



#24-06: Title VI Program Updates

Purpose

To be consistent with the federal laws and regulations as it pertains to Title VI of the Civil Rights of 1964 (Title VI) program requirements, Section 9.2 of the Local Assistance Procedures Manual (LAPM) is updated to provide better guidance and clarity to LPAs receiving funds through Caltrans from the U.S. Department of Transportation (USDOT) / Federal Highway Administration (FHWA).

Policy Update

Updates to Sections 9.1 and 9.2 will help LPAs develop better programs for their agencies to be compliant with the federal laws and regulations. The updates will require LPAs to re-evaluate their Title VI program, whether to have more requirements or clarify what is needed or not needed as part of their programs. The updates include roles and responsibilities for FHWA, Caltrans, and the LPAs.

In addition, LPAs must adhere to the new section 9.2.6: Required Documents and Reports, including the completion of the Title VI Program Assessment Online Form biennially (by June 30 every odd year or when requested).

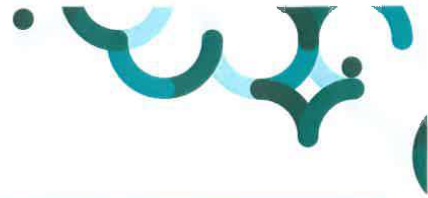
Publication Changes

The following table lists the changes to the January 2024 LAPM. LAPM chapter changes noted below supersede the existing 2024 LAPM publication and will be hard-coded in the January 2025 version.

LAPM Chapter 9	Changes that Supersede Current Publication
Section 9.1	<p>Introduction</p> <p>...</p> <p>Failure to comply with various federal regulations or requirements may lead to the following:</p> <ul style="list-style-type: none">• Deemed noncompliant and be placed on a corrective action plan• Imposed sanctions, including suspension or termination of or refusal to grant or to continue federal financial assistance• Declined approval of projects, grants, or contracts• Withheld reimbursements to LPAs or payments to contractors• Referred to FHWA, USDOT, or the USDOJ for appropriate legal action• Other actions deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the LPA or contractor



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Section 9.2

Title VI of the Civil Rights Act of 1964 and ~~Related Statutes~~ Additional Nondiscrimination

Before the passage of the Civil Rights Act of 1964, there was no law preventing discrimination and segregation in the United States among people of different colors, races, ethnicities, national origins, and people who speak different languages. Title VI of the Civil Rights Act of 1964 (Title VI) ~~prohibits discrimination based upon race, color, and national origin. Specifically, 42 U.S.C. 2000d~~ states that "[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 financial assistance" per 42 USC 2000d. Simply put, members of the public must not be discriminated against when trying to access LPA programs, services, or activities based on their race, color, or national origin (including Limited English Proficiency (LEP)).

In addition to Title VI ~~of the Civil Rights Act of 1964~~, other nondiscrimination statutes afford legal protection. ~~under the Federal Highway Administration's (FHWA) Title VI Program~~. These statutes include the following:

- Section 162(a) of the Federal-Aid Highway Act of 1973 (23 U.S.C.324) (sex)
- Age Discrimination Act of 1975 (age)
- Section 504 of the Rehabilitation Act of 1973 ~~(disability)~~ /
▪ ~~Americans with Disabilities Act of 1990 (disability)~~ (addressed in Section 9.3)

~~Two Presidential Executive Orders place further emphasis on the Title VI protections of race and national origin and are included in the scope of the FHWA's Title VI Program:~~

- ~~1. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. The order is also intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.~~
- ~~2. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," directs federal agencies to evaluate services provided and implement a system that ensures that Limited English Proficiency (LEP) persons are able to meaningfully access the services provided, consistent with, and without unduly burdening, the fundamental mission of the LPA. Additionally,~~



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~~each federal agency shall ensure that recipients of federal financial assistance provide meaningful access to programs, services, and information to their LEP applicants and beneficiaries free of charge.~~

~~Taken together, these requirements define an overarching Title VI nondiscrimination program. Title VI and the additional nondiscrimination requirements are applicable to all programs and activities administered by a recipient and subrecipient, in addition to programs receiving federal financial assistance, due to the Civil Rights Restoration Act of 1987.~~

As a condition of receiving federal funds from FHWA through Caltrans, LPAs are required to sign the Master Agreement – Administering Agency-State Agreement for Federal-Aid Projects (see Exhibit 4-C) with Caltrans, agreeing to comply with Title VI and other regulations imposed by the USDOT or the FHWA, as it relates to Title VI and additional nondiscrimination requirements.

