



ARDOT Civil Rights Division
TITLE VI
SUB-RECIPIENTS COMPLIANCE
Nikki Riley, EEO Specialist



Title VI of the Civil Rights Act of 1964



The purpose of this presentation is to ensure all subrecipients of the Federal Assistance Program (LPA and 5310) are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.

Expected Outcomes



- Review Title VI
- Review Statutory and Regulatory Authorities.
- Recipients vs. Subrecipients -Local Public Agencies (LPA) and FTA Programs.
- Updates: Notice of Nondiscrimination and Language Assistance Update.
- ARDOT's Title VI and ADA compliance requirements and compliance review process.
- Using FHWA/FTA recommended Title VI complaint processes.
- Wrap-up

Title VI is a Federal Law



Title VI of the Civil Rights Acts of 1964 (42 U.S.C. 2000d et seq.) – states

“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 subjected to discrimination under any program or activity receiving federal financial assistance.”

Statutory and Regulatory Authorities



- **The Civil Rights Restoration Act of 1987**, 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.
- **The 1970 Uniform Act (42 U.S.C. 4601)** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.
- **American with Disabilities Act of 1990 and Section 504 of the 1973 Rehabilitation Act (29 U.S.C. 790)**, as amended: Prohibits discrimination on the basis of disability.
- **Federal Highway Act of 1973 - Gender Added (23 U.S.C. 324)**: Prohibits discrimination on the basis of sex.
- **The 1975 Age Discrimination Act (42 U.S.C 6101)**, as amended: Prohibits discrimination on the basis of age.

ARDOT's Purpose



In accordance with **23 CFR 200.9(b)(7)**, ARDOT is required to conduct Title VI reviews of its subrecipients to effectively monitor compliance with Title VI/Nondiscrimination.

In accordance with **23 CFR 200.9(b)(9)**, Title VI laws and regulations training is recommended for any agency receiving Federal financial assistance from ARDOT.

Recipient vs Subrecipient



A **primary recipient** is an entity or person that **directly** receives Federal financial assistance and/or manages a program or activity, which would subject them to Title VI compliance responsibilities. In this situation, ARDOT is the primary recipient. **23 CFR 200.5(n)**

A **subrecipient** is an entity or person that **indirectly** receives Federal financial assistance to implement a program, service, or activity, which **subjects them to Title VI compliance responsibilities**. A subrecipient may include, but is not limited to, a city, county, metropolitan or regional planning organization, transit agency, college/university, contractor, or subgrantee. **23 CFR 200.5(n)**

Subrecipients and Contractors



1. Subrecipients must ensure that all contractors and subcontractors awarded ARDOT funded contracts adhere to Title VI and all other applicable civil rights laws and regulations.
2. Include Title VI Assurances in all contracts.
3. Monitor ethnicity and gender of contractors and subcontractors.

Local Public Agencies - FHWA



What is a Local Public Agency (LPA)?

“Any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the State transportation department in highway matters” (23 CFR 635.102)

Federal Transit Programs



ARDOT's Public Transportation Section is responsible for administering and monitoring federal and state transit programs.

The Public Transportation Section staff provides technical and financial assistance to local agencies and governments involved in special transportation and intercity passenger service.

- Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities Program
- Section 5311 Rural Areas Transit Program

Notice of Nondiscrimination Update



The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, ARDOT does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the FMCSA Title VI Program), or disability in the admission, access to and treatment in ARDOT's programs and activities, as well as ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding ARDOT's nondiscrimination policies may be directed to Civil Rights Division P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: Civil.Rights@ardot.gov

Free language assistance may be available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape, and in Braille.

Elements of Compliance



- Designate a Title VI Coordinator and ADA/504
- ADA/Section 504 Coordinator is required for a private agency with 15 or more employees or a public agency with 50 or more employees.
- Develop a Public nondiscrimination notice
- Title VI/Nondiscrimination Assurances (U.S. DOT 1050.2A Assurances). **Ensure the U.S. DOT Standard Title VI Assurances are signed by the head of your agency.**
- Develop a public participation process.
- Collect and analyze data

Key Features for ADA Transition Plans



- Identification of a responsible official
- Identification of barriers
- A schedule of removing barriers
- **Description of methods**, including the resources used to determine accessible design, such as the [ADA Standards for Accessible Design](#) or the [Public Rights-of-Way Accessibility Guidelines](#) ; and the operational ways the barriers will be removed, for example, during road resurfacing, pedestrian improvement projects, etc.

Reference - <https://www.ada.gov> and <https://www.access-board.gov/prowag>

Self-Evaluation

Do It Yourself Agency

Entrance

1. The parking lot and pathway to the building have a stable, firm, slip-resistant surface.
2. There is a designated disability parking space near the main entrance.
3. The walkway from parking to building entrance.
4. The entrance door opening.

Reception

1. Customer service area has lower counter space.
2. Path Floor of surface travel is between stable, firm, furniture and is slip at least resistant.

