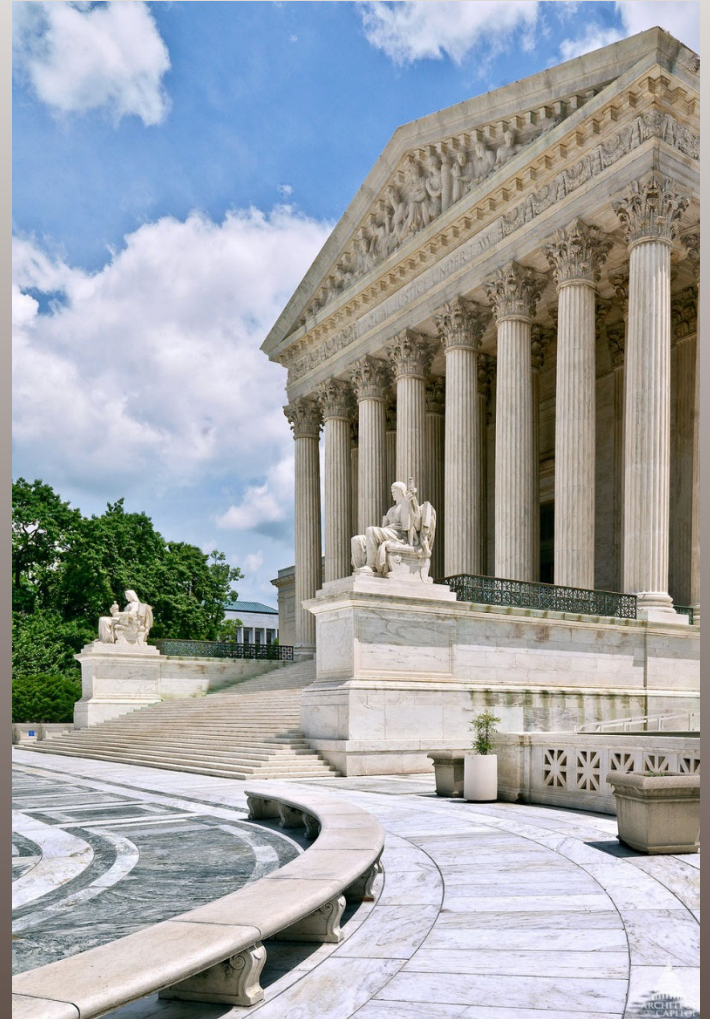


Title VI: Writing Effective Implementation Plans



U.S. Department of Transportation
Federal Highway Administration

Title VI Plan—Procedures

Where do the requirements come from?

- 23 CFR §200.9(b)(11): State Highway Administrations (SHAs) “shall **annually** submit an **updated** Title VI implementing plan to the Regional Federal Highway Administrator for **approval** or **disapproval.**”
- “Annual” means Federal Fiscal Year: SHA submits Plan by **October 1.**
- Plan represents policies and procedures for implementation in **next Fiscal Year**: e.g. Plan submitted on **October 1, 2017** is a **Federal Fiscal Year 2018** Plan.

Title VI Plan—Procedures

What is the process for Plan submittal and review?

- SHAs submit Plans to **FHWA Division office** for review and approval.
 - Division uploads the Title VI plan to SharePoint once received.
- If approved, Division sends SHA **approval letter, signed by Division Administrator.**
 - Division uploads letter from Division Administrator to SharePoint once it is signed.

Title VI Plan—FHWA Review

1. Completeness / Timeliness –

- a. Are all of the 23 CFR 200.9(b) areas covered?
- b. Is all of the information (e.g. assurances, staff) up-to-date?
- c. Was the Plan submitted by October 1 for the fiscal year?



Title VI Plan—FHWA Review

2. Depth –

- a. Are internal and external review processes discussed in sufficient detail?
- b. Do major program area sections describe actions that are specific to Title VI compliance?
- c. Are data sources and collection procedures described in detail?



Title VI Plan—Public Considerations

What does the public need from your Plan?

1. Ease of use –
 - a. Plain language.
 - b. Table of contents.
 - c. Glossary.
 - d. Points of contact.
 - e. Balance of: sufficient information in Plan and links to external documents.

Title VI Plan—FHWA Review

2. Access –

- a. Available on public website and prominently displayed?
- b. Available via links from other public documents (manuals, brochures, etc.)?
- c. Vital portions translated into languages other than English following LEP Plan?



Title VI Plan—Elements

What are the essential elements of a Plan?