~~Nondiscrimination provisions apply to all programs and activities of federal aid recipients, subrecipients, and contractors, regardless of tier (49 CFR 21).~~

~~Agencies that receive federal funds from Caltrans are referred to as subrecipients. Subrecipients that receive FHWA funds through Caltrans are required to establish a Title VI program that is subject to review by Caltrans pursuant to 23 CFR 200.9(b)(7). The purpose of the program is to prohibit discrimination and ensure non-discrimination through establishing policies and procedures and conducting regular subrecipient program reviews.~~

~~Caltrans Division of Local Assistance, Office of Guidance and Oversight (OGO) monitors Caltrans subrecipients for Title VI compliance. The following is a listing of items that are required as part of a subrecipient's Title VI program.~~

Section 9.2.1 Legal Authorities

LPAs must comply with the following list of authorities for Title VI and additional nondiscrimination compliance.

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) (Title VI) – Prohibits discrimination on the basis of race, color, or national origin (including LEP) in programs and activities receiving federal financial assistance.
- Civil Rights Restoration Act of 1987 (amended Title VI) – Expanded the coverage of Title VI to apply to all operations of LPAs receiving federal financial assistance, not just programs or activities that are federally funded.



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- [Section 162 \(a\) of the Federal-Aid Highway Act of 1973 \(23 U.S.C. Section 324\) \(sex\)](#) – Prohibits discrimination on the basis of sex.
- [Age Discrimination Act of 1975 \(42 U.S.C. Sections 6101-6107\) \(age\)](#) – Prohibits discrimination on the basis of age.
- [Executive Order 12898 - "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"](#) – Directs agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations.
- [Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency \(LEP\)"](#) – Ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.
 - [U.S. Department of Justice \(USDOJ\) LEP Guidance](#) – A general guidance document with compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and that they do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations.
 - [U.S. Department of Transportation \(USDOT\) LEP Guidance](#) – USDOT recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.
- [USDOJ Title VI Requirements – 28 CFR 42 Subpart F—Coordination of Enforcement of Non-discrimination in Federally Assisted Programs](#) – U.S. DOJ's regulations for enforcing Title VI and mandating each state agency administering a continuing program that receives federal financial assistance to establish a Title VI compliance program for itself and other recipients which obtain federal assistance through it.
- [U.S. DOT Title VI Requirements – 49 CFR Part 21](#) – USDOT's regulations for enforcing Title VI, including procedures for effecting compliance.
- [U.S. DOT Order Title VI Order 1000.12C](#) – USDOT's order provides policy direction, practices, and standards to Operating Administrations (OAs) for establishing and maintaining an enforcement program that ensures Title VI compliance.
- [FHWA Title VI Requirements – 23 CFR Part 200](#) – FHWA's regulations for implementing the FHWA Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations.

Taken together, these requirements define an overarching Title VI nondiscrimination program. Title VI and the additional nondiscrimination requirements are applicable to all programs and activities administered by a recipient and subrecipient, in addition to programs receiving federal financial assistance, due to the Civil Rights Restoration Act of 1987. Nondiscrimination provisions apply to all programs and activities of federal-aid



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recipients, subrecipients, and contractors, regardless of tier (49 CFR 21).

Section 9.2.2

Title VI Program Roles and Responsibilities

FHWA Roles and Responsibilities

The FHWA CA Division Office (CADO) ensures that Caltrans has an approved Title VI Plan and submits the annual Title VI Accomplishments and Goals Report. Additionally, CADO ensures that Caltrans implements an effective monitoring program of their subrecipients' (LPAs') efforts to implement Title VI effectively.

CADO processes Title VI complaints (complaints received from members of the public against Caltrans or LPAs) received from Caltrans. CADO Civil Rights Manager and Civil Rights Specialist guide Caltrans as needed.

Caltrans Roles and Responsibilities

Office of Civil Rights (OCR)

- Administer the Caltrans Title VI Program.
- Oversee DLA's efforts in monitoring LPAs' Title VI programs and provide technical assistance to DLA.
- Process and forward Title VI complaints received from LPAs to FHWA for investigation.

Division of Local Assistance (DLA)

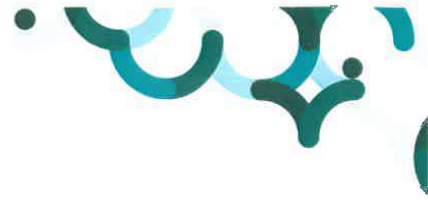
- Provide technical assistance to the districts and LPAs.
- Monitor LPA compliance with Title VI program requirements by conducting mandated program assessments. The district is invited to participate in LPA program assessment onsite visits.
- Provide training for district and LPA staff.
- Process and forward Title VI complaints received from LPAs to OCR.

