

Title VI and the Recreational Trails Program

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

Here is the method to determine the percentage of LEP households in your community.

1. Use the American Fact Finder from the U.S. Census Bureau

Let's try this method!

<https://data.census.gov/cedsci/>



S1602: LIMITED ENGLISH SPEAKING HOUSEHOLDS

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LIMITED ENGLISH SPEAKING HOUSEHOLDS

Survey/Program: American Community Survey TableID: S1602 Product: 2018: ACS 1-Year Estimates Subject Tables

Data **Geographies** Years Topic Survey Code Hide Filter Sort Transpose Table Margin of Error Restore Layout Download Print Share More

	Total		Percent		Limited English-speaking households	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
▼ All households	121,520,180	+/-153,217	(X)	(X)	5,370,862	+/-38
▼ Households speaking --						
Spanish	15,167,399	+/-46,491	12.5%	+/-0.1	3,230,754	+/-31
Other Indo-European l...	5,343,991	+/-35,628	4.4%	+/-0.1	801,820	+/-14
Asian and Pacific Isla...	4,552,440	+/-27,540	3.7%	+/-0.1	1,102,756	+/-17
Other languages	1,485,650	+/-17,137	1.2%	+/-0.1	235,532	+/-8

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GEOGRAPHY

Show Summary Levels

- State Legislative District (Lower Chamber)
- Public Use Microdata Area
- Place
- Voting District
- Traffic Analysis Zone
- County Subdivision

WITHIN (STATE)

- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania

NORTH DAKOTA

- Within Other Geographies
- All places in North Dakota
- Bismarck city, North Dakota
- Fargo city, North Dakota

Selected Geographies: North Dakota Bismarck city, North Dakota

CLEAR GEOGRAPHIES CLOSE



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Bismarck city, North Dakota

Total		Percent		Limited English-speaking households		
Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
32,629	+/-1,272	(X)	(X)	438	+/-339	
694	+/-415	2.1%	+/-1.3	68	+/-122	
1,551	+/-710	4.8%	+/-2.1	309	+/-287	
252	+/-236	0.8%	+/-0.7	0	+/-161	
192	+/-212	0.6%	+/-0.6	61	+/-110	

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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 NDPRD 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

Char Langehaug, NDPRD, cbinstock@nd.gov 701.328.5364