Federal Highway Administration (FHWA) Title VI Plan for Local Agency

________________________________________________________
(Name of Agency and Department)

_________________
(Date)

Prepared by: __________________________________________________
(Name and Job Title)
I. Non-Discrimination Policy Statement

It is the policy of ________________ (Local Agency Name) that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of ________________ (Agency Name) as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of ________________ (Local Agency Name), including its contractors and anyone who acts on behalf of ________________ (Agency Name). This policy also applies to the operations of any department or agency to which ________________ (Local Agency Name) extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

_____________________________ ______________________________
(Top Agency or Department Official) Date
II. Organization, Staffing, and Structure

______________ (top local agency official) is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

____________ (Local Agency) has created the position of _____________________ to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of ________________ is located within __________________ (name of department or division).

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to CDOT;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination;
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

Add any other information about the Title VI Coordinator's responsibilities and/or the agency's organizational structure. An organizational chart should be attached as a supplement to this description.
III. Primary Program Area Descriptions & Review Procedures

The _________ (Department/Division Name) engages in the following program areas:

<table>
<thead>
<tr>
<th>Program Area</th>
<th>General Description</th>
<th>Title VI/Non-Discrimination Concerns and Responsibilities</th>
<th>Review Procedures for Ensuring Non-Discrimination</th>
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</thead>
<tbody>
<tr>
<td>Ex: Right of Way</td>
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<td>Ex: Planning</td>
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<td>Ex: Environmental</td>
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IV. Title VI Complaint Procedures

Describe how your complaint procedures are disseminated to the public, state whether they are translated in other languages, and provide a copy of your complaint procedures. Below is a sample complaint procedure.

Discrimination Complaint Procedure for __________ (Local Agency)

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any __________ (Local Agency) program or activity. This prohibition applies to all branches of __________ (Local Agency), its contractors, consultants, and anyone else who acts on behalf of __________ (Local Agency).

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. The Office of Civil Rights (OCR) processes complaints received no more than 180 days after the alleged incident. OCR will only process complaints that are complete, which include the complainant’s contact information, details of the alleged discrimination, and the complainant’s signature.

Once the Title VI complaint is received, OCR will determine which federal administering agency has jurisdiction to investigate/process the complaint.

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 FHWA Division Office. Complaints should be sent within one business day of receipt via email to 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.

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.
Title VI complaints filed with Caltrans against a sub-recipient will be investigated by Caltrans. If the complaint is filed with the sub-recipient, the sub-recipient is responsible for investigating the complaint in accordance with FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

FTA – Filing a Local Complaint

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.

Caltrans OCR Investigation Process

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 the Complainant and inform them.

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 can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

OCR will consult with HCR regarding the disposition of the complaint. Disposition of Title VI complaint 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.

A person may also file a complaint directly with:

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

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

Describe your agency’s process for collecting and analyzing data on the race, color, national origin, and sex of participants and beneficiaries of your agency’s programs and activities. Examples include tracking the race/ethnicity of residents relocated through your agency’s right of way program; tracking the race/ethnicity of members of the public participating in public meetings; and collecting U.S. Census data on populations impacted by your agency’s projects.

<table>
<thead>
<tr>
<th>Program Area</th>
<th>Type of Data Collected &amp; Process for Collecting</th>
<th>Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)</th>
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VII. Public Participation

Describe your agency’s processes for conducting public outreach. Your description should include answers to the following:

- How does your agency identify minority populations for outreach? (ex: demographic data, use of community liaisons, etc.)
- How does your agency communicate with and conduct outreach to minority populations? (ex: website, newsletters, public meetings, etc.)
- How does your agency communicate with and conduct outreach to Limited English Proficient individuals?
- Explain how your agency considers input from minority populations for decision making within its pertinent program areas.
VIII. Notice of Rights

Describe how your notice is disseminated to the public, whether the notice is provided in other languages, and provide a copy of the notice. A sample notice is provided below.

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

________________ (Agency) operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any ______________ (Agency) program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with ______________(Agency) or the Colorado Department of Transportation.

To file a Title VI discrimination complaint, contact:

_______________________ (Agency contact)

_______________________

_______________________

_______________________

IX. Limited English Proficiency Program

In accordance with Executive Order 13166, “Improving Access to Services For Persons with Limited English Proficiency”, the LOCAL AGENCY will develop an evaluation and implementation program to ensure that Limited English Proficiency (LEP) persons who are served by Federal-aid programs administered by the LOCAL AGENCY are provided, free of charge, meaningful access to programs, services, and information without unduly burdening the fundamental activities of the LOCAL AGENCY.

As appropriate, and absent any existing federal or State requirements, the LOCAL AGENCY will conduct an LEP Needs Assessment using a Four Factor Analysis to identify the need to provide reasonable steps to ensure meaningful access by Limited English Proficiency (LEP) persons to Federal-aid programs administered by the LOCAL AGENCY.
X. Environmental Justice in Minority and Low-Income Populations

In accordance with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, the LOCAL AGENCY will develop strategies to address disproportionately high and adverse health or environmental effects on minority and low-income populations to promote nondiscrimination in Federal-aid programs substantially affecting human health and the environment, and to provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

XI. Data Collection

In accordance with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, the LOCAL AGENCY will develop strategies to address disproportionately high and adverse health or environmental effects on minority and low-income populations to promote nondiscrimination in Federal-aid programs substantially affecting human health and the environment, and to provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

XII. Training

The LOCAL AGENCY will provide training on Title VI and its related statutes, including the Executive Order on Limited English Proficiency, for managers, supervisors and staff with frequent public contact in the administration of Federal-aid programs.

XIII. Annual Work Plan (Goal and Accomplishment Report)

The LOCAL AGENCY will develop an annual report of Title VI accomplishments and upcoming goals, including an update to the Title VI Program that reflects organizational policy changes, and a Work Plan Outlining Title VI monitoring and review activities planned for the upcoming LOCAL AGENCY fiscal year.