

## Title VI & Environmental Justice

### What is Title VI?

Title VI of the Civil Rights Act of 1964 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.”

As a recipient of federal funds, the Broward MPO is required to prepare a Title VI Program demonstrating compliance. The Broward MPO is also responsible for monitoring any subrecipients to ensure their compliance with Title VI concerning federal funds received through the Broward MPO. It is anticipated that the Title VI Program triennial update will be adopted by the MPO Board on October 12, 2017. The next update will be completed in 2020.

### What is Environmental Justice?

Environmental Justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

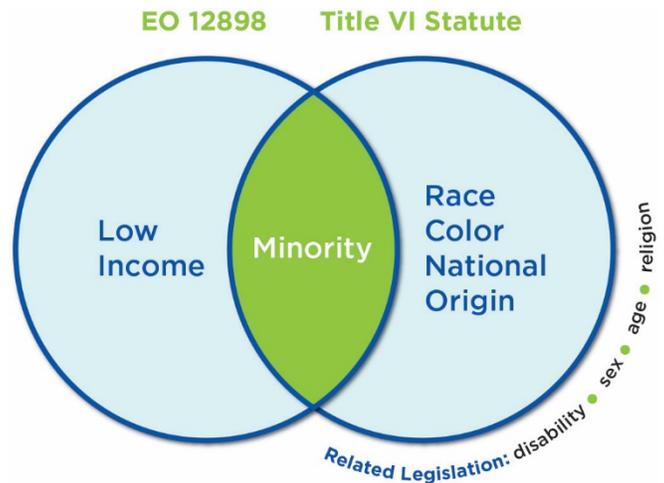
Executive Order (EO) 12898 “calls on each federal agency to achieve “environmental justice...by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...”. U.S. Department of Transportation (DOT) Order 5610.2(a) sets forth the DOT policy to consider EJ in all DOT programs, policies, and activities. As a recipient of U.S. DOT funds, the Broward MPO is required to comply with EO 12898 and U.S. DOT Order 5610.2(A) by incorporating EJ principles into its transportation decision-making processes.

### Relationship between Title VI and Environmental Justice

Title VI and EJ both address non-discrimination, identify minority populations, are rooted in the constitutional guarantee that all citizens are created equal, and both address involvement of affected citizens in the decision-making process.

Title VI covers race, color, national origin, gender, age and disability while EJ covers minority and low-income populations (see Figure 1 below). Title VI prohibits discrimination while EJ mandates a process for inclusive decision-making.

**Figure 1: Populations Protected Under EJ & Title VI**



Source: Federal Highway Administration (FHWA)

## Title VI & Environmental Justice

### Next Steps: Assessing Broward MPO's Title VI & EJ Planning Processes

The Broward MPO continues to incorporate Title VI and EJ principles into its planning processes as a part of the organization's federal requirements. Recognizing there is room for improvement, the Broward MPO is undertaking a comprehensive review of its key program areas and looking to develop a systemic process and tool to consistently evaluate transportation plans and programs against Title VI and EJ objectives. The goals of this effort are to improve efficiency in evaluating the MPO's planning processes and programs: more effectively satisfy federal Title VI and EJ requirements; and produce meaningful outcomes for the community through MPO transportation planning programs, particularly for Title VI and EJ populations. This will be accomplished through a five step process as illustrated below.



### Guidance & Resources

Title VI—Federal Transit Agency (FTA): <https://www.transit.dot.gov/title6>

Title VI—Federal Highway Administration (FHWA): <https://www.fhwa.dot.gov/civilrights/programs/tvi.cfm>

Environmental Justice (FTA): <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/environmental-justice/environmental-justice>

Environmental Justice (FHWA): [https://www.fhwa.dot.gov/environment/environmental\\_justice/](https://www.fhwa.dot.gov/environment/environmental_justice/)

Center for Environmental Excellence by AASHTO (American Association of State Highway and Transportation Officials): [http://environment.transportation.org/environmental\\_topics/environmental\\_justice/](http://environment.transportation.org/environmental_topics/environmental_justice/)

*For complaints, questions or concerns about civil rights or nondiscrimination; or for special requests under the Americans with Disabilities Act, please contact Christopher Ryan, Title VI Coordinator at (954) 876-0036 or [ryanc@browardmpo.org](mailto:ryanc@browardmpo.org).*

# Term Glossary

**Adverse Effect** means having a harmful or undesired effect.

**Age** means the length of existence extending from the beginning to any given time.

**Color** means the natural appearance of a person's skin.

**Americans with Disabilities Act (ADA)** 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. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life. Became law in 1990.

**Disability** means a condition of being unable to perform a task or function because of a physical or mental impairment.

**Discrimination** refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuates the effects of prior discrimination based on race, color, or national origin.

**Disproportionately High** is an effect that is predominantly borne by a minority or low income persons/population; or will be suffered by the minority or low income persons/population...appreciably more severe or greater in magnitude than the adverse effect ... suffered by the non-minority or not-low income persons/population.

**Environmental Justice** is the fair distribution of environmental benefits and burdens

**Handicap** means a person who has some condition that markedly restricts their ability to function physically or mentally or socially.

**Income** means the amount of money or its equivalent received during a period of time in exchange for labor or services, from the sale of goods or property, or as profit from financial investments.

**Limited English Proficient (LEP)** Persons are individuals for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.

**Low-Income Population** means any readily identifiable groups of low-income individuals who live in geographic proximity, and if circumstances warrant, geographically dispersed transient persons who will be similarly affected by a proposed DOT program, policy, or activity.

Minority Individuals:

1. American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
2. Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
3. Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
4. Hispanic or Latino, which includes people of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
5. Native Hawaiian and other Pacific Islanders, which refers to people having origins in any of the original people of Hawaii, Guam, Samoa, or other Pacific Islands.