District Local Assistance Engineer (DLAE)

- Appoint a DLA Title VI Coordinator for the district to be the point of contact for LPAs. The DLA Title VI Coordinator assists DLA in its oversight responsibilities.
- Monitor LPA compliance with Title VI program requirements by participating in Title VI program assessments and meetings with LPAs.
- Ensure that LPAs with federal-aid contracts sign the most current Master



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Agreement – Administering Agency-State Agreement for Federal-Aid Projects (see Exhibit 4-C) with the most current Title VI assurances (Exhibit B) that include an Appendix E to Exhibit B.

- Ensure that LPAs with federal-aid contracts submit their Title VI Implementation Plans to DLA biennially (by June 30 every odd year or when requested) for review through the [Title VI Program Assessment Online Form](#).
- Serve as the focal point for advice and assistance to the LPAs on Title VI matters.
- Provide Title VI oversight of LPAs pursuant to the LAPM.
- Report all Title VI accomplishments for the current Federal Fiscal Year (FFY) and goals for the upcoming FFY to the District Title VI Liaison to be included in the Caltrans Title VI Accomplishments and Goals Report reported to the FHWA annually.

Local Public Agency Roles and Responsibilities

- Develop the LPA's Title VI program as specified in Section 9.2.3: FHWA Title VI Program Requirements.
- Participate in Title VI program assessments conducted by DLA.
- Submit technical assistance requests to the DLAE.
- Designate a Title VI Coordinator, accountable to the Chief Executive Officer of the LPA, to administer the LPA's Title VI Program in accordance with federal laws and regulations relating to Title VI.
- Develop a Title VI Implementation Plan (Title VI Plan), a written plan for enforcement that sets out its priorities and procedures for Title VI. The plan must address all the items listed under the Title VI Requirements section below, be approved by the LPA's approving body or official, and be submitted to DLA through the [Title VI Program Assessment Online Form](#).
- Develop a Title VI complaint form and a log for Title VI complaints received. In addition, LPAs must develop procedures for prompt processing (including logging Title VI complaints, determining jurisdiction, and determining if the complaint is a Title VI complaint) and disposition of Title VI complaints received directly by the LPA. Visit DLA's [Filing a Title VI Complaint](#) website for more information.

Note: Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by LPAs are to be forwarded to Caltrans to be submitted to the FHWA Division Office. Title VI complaints must be sent within one business day of receipt via email to Title.VI@dot.ca.gov.



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- Implement and monitor the LPA's Title VI program following the LPA's Title VI Plan and FHWA's Title VI program requirements.
- Complete the Title VI Program Assessment Online Form biennially by June 30 every odd year or when requested.

Section 9.2.3

FHWA Title VI Program Requirements

1. ~~Title VI Implementation Plan~~

~~The LPA must develop a written plan that sets priorities and procedures for Title VI compliance. This plan must be updated every 3-5 years or as needed, and made available to the public and address matters such as the procedures for handling complaints, the provision of civil rights training for its staff, the allocation of staff to different compliance functions, department area reviews, data collection methods, dissemination of Title VI information, Limited English Proficiency analysis, and Title VI accomplishments and goals (23 CFR 200.9(b)(1)).~~

~~The plan must contain the following:~~

~~a. Designation of a Title VI Coordinator~~

~~The LPA must designate a Title VI Coordinator who has a responsible position in the organization and easy access to the head of the agency. Identification of the Title VI Coordinator must be disseminated to the public via such methods as posting in public areas or on the LPA's website (23 CFR 200.9(b)(1)).~~

~~b. Title VI Assurances in Contract Documents and Agreements~~

~~LPAs sign assurances as part of Exhibit 4-C: Master Agreement – Administering Agency-State Agreement for Federal Aid Projects with Caltrans. The Program Supplement Agreement (PSA) (see Exhibit 4-D: Sample – Program Supplement Agreement) for each project includes the LPA's reaffirmation of the nondiscrimination assurances contained in the Master Agreement.~~

~~The LPA must include the provisions indicated in Appendices A–E to Exhibit B of the Title VI Assurances, included as part of Exhibit 4-C in contracts and agreements, between the LPA and the contractor, where applicable.~~

~~c. Title VI/ Nondiscrimination Statement~~

~~The LPA must develop a Title VI policy statement for signature by the head of the agency. The statement must give reasonable guarantee that the programs administered by the agency are conducted in compliance with all Title VI nondiscrimination requirements. The signed statement must be disseminated to the~~



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~~public via such methods as posting in public areas and/or on the agency's website (49 CFR 21.7(b)).~~

~~d. — Dissemination of Title VI Information~~

~~The LPA must develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. The purpose of the information must be to communicate information about the public's rights under Title VI. Sample information includes, but is not limited to, posters, brochures, flyers, "frequently asked questions" documents, web pages, etc. Alternative formats must be offered and made available at no cost to the requester, where applicable (23 CFR 200.9(b)(12)).~~

