



# ODOT Intermodal Civil Rights

## Title VI Programs for Transit

January 23, 2024



# Today's Objectives

What is a  
Title VI Plan?

How to  
Update Your  
Title VI Plan

Title VI in  
Practice



# ODOT Office of Equity Civil Rights

## *Our Vision:*

*Promote innovative programs  
that provide equitable access and  
opportunities in Oregon*



# Contact & Resources

Carroll Cottingham  
Intermodal Civil Rights Programs  
[carroll.j.cottingham@odot.oregon.gov](mailto:carroll.j.cottingham@odot.oregon.gov)

ODOT Civil Rights Resources:

[Oregon Department of Transportation : Intermodal Civil Rights : Civil Rights : State of Oregon](#)

FTA Office of Civil Rights – Title VI Resources:

[Title VI of the Civil Rights Act of 1964 | FTA \(dot.gov\)](#)

ODOT PTD Training & Resources:

[Oregon Department of Transportation : Public Transportation Provider Training : Public Transportation : State of Oregon](#)

# Session Content



## 1 History & Context



## 2 Title VI Requirements



## 3 Components of a Title VI Program



## 4 Title VI In Practice: Findings & Fixes

# 1. Title VI History and Context

# The Civil Rights Act of 1964



*“[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.”*



# The Civil Rights Act of 1964

- Foundational and sweeping Civil Rights law passed in 1964 includes 10 titles.
- Other protections you may know:
  - Voting Rights (Title I)
  - Desegregation of Public Education (Title IV)
  - Equal Employment Opportunity (Title VII)
- Federal law and the primary enforcement mechanism is through condition of federal funds.





# Principles Under Title VI

- Promote full and fair participation in public transportation decision-making without regard to **race, color, or national origin.**
- Ensure the level and quality of public transportation service is provided in a nondiscriminatory manner.
- Ensure meaningful access to transit-related programs and activities by persons with **limited English proficiency** through language assistance measures.



## 2. Title VI Requirements

# Title VI Requirements

- FTA requires all recipients to document their compliance by submitting a Title VI Program to their Regional Office once every three years.
- ODOT's Title VI compliance includes our monitoring and oversight of our subrecipients.
- Plans need to be reviewed, updated, and approved by your governing body on a 3-year basis.
- Some additional Title VI Program elements are applicable based on the type of transit service or other federal funding sources.



# Title VI Requirements

- When a Title VI Program is reviewed by ODOT, FTA, or a contractor we are looking for the same fundamental elements.
- Recommended resource for Oregon transit providers is the ODOT Title VI Handbook.
- Other resources include:
  - FTA Contractors Manual
  - Title VI Circular 4702.1B



# Title VI Requirements

- A Federal-aid recipient must have a formal plan to prevent discrimination in **all** of its programs and activities.
- Title VI Programs are used to ensure compliance with Title VI of the Civil Rights Act of 1964, and to give transit employees, members of the general public, ODOT and the FTA a consistent and easy “roadmap” of the transit provider’s Title VI compliance.
- Pass-through entities are **not** exempt from Title VI, however Title VI Program elements may be developed in a conjunction with pass-through and provider.



# Reporting Schedule



**Every 3 Years**  
Complete Title VI Plan Update

- Annually**
- Title VI Program Changes
  - Complaints and Lawsuits
  - Outreach Activities



# Title VI Plan - Required Elements

Every Title VI plan must contain the following:

Notice of Rights Under  
Title VI

**How to File a Complaint**

Title VI Complaint Form

List of investigations,  
complaints or lawsuits

**Public Participation Plan**

Limited English Proficiency  
(LEP) Plan

**Minority Representation  
Table**

Approval from Governing  
Body



# Notice To the Public

Title VI Notice must include:

- A statement that the agency operates programs without regard to ***race, color or national origin***
- Information on how to request additional information about the agency's Title VI obligations, such as how to file a complaint or how to request language assistance
- Title VI Plan reviewers look for where Notice is posted
- If you have LEP requirements, the notice should be posted available in other languages





# Title VI Complaint Form & Procedure

Title VI Complaint Procedure should include:

- How to file the complaint (including timelines and access to a complaint form)
- How the agency will respond to the complaint (including timelines)
- How to appeal the agency response
- Include timelines and complaint form

