



Alaska Department of Transportation and Public Facilities

Title VI and American with Disabilities Act (ADA)
A basic guideline to compliance
Civil Rights Office



Alaska DOT&PF Policy

It is the policy of the Alaska Department of Transportation and Public Facilities (DOT&PF) that no one shall be subject to discrimination on the basis of race, color, national origin, sex, age, or disability, regardless of the funding source, including Federal Transit Administration, Federal Aviation Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration and State of Alaska funds.



Civil Right Office Mission

"Keep Alaska Moving through service and infrastructure."





Consciousness





Civil Rights Act of 1964

The Civil Rights Act of 1964, which was enacted July 2, 1964, is a landmark civil rights and labor law in the United States that outlaws discrimination based on:

- Race
- Color
- Religion
- Sex
- Sexual orientation
- Gender identity
- National origin



It prohibits unequal application of voter registration requirements, racial segregation in schools, public accommodations, and employment discrimination.



What is Title VI

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”

Title VI, 42 U.S.C. § 2000d



What does Title VI cover?

- All advertisements;
- Bid proposals, requests, and evaluations;
- Contracts and subcontracts;
- Develops processes and procedures for the investigation of complaints filed under the Title VI Program;
- Develops and implements a Limited English Proficiency (LEP) Plan;
- Participates in the design, development, and dissemination of Title VI Program information to the public;
- The Title VI coordinator prepares required reports and follow up with areas where discrimination may exist.
 - “Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d et seq., prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance. While Title VI does not **cover discrimination based on religion**, individuals who face discrimination on the basis of race, color, or **national origin do not lose protection under Title VI** for also being a member of a group that shares common religious practices.”



American Disability Act of 1990

- **28 C.F.R. Part 35 § 35.130** :No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.



The ADA recognizes and protects people with disabilities' civil rights, prohibiting discrimination based on race, gender, or national origin. The ADA covers a wide range of disabilities, from physical conditions affecting mobility, stamina, sight, hearing, and speech to emotional illness and learning disorders.



What does ADA include?

- In addition to Title VI, there are other nondiscrimination laws that apply to Alaska DOT&PF programs and activities. These laws include:
 - Section 162(a) of the Federal-Aid Highway Act of 1973, which prohibits discrimination based on sex;
 - Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, which provide protections for individuals with disabilities;
 - The Age Discrimination Act of 1975, which applies to age.
 - Standards for Accessible Design (ADA Accessibility Guidelines - ADAAG)
 - Public Right-of Way Accessibility Guidelines (PROWAG)



Limited English Proficiency

- An LEP person does not speak English as his or her primary language and has a limited ability to read, write, speak, or understand English.
- The Alaska DOT&PF takes reasonable steps to ensure LEP persons have meaningful access to programs, services, and information as per Executive Order 13166.
- The Alaska DOT&PF enforces LEP in the same manner as Title VI.
- The DOT&PF Civil Rights Office offers a multi-language selection on our website to provide all pertinent information to the public and will continue to monitor LEP requirements.





Interpreters Resources

[Language Interpreter Center](#) [Anchorage Office](#)