~~e. — Title VI Training~~

~~The LPA must provide Title VI training for its managers, supervisors, and staff with frequent public contact every two years (23 CFR 200.9(b)(9)).~~

~~Sample of Title VI training, please refer to Federal aid Essentials for Local Public Agencies.~~

~~f. — Title VI Complaint Process~~

~~An LPA that receives federal financial assistance is required to adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging discrimination on basis of race, color, national origin, age, sex, or disability (23 CFR 200.9(b)(3)).~~

~~Any person who believes they have been discriminated against based on race, color, or national origin by Caltrans or a subrecipient may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The Office of Civil Rights (OCR) processes complaints received no more than 180 days after the alleged incident. OCR will only process complaints that are complete, which include the complainant's contact information, details of the alleged discrimination, and the complainant's signature.~~

~~The subrecipient must forward the completed complaint form to OCR upon receipt. Once the Title VI complaint is received, OCR will determine the federal administering agency that has jurisdiction to investigate/process the complaint.~~

~~Title VI Complaints Processed Under the Federal Highway Administration (FHWA):~~

~~Title VI complaints filed with Caltrans in which Caltrans is named as the Respondent will be forwarded to the FHWA Division Office. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and forwarded to the FHWA.~~



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NOTE: Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by a subrecipient are to be forwarded to Caltrans to be submitted to FHWA Division Office. Complaints should be sent within one business day of receipt via email to Title.VI@dot.ca.gov. If FHWA Headquarters Office of Civil Rights (HCR) determines a Title VI complaint against a subrecipient can be investigated by Caltrans, HCR may delegate the task of investigating the complaint to Caltrans.

Title VI Complaints Processed Under the Federal Transit Administration (FTA):

Title VI complaints filed with Caltrans in which Caltrans is named as the Respondent will be investigated by Caltrans. Per FTA, Title VI complaints are to be handled at the local level or elevated to FTA under egregious Title VI discriminatory circumstances. The Complainant will receive an acknowledgement letter informing them that the complaint has been received and whether the complaint will be investigated by Caltrans or forwarded to FTA.

Title VI complaints filed with Caltrans against a subrecipient will be investigated by Caltrans. If the complaint is filed with the subrecipient, the subrecipient is responsible for investigating the complaint in accordance with FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

FTA — Filing a Local Complaint

FTA recommends, but does not require, that individuals first file a complaint directly with their transit provider to give the provider an opportunity to resolve the situation. FTA grantees are required under the ADA, Title VI, and EEO to have local complaint procedures.

Caltrans Office of Civil Rights Investigation Process

If OCR is delegated the responsibility of performing an investigation, OCR has 90 days to investigate the complaint. If additional time is needed, OCR will call the Complainant and inform them.

If more information is needed to resolve the case, the OCR investigator may contact the Complainant. The Complainant has 10 business days from the date of the letter to send the requested information to the investigator assigned to the case.

If the investigator is not contacted by the Complainant or does not receive the



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~~VI complaints will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to all parties via the FHWA Division Office.~~

~~A person may also file a complaint directly with:~~

~~Federal Transit Administration
Civil Rights Division
Attention: Complaint Team
East Building, 5th Floor—TCR
1200 New Jersey Avenue, SE
Washington, DC 20590~~

~~or~~

~~Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
8th Floor E81-105
1200 New Jersey Avenue, SE
Washington, DC 20590~~

~~g. — Data Collection and Analysis~~

~~The subrecipient must develop procedures for the collection of statistical data (race, color, national origin, age, sex, and disability) of participants in, and beneficiaries of, federally funded roadway projects, i.e., citizens impacted by relocation and participants attend the public hearing during an environmental review. In addition, the LPA must analyze the data collected to determine the effectiveness of outreach methods to ensure that all groups are included during the decision-making process and are given an opportunity to voice their opinions or concerns (23 CFR 200.9(b)(4)).~~

~~2. — Limited English Proficiency~~

~~Executive Order 13166, "Improving Access to Services For Persons with Limited English Proficiency," directs federal agencies to evaluate services provided and implement a system that ensures that Limited English Proficiency (LEP) persons are able to meaningfully access the services provided, consistent with, and without unduly burdening, the fundamental mission of the LPA.~~

~~The LPA is required to ensure programs and activities normally provided in English are accessible to LEP persons. Each LPA must perform an annual assessment to determine if modifications are needed to their programs and activities to ensure meaningful access by LEP persons, culminating in the development of a language access plan.~~



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The LPA's assessment, sometimes referred to as a "four-factor" analysis, must be based on the following factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered.
2. The frequency of LEP contacts.
3. The nature and importance of the programs, services, or activities provided.
4. The resources available for LEP persons.

