INSTRUCTIONAL MEMORANDUMS
To Local Public Agencies

To:	Counties and Cities	Date: July 20, 2012
From:	Office of Local Systems	I.M. No. 1.070
Subject:	Title VI and Nondiscrimination Requirements	

Contents: This Instructional Memorandum (I.M.) provides guidance for a Local Public Agency (LPA) to understand and comply with the requirements of Title VI and related nondiscrimination laws and regulations that are applicable to Federal funding assistance that is passed through the Iowa Department of Transportation (Iowa DOT).

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." (42 U.S.C. 2000d)

The Civil Rights Act of 1964 (the Act) is a fundamental piece of legislation that forms the basis for a wide array of subsequent, laws, executive orders and regulations, all designed to prohibit discrimination. Technically, Title VI covers race, color and national origin. However the term "Title VI" is also used more generically to refer to non-discrimination on any basis.

There are eleven titles in the Act covering a variety of activities, for example: Title I – Voting Rights, Title II – Public Accommodations, and Title VII – Equal Employment Opportunity. Title VI of the Act deals specifically with Nondiscrimination in Federally Assisted Programs and Activities.

The Act has broad application. It prohibits discrimination in impacts, services, benefits of, access to, participation in, and treatment under a Federal-aid recipient's programs or activities. Title VI of the Act is not limited to a particular program or issue. Title VI can surface at any phase of a transportation project with potentially significant impacts. Because of this, preventing discrimination is everyone's responsibility. It is not a duty that can be delegated or assigned entirely to an individual or a team. It is important for all staff to have some awareness of non-discrimination concepts so they can be observant for prohibited actions as they conduct their daily routine.

There are some important points to take note of. The Act does not mention a specific race (e.g. Hispanic), color (e.g. Black) or national origin (e.g. Chinese). It prohibits discrimination against *any* race, color or national origin. There is no "reverse discrimination", only discrimination. For example, denying services to a white male because of race is also discrimination. Also, the Act uses the language…"No person in the United States…." it does not mention citizenship. It applies to all people in the U.S, citizen or not, with regard to any program or activity to which they are otherwise eligible for.

Discrimination

To help understand Title VI impacts and application it is useful to define discrimination and identify how it may surface.

The Federal Highway Administration (FHWA) regulations which implement Title VI and the related statutes define discrimination as "That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C." (23 CFR 200.5 (f)).

Discrimination is evidenced primarily in two fashions, disparate treatment and disparate impact.

Disparate treatment occurs when a person is treated differently (discriminated against) because of their race, color, national origin, etc. This is a more obvious form of intentional discrimination that occurs when the person's race or protected class status are known, and when a decision is made (at least in part) on a prohibited basis. For example, a contractor or supplier is not used, or is held to a different standard, because

of their race. Disparate treatment involves the inconsistent application of rules or policies to one group of people or another.

Disparate impact is more unintentional discrimination. This occurs when a policy or program, while neutral on its face, has the unintended consequence of being discriminatory. For example, a public transit system ends service at 10:00 P.M., yet late night customers are primarily Hispanic because many people in the Hispanic community depend on public transportation for late shift employment. On the surface the policy is neutral; service ends for all riders at a designated time. Yet, unintentionally, the Hispanic community bears a disproportionately large negative impact. This type of discrimination is more subtle and difficult to identify. However, to comply with Title VI regulations it must be avoided.

Related Non-discrimination Authorities

Right-of-way and Property Impacts

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)

"For the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal Financial assistance."

This prohibits unfair or inequitable treatment of persons displaced or whose property will be acquired as a result of Federal and Federal-aid programs and policies. Note that this applies regardless of the source of funds used to purchase the property, Federal-aid or not.

Disability

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)
The Americans with Disabilities Act (P.L. 101-336)

"No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance."

Discrimination because of a mental or physical disability is prohibited. At the time the legislation was initially developed, the term "handicap" was used; however, this has negative connotations. This term originates from the phrase, "cap in hand", which was used to describe a beggar. As a result, the terms "disabled" or "disability" are preferred.

Sex (Gender)

Federal-aid Highway Act of 1973 (23 U.S.C. 324)

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title."

Discrimination because of sex (gender) is prohibited.

Age

The Age Discrimination Act of 1975 (42 U.S.C. 6101)

"No person shall on the basis of age, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Discrimination on the basis of age is prohibited.

