

**EVERYTHING YOU WANTED TO
KNOW ABOUT TITLE VI
NON DISCRIMINATION**

A Handbook for Local Governments
And Consultants

Kansas Department of Transportation
Office of Civil Rights
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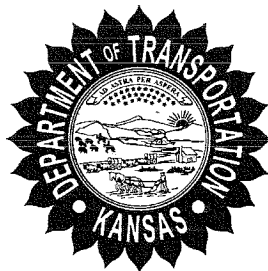


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I. INTRODUCTION TO THE NON DISCRIMINATION PROGRAM

A. DEFINITION:

Title VI and related statutes prohibit discrimination on the basis of race, veteran status, color, sex, age, disability, low income or national origin in any aspect of any program receiving federal-aid funds.

Once an agency, firm, or local government receives federal-aid funds, ALL programs and activities of that entity are covered by Title VI.

B. TITLE VI NON DISCRIMINATION ASSURANCES:

It is the policy of the Kansas Department of Transportation, (KDOT) to assure full compliance with Title VI of the Civil Rights Act of 1964 and subsequent related statutes. Signed assurances are required of each state highway agency by Title 49, Code of Federal Regulations, Part 21 and related statutes and regulations. The Secretary of Transportation, as the chief executive officer has the responsibility for all transportation matters relating to civil rights. The Secretary delegates to the State Transportation Engineer, the Division of Administration Director, and to the Office of Civil Rights, the responsibility for initiating and monitoring KDOT's Title VI/Non Discrimination program activities.

C. HOW KDOT MONITORS NON DISCRIMINATION:

The purpose of Non Discrimination in transportation is to identify and eliminate discrimination found to exist within any program or activity by any entity that accepts federal-aid funds. The basic philosophy of Non Discrimination is that people affected by programs should receive the services, benefits, and opportunities, to which they are entitled, without regard to their race, veteran status, color, national origin, age, disability, low income and sex. Non Discrimination requirements apply to daily program activities that may arise during any phase of a transportation project.

The Kansas Department of Transportation is required to monitor recipients of federal aid for Non Discrimination compliance. This includes conducting reviews of local governments, consultants, planning agencies, and research facilities to ensure compliance. The KDOT also will provide education and training in regard to Non Discrimination and will assist others in their compliance programs. KDOT's annual plan and efforts are reviewed each year by the Federal Highway Administration.

II. HOW NON DISCRIMINATION IMPACTS A COMMUNITY

A. PUBLIC INVOLVEMENT:

The purpose of public involvement is to obtain information and participation in the planning and development of transportation projects. In some areas, extra effort may be needed to encourage participation by all community members. Notices or advertisements which are used in non-minority areas may not be effective in reaching the minority populations. Inadequate efforts to reach all protected groups are a violation of Title VI. The following are suggestions for obtaining the involvement of all residents in a community:

1. Place press releases in local newspapers, including minority, disabled, senior and women-oriented newsletters, and place spot announcements on local radio or television stations, especially those including programs of minority, elderly and women interest,
2. Post flyers in churches, grocery stores, post offices and meeting halls which are frequented by all community members,
3. Encourage all local organizations to become involved in representing their neighborhoods,
4. Contact minority, elderly and women organizations and community leaders of groups such as the NAACP, GI Forum, LINKS, YWCA, NOW, and neighborhood associations,
5. Locate public hearings at a site to produce maximum involvement by both minority and non-minority members of the community and to be accessible to all,
6. Hold public hearings at hours convenient to the majority of people affected, which may be evenings or weekends,
7. Provide translators and written material in the appropriate language in areas with language barriers, provide signers for the hearing impaired when requested, and
8. When written comments are requested, provide persons to write the comments of those present.

B. BENEFITS AND SERVICES

It is important that non-discriminatory criteria be used to provide benefits and services equally to all community members. Exclusion or unequal treatment of persons because of race, veteran status, color, national origin, age, handicap, low income or sex should not occur. The following are suggestions about Non Discrimination effects on community members:

1. Zoning changes should maintain or improve the quality of life in the affected neighborhood,
2. Relocation assistance or treatment should be provided in the same or similar manner to all community members,
3. Payments or property valuations for similar property should be equitable,
4. Replacement housing should be comparable to property being replaced,
5. The accessibility to schools, health care, shopping, churches, recreation, employment, and transportation should be maintained equitably,
6. Property values and tax bases should change equitably, and
7. Health and environmental impacts should not disproportionately affect one neighborhood.

