Certified Local Agency Training
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ODOT Office of Civil Rights
Spring 2020
Topic Overview

- Civil Rights Act of 1964
- Title VI Implementation Plan Requirements
- Annual Accomplishments Report
- Title VI Reporting Timeline
- Americans with Disabilities Act Transition Plan
- Resources
Title VI Reporting Timelines

- **Implementation Plan**: Every 3 years
- **Accomplishments Report**: Annually
- **Onsite Review Eligibility**: Every 3 years
U.S Department of Justice, Understanding and Abiding by Title VI of the Civil Rights Act of 1964

Video: https://www.youtube.com/watch?v=lw0mefqIZ5Y&feature=youtu.be
Title VI of the Civil Rights Act of 1964

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.

Title VI Implementation Plan
What is an Implementation Plan?

• Title VI Implementation Plans are used to ensure compliance with Title VI of the Civil Rights Act of 1964, and to give Certified Local Agency (CLA) employees, members of the general public, ODOT and the FHWA a consistent and easy to understand “roadmap” of the CLA’s Title VI program.

• A Federal-aid recipient must have a formal plan to prevent discrimination in all of its programs and activities.
Why do I Need a Title VI Implementation Plan?

• All ODOT subrecipients of FHWA funds are required to submit a Title VI Implementation Plan to the ODOT Office of Civil Rights that complies with the reporting requirements of 49 CFR part 21.

• These requirements are in place to ensure that there is a relationship between ODOT and its Subrecipients; allowing a review process of these documents to show that the spirit and intent of the Title VI of the Civil Rights Act of 1964 is being met.
How do I Build a Title VI Implementation Plan?

**12 Required Elements:**

1. Assurance Document
2. Policy Statement
3. Organization & Staffing
4. Program Review Procedures
5. Subrecipient Review Procedures
6. Data Collection/Reporting/Analysis
7. Title VI Training
8. Complaint Procedure
9. Public Participation
10. Environmental Justice Procedures
11. Compliance and Enforcement Procedures
12. Limited English Proficiency Plan
Title VI Annual Accomplishments Report
What is an Annual Accomplishment Report?

- Agencies who are required to submit a Title VI Plan to ODOT also must prepare an Annual Accomplishments Report (AAR).

- An AAR summarizes your agency’s Title VI compliance activities related to transportation projects and any major program revisions.

- **Agencies must submit an AAR to the ODOT Office of Civil Rights by October 1.**
How do I Build an Annual Accomplishment Report?

3 Required Elements:

1. Goals and Accomplishments
2. Changes/Updates
3. Data Analysis of Title VI Data

➤ The Office of Civil Rights staff is available to answer your questions as you prepare your AAR.
Title VI Reporting Timelines

Implementation Plan
Every 3 years

Accomplishments Report
Annually

Onsite Review Eligibility
Every 3 years
Americans with Disabilities Act

Federal-aid Essentials for Local Public Agencies
Video: https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=32
What is The Americans with Disabilities Act?

The Americans with Disabilities Act is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

(ADA National Network)
The ADA and Transportation

- Title II of the ADA prohibits disability discrimination by State and local government entities. Subpart A of Title II covers public rights-of-way.

- FHWA's regulatory responsibilities under Title II include oversight of State and local entities and recipients of Federal funds that are responsible for roadways and pedestrian facilities to ensure that they do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the public.

(FHWA ADA Program Guidance)
What are ADA Transition Plans?

• Public entities with 50 or more employees (including part-time and full-time employees) are required to develop a transition plan detailing any structural changes that would be undertaken to achieve program access and specifying a time frame for their completion.

• This plan itemizes structural barriers and details the necessary steps and timetable to complete required modifications identified in the self-evaluation. It is a “living” document that you must update as often as necessary to make sure that all modifications have been completed.
Transition Plan Essentials

• CLAs must designate at least one responsible employee to coordinate ADA compliance and include their contact information in the Transition Plan.

• The transition plan is developed by CLAs via the means of a self-evaluation. CLAs should ensure they evaluate all critical areas.

• CLAs must provide an opportunity for interested individuals to participate in the self-evaluation and transition planning processes by submitting comments.

• CLAs must submit the Transition Plan to ODOT Office of Civil Rights.
How do I Build a Transition Plan?

4 Required Elements:

1. Barriers
2. Modifications
3. Steps
4. Timetables
Conclusion

Three separate “living documents” that must be regularly updated and submitted to the ODOT Office of Civil Rights.

1. Title VI Implementation Plan—Every 3 Years
2. Accomplishments Reports—Annually
3. ADA Transition Plan—On Going
Thank you.
Helpful Resources:

Limited English Proficiency (LEP)
https://www.lep.gov

Federal Highway Administration Office of Civil Rights
https://www.fhwa.dot.gov/civilrights

Oregon Dept. of Transportation Office of Civil Rights

Oregon Dept. of Transportation Local Government
https://www.oregon.gov/ODOT/LocalGov/Pages/index.aspx

U.S Department of Health & Human Services Office of Civil Rights fact sheet on Section 504 of the Rehabilitation Act
http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf
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**Session Sources:**

23 CFR Part 200 – Title VI Program and Related Statutes-Implementation and Review Procedures

49 CFR part 21- Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964

U.S. Department of Transportation
www.fhwa.dot.gov/federal-aidessentials

National Network Information, Guidance, and Training on the Americans with Disabilities Act
https://adata.org/learn-about-ada

U.S. Department of Justice Civil Rights Division