CIVIL RIGHTS ACT OF 1964: TITLES 1-11

I. Barred unequal voter registration requirements.
II. Outlawed discrimination in public places.
III. Prohibited the denial of access to public facilities.
IV. Encouraged the desegregation of schools.
V. Expanded the Civil Rights Commission.
VI. Prohibited discrimination by federal fund recipients.
VII. Prohibited discrimination by covered employers.
VIII. Required compilation of voter/registration data.
IX. Facilitated moving CR cases from State to Federal.
X. Established community relations service.
XI. Gave a defendant under CRA the right to a jury trial.
TITLE VI OF THE CIVIL RIGHTS ACT

• What is required
• Where are the rules?
• How often are plans required to be approved by FTA / FHWA
• Where should the plans/deliverables be posted
• What does onsite review/audit entail?
COMPLAINTS FFY20
(OCTOBER ‘19 – SEPTEMBER ’20)

• 11 Civil Right Complaints
  • 2 Title VI
  • 1 DBE
  • 4 EEO
    • 2 Transit Related
  • 4 ADA
    • 2 Transit Related
“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination”

John F. Kennedy
• The Civil Rights act of 1964 and Title VI formalized protections that already existed.

• 1865 13th Amendment abolishing slavery.
• 1868 14th Amendment on equal protection of law.
• 1930’s Nationwide policies on housing discrimination.
Civil Rights Act of 1964 – Title VI SEC. 601.
“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.”
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SEC. 601.
"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." SEC. 601.

The Supreme Court has held that all persons, including undocumented citizens, are considered "persons" under the equal protection and due process clauses of the Fifth and Fourteenth Amendments of the Constitution.
SEC. 601.
“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.” SEC. 601.

• Federal Code was amended to include discrimination based upon: sex, age, handicap / disability, Limited English Proficiency, and low income status.
• New for 2020 – Supreme Court ruling on Sexual Orientation and Gender Identity
SEC. 601.
“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.” SEC. 601.

- **Program:** Any project or activity for the provision of services, financial aid or other benefits to individuals.
- **Federal Financial Assistance:** Grants or loans consisting of federal funds.
WHO IS A RECIPIENT OF FEDERAL FUNDING?
Corpus Christie – Old Harbor Bridge
1214 Carline Aly, Corpus Christi, TX 78401

2 beds · 1 bath · 1,002 sqft

FOR SALE
$29,000
Zestimate: $68,418

EST. MORTGAGE
$108/mo

Get pre-qualified

TWO homes for ONE price! That’s right you get TWO homes setting on the same lot! Both of them are two bedroom one bath homes. They both are just waiting for that investor to come along and restore them and make them beautiful again. They would make PERFECT rental units! Theses homes are being sold "As is" and Cash only.
OUTREACH
In the shadows of Refinery Row, a parable of redevelopment and race
<table>
<thead>
<tr>
<th></th>
<th>DAYTON</th>
<th>BEAVERCREEK</th>
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</thead>
<tbody>
<tr>
<td>Population</td>
<td>141,527</td>
<td>45,193</td>
</tr>
<tr>
<td>Med. Income</td>
<td>$27,523</td>
<td>$68,801</td>
</tr>
<tr>
<td>White</td>
<td>51%</td>
<td>89%</td>
</tr>
<tr>
<td>Minority</td>
<td>49%</td>
<td>11%</td>
</tr>
<tr>
<td>Median Age</td>
<td>34</td>
<td>41</td>
</tr>
</tbody>
</table>
BEAVERCREEK, OHIO

2010

• State DOT Civil Rights audit found that the city’s workforce was predominantly white. The DOT made special note of its 100% white, male police department.
• City was issued non-compliance finding.
• Recommended that Beavercreek increase it’s outreach to minority and female applicants for police department positions.
BEAVERCREEK, OHIO

2011

• Greater Dayton RTA applied to place bus-stops near Fairfield Commons / Beavercreek Mall.
• City of Beavercreek voted in favor of north-south bus stops, but voted AGAINST east-west bus stops (6-0).