**National Environmental Policy Act (NEPA)** is a United States environmental law that promotes the enhancement of the environment and established the President's Council on Environmental Quality (CEQ). The law was enacted on January 1, 1970.

**National Origin** means the particular nation in which a person was born, or where the person's parents or ancestors were born.

**Race** means a group of people united or classified together on the basis of common history, nationality, or geographic distribution.

**Recipient** means one that has received or is receiving Federal financial assistance. The term includes **sub-recipients** of a recipient and sub-recipients in FTA State administered programs.

**Retaliation** is any adverse action taken against another individual because of his/her participation in the complaint, investigation, or hearing relating to this policy or the provision of federal or state law.

**Sex** means the differentiation between a male and female with reference to the reproductive organs.

**Title VI of the Civil Rights Act of 1964**, 42 U.S.C. 2000d et seq. ("**Title VI**") prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance.

**Vital Documents** are documents that convey information that critically affects the ability of the customer to make informed decisions about his/her participation in the program (e.g., public notices, consent forms, complaint forms, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, and notices informing customers of the availability of free language assistance).

# Resource Reference Sheet

## **Federal Transit Administration**

Title VI Circular: [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf)

Federal Transit Administration Title VI of the Civil Rights Act of 1964: <https://www.transit.dot.gov/title6>

FTA Circular Environmental Justice Circular:  
[http://www.fdot.gov/environment/pubs/sce/FTA\\_EJ\\_Circular.pdf](http://www.fdot.gov/environment/pubs/sce/FTA_EJ_Circular.pdf)

## **U.S. Department of Transportation/Federal Highway Administration**

U.S. Department of Transportation Civil Rights Website: <https://www.fhwa.dot.gov/civilrights/>

Limited English Proficiency: <https://www.fhwa.dot.gov/civilrights/programs/lep.cfm>

Limited English Proficiency Guidance: <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

Environmental Justice: [https://www.fhwa.dot.gov/environment/environmental\\_justice/](https://www.fhwa.dot.gov/environment/environmental_justice/)

Environmental Justice and NEPA: [https://www.environment.fhwa.dot.gov/env\\_topics/ej/guidance\\_ejustice-nepa.aspx](https://www.environment.fhwa.dot.gov/env_topics/ej/guidance_ejustice-nepa.aspx)

Community Impact Assessment: <https://www.fhwa.dot.gov/livability/cia/index.cfm>

## **Florida Department of Transportation**

Title VI Overview: <http://www.fdot.gov/equalopportunity/titlevi.shtm>

Limited English Proficiency Guidance:  
[http://www.fdot.gov/equalopportunity/InvestigationsandCompliance/FDOT%20Limited%20English%20Proficiency%20\(LEP\)%20Guidance.pdf](http://www.fdot.gov/equalopportunity/InvestigationsandCompliance/FDOT%20Limited%20English%20Proficiency%20(LEP)%20Guidance.pdf)

Environmental Justice: <http://www.fdot.gov/environment/pubs/sce/otherSCE.shtm>

Sociocultural Effects Evaluation Videos: <http://www.fdot.gov/environment/pubs/sce/sceVideos.shtm>

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U.S. Department of Transportation

# Federal Highway Administration

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## Civil Rights

## Civil Rights

### Title VI Program Implementation Plan Checklist

	Yes	No	Comments
1. POLICY STATEMENT: Does the Plan have a Title VI Program Policy Statement signed by the CEO?			
2. STANDARD DOT ASSURANCES: Does the Plan include a signed copy of the DOT Standard Title VI Assurances with Appendices "A," "B," "C," "D," and "E"?			
3. ORGANIZATION & STAFFING: Does the Plan identify the Title VI Coordinator who has easy access to the head of the agency? Is there an organizational chart that identifies a Civil Rights Unit, and its placement in the agency?			
4. PROGRAM REVIEW PROCEDURES: Does the Plan describe the nature of the recipient's program areas and include procedures for conducting reviews of pertinent program areas?			
5. SPECIAL EMPHASIS PROGRAM AREAS: Does the Plan describe the process the STA uses to identify their special emphasis program areas and how they address identified trends or patterns of discrimination in those areas?			
6. SUB-RECIPIENT REVIEW PROCEDURES: Does the Plan describe the process for conducting reviews of sub recipients, (cities, counties, universities/colleges, etc.)?			

7. DATA COLLECTION/REPORTING/ANALYSIS: Does the Plan contain a process for collecting and reporting Title VI data (race, color, national origin, sex, age, disability...)?			
8. TITLE VI TRAINING: Does the Plan address Title VI training of staff members and sub recipients?			
9. COMPLAINT PROCEDURES: Does the Plan contain complaint procedures which describe a prompt process for investigations and disposition of Title VI complaints?			
10. DISSEMINATION OF TITLE VI INFORMATION: Does the Plan contain community outreach and public education procedures (making the public aware of their rights under Title VI program authorities)?			
11. LIMITED ENGLISH PROFICIENCY (LEP): Does the Plan communicate how the STA implements the Title VI Program requirements of Limited English Proficiency (LEP)?			
12. ENVIRONMENTAL JUSTICE (EJ): Does the Plan communicate how the STA implements the Title VI Program requirements of Environmental Justice to include a public participation plan and outreach plan?			
13. REVIEW OF STA DIRECTIVES: Does the Plan describe how the STA reviews directives to determine if there are Title VI implications, and interpret how directives impact Title VI program areas?			
14. COMPLIANCE AND ENFORCEMENT PROCEDURES: Does the Plan outline Title VI Program compliance and enforcement procedures to eliminate and address discrimination, resolve deficiencies, etc. when noncompliance occurs?			