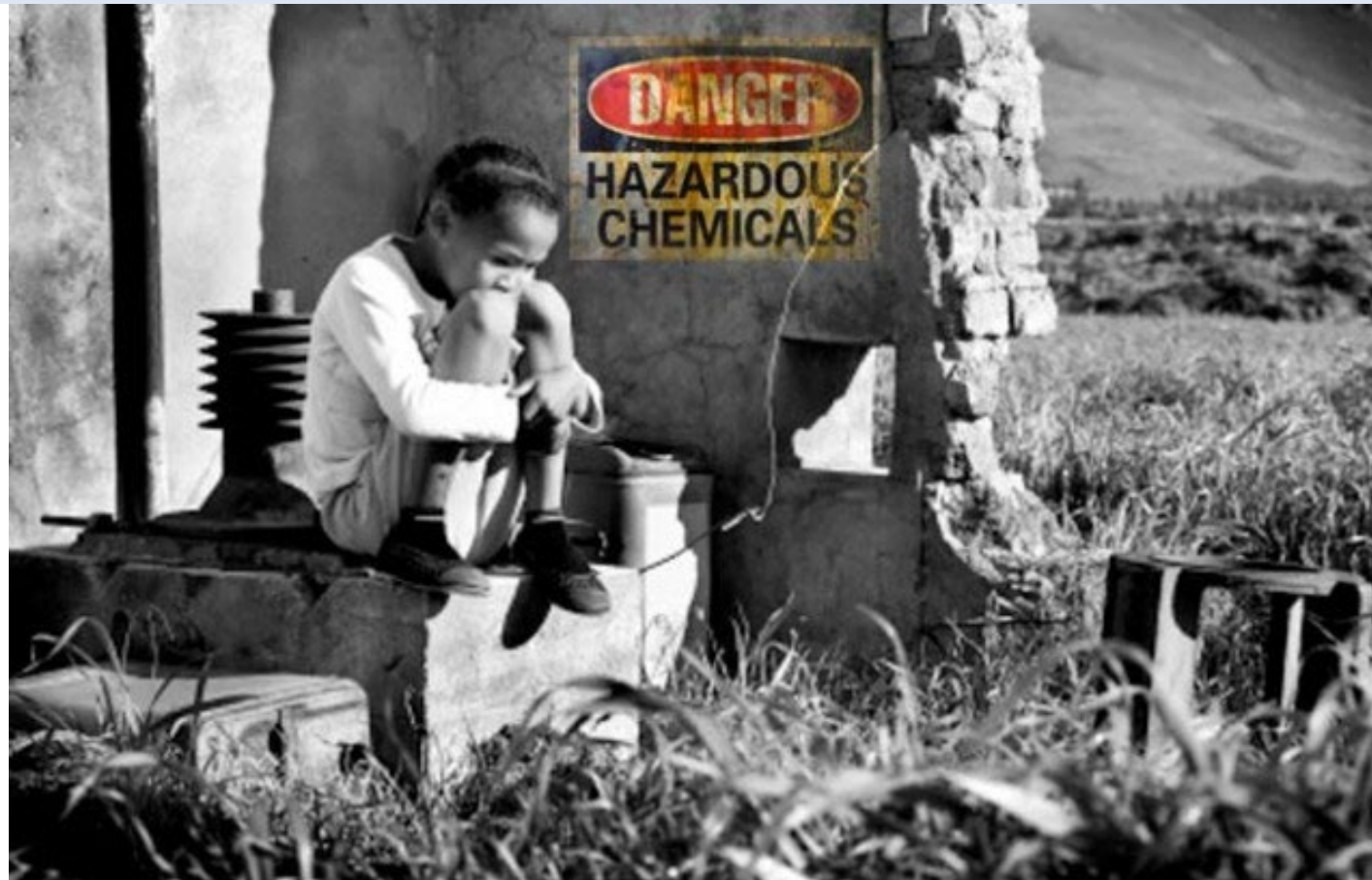
431 West 7th Avenue, Suite 208
Anchorage, AK 99501
Phone: 907-297-2760
Fax: 907-279-2450
Toll Free: 1-877-273-2457

[Language Interpreter Center](#) [Juneau Office](#)