ODOT has guidelines and examples available



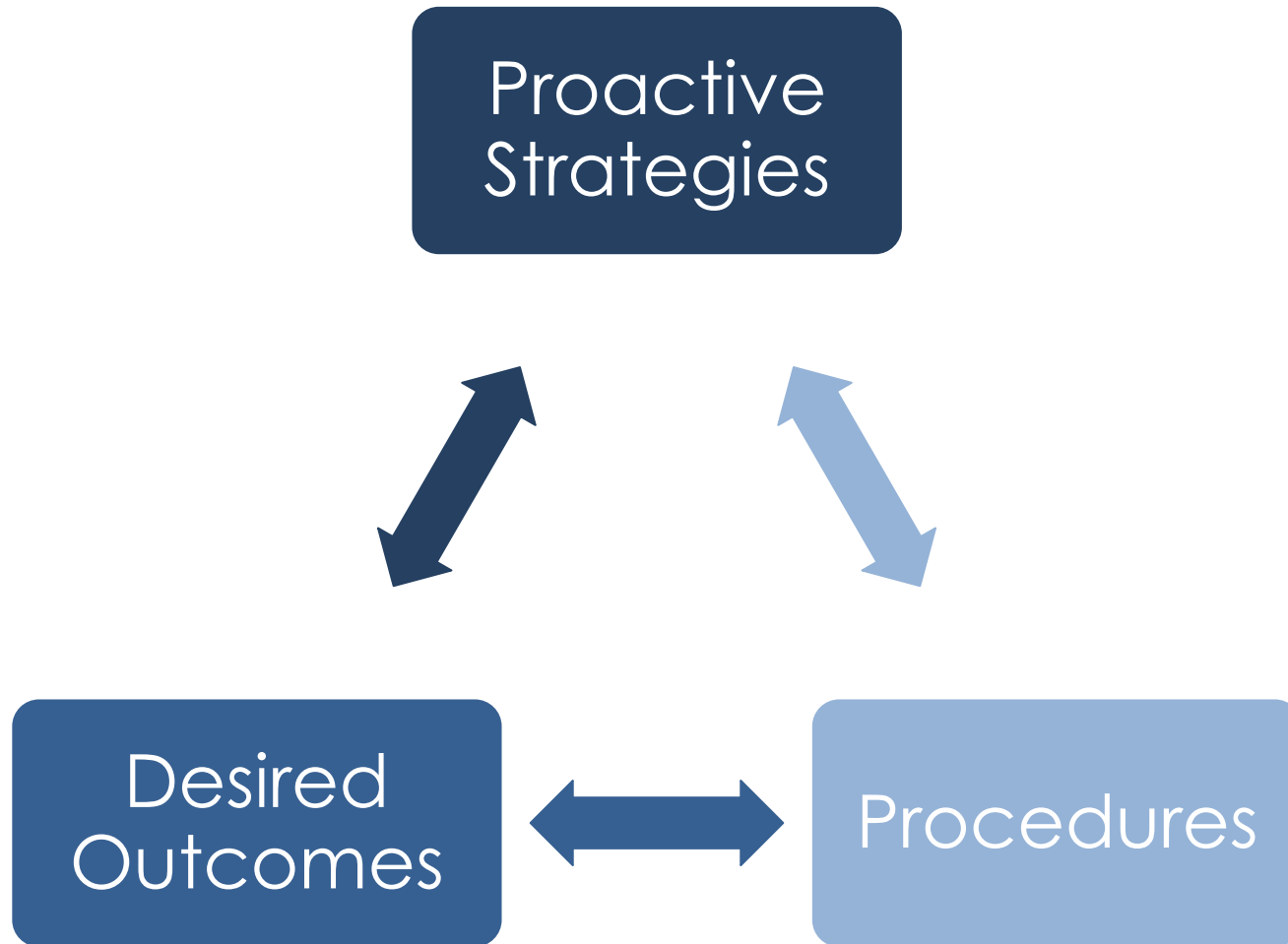
# List of Complaints & Lawsuits

- The agency's Title VI Plan should include an example of the complaint log, but not include details of specific complaints.
- Complaints can also be filed with ODOT or FTA
- If you have a complaint filed, ODOT or FTA can assist and provide guidance on resolution.