For example, publications or public notices must be made available in languages understood by the affected population and in other languages by request. Interpreters must be made available for LEP persons and for the hearing impaired (see LAPM Chapter 8: Public Hearings).

Language barriers may prohibit LEP persons from:

- Obtaining services and information related to transportation services, programs, and projects.
- Taking advantage of the transit system, which could affect their jobs and social opportunities.
- Understanding the benefits to which they are entitled when their home or business property is acquired through eminent domain.

More information on LEP can be found at: www.lep.gov.

3. Environmental Analysis

Presidential Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," is considered during the preliminary environmental investigation process and completion of the Preliminary Environmental Study (PES) Form. See Exhibit 6-A: Preliminary Environmental Study (PES), Exhibit 6-B: Instructions for Completing the Preliminary Environmental Study (PES), LAPM Chapter 6: Environmental Procedures, or refer to the Local Assistance Environmental website.

Upon completion of the Exhibit 6-A PES Form, if questions 23-32 are marked yes, or if the PES results in an Environmental Assessment or Environmental Impact Statement:

- a. Title VI implementation and outreach may be triggered. Any vital public communication must be translated and accessible when a significant number or percentage of the population is eligible to be served (5% or 1,000 individuals, whichever is less of the population to be served), likely to be directly affected by the program/activity, or needs services or information in a language other than English to



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~~communicate effectively.~~

~~b. — The LPA must contact the District Senior Environmental Planner and the District Senior Right of Way Agent to inform them the agency may implement Title VI and outreach for this project.~~

~~If a project requires that a Relocation Impact Study and/or Community Impact Assessment be conducted, the LPA must follow the guidance set forth in the Standard Environmental Reference (SER). The SER is an online electronic reference that sets forth document content and format, as required by law or regulation, and recommended format, if not specified by law or regulation. Chapter 25 of the SER addresses Environmental Justice and LEP requirements.~~

~~Each agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low income populations.~~

~~4. — Accomplishments and Goal Report~~

~~Develop a Title VI Annual Accomplishments and Goals Report. List the goals accomplished in the past year, and goals for the next year. For instance, a goal may state where Title VI issues were identified and discrimination prevented, activities and efforts of the Title VI specialist and program area personnel in monitoring Title VI, etc. (23 CFR 200.9(b)(10)).~~

LPA's that receive FHWA funds through Caltrans are required to establish a Title VI program that is subject to assessment by Caltrans pursuant to 23 CFR 200.9(b)(7). The purpose of the program is to prohibit discrimination and ensure non-discrimination by establishing policies and procedures.

Caltrans Division of Local Assistance, Office of Local Civil Compliance (LCC) monitors LPA's for Title VI compliance. The following is a list of items that are required as part of an LPA's Title VI program. For examples of documents and resources, visit DLA's [FHWA Title VI Local Agency Requirements](#) website.

1. Title VI Implementation Plan (28 CFR 42.415 and 23 CFR 200.9(b)(11))

The LPA must develop a written plan that sets priorities and procedures for Title VI compliance which covers race, color, and national origin (including LEP). This plan must be available to the public (for example, posted on the website) and address all the items listed in this section. The LPA must implement and enforce the Title VI Plan to ensure compliance with FHWA's Title VI requirements. This plan must be updated annually or as needed when changes occur.



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2. Designation of a Title VI Coordinator (23 CFR 200.9(b)(1))

The LPA must designate a Title VI Coordinator who has a responsible position in the organization and easy access to the head of the agency. Identification of the Title VI Coordinator must be disseminated to the public via such methods as posting in public areas or on the LPA's website.

3. Title VI/Nondiscrimination Policy Statement (49 CFR 21.7(b))

The LPA must develop a Title VI policy statement for signature by the head of the agency and be made available to the public. The statement must give a reasonable guarantee that the programs administered by the LPA are conducted in compliance with all Title VI nondiscrimination requirements which covers race, color, and national origin (including LEP). The policy statement must be updated annually.

4. Limited English Proficiency (LEP) Assessment (Four Factor Analysis)/ Language Access Plan (LAP) (Executive Order 13166; USDOJ LEP Guidance; USDOT LEP Guidance)

Publications or public notices must be made available in languages understood by the affected population and in other languages determined by the LEP Assessment or by request. Interpreters must be made available for LEP persons at public meetings (see [LAPM Chapter 8: Public Hearings](#)).

