



NORTH CAROLINA

Department of Transportation



Title VI/Nondiscrimination Program Training: Transportation Advisory Committees (TAC)

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Nondiscrimination in the Federal-Aid Program

- Nondiscrimination denotes the absence of disparate treatment or impact in federally-assisted programs and activities.
- The Title VI/Nondiscrimination Program is governed by:
 - Title VI of the Civil Rights Act of 1964
 - 1987 Civil Rights Restoration Act
 - Other related nondiscrimination authorities

Title VI of the Civil Rights Act of 1964

42 United States Code (U.S.C.) § 2000d

- Title VI is federal law and it states:
 - 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.

The 1987 Civil Rights Restoration Act

42 U.S.C. § 2000d-4a

- Direct response to Grove City College v. Bell, 465 U.S. 555 (1984)
- Restored the original intent of Title VI to include all programs and activities of Federal-aid recipients and contractors whether federally funded or not
- Local, state- or federally-assisted activities of federal-aid RPO/MPOs

Other *related* Nondiscrimination Authorities

- 1973 Federal-Aid Highway Act (**sex**)
- Age Discrimination Act of 1975 (**age**)
- Section 504 of the 1973 Rehabilitation Act; and The Americans with Disabilities Act (ADA) of 1990 (**disability**)
- Uniform Act of 1970 (persons displaced & property acquired)
- Executive Order 12898 on Environmental Justice (**EJ**)
 - DOT Order 5610.2a; FHWA Order 6640.23A; FTA Circular 4703.1
- Executive Order 13166 on Limited English Proficiency (**LEP**)
 - LEP Guidance for DOT Recipients
- NCDOT Title VI oversight responsibilities of MPO/RPOs stipulated in:
 - 49 C.F.R. 21 – DOT Title VI Regulation
 - 23 C.F.R. 200 – FHWA Title VI Program
 - FTA Circular C 4702.1B (Title VI)

What is Discrimination?

- Federal Highway Administration (FHWA):
 - That act (action or inaction), whether intentional or unintentional, through which a person in the United States solely because of **race, color, national origin, sex, age, or disability** is subjected to disparate treatment or impact, in any program or activity **receiving** Federal financial assistance from FHWA under 23 U.S.C.
- Federal Transit Administration (FTA):
 - Any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid **recipient, subrecipient,** or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on **race, color, national origin, sex, age, creed, or disability.** (ADA/Section 504; 49 USC 5332)

Basic Title VI Program Checklist

- Sign Standard U.S. DOT Title VI Assurances
 - Update if change in CAO
- Contracting Obligations
 - # 2 of Title VI Assurances (pre-award)
 - Appendices A-E (post-award)
- Sign Nondiscrimination Agreement
 - Agreement between NCDOT and its subrecipients, signed by the subrecipient
 - Recognized by FHWA Headquarters Civil Rights (HCR) as a good practice

Basic Title VI Program Checklist cont.

- Identify a Title VI Coordinator
 - PATRICK FLANAGAN, CFRPO DIRECTOR
- Submit a Title VI Program Plan
- Discrimination Complaints
- Language Assistance/LEP Plan
- Submit Title VI Reports
 - Accomplishments/challenges

Basic Title VI Program Checklist cont.

- Acknowledgment Form
 - Distribute annually to staff
 - New employees
- Compliance Reviews
 - Preliminary Analysis
 - On-site Verification
 - Compliance Determination (review report)
 - Corrective Actions - Deficiencies (90 days)

Four Factor Analysis

- This Four Factor Analysis is an individualized assessment that balances the following four factors:
- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) The frequency with which LEP individuals come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- (4) The resources available to the recipient and costs.

Transportation Advisory Committee

- Approve Title VI Program and other nondiscrimination documents
- Signature of Chief Administrative Officer
- Demographic Request Form

Technical Coordinating Committee

- Title VI Program Coordination
 - Notice to the Public
 - Data Collection
 - Outreach and Education to Title VI groups
 - Written Translation and Oral Interpretation
 - Discrimination Complaints
 - Documenting and reporting on RPO/MPO Title VI-related activities
- Demographic Request Form

Sanctions for Noncompliance

- Nonresponsive or uncooperative
- Suspension or termination of Federal financial assistance
- Refusal to grant or continue federal financial assistance
- Any other means authorized by law (49 C.F.R. § 21.13)
 - What an organization typically does under any of its programs

Update

- CFRPO Title VI Plan Adopted by RTAC
- CFRPO Title VI Plan Approved by NCDOT
- Public Hearings
- Website Update

Website Update

- CFCOG/CFRPO Website Google Translate Feature and Accessibility Widget
- Title VI Nondiscrimination Plan Documents available on RPO Website
 - Title VI Plan
 - Standard Assurances
 - Title VI Nondiscrimination Policy
 - External Discrimination Complaint Procedures and Form
 - Voluntary Public Involvement Form

In Progress/ Ongoing

- Update Demographics every 5 years
- Title VI Nondiscrimination Training annually for RTAC/RTCC Members
- Environmental Justice Analysis required every 3 years
- Identifying representative groups for outreach
- Post Nondiscrimination Policy at Meetings

NCDOT Title VI Contacts

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