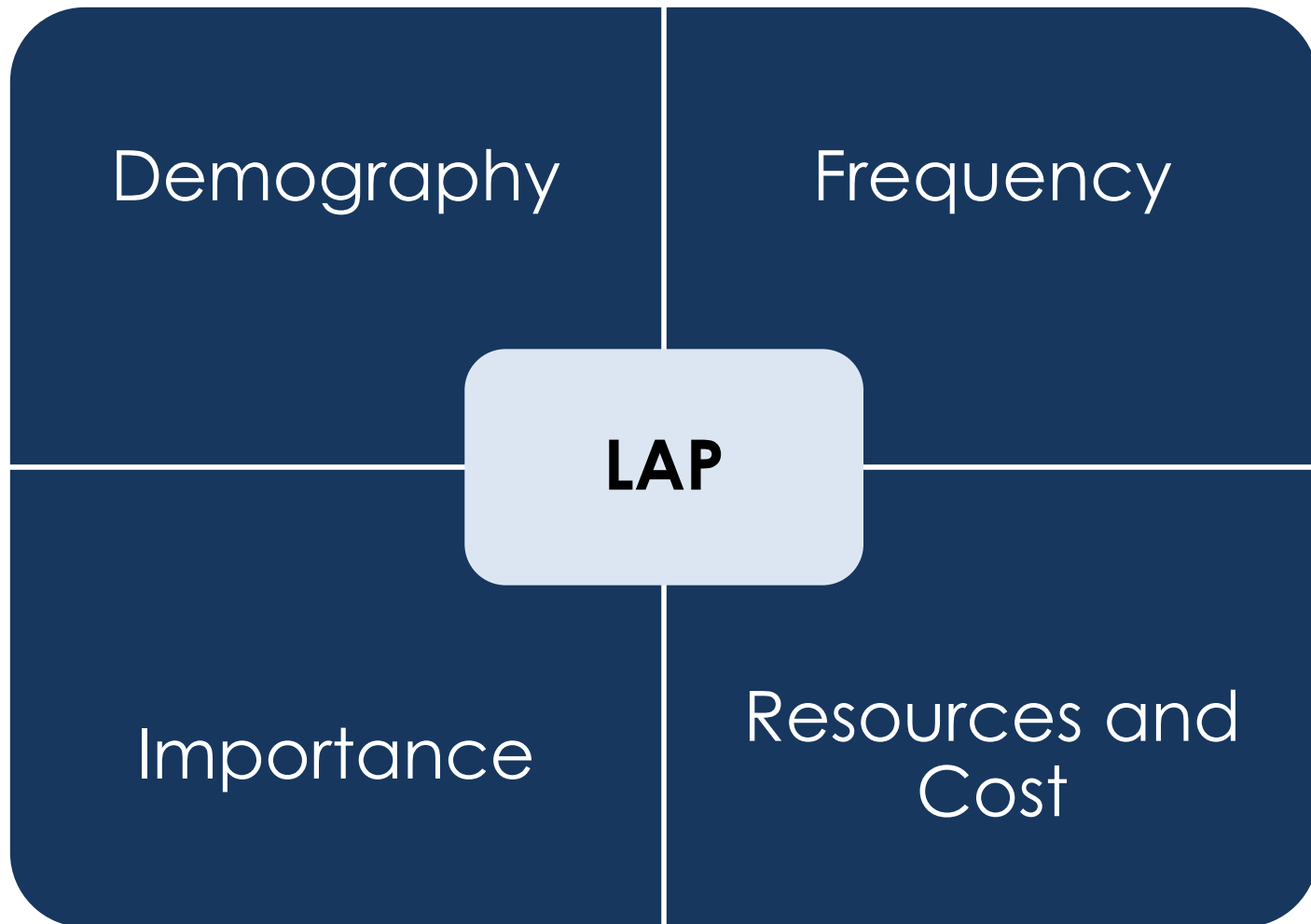
# Public Participation Plan

Written Plan That Addresses:



# Language Assistance Plan

## Four Factor Analysis



# Limited English Proficiency (LEP) Plan

## Safe Harbor

### **Safe Harbor requires, at a minimum:**

written translation of vital documents for each LEP group that meets the LEP language threshold of 5% or 1,000 individuals (whichever is less).



# Minority Representation on Boards

- The subrecipient must provide the demographic membership of any transit-related, non-elected boards, advisory councils, or oversight committees
- Include description of outreach efforts to recruit representation of underrepresented community members



# Other Potential Requirements

If you provide Fixed Route Services, you must include:

- Fixed Route Service Standards
- Fixed Route Service Policies

If you plan to construct new facilities, you may be required to conduct an Equity Analysis.



# Governing Body Resolution or Approval

- Your agency approves its own plan (not ODOT or FTA)
- Board of Directors Resolution
- Meeting Minutes





# Title VI In Practice: Findings & Fixes



# Questions