

Title VI and the Recreational Trails Program

Pam Todd, Civil Rights & ROW Manager, Federal Highway Administration

Genny Giese, Grants Coordinator, North Dakota Parks and Recreation

What is Title VI?

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities of any entity that receive federal assistance.

The law provides that:

“[n]o 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 assistance.” 42 U.S.C. § 2000d.

What does Title VI have to do with RTP?

- Entities, whether public or private, that receive federal assistance from any federal agency, including the Federal Highway Administration (FHWA), must take concrete steps to ensure nondiscrimination in their programs and activities
- RTP dollars are federal dollars from the Department of Transportation's Federal Highway Administration
- All RTP recipients must comply with Title VI

What is the benefit of becoming Title VI Compliant?

- Eligible to receive RTP funding once compliant
- Ownership over your projects
- Ability to bid and host bid openings
- Contracts are between the project sponsor and contractor
- Project sponsors can pay contractors directly

How do I become Title VI compliant?

FHWA requires sub-recipients to do the following:

1. Identified Title VI Coordinator
2. Establish Standard Assurances
3. Create a Limited English Proficiency (LEP) Plan
4. Identify a Data Collection Process
5. Establish a Complaint Procedure Process

1. Identify a Title VI Coordinator

Title VI Coordinator responsibilities:

1. Maintain Title VI Plan with up to date Standard Assurance/signatures
2. Report any complaints to complaints to NDPRD
3. Assist NDPRD with future Title VI audits

2. Standard Assurances

- Title VI Plan must include a signed copy of the DOT Standard Title VI Assurances with Appendices “A,” “B,” “C,” “D,” and “E” (attach as appendix to the plan)
- Signed with a current date

3. Limited English Proficiency (LEP)

LEP Four Factor Analysis

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- Frequency with which LEP individuals come into contact with the program;
- Nature and importance of the program, activity or service provided by the program to the people's lives; and
- The resources available to the grantee/recipient or agency, and costs

https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm

Limited English Proficiency (LEP) Continued

There are two methods to determine the percentage of LEP households in your community.

1. Look at the most recent American Community Survey (ACS)
2. Use the American Fact Finder from the Census Bureau

Let's try the ACS method!

<https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

ACS Recap

Fact Finder – Enter Community name

- Origins & Language (left ribbon)
 - ‘Want More?’ hyperlink in dialog box
 - Topics (left ribbon)
 - +People
 - +Language
 - English Usage
 - Language Spoken at Home
 - Close X ‘Select Topics’ box
 - Select ‘Limited English Speaking Households’ at top of Search Results
 - Use the ‘Percent Limited English-Speaking Households – Estimate Percentage’ for LEP

The screenshot displays the American FactFinder website interface. At the top, there is a navigation bar with the United States Census Bureau logo and the 'FactFinder' title. The navigation menu includes 'MAIN', 'COMMUNITY FACTS', 'GUIDED SEARCH', 'ADVANCED SEARCH', and 'DOWNLOAD CENTER'. Below the navigation bar, a search instruction reads: 'Search - Use the options on the left (topics, geographies, ...) to narrow your search results'. A 'Your Selections' box shows 'Your Selections' is empty, with 'load search' and 'save search' buttons. The left sidebar contains search filters: 'Topics (age, income, year, dataset, ...)', 'Geographies (states, counties, places, ...)', 'Race and Ethnic Groups (race, ancestry, tribe)', 'Industry Codes (NAICS industry, ...)', and 'EEO Occupation Codes (executives, analysts, ...)'. A 'Select Topics' dialog box is open, titled 'Select Topics to add to 'Your Selections''. It lists various topic categories with expandable sub-items: 'People' (Basic Count/Estimate, Age & Sex, Age Group, Disability, Education, Employment, Income & Earnings, Insurance Coverage, Language (English Usage (1,617), Language Spoken at Home (2,422)), Marital & Fertility Status, Origins, Population Change, Poverty, Relationship, Veterans), and 'Housing'. A note at the bottom of the dialog states: 'Note: The Race & Ethnicity topic is available under the Race and Ethnic Groups button on the left.' There is also a checkbox for 'Include archived products in your search'.

4. Data Collection Process

Each subrecipient must determine its methodology for determining the percentage of Limited English Proficiency households in their community.

The Data Collection Process lists out the methodology used, how the data was collected, and the process used should language interpretation be needed

Data Collection Process Continued

To use ND DOT's translation (written) or interpreter (oral) services complete these steps:

Go to ND's Procurement website:

<https://www.nd.gov/omb/agency/procurement/state-contracts>



- State Contracts
 - State Contract List
 - Find Contract Number 488 “Telephone Based Interpreter Services”
 - Linguistica – Account Setup

5. Complaint Procedure

- Individuals must be able to find and file a complaint easily
- Post complaint forms on website and/or have available in a public location
- Once a complaint is received, the Title VI coordinator must contact North Dakota Parks and Recreation or FHWA about the complaint
- All complaints must be kept on file for five years

<https://www.dot.nd.gov/divisions/civilrights/titlevi.htm>

... Then what?

NDPRD will randomly select sub-recipients for Title VI Audits once Title VI programs are established.

NDPRD will look to see if any complaints have been filed and if so, were the complaint procedures followed correctly?

Opportunity for both NDPRD and the sub-recipient to better the Title VI process.

Title VI Civil Rights Videos

<https://www.youtube.com/watch?v=mSGbIpKRQ-c>

<https://www.youtube.com/watch?v=lw0mefqIZ5Y>

Questions?

Pam Todd, FHWA, Pamela.Todd@dot.gov 701.221.9477

Genny Giese, NDPRD, gegiese@nd.gov 701.328.5364