The Civil Rights Restoration Act of 1987 (P.L. 100-259)

Non-discrimination requirements have been developed over time as evidenced by the dates listed previously. This I.M. only highlights the major actions that have significance to the transportation community. Non-discrimination efforts of the Federal government have been going on since the time of the Civil War.

Over the course of time the intent of this work became diffused, misinterpreted or misconstrued. The Restoration Act of 1987 clarifies the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of Rehabilitation Act of 1973. This act restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of Federal-aid recipients, subrecipients and contractors, whether such programs and activities are Federally assisted or not.

What this means is that if an LPA receives even one dollar of Federal financial assistance, then all of the programs and activities of that LPA are covered by Title VI, whether all those programs and activities are Federally funded or not. For example, if a County Secondary Road Department receives Federal Highway Bridge Program funds to reconstruct a bridge, all of the activities and programs of the county government are covered by Title VI.

Limited English Proficiency LEP (Executive Order 13166)

Executive order 13166 is titled, “Improving Access to Services for Persons with Limited English Proficiency,” and was signed by President Clinton on August 11, 2000.

A person is considered to have limited English proficiency (LEP) if they do not speak English as their primary language and if they have a limited ability to read, speak, write or understand English. Programs and services normally provided in English must be accessible to persons with LEP in order to avoid national origin discrimination that is prohibited by Title VI.

Meaningful access is the key concept. The central goal of this presidential order is to provide meaningful access for LEP persons to programs and services offered by recipients of Federal financial assistance. Recipients continue to be subject to Federal non-discrimination requirements even though they may be in a jurisdiction where English has been declared as the official language. Federal requirements supersede State and local ones.

Environmental Justice (Executive Order 12898)

Executive order 12898 is titled, “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.” It was signed by President Clinton on February 11, 1994.

Environmental Justice (EJ) relates to the human environment and to human health in minority and low income populations. It says in part, “…each Federal agency shall 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 populations and low-income populations…”

There are three fundamental principles of Environmental Justice:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The minority groups that Environmental Justice addresses are Blacks, Hispanics, Asian Americans, American Indians and Alaskan Natives. Low income is defined as a person whose household income is at or below the U.S. Department of Health and Human Services poverty guidelines.

A key component is to identify the populations impacted by transportation projects or services and to ensure they have full opportunity to participate in the decision making process.

An example of Environmental Justice concerns would be locating a highway through a low income neighborhood to avoid a more affluent area.

Program Applications and Impacts

Federal Financial Assistance

Application of many of the non-discrimination requirements is dependent upon the receipt of Federal financial assistance. Federal financial assistance is defined at 49 CFR 21.23 (c). In addition to grants or loans of Federal funds, it also includes Federal property and the detail of Federal personnel (e.g., a Federal employee providing training). Because of the Civil Rights Restoration Act of 1987, if a governmental department receives even one dollar of Federal assistance, then all of the programs and activities of that governmental department are covered by Title VI. Programs and activities are defined at 49 CFR 21.23 (e) and, in the case of assistance to a department of State or local government, it includes all of the operations of the department to which assistance is extended. Therefore, any local government that receives any Federal financial assistance, whether directly from a Federal agency or indirectly through a State agency, is considered a recipient, and as a result, must comply with Title VI and the related nondiscrimination requirements.

In contrast, the ultimate beneficiaries of Federal assistance are not defined as recipients of Federal assistance. For example, people that drive on the roads and bridges built with Federal funding are the ultimate beneficiaries, but those persons are not prohibited from discriminating simply because they use a Federally funded project or service. In a related fashion, contractors building a Federal-aid highway project do not receive Federal assistance. They are simply being paid for work completed. Nevertheless, while such contractors are not a recipient or subrecipient, they are prohibited from discriminating because of the standard Title VI assurances included in the contract.

What Title VI Does

- Prohibits entities from denying an individual any service, financial aid, or other benefit.
- Prohibits entities from providing services or benefits that are different or inferior (either in quantity or quality) to those provided to others.
- Prohibits segregation or separate treatment in any manner related to receiving program services or benefits.
- Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals.
- Encourages the participation of minorities as members of planning or advisory bodies for programs receiving Federal funds.
- Prohibits discriminatory activity in a facility built in whole or in part with Federal funds.
- Requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English speaking ability.
- Requires entities to notify the eligible population about applicable programs.
- Prohibits locating facilities in any way that would limit or impede access to a Federally funded service or benefit.
- Requires assurance of nondiscrimination in purchasing of services.