• City Mayor said “[the bus] brings with it crime, which drives out business.”

• City council commented

• Local community group filed Title VI complaint.
White Ohio Suburb of Beavercreek Fights to Keep Black Bus Riders Out of Neighborhood

August 6, 2013
by Sarah Fruchtnicht

The primarily white community of Beavercreek, Ohio, is doing everything in its power to keep minority bus riders out, including risking tens of millions of dollars in federal funding.
BEAVERCREEK, OHIO

2013

• DOT determined that the action was discriminatory.
• Beavercreek ordered to revisit decision to add bus stops near mall.
• City of Beavercreek given 90 day to comply with ruling.
• Potential loss of $10 Million in FHWA funding.

• **City Council voted in favor of losing $10 Million.**
BEAVERCREEK, OHIO

2013 Continued....

• Department of Justice stepped in...
• DOJ threatened city with loss of additional $50 Million.

• City of Beavercreek built bus stops.
• Continued to push for their removal.
Beavercreek mayor doesn’t support mass transit

By Sharahn D. Boykin
Staff Writer

BEAVERCREEK — Two years after pressure from the federal government led the Beavercreek City Council to reverse its decision to reject an application for multiple bus stops near the Mall at Fairfield Commons, the mayor still says he doesn’t believe in mass transit.
Proposed bus stop worries Beavercreek council

By Sharahn D. Boykin
Staff Writer

Beavercreek Mayor Bob Stone said he is worried about large buses attempting to navigate narrow streets inside the shopping center.

BEAVERCREEK — Beavercreek City Council members say they have traffic safety concerns about adding a bus stop inside The Greene Town Center.
BEAVERCREEK, OHIO

2014

• John Crawford shopping in local Walmart
• Crawford was holding a toy gun while shopping, when customer called 911, and Beavercreek police department responded.
• Crawford was shot and killed.
• Incident started “Black Lives Matter” movement.
• Prompted FBI Investigation in 2015 which referenced the 2010 DOT audit.
ASSOCIATED CIVIL RIGHTS PROVISIONS

Executive Order 13166 – Limited English Proficiency
• Impacts to individuals with English language proficiency issues.

Executive Order 12898 – Environmental Justice
• Disproportionate and adverse impacts to minority and low-income populations.
WHAT’S REQUIRED FOR LEP AND EJ?

Four-Factor Analysis
1. Analyze Demographics
2. Determine Frequency of Contact
3. Weigh the Importance
4. Identify Alternative Resources

Provide Deliverables
FACTOR 1: DEMOGRAPHICS

Using Best Available Data:

• Become familiar with the demographics of the users/residents in your service area.

• Use formal and informal data collection sources: Census, ACS, EJ Screen, word of mouth, local churches, ethnic grocery stores, community centers.

• Compare percentiles against surrounding areas.

• Write a summary of your findings.
EXAMPLE: FACTOR 1 – EJ SCREEN

Kootenai County: Low Income by Census Tract

Collected using EPA EJ Screen and 2013 American Community Survey Data
EXAMPLE: FACTOR 1 – CITY OF BELLEVUE (LEP)

- **Demographics** - The decision to provide language assistance services included an assessment of the number or proportion of LEP persons from a particular language group served or encountered in the surrounding community area. The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. Generally, identifying any community where the LEP population equals 5 percent or more in a given language automatically triggers providing language assistance services as a mandatory and normal part of Bellevue’s operation. In Bellevue, the largest LEP population is Hispanic.

