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Secretary of Transportation

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Date

## **Title VI Policy**

### **I. Introduction**

#### **A. Purpose**

This Secretary's Executive Order sets forth the Washington State Department of Transportation's (WSDOT's) policy of compliance with Title VI of the Civil Rights Act of 1964 ([Pub. L. 88-352](#)), the Civil Rights Restoration Act of 1987 ([Pub. L. 100-259](#)), and other related applicable civil rights statutes and rules.

#### **B. Background**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color, and national origin. Specifically, [Pub. L. 88-352](#) states that: "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."

The Title VI prohibition of discrimination on the basis of national origin has been extended to include discrimination based on Limited English Proficiency (LEP). Under [Executive Order 13166 Improving Access to Services for Persons With Limited English Proficiency](#), WSDOT is required to provide LEP individuals with meaningful access to its programs and services and identify any need for services to LEP applicants, which generally involves some combination of services for oral interpretation and written translation of vital documents.

Section 162(a) of the Federal-Aid Highway Act of 1973 ([Pub. L. 93-87](#)) requires that there be no discrimination on the ground of sex. [Pub. L. 93-87](#) states: "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."

Section 504 of the Rehabilitation Act of 1973 ([Pub. L. 93-112](#)) prohibits discrimination on the basis of disability, as does the Americans with Disabilities Act of 1990 (ADA) ([Pub. L. 101-336](#)). The Age Discrimination Act of 1975 ([Pub. L. 94-135](#)) prohibits discrimination on the basis of age in programs and activities that receive federal assistance.

Environmental Justice (EJ) protections have been extended as a component of Title VI. [Executive Order 12898](#) on EJ requires WSDOT to adhere to the provisions of Title VI of the Civil Rights Act of 1964 and the National Environmental Policy Act of 1969 ([Pub. L. 91-190](#)) in order 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.

The Civil Rights Restoration Act of 1987 ([Pub. L. 100-259](#)) specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in the particular program or activity that received federal funding. Pub. L. 100-259 clarified the intent of Title VI and other nondiscrimination requirements (including the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institution-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities, whether those programs and activities are federally funded or not.

### **C. Supersession**

This Secretary's Executive Order supersedes and replaces the prior version with the same title, dated December 5, 2014. All references to the superseded E 1087.00 now reference E 1087.01.

### **D. What Has Changed**

- In Subsection I.A, this revision adds language about civil rights statutes and rules.
- In Subsection I.B, this revision adds language about multiple statutes. It also adds and revises language about executive orders.
- In Section II, this revision rewrites much of the existing language. It adds language about the prohibition on discrimination based on sex, age, and disability. It also adds language about LEP, EJ, equity, and filing a complaint.
- In Section V, this revision adds to the list of references and adds hyperlinks for existing references to statutes.
- In Section VI, this revision adds language about leadership review.

## **II. Secretary's Executive Order**

It is the policy of the WSDOT that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any WSDOT program or activity, whether federally funded or not. WSDOT further assures compliance with related nondiscrimination statutes that prohibit discrimination based on sex, age, and disability in all its programs and activities, whether federally funded or not.

It is the policy of the WSDOT to ensure that LEP individuals have meaningful access to WSDOT programs, services, and activities, and to ensure that the programs, services, and activities provided by local public agencies receiving federal funding through WSDOT (WSDOT subrecipients) are also accessible to LEP individuals.

EJ and Title VI of the Civil Rights Act address the distribution of the physical, social, and economic impacts of a proposed project and its potential alternatives. Protection of the community's civil rights and the fair distribution of a project's burdens and benefits lie at the heart of the issue, and WSDOT is required by state and federal law (see [Section 458.09](#) of the *Environmental Manual* M 31-11) to consider equity effects.

Any person who believes their Title VI protections have been violated may file a complaint with WSDOT's Office of Equal Opportunity (OEO). In the event that WSDOT distributes

federal aid funds to another governmental entity, WSDOT will include Title VI language in all written agreements and will monitor these entities to ensure their compliance with Title VI and related requirements.

### **III. Information to Carry Out This Secretary's Executive Order**

WSDOT's Office of Equal Opportunity is responsible for initiating and monitoring Title VI, EJ, and LEP compliance activities, preparing required reports, and other WSDOT responsibilities as required by [Title 23 Code of Federal Regulations \(CFR\) Part 200](#) and [Title 49 CFR Part 21](#).

### **IV. Contact for More Information**

For questions or concerns about this Secretary's Executive Order, contact the Office of Equal Opportunity by phone at 360-705-7090, or visit the [Office of Equal Opportunity](#) webpage.

### **V. References**

- Age Discrimination Act of 1975 ([Pub. L. 94-135](#))
- Americans with Disabilities Act of 1990 (ADA) ([Pub. L. 101-336](#))
- Civil Rights Restoration Act of 1987 ([Pub. L. 100-259](#))
- Federal-Aid Highway Act of 1973 ([Pub. L. 93-87](#))
- National Environmental Policy Act of 1969 ([Pub. L. 91-190](#))
- Section 504 of the Rehabilitation Act of 1973 ([Pub. L. 93-112](#))
- Title VI of the Civil Rights Act of 1964 ([Pub. L. 88-352](#))
- [Title 23 CFR Part 200](#) *Title VI Program and Related Statutes—Implementation and Review Procedures*
- [Title 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*
- [Executive Order 12898](#) *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*
- [Executive Order 13166](#) *Improving Access to Services for Persons With Limited English Proficiency*
- *Environmental Manual* M 31-11, [Section 458.09](#), Links to Social Analysis Statutes and Regulations
- WSDOT [Office of Equal Opportunity](#) webpage

### **VI. Review and Update Requirements**

When changes are necessary to update this document, inform the Director of the Office of Equal Opportunity. The Director of the Office of Equal Opportunity reviews this document periodically and proposes updates for leadership review and approval by the Secretary of Transportation.

## **Americans with Disabilities Act (ADA) Information**

This material can be made available in an alternate format by emailing the Office of Equal Opportunity at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.