Planning and Programming

The planning and programming of projects is a critical step in the delivery of transportation services to the public. Funding distribution and allocation can have a significant impact on opportunities for all persons. Those involved in these processes must have knowledge of non-discrimination requirements and how they impact their work.

Typical Assurance Activities:

- Take positive steps to identify impacted groups and to ensure full and fair participation by those groups in the development of the Transportation Improvement Program (TIP).
- Ensure that the planning and programming process results in a program which distributes benefits and mitigates disparate impacts equitably.
- Address complaints and concerns promptly.

Design and Project Development

The final design of individual projects is what ultimately impacts the public in a positive or negative fashion. Designers must recognize how non-discrimination affects the conceptual and technical components of a project.

Typical Assurance Activities:

- Identify minority and low income populations and ensure they have the opportunity for meaningful participation in the design process.
- Thoroughly examine design alternatives to ensure that environmental justice considerations are recognized and addressed during route location selection and final design.
- Consistently apply design standards to eliminate, minimize or mitigate adverse impacts among affected groups and to provide equitable levels of service.
- Provide opportunities for Disadvantaged Business Enterprise (DBE) firms on consultant contracts.
- Ensure that facilities are designed in accordance with current ADA accessibility requirements (for more information, refer to I.M. 1.080, ADA Requirements).

Right-of-Way

No single element of the transportation system may have a greater impact on people than right-of-way activities. The taking or use of one's property can make a major change in their lives. Therefore, people involved in the right-of-way process must understand and practice non-discrimination in their work.

Typical Assurance Activities:

- Make every effort to ensure clear communications with persons who have limited English proficiency or who are hearing impaired. This includes the use of interpreters and translators when necessary.
- Appraisal, acquisition, condemnation and relocation procedures must be fair and impartial.
- Provide opportunities for DBE firms on consultant contracts.

Construction

Construction, including the letting and contract award process, provides opportunities for contractors and impacts property owners. Contract award and administration procedures must be fair and impartial.

Typical Assurance Activities:

- The following activities must be conducted equitably, without regard to race, color, national origin, or other protected basis: Prequalification of contractors; award of contract, subcontract, or extra work; level of inspection; enforcement of specifications; and treatment of adjacent property owners and tenants.

Consultants and Research

Local governments use consultants and other service providers to perform a variety of services. Because of the Restoration Act, non-discrimination applies to the selection and administration in all of the contracts.

Typical Assurance Activities:

- Provide opportunities and encourage the participation of DBE vendors in all categories of service.
- Fairly and equitably award and administer contracts.

Female/Minority Participation and DBE Goals

Title VI and related statutes require that females and minorities be afforded full opportunity to participate in covered contracts. Because of the Restoration Act of 1987, all programs and activities of a Federal-aid

recipient are covered by Title VI, whether those programs and activities are Federally funded or not. Female and minority contractors must have every opportunity to submit bids and may not be discriminated against in consideration for award in all contracts, Federal-aid or not. This does not mean that all contracts should have goals for female/minority participation.

Contract goals are often established as part of the DBE program in order for the Iowa DOT to achieve it's Annual DBE Goal. It is important to note that the DBE program applies only to Federal-aid contracts. DBE contract goals must not be established on non-Federal-aid contracts, unless a disparity study has been conducted to ensure they are warranted.

The Iowa DOT sets goals for construction contracts let through the Iowa DOT. However, for Federal-aid consultant contracts and locally-let Federal-aid construction contracts, the LPA is responsible for setting goals for DBE participation, subject to Iowa DOT review and approval. For more information, refer to I.M. 3.710, DBE Guidelines.

Compliance Actions

The goal of the U.S. Department of Transportation, the FHWA, and the Iowa DOT is voluntary compliance with non-discrimination requirements. This is achieved through an ongoing process of education, analysis, implementation, and evaluation. The guidance provided in this I.M. is a first step in the education process. It can be used to raise awareness among staff of local governments.

However, compliance requires more than simply recognizing these issues exist. Some action must be taken. The following actions represent the minimum level of effort to achieve compliance; additional actions may be required depending on the situation:

- Recognize that preventing discrimination is everyone's responsibility. Share this I.M. and other non-discrimination information with all staff so they can be aware of the various requirements and work to achieve compliance.