9085 Glacier Highway, Suite 204
Juneau, Alaska 99801
Phone: 907-789-1326
Fax: 907-789-1324
Toll Free 1-877-273-2457



Environmental Justice





1982 Sit-In Warren County



1982 proposed Warren County PCB Landfill in Afton, NC



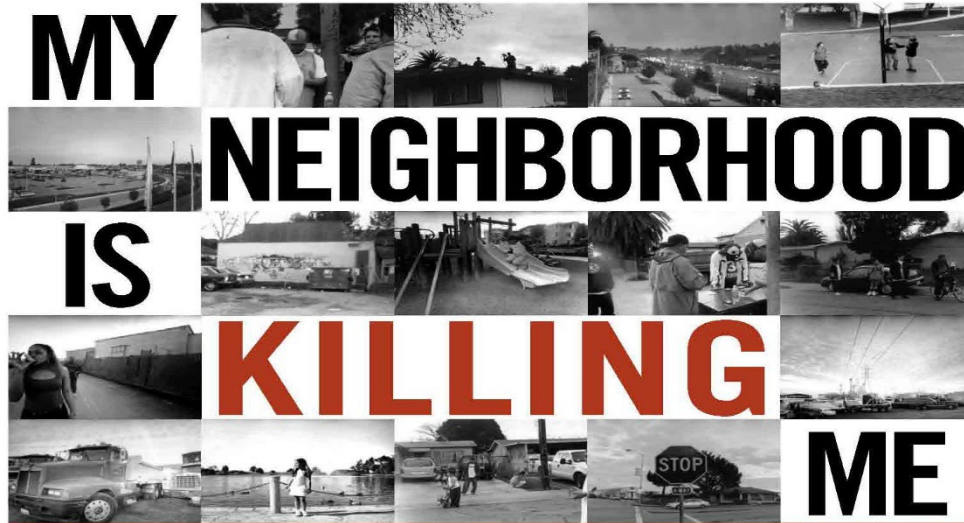
The Grassroots Movement

- 1982 proposed Warren County PCB Landfill in Afton, NC
 - The purpose of the Warren County PCB landfill, as the public knew it, was to bury 60,000 tons of PCB-contaminated soil that had been contaminated with toxic PCBs between June and August 1978.
- 1983 GAO Siting Study
 - In response to a congressional request, GAO determined the correlation between the location of hazardous waste landfills and the racial and economic status of the surrounding communities in eight southeastern states. GAO also provided information on Environmental Protection Agency (EPA) site location standards and permitting procedures
- 1987 United Church of Christ Commission
 - In 1987, the United Church of Christ Commission for Racial Justice released its groundbreaking study Toxic Wastes and Race in the United States. The report was significant because it found race to be the most potent variable in predicting where commercial hazardous waste facilities were located in the U.S., more powerful than household income, the value of homes and the estimated amount of hazardous waste generated by industry.
- 1991 First National People of Color EJ Conference
 - Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted 17 principles of Environmental Justice. Since then, *The Principles* have served as a defining document for the growing grassroots movement for environmental justice.



Summary of Executive Order 12898

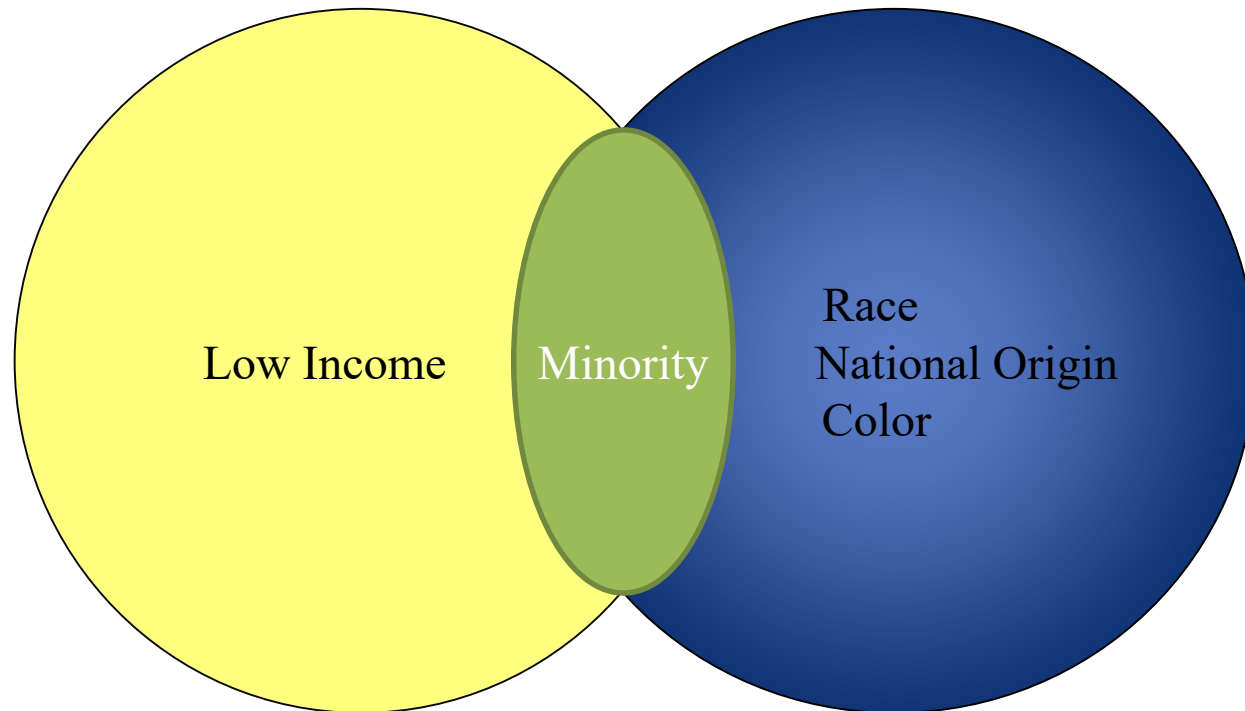
- Executive Order (E.O.) 12898 - 59 FR 7629
-Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations - was issued by President William J. Clinton in 1994.
- Its purpose is to focus federal attention on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities.