C. CONTRACTORS AND SUPPLIERS:

When a transportation project is proposed, regulations require that minority and women owned businesses be given the maximum opportunity to participate in the planning, design and construction. The following actions shall be taken:

1. Establish criteria in the selection of contractors and consultants to increase minority and women owned business participation,
2. Maximize efforts to locate minority or women contractors, appraisers, consultants, researchers, vendors and suppliers of goods and services,

3. Maximize efforts to notify minority and women contractors and consultants about projects available for bid,
4. Include Title VI/Non Discrimination in all contracts and agreements, and
5. Monitor projects for Title VI/Non Discrimination compliance by contractors and subcontractors.

III. HOW TO LOCATE MINORITY AND WOMEN OWNED FIRMS

Recipients of federal-aid funds are responsible to meet the goals and objectives of Title VI of the Civil Rights Act of 1964 and subsequent related statutes. As part of the daily business of locating suppliers of goods and services, local governments and consultants must seek out minority and women owned firms by taking the following actions as a minimum:

1. Contact neighborhood associations to develop a list of minority and women owned businesses,
2. Record efforts taken to locate minority and women owned firms,
3. Advertise through media announcements and local newspapers to locate minority and women owned firms,
4. Utilize the DBE directory published by the KDOT Office of Civil Rights and the Minority and Woman-Owned Business directory published by the Kansas Department of Commerce, Business Development Division,
5. Develop a directory listing all businesses in your community with ownership annotated by race and sex, and
6. Refer minority, women or disadvantaged owned, businesses to KDOT or KDOC for certification as a DBE.

IV. NON DISCRIMINATION REQUIREMENTS FOR LOCAL GOVERNMENTS AND AGENCIES

Cities, counties and other local government entities come under Title VI Requirements when they accept federal-aid funds to improve roads, bridges or other public works. Title VI/Non Discrimination then applies to all operations of the government entity. The following steps should be taken to ensure compliance with Non Discrimination:

1. Appoint someone in a position of authority to be responsible for Non Discrimination activities, instruction, complaints and reports,
2. Compile and utilize a resource directory of minority and women owned businesses that supply goods and services,
3. Have written procedures in place to review Non Discrimination compliance and to handle complaints,
4. Conduct a study within the local jurisdiction to determine the total population, female heads of households, disabled, low income, elderly and the ethnic make-up in different areas,
5. Compile a comprehensive list of all community organizations and community and religious leaders,
6. Have written procedures in place to ensure non-discriminatory techniques are used in conducting environmental impact studies,
7. Have written procedures in place to ensure equality in relocation, condemnation, replacement housing,
8. Have written procedures in place to ensure equal opportunity in the hiring of minority and women appraisers,
9. Have written procedures in place to document bid lettings and awards to ensure equal opportunity for minority and women owned businesses, and
10. Ensure the inclusion of Title VI/Non Discrimination references in all government agreements and contracts.

V. NON DISCRIMINATION REQUIREMENTS FOR CONSULTANTS

Consultants are affected by Title VI/Non Discrimination when they bid on or are awarded a contract with KDOT or a local government entity that involves federal aid. The following steps should be taken to ensure compliance:

1. Appoint someone in a position of authority in the firm to be responsible for Title VI/Non Discrimination activities and reports,
2. Conduct systematic and direct recruitment of minorities and women when hiring to staff projects,
3. Document training opportunities to upgrade the skills of minorities and women on staff,
4. Document procedures utilized to acquire goods or services and efforts taken to purchase from minority and women owned firms,
5. Have a written complaint procedure to handle problems and complaints from any sector of the public affected by your consultation work, and
6. Determine if protected groups will be impacted and if so make every effort to insure their input, participation and equitable treatment when working on a project.

APPENDIX A

DEFINITIONS:

AFFIRMATIVE ACTION -	A good faith effort to eliminate discrimination in public programs.
BENEFICIARY -	Any person or group entitled to receive direct or indirect benefits from a federal-aid program. This could be one relocated person or a whole community.
COMPLIANCE -	A satisfactory condition existing when a recipient has met all Title VI requirements or demonstrated that good faith efforts were made.
DEFICIENCY -	A lack of fulfillment of one or more requirements of the Title VI program.
DISCRIMINATION -	An intentional or unintentional act which subjects a person or group to unequal treatment within a public program.
PROGRAM -	This includes any highway project or transportation activity or facility to provide services, financial aid or other benefits to individuals.

SOURCES:

1. 49 CFR Part 21 details non-discrimination in USDOT federal-aid highway programs.
2. Title VI and Title VIII of the Civil Rights Act of 1964.
3. National Environmental Policy Act of 1969.
4. Uniform Relocation Assistance of 1970.
5. Federal Aid Highway Act of 1973 (Added sex as protected group).
6. Rehabilitation Act of 1973 (Added handicap).
7. Age Discrimination Act of 1975.
8. Civil Rights Restoration Act of 1987.
9. Americans with Disabilities Act of 1990.
10. Executive Order 12898 of 1995 (Added low-income).