1. Standard USDOT Title VI Assurances.
2. Organization & Staffing
3. Program Area Review Procedures
4. Sub-recipient Review Procedures
5. Data Collection
6. Training
7. Complaint Procedures
8. Dissemination of Title VI Information
9. Limited English Proficiency
10. Review of STA Directives
11. Compliance & Enforcement Procedures

Title VI Plan—Elements

1) Signed Assurances

- Attach the latest Assurances—signed by head of SHA—including Appendices (**USDOT Order 1050.2A, April 2013**)
- Signed each year



23 CFR 200.9(a)(1)

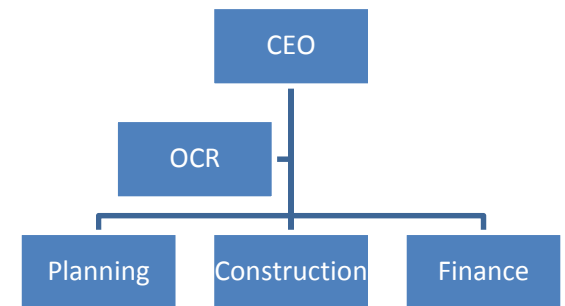
49 CFR 21.7

USDOT Order 1050.2A

Title VI Plan—Elements

2) Organization & Staffing of Civil Rights Unit

- Include description of relationship between the **Civil Rights Unit and head of SHA.**
- Brief **description of the Civil Rights Unit** with organizational chart.
- Designate **Agency Title VI Program Coordinator.**
- Outline **roles and responsibilities** of Title VI Coordinator, Title VI Specialist/Manager & staff.
- **Delegation of authority and responsibilities** to appropriate Bureau/Division Managers.



Title VI Plan—Elements

3) Procedures for conducting reviews of program areas

- **Describe** pertinent **program areas**, Title VI **responsibilities** of each program area and, process for conducting **yearly reviews**. The process should define:
 1. The **types** of reviews and their objectives;
 2. What **activities** will be reviewed for the program;
 3. What **data** will be sought from the program area(s);
 4. How the **data obtained** will be analyzed; and
 5. How will the review determine **effectiveness**.
- SHAs should include how they will determine the compliance of program areas' activities.

23 CFR 200.9(b)(5),(6) & (13)
23 CFR 200.9(a)(4)

Title VI Plan—Elements

4) Subrecipient Review Procedures

- Describe the process for conducting reviews of the SHA's sub-recipients. The process should define:
 1. Risk-based selection and/or sampling procedures;
 2. The **types** of reviews and their objectives;
 3. Where and when the **outcome** of the reviews will be reported; and
 4. What **activities** will be reviewed.

23 CFR 200.9(b)(7)

Title VI Plan—Elements

5) Data Collection Process

- Describe how SHA collects data, what data is collected, and how data is to be analyzed.
- SHA must collect Title VI Program-related data as on-going basis. Data collected should be directly related to specific processes in a Program Areas.
- E.g. SHA Right-of-Way may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance (49 CFR Part 21, Appendix C to Part 21(a)(2)(ii)). SHA's Plan describes how it collects data on race, color, national origin for relocates and other beneficiaries and review for potential disparate impacts.

23 CFR 200.9(b)(4)

Title VI Plan—Elements

6) Training

- Describe **how** and **when** members of the SHA Civil Rights **staff**, Title VI **liaisons**, and other **employees** within the agency will be **trained** on Title VI Program requirements and responsibilities.
- For **subrecipients** and **stakeholders**, include procedures as to **how** and **when** training will be conducted.



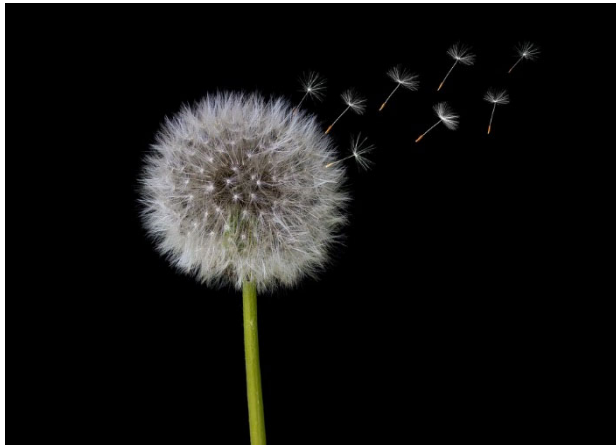
Title VI Plan—Elements

7) Complaint Procedures

- Describe the SHA's **procedures** for prompt processing of Title VI Program **complaints** received by the SHA.
- Procedures should include:
 - A description of the complaint process identifying how and where a complaint can be filed, with which department or person, and all applicable timeframes.
 - A description of the process by which the SHA will track the complaints and keep the required data for each complaint received.

Title VI Plan—Elements

8) Disseminate Title VI Information:



- **Process to elicit and solicit** public participation and involvement.
- **Educate** public of their Title VI program rights in the Transportation decision-making process.
- Include the **tools, techniques, and strategies** to involve and educate public including LEP persons.