ENVIRONMENTAL JUSTICE

TITLE VI



Low Income

Minority

Race
National Origin
Color




Environmental Justice and Title VI

- Discrimination may be direct, or indirect, intentional or unintentional
- Complaints or impacts alleging disproportionate impact or discrimination are processed under Title VI enforcement authority.

Indirect Discrimination

What it is...



“This happens when a requirement is applied equally to everyone but has the effect of excluding one group of people more than another”

EVERYBODY DESERVES TO BE TREATED EQUALLY!



It doesn't matter if you are black or yellow or brown or normal!



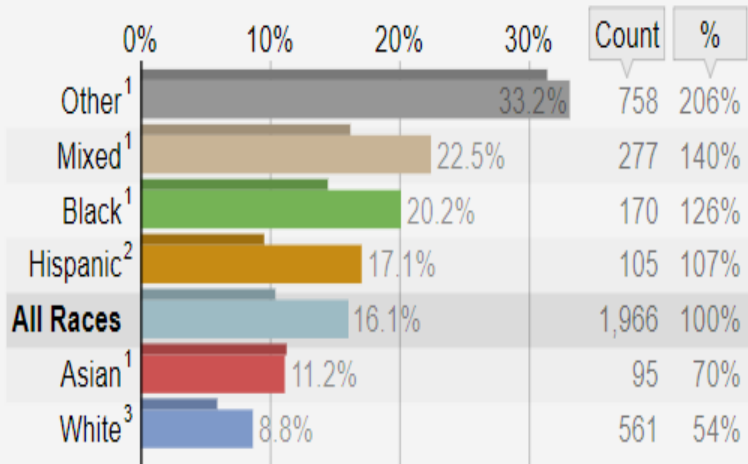
What is an EJ Population or Community?

On Food Stamps by Race

#4

Percentage of given ethno-racial group on food stamps.
Scope: households in Alaska and ZIP Code 99508

■ 99508 — Alaska



Count number of households on food stamps in given ethno-racial group

% percentage more or less than the population at large

¹ including Hispanic ² white Hispanic ³ non-Hispanic white

Low-Income or Minority Population

*Readily Identifiable

*Live in geographic proximity

*Geographically dispersed/transient or similarly affected

2020 POVERTY GUIDELINES FOR ALASKA

PERSONS IN FAMILY/HOUSEHOLD

POVERTY GUIDELINE

For families/households with more than 8 persons, add \$5,600 for each additional person.

1	\$15,950
2	\$21,550
3	\$27,150
4	\$32,750
5	\$38,350
6	\$43,950
7	\$49,550
8	\$55,150



FHWA and USDOT Environmental Justice Definitions

- The **FHWA** Order and **USDOT** Order define a “minority” individual as a person who identifies with one or more of the following categories: (1) Black; (2) Hispanic or Latino; (3) Asian American; (4) American Indian and Alaskan Native; or (5) Native Hawaiian and Other Pacific Islander
- **For example**, during a winter storm an agency may **habitually** plow roads in non-EJ neighborhoods before plowing roads in certain low income and minority neighborhoods





DOT/FHWA EJ Definitions

- Adverse Effects:
 - contamination
 - destruction, disruption, diminution
 - displacement
 - isolation
 - exclusion or separation



Environmental Justice Definitions

- Adverse Effects:
 - contamination
 - destruction, disruption, diminution
 - displacement
 - isolation
 - exclusion or separation
- Disproportionately High and Adverse Effect
 - Is **predominately borne or suffered** by minority/low-income groups
 - Is appreciably **more severe** or is **greater in magnitude** than the general population.



