Spanish, Tagalog, and Vietnamese) are posted in public accessible areas in Caltrans' offices. Districts and HQ Divisions are encouraged to inform their customers of their rights under Title VI. For example, Title VI brochures are provided to property owners or tenants when Right of Way Agents meets the owner or tenant.

## **X. Limited English Proficiency (LEP)**

The key to providing meaningful access for LEP persons is to ensure effective communication exists between the service between Caltrans and the LEP customer. Caltrans' Language Access Plan ("LAP") identifies how the department provides language assistance services to LEP customers, including resources available to staff to assist LEP customers. For more information on Caltrans' procedures for providing accommodations to LEP customers, please see [Caltrans' LAP](#).

## **XI. Review of STA Directives**

Caltrans has a process in place to review new and existing Director's Policies (signed by Caltrans Director) and Deputy Directives (signed by Caltrans Chief Deputy Director). Policies and directives go through an extensive review process and are reviewed by District Directors, Division Chiefs, Assistant Directors, and Deputy Directors, including OCR's Deputy Director (Title VI Coordinator). The Title VI Coordinator, Title VI Office Chief, Title VI Branch Manager, and Title VI Branch staff review policies and directives for potential Title VI implications and will work with the author if the draft policy or directive have Title VI concerns.

## **XII. Title VI Training**

Caltrans requires all employees to complete Title VI training per Caltrans Director's Policy 28-R1 "Title VI of the Civil Rights Act of 1964 and Related Statutes" every two years. OCR developed and administers the Title VI online training, available to all employees on the intranet. District Title VI Liaisons and HQ Division Program Area Advisors are responsible for ensuring their District or Division staff receive Title VI training.

Employees can access the training with the following instructions: Copy and paste the Web link to access the training: <http://ocr.onramp.dot.ca.gov/title-vi-online-training>. Employee training histories will be updated within two to four weeks upon completion.

Maintenance field employees with limited or no access to computers are provided a supplemental in-person training by their managers or training coordinators. For a copy of that supplemental training, please send an email to [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov).

The Title VI online training covers what Title VI is and resources for Caltrans staff when a complaint or request for language assistance is received.

More in-depth training is provided to Title VI representatives in Districts and HQ Divisions to assist with annual reporting or to assist with Title VI implementation. Caltrans staff can sign up for these additional courses using the Learning Management System (LMS). Courses and codes are as follows:

- 102248 Title VI Data.Census.Gov - Conduct a Four-Factor Analysis - The purpose of this course is to provide a basic understanding of data.census.gov to conduct inclusive public participation.

- 102131 Title VI Training for District and Division Liaisons - The purpose of this course is to provide Title VI training for District Title VI Liaisons and District Division Title VI Liaisons. This course will provide resources and knowledge for Districts to apply Title VI.
- 102146 Title VI Training for HQ Program Area Advisors - The purpose of this course is to provide Title VI training for Headquarters Title VI Program Area Advisors. This course will provide resources and knowledge for Headquarters Divisions to apply Title VI.

Each course utilizes pre- and post-tests, workbooks, and group activities.

Additional training resources for Title VI representatives in the Districts and HQ Divisions are available on the Title VI Intranet Page.

District and HQ Division managers and supervisors are encouraged to promote Title VI awareness and training through all-staff meetings, emails, and Memorandums.

### **XIII. Title VI Resources**

#### **A. Caltrans**

The Office of Civil Rights intranet page is designed for staff use to obtain Title VI resources, training materials, and department information regarding Title VI. Pages available are:

OCR, Title VI Branch

- [Title VI Internet](#)
- [Title VI Intranet](#)

Construction

- [Construction Manual–Section 8-2](#)

Environmental

- [Standard Environmental Reference \(SER\)/Environmental Handbook](#)
  - Volume 1–Guidance for Compliance
  - Volume 4–Community Impact Assessments
- [Project Development Procedures Manual \(PDPM\)](#)
  - Chapter 11–Public Hearing
  - Chapter 22–Community Involvement
  - Appendix HH–Public Involvement

Local Assistance

- [Local Assistance Procedures Manual \(LAPM\)](#)
  - Chapter 9–Civil Rights and Disadvantaged Business Enterprises

Right of Way

- [Right of Way Manual–Chapter 2](#)

## **B. Federal Highway Administration**

- Homepage <https://www.fhwa.dot.gov/civilrights/programs/tvi.cfm>
- Memorandums <https://www.fhwa.dot.gov/civilrights/memos/>
- Policy Statements  
[https://www.fhwa.dot.gov/civilrights/policy\\_statements/](https://www.fhwa.dot.gov/civilrights/policy_statements/)
- Title VI Toolkit  
[https://www.fhwa.dot.gov/civilrights/programs/title\\_vi/toolkit.cfm](https://www.fhwa.dot.gov/civilrights/programs/title_vi/toolkit.cfm)

## **C. U.S. Department of Justice**

- Title VI Manual (PDF)  
<http://www.justice.gov/crt/about/cor/coord/vimanual.pdf>

## XIV. Title VI Assurances

The United States Department of Transportation (USDOT)  
Standard Title VI/Non-Discrimination Assurances  
DOT Order No. 1050.2A

The California Department of Transportation (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. § 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964)

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the FHWA.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to all programs or activities for which the Recipient receives Federal financial assistance:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 € of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs or activities for which the Recipient receives Federal financial assistance, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The California Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin for an award."*
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing DOT's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by DOT. You must keep records, reports, and submit the material for review upon request to DOT, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Recipient gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under all programs or activities receiving Federal financial assistance. This ASSURANCE is binding on California, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in all programs or activities receiving Federal financial assistance. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

California Department of Transportation  
(Name of Recipient)

by   
(Signature of Authorized Official)

DATED 9/17/21

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, age, sex, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, age, sex, or disability.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

1. withholding payments to the contractor under the contract until the contractor complies; and/or
2. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW THEREFORE**, the U.S. Department of Transportation as authorized by law and upon the condition that the California Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23 U.S.C., the regulations for the administration of the preceding statute, and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the California Department of Transportation all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto the California Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the California Department of Transportation, its successors and assigns.

The California Department of Transportation, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the California Department of Transportation will use the lands and interests in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said lands, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

**APPENDIX C****CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE  
ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the California Department of Transportation pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the California Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the California Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the California Department of Transportation and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the California Department of Transportation pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishings of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.) in the event of breach of any of the above of the above Non-discrimination covenants, the California Department of Transportation will have the right to terminate the (license, permits, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the California Department of Transportation will there upon revert to and vest in and become the absolute property of the California Department of Transportation and its assigns.

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities, including, but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), prohibits discrimination based on sex.
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination based on disability); and 49 CR Part 27.
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), prohibits discrimination based on age).
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100).
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq*).

## **APPENDIX A ORGANIZATIONAL CHARTS**



