

FDOT Title VI Nondiscrimination CBT

Module 1 - Title VI Nondiscrimination Programming, What and Why

Welcome to the FDOT Title VI Nondiscrimination CBT. This is Module 1 - Title VI Nondiscrimination Programming, What and Why.

Civil Rights Act of 1964

It was President Lyndon Johnson who signed the Civil Rights Act of 1964 into law, landmark legislation outlawing discrimination in a multitude of public services, including the segregation of schools and other public accommodations, and creating the means of enforcing nondiscrimination.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act specifically forbids recipients of federal funds from excluding from participation in, denying benefits of or subjecting to discrimination anyone in the United States on the basis of race, color and national origin.

Even though Title VI has never been amended, other federal laws provide the same protection based on sex, age and disability. Further, states like Florida have civil rights laws that extend prohibition to discrimination based on religion and family status. Some local governments even have ordinances that forbid discrimination based on appearance, sexual orientation, gender identity, criminal record or other classifications.

It is important that state departments of transportation and sub-recipients like local agencies, metropolitan planning organizations and colleges/universities have sufficiently broad policies of inclusion and nondiscrimination to comply with the federal and state nondiscrimination requirements, but also those that apply within their jurisdictional boundaries.

Civil Rights Restoration Act of 1987

Federal Highway Administration, or FHWA, requires state departments of transportation to develop nondiscrimination programs that cover all programs and services, regardless of which ones actually receive federal funding.

This is due to the Civil Rights Restoration Act of 1987, or CRRA, which both clarified congressional intent regarding nondiscrimination and included sex, age and disability among protected classifications. After the CRRA, it no longer mattered which particular department, program, office or activity of a recipient accepted federal funding. All must adhere to Title VI and other nondiscrimination authorities.

Executive Orders

From time to time, the President issues Executive Orders, or EOs, to federal agencies requiring them to develop policies and practices to govern their actions and to issue guidance for their funding recipients.

Two of particular importance to state departments of transportation are EO 12898 on Environmental Justice and EO 13166 addressing Limited English Proficiency.

The first along with orders from US Department of Transportation and FHWA, requires avoiding, minimizing or mitigating disproportionately high and adverse impacts on low income and minority communities. The second requires reasonable steps to ensure meaningful access to programs and services for those who are limited English proficient, or LEP.

Unlike federal or state laws, Executive Orders do not provide a court enforcement remedy for violations. Also, unlike Title VI and other authorities, the Executive Orders apply only to programs and services that are federal funded.

Nevertheless, they have 'force of law', meaning that funding can be removed from violating agencies. These two executive orders are particularly important, in that they are closely connected and even overlap coverage of Title VI and related nondiscrimination authorities.

Conclusion

This concludes Module 1 - Title VI Nondiscrimination Programming, What and Why. Please continue to Module 2 - Core Title VI Nondiscrimination Functions in FDOT Program Areas.