- Develop and execute a Title VI Agreement or Title VI Plan and the associated Title VI Assurances. Provide a copy of these documents to the Iowa DOT and include the appropriate Appendices of the Title VI Assurances in all contracts, agreements, deeds, and permits associated with transportation projects or programs. See the following sections for additional details on these requirements.

- Include the following standard non-discrimination notification, modified as appropriate, in all solicitations for bids and in all requests for negotiated agreements associated with transportation projects and programs, whether they are Federally funded or not:

  "The (*insert name of LPA*), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all (*insert "bidders" or "consultants", as appropriate*) that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit (*insert "bids" or "proposals" as appropriate*) in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

- Recognize and respond to LEP issues. Current guidance from U.S. DOT is available on the Federal Register (FR) at 70 FR 74087 (12/14/05). This includes a four factor analysis to determine the appropriate response, and defines a "safe harbor" for measuring compliance with written translations. LPAs may use the Iowa DOT's LEP Plan as a guide in determining how to comply with the LEP requirements. In addition, LPAs may utilize the same translation service the Iowa DOT uses for a nominal fee. For additional information, contact the Civil Rights Section in the Iowa DOT Office of Employee Services (see information in the "Resources and References" section below).

- Address any complaints. Informal reports of discrimination should be investigated and resolved promptly. Formal written complaints against a local government must be forwarded to the Civil Rights Administrator, as shown in the "Resources and References" section below.

Title VI Plans and Agreements

In accordance with 49 CFR 21.7(b), all recipients of Federal financial assistance, including both prime recipients and subrecipients, shall have documented methods of administration. This documentation may take the form of either a Title VI Plan or a Title VI Agreement. The basic purpose of both is to document the LPA's policy of non-discrimination and set forth the procedures it will use to assure compliance with Title VI and the related non-discrimination requirements in its transportation programs and projects. Sample documents for both are available on the Iowa DOT Title VI subrecipients information web page. Each type of document is further described below.

Title VI Plan

This is required for all LPAs and other subrecipients with a population of 250,000 or greater. This document comprehensively addresses how an LPA will achieve compliance with Title VI and the associated non-discrimination requirements. It includes the following components:

- a signed policy statement by an appropriate LPA official,
- a description of its staffing and organization, including the name and contact information of its Title VI Coordinator,
- a detailed description of how it implements its Title VI program,
- its discrimination complaint procedures,
- its procedures for review of its second-tier subrecipients, if any,
- a description of implementation activities in specific program areas,
- a copy of its notice to the public concerning its responsibilities to comply with Title VI, and
- a signed Title VI Assurance, including the referenced Appendices, and
- detailed reporting requirements.

Title VI Agreement

This is required for all LPAs and other subrecipients with a population of less than 250,000. This is similar to a Title VI Plan, but includes less detail. It includes the following components:

- a signed policy statement by an appropriate LPA official,
- a description of its staffing and organization, including the name and contact information of its Title VI Coordinator,
- a general description of how it implements its Title VI program,
- its discrimination complaint procedures,
- a list of sanctions that may be imposed by the Iowa DOT for non-compliance, and
- a signed Title VI Assurance, including the referenced Appendices.

Title VI Assurances

A signed Standard DOT Title VI Assurances, including the appendices, is required to receive Federal financial assistance. The assurances should be included as an attachment to the Title VI Plan or Title VI Agreement. LPAs shall use the Standard DOT Title VI Assurances provided on the Iowa DOT Title VI subrecipients information web page. These documents shall not be modified except in the Appendices where indicated. Each is further described below:

Standard DOT Title VI Assurances

This document recites the legal basis for the Title VI and associated non-discrimination requirements, including citations to the applicable laws, regulations, and executive orders. It also lists some specific actions the LPA agrees to take as a condition of receiving Federal funds.