Restrooms

1. The restroom Stall doors are large enough for a wheelchair turnaround.
2. Are Grab Bars present?

Notices

1. Are Notices of Non-Discrimination posted?
2. Arkansas Relay Services Notice available to people with disabilities?

DATE: _____ Signature: _____

Sample ADA Transition Plan

This is an excerpt from one municipality's Transition Plan. The ADA coordinator added columns for cost estimates and sources of funds. Title II only requires listing physical obstacles, the methods used to make the facilities accessible, the schedule and the responsible official. To create your own use the Transition Plan form.

Facility City Hall Date January 3, 20XX

Contact Person ADA Coordinator Department Mayor's Office

Email adacoordinator@nameofmunicipality.gov Phone 800-ADA-XXXX

Area	Access Issue	Solution	Target Date	Person Responsible	Cost Estimate	Source of Funds
South Entrance ramp	1:9 slope, cracks, square handrails.	New ramp.	6/15	Facilities Manager	\$9,500	Capital budget
North Entrance	No sign indicating direction to accessible entrance.	Install sign.	2/4	Facilities Manager	\$40	Maintenance and repairs

Compliance Review - Overview



1. **Notification:** Subrecipients are notified initially via email indicating if it is a desk audit or an on-site review.
2. **Desk Audit:** Subrecipients selected for desk audits are asked to submit your Title VI Notice of Nondiscrimination compliance documents electronically for review. If concerns are discovered during the documents review, an on-site review may be scheduled.
3. **On-Site Reviews:** The subrecipient's site is visited, the compliance questionnaire is reviewed and discussed, and the site is reviewed to see if the facility is ADA compliance.
4. **Post On-site Review:** If any deficiency is found, improvement opportunities are identified and assistance by ARDOT is provided in order to meet compliance goals. A compliance letter will be emailed when the subrecipient is found to be in compliance.

Compliance Review – Risk Based



U.S. Department of Transportation Title VI regulations (found in **Title 49, Part 21** of the Code of Federal Regulations) describe the general and specific kinds of discrimination prohibited by Title VIdirectly or through contractual arrangements:

1. Engage in **intentional discrimination** because of race, color, or national origin;
2. Use criteria or **methods of administration** which have the effect of subjecting persons to discrimination because of their race, color, or national origin; or
3. Intimidate, threaten, coerce, or discriminate against any individual in *retaliation* for exercising a right or privilege.

ARDOT Templates

ARDOT Subrecipients TITLE-VI-Templates

- Title VI Nondiscrimination Statement (*Statement of Public Notice*)
- Title VI USDOT Assurances
- Title VI Complaint Process
- Title VI Complaint Form

FHWA -Processing Complaints



ARDOT/Subrecipient
Receive Title VI Complaint – **Forward**
Complaint to FHWA Arkansas Division



FHWA Arkansas Division
Forward complaint to FHWA Office of
Civil Rights (HCR)

FHWA HCR
Determines investigation and **delegation**
(FHWA Arkansas Division or ARDOT).
Forward Report of Investigation to HCR

FHWA HCR
Undertakes disposition of complaints by
Informal Resolution or Letter of Findings
(LOF) to (FHWA Arkansas Division)

FTA – Complaint Process



If your agency receives FTA funds, then follow FTA's process for complaints.

Please refer to the FTA Civil Rights website for more information:

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

Understanding and Abiding by Title VI - Optional Video



Funding Examples That Warrant **FHWA** Title VI

Compliance and Review

TAP and RTP Program



Safe Routes to Schools, Walking Paths, Pedestrian Bridges, Sidewalks, and Hiking Trails



Funding Examples That Warrant **FTA** Title VI

Compliance and Review

5310 Program and 5311 Program



Public Transit



Wrap-up to Title VI Compliance – FHWA LPA



- Designation of a Title VI Coordinator - a person of contact coordinating Title VI efforts.
- Submit annual signed Title VI Assurances to ARDOT and insert language from USDOT Order 1050.2A into all contracts and agreements.
- Conform to ARDOT policies and procedures and coordinate risk-based reviews.
- Adopt to the FHWA guidelines on routing complaints.
- Data collection on your programs and activities.

Source: FHWA Title VI Essentials (p.20)

Wrap-up to Title VI Compliance – FTA 5310 Program



- Designation of a Title VI Coordinator - a person of contact coordinating Title VI efforts.
- Submit **triennial Title VI Plans** to ARDOT and insert language from USDOT Order 1050.2A into all contracts and agreements.
- Conform to ARDOT policies and procedures.
- Adopt to the **FTA** guidelines on routing complaints
- Data collection on your programs and activities.

Additional Title VI Compliance Resources



- [Title VI/Nondiscrimination: Compliance and Enforcement](#)
- [Nondiscrimination Requirements on Construction Contracts](#)
- [Title VI Nondiscrimination: Background and Purpose](#)
- [Americans with Disabilities Act: Self Evaluation Basics](#)
- [Public Involvement](#)



Civil Rights Contact Information

The Civil Rights Division Internal EEO Program at ARDOT is available to provide you with technical assistance, resources, guidance, and other information pertaining to Title VI Compliance.

EEO Specialist (FHWA) Nikki Riley 501-569-2299

Civil Rights Program Manager Stephanie Martin 501- 569-4941

Civil Rights Program Officer Joanna P. McFadden 501-569-2298