



Title VI for Local Governments

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Title VI of the Civil Rights Act of 1964

42 U.S.C. § 2000(d) states:

“No 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 financial assistance.”

Other Nondiscrimination Authorities

Legal Authority	Protected Class
Age Discrimination Act of 1975	Age
1973 Federal Aid Highway Act	Sex
Section 504 of the Rehab Act of 1973 & Americans with Disabilities Act of 1990	Disability
E.O. 12898 (Environmental Justice)	People of Color and Low-Income
EO 13166 (Limited English Proficiency)	Limited English Proficient individuals

Scope of MnDOT's Title VI Oversight

- **Civil Rights Restoration Act of 1987:** Reaffirmed that Title VI applies broadly to all programs and activities of a federal fund recipient.
- Only covers your agency's **road and highway transportation program** and associated activities (e.g. public engagement, contracting, etc.)
- Depending on organization structure, compliance may implicate other areas of your government organization.

Ex: Compliance Review asks for information about contract agreements with translators/interpreters. A procurement office outside of the public works dept may have this information.

Subrecipient Reviews

23 CFR 200.9(b)(7): MnDOT must “**conduct Title VI reviews of cities, counties . . . planning agencies, and other recipients of Federal-aid highway funds.**”

49 C.F.R. § 21.7(b): MnDOT must have “methods of administration” sufficient to **provide the FHWA with a “reasonable guarantee” of subrecipient compliance** with Title VI.

28 CFR § 42.410: MnDOT must “**establish a Title VI compliance program for itself and other recipients** which obtain federal assistance through it.”



Title VI Self-Assessment for Local Governments

Why did MnDOT Conduct an Assessment?

- Assessment distributed in February 2021 to local governments
- Effort to better comply with FHWA subrecipient oversight requirements
- To establish a baseline understanding of the level of local government compliance with Title VI
- Assist MnDOT Office of Civil Rights in planning future training and technical assistance services

About the Assessment

Who was asked to complete the Assessment?

Answer: Local governments who have received any FHWA funds in fiscal year 2020 or received or anticipate receiving FHWA funds in fiscal year 2021 (i.e., July 1, 2019 to June 30, 2021).

How did MnDOT Review the Assessment?

Answer: Reviewed individual assessments and aggregate response data to determine level of compliance across local governments.

Assessment Breakdown

- 100 local governments received the assessment
- 77 local governments completed the assessment
 - 53 Counties
 - 24 Cities
- 21 possible points across 6 categories
- Average total score: 4.35 points

Overview of Title VI Compliance

ASSESSMENT CATEGORIES

Title VI Policy, Public Notice,
and Assurances

Title VI Coordinator and
Complaint Process

Limited English Proficiency

Environmental Justice and
Public Engagement

Data Collection and Analysis

Program Area Reviews

Next Assessment in 2023

- **When:** February 2023
- **Who:** Local gov'ts who received federal-aid in state fiscal year 2022 or 2023
- **Objective:** Increase individual and overall assessment scores



Improving Assessment Scores

No Compliance Reviews in 2022

- MnDOT OCR will not conduct individual, in-depth, compliance reviews of any local partners in 2022
- Efforts focused on helping more local partners improve Title VI compliance through training
- Anticipate beginning compliance reviews in 2023

3 Title VI Workshops in 2022

- **Administrative:** Help local partners get paperwork in place
 - Assurances
 - Title VI Policy Statement
 - Complaint process/form
 - Public Notice
 - Title VI Coordinator
- **Limited English Proficiency:** Help local partners identify LEP communities and establish language assistance plan.
 - Demographic analysis tools
 - 4-factor analysis
 - Language assistance services
- **Completing a Title VI Plan:** Help local partners complete a Title VI Plan.
 - Walk through each section
 - Provide examples

Resources are Available

- Google “MnDOT Title VI Subrecipient Reviews”
- **Resource are available and updated:**
 - Subrecipient Requirements Overview
 - **Subrecipient Review Process and Requirements Guide**
 - Title VI Assurances (fillable PDF)
 - **Title VI Plan Template (includes templates for several items)**
 - Complaint Process and Forms (in Title VI Plan Template)

OCR Available for Consultation

- Troubleshooting specific issues
- Help completing Title VI Plan
- Assisting with demographic analysis
- Explaining compliance topics in further detail

Contact Title VI Coordinator to set up a consultation

MnDOT Title VI Contact Information

When in doubt, reach out . . .

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Final Thoughts

- Focus on the more straightforward pieces first:
 - Title VI Policy Statement
 - Assurances
 - Public Notice
 - Title VI Coordinator
 - Complaint Procedures
- **Title VI Plan template includes templates for these items.**

Questions?



Thank you!

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