

VTrans Title VI Program

Information and Resources for VTrans Subrecipients

Title VI, Environmental Justice (EJ), and Limited English Proficiency (LEP) Useful Links for Transportation Planners

- ◆ **FHWA Environmental Justice Webpage:**
http://www.fhwa.dot.gov/environment/environmental_justice/
 - Environmental Justice Legislation and Guidance
 - EJ Case Studies
 - EJ Effective Practices
 - Resources/EJ Links and Tools

- ◆ **FTA Title VI Webpage:**
<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-civil-rights-act-1964>
 - Title VI Regulations, Guidance and Procedures
 - Title VI Technical Assistance
 - Title VI Compliance
 - Title VI Links

- ◆ **Limited English Proficiency: A Federal Interagency Website:**
<http://www.lep.gov>
 - LEP Guidance and Language Access Plans
 - Interpretation and Translation
 - Resources

Title VI, EJ, and LEP Historic Overview

It has been the U.S. Department of Transportation's longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in all federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients, sub-recipients and contractors whether those programs and activities are federally funded or not.

The National Environmental Policy Act of 1969 (NEPA) stressed the importance of providing for "all Americans safe, healthful, productive, and esthetically pleasing surroundings", and provided a requirement for taking a "systematic, interdisciplinary approach" to aid in considering environmental and community factors in decision-making.

On February 11, 1994, President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (PDF, 20KB). The Executive Order requires that each Federal agency shall, to the greatest extent allowed by law, administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid "disproportionately high and adverse" effects on minority and low-income populations.

In April 1997, the U.S. Department of Transportation (DOT) issued the DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 5610.2) to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. The Order generally describes the process for incorporating environmental justice principles into all DOT existing programs, policies, and activities.

In December 1998, the FHWA issued FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 6640.23) that requires FHWA to implement the principles of the DOT Order 5610.2 and E.O. 12898 by incorporating environmental justice principles in all FHWA programs, policies and activities.

FHWA and FTA issued a memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning on October 7, 1999. The memorandum provides clarification on how to ensure that environmental justice is considered during current and future planning certification reviews. While Title VI and environmental justice have often been raised during project development, it is important to recognize that the law also applies equally to the processes and products of planning.

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Overview of Title VI, EJ and LEP Requirements for VTrans Regional Planning Commissions

Federal requirements for meeting Title VI and Environmental Justice (EJ) standards obligate recipients of federal funds to collect data about beneficiaries, to analyze that data, to eliminate discrimination when it is found and to take affirmative measures to ensure nondiscrimination. Limited English Proficiency (LEP) requirements also mandate that recipients provide meaningful access to the LEP population relative to that which is provided to proficient populations.

Title VI and EJ standards require that VTrans and its sub-recipients take the following steps with respect to minority and low-income populations:

1. Determine if there is a protected population
2. Determine if an adverse effect exists
3. Determine if there is a disproportionate impact
4. Identify the benefits and the burdens
5. Identify the changes that might avoid, minimize or mitigate any negative impact
6. Identify the overall effectiveness of public involvement

Likewise, the following reasonable steps must be taken by VTrans and its sub-recipients to insure that LEP individuals are provided with meaningful access to all programs, activities and services:

1. Determine the number or proportion of people who would be excluded, absent efforts to remove language barriers
2. Identify the types of primary languages represented
3. Determine the frequency of contact with LEP individuals
4. Identify available resources to LEP individuals
5. Determine the importance of the program, impact or service
6. Identify the associated level of controversy

Additionally, VTrans and its sub-recipients are required to insure that the following occurs:

1. That notice is provided in a variety of appropriate languages, advising affected LEP persons of the availability of free language assistance
2. That information is provided via community outreach, radio announcements, websites, etc., to affected LEP and low-income communities impacted by the project or service
3. That a telephone translation service is made available for LEP individuals; at no cost to them

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