Language barriers may prohibit LEP persons from:

- Obtaining services and information related to transportation services, programs, and projects.
- Taking advantage of the transit system, which could affect their jobs and social opportunities.
- Understanding the benefits to which they are entitled when their home or business property is acquired through eminent domain.

More information on LEP can be found at: www.lep.gov.

LEP Assessment

The LPA is required to ensure programs and activities normally provided in English are accessible to LEP persons. Each LPA must perform an annual assessment (also referred to as a Four Factor Analysis) to determine if modifications are needed to their programs and activities to ensure meaningful access by LEP persons by providing language interpretation (verbal) or translation (written) services. If there



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are no changes to the factors from the previous LEP Assessment, the LPA can use the prior year's LEP Assessment. The LPA must document that the LPA reviewed the previous LEP Assessment and found no changes.

The LPA's assessment must be based on the following factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered.
2. The frequency of LEP contacts.
3. The nature and importance of the programs, services, or activities provided.
4. The resources available for LEP persons.

Visit [FHWA's U.S. – Limited English Proficiency Data Collection Walkthrough](#) website for more information.

Language Access Plan (LAP)

The LAP must comprise the following six elements that are vital to developing and taking reasonable steps to provide meaningful access to LPA-conducted programs, services, and activities:

1. Understanding how persons with LEP interact with the LPA
2. Identifying and assessing communities with LEP
3. Providing notice of language assistance services
4. Providing language assistance services
5. Training staff on policies and procedures
6. Monitoring, evaluating, and updating the language access policy directives, plans, and procedures.

The LAP must be updated with the results of the LEP Assessment or as needed when changes occur. Visit the [USDOJ's Language Access Planning](#) or the [USDOT's Language Access Plan](#) websites for more guidance.

5. **Dissemination of Title VI Information (23 CFR 200.9(b)(12))**

The LPA must develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English (determined by the LEP Assessment). The purpose of the information is to communicate information about the public's rights under Title VI.



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6. Title VI Training for LPA Staff (23 CFR 200.9(b)(9))

The LPA must provide Title VI training for all LPA employees every two years. Title VI training must cover what is Title VI, how the LPA implements its Title VI program to meet federal requirements, and what steps to take for handling Title VI complaints, as well as language interpretation (verbal) or translation (written) requests.

7. Title VI Assurances in Contract Documents and Agreements (23 CFR 200.9(a)(1) and 49 CFR 21.7)

The LPA must include required Title VI Assurances (specifically, Appendices A and E of the Title VI Assurances) in all sub-contracts and sub-agreements with federal funds, where applicable. The LPA signed the Title VI Assurances as part of [Exhibit 4-C: "MASTER AGREEMENT - ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS"](#).

For construction contracts, specific Title VI contract provision language is included in Form FHWA-1273 that is physically inserted in the federal-aid construction contract (see [LAPM Chapter 12: Plans, Specifications, and Estimate](#)).

For consultant contracts, Appendices A and E of the Title VI Assurances must be included in each consultant contract (see [LAPM Chapter 10: Consultant Selection](#)). The consultant must include the Title VI Assurances Appendices A and E, and if applicable Appendices B, C, and D in all subcontracts to perform work under the contract. Refer to [Exhibit 10-R: A&E Boilerplate Agreement Language](#), Article XXXII Title VI Assurances.

8. Title VI Complaint Procedures (23 CFR 200.9(b)(3))

The LPA must develop a Title VI complaint form and a log for Title VI complaints received. In addition, the LPA must develop procedures for prompt processing (including logging Title VI complaints, determining jurisdiction, and determining if the complaint is a Title VI complaint) and disposition of Title VI complaints received directly by the LPA.

Note: Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, all Title VI complaints received by LPAs are to be forwarded to Caltrans to be submitted to the FHWA Division Office. Title VI complaints must be sent within one business day of receipt via email to Title.VI@dot.ca.gov.



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9. Title VI Data Collection (23 CFR 200.9(b)(4))

The LPA must develop procedures for the collection of statistical data (race, color, and national origin) of participants in, and beneficiaries of, federally funded roadway projects, e.g., citizens impacted by relocation and participants that attended the public hearing during an environmental review. For example, the LPA can collect Title VI data of participants at public meetings.

In addition, the LPA must analyze the data collected to determine the effectiveness of outreach methods to ensure that no group is excluded during the decision-making process or is not given an opportunity to voice their opinions or concerns. For example, in analyzing the data collected in the example above, the LPA would determine if the LPA needs to conduct additional outreach to the group(s) who did not attend the public meeting, as these groups make up a good portion of the population.