23 CFR 200.9(b)(12)

Title VI Plan—Elements

9) Limited English Proficiency

- **Describe process** for how SHA reaches persons with Limited English Proficiency. This is often codified in a LEP Plan.
 - Conduct Four Factor Analysis (See [USDOT guidance](#) at 70 FR 74087, 74091 (December 9, 2005)).
 - Process of self-assessment to determine which personnel interact with members of the public.
 - Process to identify LEP Populations statewide and project-by-project using American Community Survey data www.census.gov/acs/www/.

Title VI Plan—Elements

10) Review of STA Directives

- SHA must describe process of reviewing directives for potential Title VI implications. SHA must also describe process for reconciling issues if directives have Title VI implications.
- E.g. SHA Civil Rights Office determines directive requires changes to comply with Title VI. Recommendation sent to department head for source of material. SHA leadership codifies changes.

23 CFR 200.9(b)(8)

Title VI Plan—Elements

11) Compliance and Enforcement Procedures

- Describe how trends or patterns of discrimination are identified and eliminated.
- Describe how compliance reviews of sub-recipients are conducted and how compliance is determined and enforced.

23 CFR 200.9(b)(14)&(15)

OTHER OPTIONAL ELEMENTS

Optional Elements

- Introduction; Policy Statement; Overview; or Background
- Glossary of terms; list of acronyms
- Special Emphasis Program Areas*
- Nondiscrimination Authorities & Resources
- Related SHA policy resources

Title VI Plan—Optional Elements

Introduction/Overview/Policy Statement:

- Introduction or Overview can help the public and employees understand the Title VI program and purpose of the Title VI Plan.
- Often the State CEO or other official wants to present an express commitment to the Title VI Program through a policy statement.



Title VI Plan—Optional Elements

Special Emphasis Program Areas:

- **Definition:** area for which the FHWA Office of Civil Rights (HCR) has identified a need for special attention by the SHA. See [2015 FHWA memorandum](#).
- Identification of Special Emphasis Program Area will be on a case by case basis for each individual state DOT. When HCR approves such designation, it will clearly communicate the program area and specific requirements by written letter to SHAs through Division offices.

Implementation Plan Wrap-Up

- Plan should have submittal date and federal fiscal year.
- SHAs should post approved Plan on public website.
- The Plan should be a Standard Operating Procedure of how the State is carrying out its program year to year.
- SHAs should submit updated Plan even if changes from last year are relatively minor.
- Avoid combined “Update and Accomplishments Report.” SHAs have Plan and a separate Goals and Accomplishments Report.

Goals and Accomplishments Report - Procedures

- SHAs “[p]repare a yearly report of Title VI **accomplishments** for the past year and **goals** for the next year.”
- No statutory submittal date – only “yearly.” Division must establish submittal time with State. However, submittal **earlier in FY is likely more useful** for Divisions.
- FHWA **does not approve** Goals and Accomplishments Reports. Divisions use information to monitor progress.

23 CFR §200.9(b)(10):

Goals and Accomplishment Reports

Accomplishments should include:

1. Program Area Reviews

Number of reviews, results, and actions taken.

2. Subrecipient Reviews

Number of reviews, results, and actions taken. ^{200.9(b)(10)&(3)}

3. Training

Number of trainings, topics covered, audience, number of attendees, and follow up (if any).

4. Title VI Complaints/ Corrective Action Plans

Summary for each complaint with current status and/or a detailed report of ongoing or completed activities for a CAP

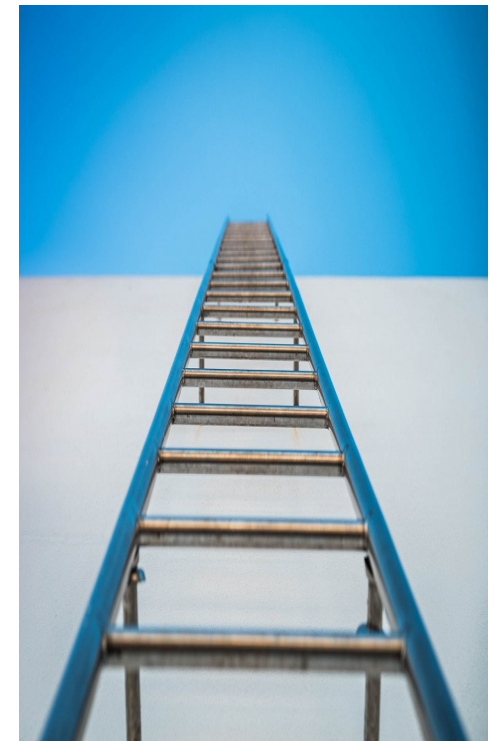
5. Special Emphasis Programs

Only if applicable, review results and actions taken.

Goals and Accomplishment Reports

Goals should include:

1. Number of reviews planned for the next year (both Program Area Reviews and Subrecipient reviews);
2. Number and description of training sessions planned (both internal and external); and
3. Any other Title VI related goals the SHA anticipates for the upcoming year.



Discussion