*The City of Bellevue’s population per the 2010 CENSUS is 2,287. The 2006-2012 American Community Survey estimates 345 Hispanic/Spanish individuals in Bellevue and of that number, there are 156 of those individuals or near 7% of the Bellevue population, that speak English less than “very well”. (attachment A – Census Bureau Statistics for Idaho Counties – LEP Populations)*
FACTOR 2: FREQUENCY OF CONTACT

Using Best Available Data:

• Determine how often impacted populations come into contact with your office.
• Use formal and informal survey methods.
• Avoid “word of mouth.”
• Use sign in sheet to track demographics and frequency of contact.
• Write-up findings and save deliverables in final plan.
Title VI Staff Survey

1. While performing your job, have you interacted with anyone who spoke a language other than English as their primary language?
   Yes
   No
   a. If yes, the primary language appeared to be: (Check all that apply)
      Spanish
      Russian
      French
      German
      Other: ______________________
   b. Over the past calendar year, how many times did you interact with customers whose primary language was not English?

2. I can fluently speak, write, and translate information in the following languages:
   Spanish
   Russian
   French
   German
   Other: ______________________

3. If you can fluently speak, write, and translate information in another language, are you willing to serve as a resource if an interpreter is needed while providing services to a customer? (Salary increases are often allowed while providing translation services. Local policy may vary)
   Yes
   No

4. Do you know anyone in the community who you believe could provide these services on behalf of the organization?
   Yes
   No
   a. If yes, please provide contact info: ______________________________________

Non-Discrimination Policy Statement:
As a recipient of federal funding, this agency assures that no person shall, on the grounds of race, color, national origin, sex, age, disability, Limited English Proficiency, low income, and minority as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100-252), and subsequent related acts, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Employee Signature: ________________________ Date: ________________
The table below shows demographic data from three different sources. The first is 2010 census data for Canyon County (see Enclosure #5). The second is data from the NHD visitor sign-in log, based on 250 entries, dating from April 2011. The third is from the seven employment applications received by NHD during this reporting period. See Enclosure #6.

<table>
<thead>
<tr>
<th>Demographic Data</th>
<th>Census</th>
<th>Visitor Log</th>
<th>Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>49.50%</td>
<td>70.80%</td>
<td>42.86%</td>
</tr>
<tr>
<td>Female</td>
<td>50.51%</td>
<td>10.40%</td>
<td>57.14%</td>
</tr>
<tr>
<td>White</td>
<td>82.97%</td>
<td>72.00%</td>
<td>85.71%</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>23.86%</td>
<td>2.40%</td>
<td>14.29%</td>
</tr>
<tr>
<td>Native American</td>
<td>1.07%</td>
<td>1.16%</td>
<td>-0-</td>
</tr>
<tr>
<td>Asian</td>
<td>0.80%</td>
<td>0.40%</td>
<td>-0-</td>
</tr>
<tr>
<td>Black or African American</td>
<td>0.57%</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Other</td>
<td>0.21%</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Non Responses</td>
<td>-0-</td>
<td>18.80%</td>
<td>-0-</td>
</tr>
</tbody>
</table>

The physical locations of minority and low income populations are shown in the Environmental Justice Consideration Map, which was generated by the Community Planning Association of Southwest Idaho (COMPASS). See Enclosure #7.
FACTOR 3: IMPORTANCE

• What services are provided?
• What is the Importance of those services in the event of a service interruption or fare increase?
  • Work
  • School
  • Grocery shopping
  • Social services provided
  • Access to emergency / medical services
FACTOR 4: ALTERNATIVE RESOURCES

• Provide alternative resources to address LEP and EJ impacts on local populations.
• Include access to translation services for LEP as well as access to social services and information for relocatees if applicable.
• LEP: Identify community groups that provide services to refugees, non-english speakers.
• EJ: Identify community groups that provide services to low-income, homeless, and other minority groups.
Nampa Highway District staff and project design team members will be on-hand to answer questions and concerns. If you would like additional information, please contact Eric Shannon of Nampa Highway District No. 1 at 208-467-4576. If you are unable to attend the meeting, you are encouraged to send your comments to: Nampa Highway District No. 1, 4507 12th Avenue Road, Nampa, ID 83686; email your comments to eric@nampahighway1.com or fax them to (208) 467-9916. Comments postmarked by March 6, 2013 will become part of the public record for the February 20, 2013 meeting.