10. Internal/External Title VI Reviews (23 CFR 200.9(a)(4), 23 CFR 200.9(b)(5), 23 CFR 200.9(b)(6), and 23 CFR 200.9(b)(7))

The LPA must develop a program to conduct internal Title VI reviews of program areas and to conduct external Title VI reviews of sub-awardees. This effort ensures both the LPA and its sub-awardees comply with FHWA's Title VI requirements.

11. Title VI Accomplishments and Goals Report (Title VI Annual Work Plan) (23 CFR 200.9(b)(10))

The LPA must develop an annual Title VI Accomplishments and Goals Report which consists of accomplishments for the past year, and goals for the next year. This report must be made available to the public and when requested by Caltrans.

Section 9.2.4 LPA Title VI Implementation

Environmental Analysis (Exhibit 6-A Preliminary Environmental Study (PES))

Presidential Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," is considered during the preliminary environmental investigation process and completion of the Preliminary Environmental Study (PES). See [Exhibit 6-A: Preliminary Environmental Study \(PES\)](#), [Exhibit 6-B: Instructions for Completing the Preliminary Environmental Study \(PES\)](#), [LAPM Chapter 6: Environmental Procedures](#), or refer to the [Local Assistance Environmental website](#).



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Upon completion of the Exhibit 6-A PES Form, if questions 23-32 are marked yes, or if the PES results in an Environmental Assessment or Environmental Impact Statement:

- a. Title VI implementation and outreach may be triggered. Any vital public communication must be translated and accessible when a significant number or percentage of the population is eligible to be served (5% or 1,000 individuals, whichever is less of the population to be served), likely to be directly affected by the program/activity, or needs services or information in a language other than English to communicate effectively.
- b. The LPA must contact the District Senior Environmental Planner and the District Senior Right of Way Agent to inform them the agency may implement Title VI and outreach for this project.

If a project requires that a Relocation Impact Study and/or Community Impact Assessment be conducted, the LPA must follow the guidance set forth in the Standard Environmental Reference (SER). The SER is an online electronic reference that sets forth document content and format, as required by law or regulation, and recommended format, if not specified by law or regulation. [Chapter 25 of the SER](#) addresses Environmental Justice and LEP requirements.

Each agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

Public Hearings, Public Involvement Meetings, and Community Meetings

The attendance and concerns of LEP persons, persons with disabilities, minority populations, and low-income populations at public involvement meetings and hearings must be carefully documented to comply with Title VI, including statistics of participants by race and gender. Public hearing announcements must be made available in languages understood by the affected population. Public hearings must be held at locations that are both geographically and structurally accessible.

Right of Way

On federal-aid projects, all Right of Way (R/W) activities are conducted in accordance with [LAPM Chapter 13: Right of Way](#) and the [Caltrans Right of Way Manual](#), unless the LPA has adopted its own Caltrans-approved procedures. These manuals [The LAPM](#) requires that the public be provided with Title VI information and complaint procedures within each of the following R/W functions: appraisals, acquisitions, relocation assistance program, and property management. Both the DLAE and Caltrans District R/W staff



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monitor R/W activities on local projects to ensure compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Title VI.

Construction

Federal-aid construction contracts must include provisions, which require compliance with Title VI. The specific contract provision language is included in Form FHWA-1273 that is physically inserted in the federal-aid construction contract (see [LAPM Chapter 12: Plans, Specifications, and Estimate](#)). To further comply with Title VI, ~~agencies~~ LPAs must notify residents ~~(in English and in other languages as needed)~~ prior to construction that they may be impacted by construction zones (e.g. detours, noise, parking, pollution, etc.).

Title VI Monitoring

The LPA must actively monitor its programs, services, and activities to ensure compliance with Title VI requirements. For example, efforts should be made to communicate regularly with management and employees ~~with frequent public contact~~ to address Title VI questions and provide technical assistance and training. Policies and procedures ~~should~~ **must** be evaluated periodically for Title VI compliance and incorporate Title VI requirements, where applicable.

Demographic data ~~should~~ **must** be collected and analyzed on an ongoing basis to better understand the populations being served by the LPA, as well as inform the delivery of services. Public meeting notices and other communications ~~should~~ **must** be reviewed for LEP purposes ~~as a matter of practice~~.

~~LPA preliminary environmental studies, technical reports, environmental assessments, and Environmental Impact Statements provide for data collection and analysis on the demographics of neighborhoods and communities. Caltrans DLAEs and Environmental Specialists review the environmental documents to ensure that no disproportionate adverse impacts occur on minority and low-income neighborhoods or communities.~~

Title VI ~~Compliance Reviews~~ Program Assessments

Caltrans DLA conducts program ~~reviews~~ **assessments** of ~~subrecipients~~ LPAs receiving ~~federal funds of federal financial assistance~~ to ensure compliance with Title VI requirements pursuant to 23 CFR 200.9(b)(7). ~~Reviews~~ **Assessments** can occur at any time and at Caltrans' discretion. ~~Reviews~~ **Assessments** consist of a desk ~~audit~~ **assessment** and/or on-site visit. ~~Reviewers~~ **The assessors** summarize observations and findings in a formal ~~compliance review~~ **program assessment** report that is provided to the LPA, ~~the DLAE~~ and FHWA. Corrective action may be required, where applicable.



