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Civil Rights

Overview of FHWA's Civil Rights Program Requirements for Local Public Agencies

www.fhwa.dot.gov/federal-aidessentials



Public transportation agencies must comply with civil rights requirements

America's highway system touches the daily lives of everyone living in this country. Whether getting to work or the market, visiting a national park or family and friends our public roads take us there.



The Federal Highway Administration, or FHWA, works with partner agencies such as State and local departments of transportation to design, construct and maintain our public highway systems. Together we ensure fair and equitable delivery of our programs and services.



Therefore, public transportation agencies must comply with civil rights requirements

established for these purposes. For Local public agencies, or LPAs, these requirements primarily include Title VI, Disadvantaged Business Enterprise, or DBE, and the Americans with Disabilities Act Section 504, or ADA/Section 504.



Agencies that administer FHWA contracts must also ensure nondiscrimination on construction contracts. The FHWA administers civil rights requirements through its Title VI, DBE and ADA programs. Let's review each of these civil rights areas.



The Title VI program founded on Title VI of the Civil Rights Act requires that no one be denied benefits, services, or contracts on the basis of race, color, national origin, sex, age, disability, limited English proficiency, or low-income status.



A successful Title VI program gives the public the assurance that agency services and resources will be allocated fairly and any negative transportation impacts shared equally.



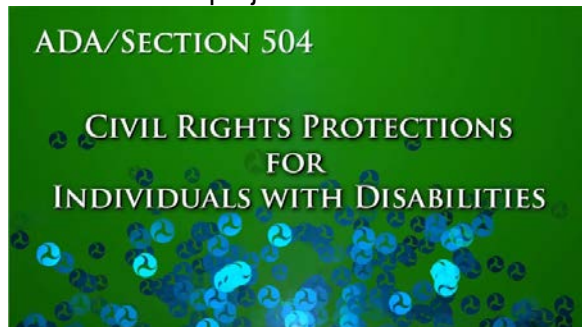
The Title VI program includes a signed agreement called “assurances” between your agency and the State department of transportation that obligates your agency to prevent discrimination in all its programs and activities. It also includes a system of compliance, monitoring, and enforcement that is typically contained in an implementation plan.



Another program that promotes equal opportunity and diversity in the transportation industry is the DBE Program. This program gives socially and economically disadvantaged businesses equal opportunity to compete for and obtain federally funded contracts and business development opportunities.



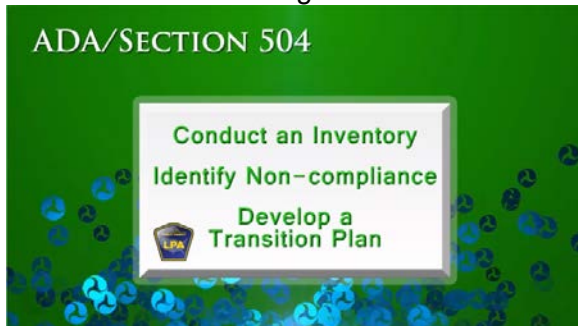
Agencies must set DBE participation goals, monitor program activities, and report levels of participation. When a contract includes a DBE goal, the agency must verify that its contractors have made an adequate good-faith effort to provide DBEs subcontracting opportunities and that the DBE subcontractor is performing what is known as a necessary and commercially useful function on the project.



The ADA/Section 504 Program administers civil rights protections for individuals with disabilities.



Public agencies must ensure that their facilities are accessible to and usable by persons with disabilities regardless of whether federal funding is involved.



Public agencies must conduct an inventory of their curb ramps, sidewalks, and other public rights-of-way facilities; identify those that are non-compliant; and develop a program access plan or transition plan for making corrections. Public agencies must also appoint an ADA coordinator and disseminate procedures that someone can follow when filing a complaint.



Nondiscrimination on construction contracts is an Equal Employment Opportunity and Affirmative Action requirement that protects

applicants and construction workers from discrimination based on race, color, national origin, religion, sex, age, and disability.



Compliance prevents bias and promotes fairness in all subcontracting and employment practices including recruitment, hiring, training, and termination.



Nondiscrimination on construction contract requires agencies to include an FHWA-provided nondiscrimination provision in Federal-aid contracts using Form FHWA-1273. It also requires that agencies ensure prime contractors appoint an Equal employment opportunity officer and that prime and subcontractors disseminate a nondiscrimination policy and monitor personnel actions.



Programs that protect and enforce the civil rights of individuals, businesses, and entire

communities are priorities for the Federal Government. Every transportation agency receiving Federal-aid financial assistance must be unbiased in its actions. It must also promote fairness in all employment and contracting practices, and in making decisions allocating transportation services. Your agency's compliance with these civil

rights program components is your agency's first line of defense against civil rights complaints, lawsuits, and the potential loss of FHWA financial assistance. For additional information on FHWA civil rights programs, please continue to explore the any resources available on this website.

Additional Resources

- U.S. DOT's authority to implement the Title VI program (49 CFR Part 21)
http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d97e51bd9256adb823812a8fd4ca5238&tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl
- FHWA's authority to implement the Title VI program and related statutes (23 CFR Part 200)
http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d97e51bd9256adb823812a8fd4ca5238&tpl=/ecfrbrowse/Title23/23cfr200_main_02.tpl
- U.S. DOT's authority to implement Disadvantaged Business Enterprise (DBE) program (49 CFR Part 26)
<http://www.ecfr.gov/cgi-bin/text-idx?region=DIV1;type=boolean;c=ecfr;cc=ecfr;sid=14e071f96d5d61cb9d2410ed56c59d3d;q1=dbe;rgn1=Section%20Heading;op2=and;rgn2=Section;op3=and;rgn3=Section;view=text;idno=49;node=49%3A1.0.1.1.20;rgn=div5>
- Federal regulatory authority for the ADA related to nondiscrimination in State and local government services (28 CFR Part 35)
http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d97e51bd9256adb823812a8fd4ca5238&tpl=/ecfrbrowse/Title28/28cfr35_main_02.tpl
- Federal regulatory authority for Section 504 of the Rehabilitation Act (49 CFR Part 27)
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=d97e51bd9256adb823812a8fd4ca5238&rgn=div5&view=text&node=49:1.0.1.1.21&idno=49>
- Link to FHWA Form 1273: Required Contract Provisions, Federal-aid Construction Contracts
<http://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>

The content of this document is not a substitute for information obtained from State departments of transportation, appropriate FHWA Division Offices, and applicable laws. Scenarios have been simplified for emphasis and do not necessarily reflect the actual range of requirements applicable to the scenario or this topic. This document was created under contract number DTFH63-11-F-00066 by the Federal Highway Administration, U.S. Department of Transportation, and is offered to the public to heighten and focus awareness of Federal-aid requirements within the local public agencies community and reinforces the importance of these necessary policies, procedures, and practices.

This Companion Resource is the script content for the video production of the same name.