This document also references several appendices which contain specific clauses that are to be included in all of its contracts, agreements, deeds, licenses, permits, or similar instruments, regardless of what funds are used to pay for them, that are related to transportation programs and projects. The language in the referenced appendices shall be included verbatim and may be changed only as needed to insert the LPA's name, or as otherwise indicated. The application of each appendix is explained below:

Appendix A

The contract provisions shall be included in all contracts or agreements entered into by the LPA with another entity for the purpose of carrying out LPA transportation projects and programs. For construction contracts let through the Iowa DOT, this language is already included in the Iowa DOT Standard Specifications, therefore no action by the LPA is required. However, for other types of contracts or agreements, the LPA is responsible to ensure these contract provisions are included. Examples of such contracts or agreements include:

- Construction contracts, including prime contracts, subcontracts, and vendor or supplier agreements.
- Consultant agreements for performance of work in connection with transportation projects, such as environmental studies, design, or construction inspection.
- Transportation research agreements with colleges, universities, or other institutions.
- Fee appraiser and fee attorney contracts in connection with the acquisition of property rights for transportation projects.
- Contracts between the LPA and a contractor for relocation of utilities.
  Note: If the relocations will be performed by the utility company or a contractor it hires, Appendix A does not need to be included in the agreement between the LPA and the utility, or in the contract between the utility and its contractor.

Appendix B

This includes certain clauses that must be included in any deed that effects or records the transfer of real property, structures or improvements located on such property, or interests in such property from the United States to the LPA. In other words, these clauses must be included only when acquiring property or property rights owned by the Federal government.

Appendix C

This includes certain clauses that must be included, as a covenant running with the land, in all deeds, licenses, leases, permits, or similar instruments entered into by the LPA with other parties for either of the following purposes:

(a) for the subsequent transfer of real property acquired or improved by a project or program that received Federal funds from the Iowa DOT; or
(b) for the construction, use of, or access to real property that is acquired or improved by a project or program that received Federal funds from the Iowa DOT.

An example of situation (a) above would be where an LPA sells some excess right-of-way that was originally acquired as part of a Federally funded highway project to an adjacent land owner. In this case, the appropriate clauses of Appendix C would need to be included in the deed effecting this transfer. Other examples of this situation include:

- Transfer of jurisdiction agreements between the LPA and another jurisdiction where the property will continue to be used for transportation purposes.
- Transfer of ownership for an historic railroad depot to another entity for renovation, use, and continued maintenance as an historic transportation facility.

An example of situation (b) above would be where an LPA acquires some property rights (either by fee title, permanent, or temporary easement) from a private property owner as part of a Federally funded highway project. Other examples of this situation include:

- Leases and property management agreements to allow others to use or manage property that has been acquired by the LPA for transportation purposes, but is not yet being used for a transportation purpose (for example, advance right-of-way acquisitions).
- Air space agreements
- Railroad agreements
- Utility agreements (when acquiring property interests held by a utility)

Examples of when the assurances of Appendix C would not extend beyond the duration of the deed, license, permit, or agreement include:

- Pit agreements
- Stockpiling agreements
- Encroachment agreements
- Relocation agreements
- Determination of vacation and abandonment
- Quit claim deeds

- Borrow agreements or royalty contracts with property for obtaining materials
- Warranty deeds

Reversionary Clauses

Both Appendix B and C contain reversionary clauses which are marked with an asterisk (*). As indicated in these appendices, the reversionary clauses only need to be included when necessary to carry out the Title VI requirements. However, removal of the reversionary clauses can only be made with approval of the United States Department of Transportation General Counsel. Therefore, the Iowa DOT recommends LPAs always include these clauses.

Duration of Title VI Assurances

The Title VI assurances remain effective for as long as Federal financial assistance is extended to the LPA, except when the Federal financial assistance is to provide, or is in the form, of, personal property, or real property or interest therein or structures or improvements thereon, the assurances remain effective for whichever of the following periods is longer:

a) as long as the property is used for the purpose for which the Federal financial assistance was extended, or
b) as long as the LPA retains ownership of the property.

For transportation facilities constructed or improved with Federal funds, this means the assurances continue to apply, even after the Federal funding assistance provided for the particular facility or improvement terminates. As long as that transportation facility is owned and operated by the LPA, the assurances remain applicable.

Execution and Updates to Title VI Documents

The Title VI Assurance and Title VI Plan or Agreement documents should be signed by the head of the local agency. For cities, this is the mayor; for counties, this is the chair of the board of supervisors. However, an LPA may, by resolution of the city council or board of supervisors, delegate this authority to the head of the LPA's department or division which is responsible for its transportation programs and projects. This may be the public works director, city engineer, or county engineer.