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[The following three sections are moved to Section 9.4: EEO Monitoring]

Plans, Specifications & Estimate Checklist

[Exhibit 12-D: PS&E Checklist](#) confirms the implementation of the mandatory requirements of FHWA Form-1273 such as Equal Employment Opportunity (EEO) certification, Disadvantaged Business Enterprise (DBE) provisions, and applicable wage rates. The LPA submits Exhibit 12-D to the DLAE along with the request for authorization to proceed with construction for federal-aid construction contracts.

~~Local-Public-Agency~~ Construction Contract Administration Checklist

[Exhibit 15-A: Local Agency Construction Contract Administration Checklist](#) confirms that DBE and labor/EEO compliance requirements are performed and documented in the project files. Exhibit 15-A documents that the LPA will meet all of the requirements prior to the award of the construction contract (see [LAPM Chapter 15: Advertise and Award Project](#)).

Resident Engineer's Construction Contract Administration Checklist

[Exhibit 15-B: Resident Engineer's Construction Contract Administration Checklist](#) is completed by the LPA Resident Engineer. The purpose of this checklist is to assist the LPAs in administering federal-aid highway construction projects. It also provides a record that the EEO/Wage Rate/False Statements posters are being posted at specific locations, that employee interviews will be conducted in accordance with the Labor Compliance/EEO interview form, and that DBE requirements are met. ~~The LPA submits Exhibit 15-B along with the Award Package shortly after award of the construction contract (see LAPM Chapter 15).~~ See LAPM Chapter 15 for specific submittal requirements.

Section 9.2.5 Additional Resources for Title VI Implementation

Additional information on implementing Title VI (including potential ~~Title VI~~ issues, self-monitoring, good practices, and mitigation measures) ~~in Caltrans' Title VI Program Plan and Title VI Guidelines~~ is available at: <https://dot.ca.gov/programs/civil-rights/title-vi>

- Office of Civil Rights: [Title VI Branch](#)
- FHWA: [Title VI of the Civil Rights Act of 1964 and Additional Nondiscrimination Requirements](#)
 - [Title VI Toolkit](#)
- DLA: [DLA's FHWA Title VI Local Agency Requirements](#)



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- o [Title VI Compliance Guide for LPAs](#)
- o [DLA FHWA Title VI Program Checklist](#)
- o [Filing a Title VI Complaint](#)
- o [Local Agency FHWA Title VI Training](#)

In addition, Caltrans has produced a Title VI brochure that is available in ten different languages at the same website.

Section 9.2.6

Required Documents and Reports

Document / Report	Summary	Due Date
Title VI Assurances (USDOT Order 1050.2A)	LPA's assurances for complying with Title VI and non-discrimination provisions. This is part of Exhibit 4-C: Master Agreement Administering Agency-State Agreement for Federal-Aid Projects .	Signed when applying for federal financial assistance and updated as needed
Title VI Implementation Plan (28 CFR 42.415 and 23 CFR 200.9(b)(11))	A written plan that sets priorities and procedures for Title VI compliance and lays out how the LPA implements its Title VI program.	Updated annually by October 1 or as needed when changes occur
Title VI/Non-Discrimination Policy Statement (49 CFR 21.7(b))	A reasonable guarantee that the programs administered by the LPA are conducted in compliance with all Title VI nondiscrimination requirements.	Updated annually
Limited English Proficiency (LEP) Assessment (Four Factor Analysis) (Executive Order 13166)	An annual assessment (also referred to as a Four Factor Analysis) to determine if modifications are needed to their programs and activities to ensure meaningful access by LEP persons.	Updated annually or as needed when changes occur



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Language Access Plan (LAP) (Executive Order 13166)	A written plan that includes the LEP Assessment results and procedures and resources available to provide language assistance to LEP individuals.	Updated as needed when changes occur
Title VI Accomplishments and Goals Report (Title VI Annual Work Plan) (23 CFR 200.9(b)(11))	An annual Title VI Accomplishments and Goals Report which consists of accomplishments for the past year, and goals for the next year.	Updated annually
Title VI Program Assessment Online Form	A biennial assessment used to conduct LPA Title VI Program Assessments to ensure LPAs comply with FHWA Title VI requirements.	Reported biennially by June 30 every odd year or when requested.

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