Persons needing an interpreter or special accommodations are urged to contact the Public Involvement Coordinator at (208) 334-4444 or TDD/TDY (208) 334-4458.
ADA SERVICE ANIMALS

• Authorized to ask two questions
  • Is it a service animal?
  • What task is it trained to perform?

• Verify that service animal
  • Under physical or verbal control of the owner
  • Does not pose a direct safety threat
  • Is house broken

• Local agency:
  • May NOT ask for Doctor’s note
  • May consider providing reduced registration / licensing fees
  • May NOT require licensure for individuals from communities that do not require licensure
  • Should understand the difference between Service Animals VS. Assistance Animals

• Idaho Code prevents utilization of legitimate service animals to receive benefits
Russ Rivera
Civil Rights Compliance Officer
Idaho Transportation Department
(208) 334-8152
Russ.Rivera@ITD.Idaho.Gov
USDOT
Disadvantaged Business Enterprise (DBE) Program

Office of Civil Rights
Idaho Transportation Department
Are you familiar with the Disadvantage Enterprise Program?
Congress established program in 1982
Federal Program (USDOT) administered by State Agency (ITD)
All transportation modes
  - Highway, Aviation & Transit
Active in every state & US Territory
No direct relationship to the Small Business Administration (SBA)
What’s It Suppose to Do?

- Help remove barriers to DBE working on USDOT-assisted projects.
- Assist in business development so firms can successfully compete outside the program
  - DBE Supportive Services
- Ensure only firms meeting eligibility criteria can participate as DBEs.
ITD’s DBE Annual Participation Goals by program:

- **13% for transit**
- **8.3% for highways**
- **1% for aviation.**
ITD’s FTA DBE Annual Participation Goal Achievement

- **2020**: 0% Attainment in first half of FFY
- **2019**: 4.09%
- **2018**: 7.08%
- **2017**: 2.12%
A look at actual DBE dollar commitments

- **2020 (1st half):** $0.00 of $4,150,608.00
- **2019:** $173,974.00 of $4,244,877.00
- **2018:** $82,488.00 of $1,163,534.00
- **2017:** $33,250.00 of $1,564,705.00
What is a DBE?

A DBE is a small, for profit business concern that is at least 51% owned & controlled by socially & economically disadvantaged individuals.
Presumed to be “Socially & Economically Disadvantaged”

- Asian-Indian Americans
- Asian-Pacific Americans
- Black Americans
- Hispanic Americans
- Native Americans
- Women
“Socially & Economically Disadvantaged” Case by Case Basis

(White Males)

Chronic & Substantial Social Disadvantage in US AND

Negative impact in business world because of social disadvantage
DBE Eligibility Criteria

- Existing, operational & for profit firm
- Independent & self-sufficient (no umbilical cord relationships)
- Personal net worth cannot exceed $1.32 million
- Is a small business concern
  - Size limits based on SBA’s standards per NAICS codes
  - Cannot exceed USDOT’s $23.98 million 3 year gross receipt average (changes to come).
DBE Eligibility Criteria

- Owner has expertise & experience in Firm’s Line of Work
- Owner has Operational & Managerial Control
  - Highest Authority
  - No limits or restrictions
  - Can delegate, but still retain ultimate authority.
DBE Eligibility Criteria

- Owner establish at least 51% ownership
  - Documentation of capital contributions used to start business
  - Applicant has burden of proof of overcoming 50/50 community property assumption when spouse is not disadvantaged
Consulting, contracting & supplying for the planning, design and construction of highway, airport & transit systems – Airport Concessionaires, too
Do you know any women owned-minority owned firms who conduct work for you that are not certified in Idaho?
Questions?

For additional information about the DBE Program:

Ester Ceja
Phone: (208) 334-8567
Email: Ester.Ceja@itd.Idaho.gov