The Title VI Assurances shall be updated each time the head of the agency changes, or every 5 years, whichever is less.

The Title VI Agreement or Plan shall be updated whenever there are substantive organizational or policy changes that affect how the LPA complies with the Title VI requirements.

New or updated Title VI documents shall be sent to the Title VI Specialist in the Iowa DOT Office of Employee Services, Civil Rights Section, at the address shown in the "Resources and References" section below. Electronic submittals in Adobe Acrobat's Portable Document Format (PDF) format are encouraged and may be sent to Nikita.Rainey@dot.iowa.gov.

Subrecipient Monitoring for Title VI Compliance

To assure LPAs are in compliance with Title VI with respect to their transportation programs and projects, the Iowa DOT conducts reviews of LPAs before and after the award of a grant for Federal financial assistance. Each process is further described below:

Pre-grant Reviews

All LPAs and other entities that are subrecipients of Federal funding provided through the Iowa DOT must prepare and execute the Standard DOT Title VI Assurances and either a Title VI Plan or Title VI Agreement, as applicable. The Iowa DOT will not provide an agreement for Federal funding assistance to an LPA until after it has received copies of these documents. The pre-grant review process involves the following steps:

1. Before sending a Federal funding agreement to an LPA, the Iowa DOT Administering Office will verify that a signed Title VI Plan or Title VI Agreement, including the Standard DOT Title VI Assurances, is on file with the Iowa DOT.

2. If the required Title VI documents are not on file, or if the Standard DOT Title VI Assurances have not been updated within the last 5 years, the Administering Office will notify the LPA that a Title VI Plan or Agreement, as applicable, and the Standard DOT Title VI Assurances must be received by the Iowa DOT before the Federal funding will be executed by the Iowa DOT. The notice will also provide the web site where the template documents for the Title VI Plan, Agreement, and Standard DOT Assurances may be accessed. The Administering Office will also provide a copy of this notice to the Title VI Specialist in the Iowa DOT Office Employee Services, Civil Rights Section.
3. The LPA shall develop or update the Title VI Plan or Agreement, as applicable, including the Standard DOT Title VI Assurances, and provide a copy of the signed documents to the Iowa DOT Title VI Specialist.
4. Upon receipt of the Title VI documents, the Iowa DOT Title VI Specialist will provide written confirmation to the LPA that the required documents have been received. The Iowa DOT Title VI Specialist will also provide a copy of this confirmation to the Iowa DOT Administering Office.
5. After receipt of this confirmation, the Administering Office will send the Federal funding agreement with the LPA.

Post-grant Reviews

The Iowa DOT Title VI Specialist conducts regular reviews of LPAs and other subrecipients of Federal assistance provided by the Iowa DOT.

These reviews may be conducted either on site or by means of a desk review. A desk review will consist of a review of the LPA's Title VI documentation to determine compliance. An on-site review will consist of a review of the required Title VI documentation and an interview with the LPA's Title VI Specialist and other associated staff.

To assist LPAs with these reviews, the Iowa DOT has developed several tools, checklists, and sample documents for use by the LPA and other subrecipients. To access these documents, refer to the Title VI Subrecipients web page.

Resources and References

Iowa DOT Civil Rights Web Site – Information about the Iowa DOT's Civil Rights Program, including resources and publications for Title VI, ADA, Affirmative Action / Equal Employment Opportunities, LEP, and more. Questions about the Iowa DOT's Civil Rights Program and associated resources should be directed as indicated below:

Civil Rights Administrator
Office of Employee Services, Civil Rights Section
Iowa Department of Transportation
800 Lincoln Way, Ames, IA
515-233-7970

28 CFR 35 – Department of Justice's regulations governing nondiscrimination on the basis of disability in state and local government services

49 CFR 21 – United States Department of Transportation's regulation on implementing Title VI of the Civil Rights Act of 1964

23 CFR 200 – Federal Highway Administration's regulation on implementing Title VI of the Civil Rights Act of 1964

Federal Highway Administration Office of Civil Rights webpage – This webpage also provides links to several resources related to some specific areas of Title VI compliance, including:
Executive Order 12898, Environmental Justice
Executive Order 13166, Limited English Proficiency
Americans with Disabilities Act (ADA) Questions and Answers

United States Access Board – A Federal Agency Committed to Accessible Design