Environmental Justice In Planning



Existing Planning Regulations

- “...the planning process shall seek out & consider the needs...traditionally underserved...low-income and minority households.”
- 23 CFR 450.212(a)(6)
- 23 CFR 450.316(b)(1)(vi)



Planning Process

- Must be consistent with Title VI 450.316(b)(2).
- Must consider the transportation needs of minority and low-income populations.
- Must consider the human and natural environmental effects on low-income and minority populations. (450.212(a)(6) & 450.316(b)(1)(vi))



Planning Process

- Address EJ at
 - Systems Level
 - TIP Level
- Systems level should examine
 - Mobility Issues
 - Access to Jobs & Services
 - Level of Service
 - Maintenance
- Facility Location



Existing Planning Regulations

- States and MPO's shall certify the transportation planning process complies with Title VI.
- 23 CFR 450.316(b)(2)



Role of State DOT

- State should be actively involved in the metro Planning process
- EJ issues should be reconciled at the STIP level for the state system
- State should identify & address EJ issues for non-urbanized areas



Role of MPO

- MPO should identify and address EJ issues at the systems and project level
- MPO/transit operator should actively include minority & low-income groups in EJ analysis



Coordination

- State DOT, Transit Operator, & MPO should work together & share resources
- Internal to each agency:
 - Planning & Environmental
 - Civil Rights, Engineering, & R-O-W
- Externally: Health & Human Services, State DOL, etc.



Data Sources

- Where is the existing data?
- What data is being used?
- How old is the data, how accurate?



Data Sources

- How do you determine needs for low-income & minority populations?
- How do you relate data to existing facilities & services across modes?



Data Sources

- U.S. Census Products

<https://www.census.gov> › data

- U.S. Census Data
 - Minority, Poverty, Poor Pre-school Children, Median Household Income
- Census Transportation Planning Package
- Regional Economic Information System and County Business Patterns
- Public Use Microdata Sample of Census Data (PUMS)
- TIGER Files



Non-Census Data Sources

- U.S. Department of Labor
 - ES-202 (local area employment)
- Family and Children Services
 - Medicaid, Food Stamp, and Income Assistance
- Economic Development Agencies
- State and local tax collecting agencies
- Schools, School Districts race and low-income lunch program
- Workforce Investment Boards



Private Data Sources

- Dun and Bradstreet databases
- S&P Global Market Intelligence
- Real estate market surveys



Transportation Data Sources

- Job Access Grants
- Travel Surveys
- Management Systems
- Previous Project Studies



Service Equity

- Apply collected data sets
- Needs to be applied to the transportation system
- Will apply to plan, TIP, STIP



Systems Level Analysis

- Accessibility by modes to jobs & services
- Mobility
 - Measure of travel times across modes
- Safety & security of the system
- Consistent standards across the system? (landscaping, lighting, upkeep, maintenance)



Benefits & Burdens

- How do agencies display information about benefits & burdens?
 - GIS
 - Tables
 - Maps
 - Literature



Planning Public Involvement

- Develop a public involvement strategy
- Identify potential barriers
- Develop partnerships
- Evaluate the strategy



Seven Step Public Involvement Process

1. Identify decision to be made
2. Identify legal mandates and compliance requirements
3. Determine decision parameters
4. Identify Diverse public and interest
5. Decide on P.I. methods
6. Develop and implement P.I. Program
7. Evaluate effectiveness



TMA Certification Review

- Every 4 years an MPOs serving a TMA must have their planning process certified
- Must show evaluation of the effectiveness of the public involvement process
- Must demonstrate activities to engage the public
- [Certification Review | FTA \(dot.gov\)](https://www.fta.dot.gov/certification-review)



Evaluating Implementation

- What worked?
- Is it working?
- Which technique shows promise?
- Did the community leaders deliver?
- What did we do wrong?



How To Address Environmental Justice In NEPA Documents



Existing Requirements

- 23 USC 109(h): See requirements
- 23 CFR 771.111: Public Involvement requirements
- T.A. 6640.8A
 - Community Impact Assessment



Social Impact Areas

- Community cohesion disruption
- Accessibility of services & facilities
- Displacement of people & businesses



Data Collection

- Community Profile (boundaries)
- Data Sources & Validation
- Trends & History(land use, cohesion, tax base)
- Special populations
 - Fair and equitable consideration
 - Equal opportunity for public involvement



Title VI Consideration

- Any social groups specially benefited or harmed
 - Elderly, handicapped, non-drivers, transit dependent and minorities
 - Disparate treatment -discrimination



Environmental Justice Analysis

- Consider
 - the minority/low-income demographics
 - the interrelated cultural, social, historical, economic factors
 - any multiple cumulative exposure
- Focus on effective public participation
 - assure meaningful community involvement



Special Analysis Concerns

- Changes in traveler costs
- Transportation choice
- Accessibility
- Community cohesion
- Traffic noise
- Visual quality



Decision Tree

- Is there an impact?
- Is the impact adverse?
- Is the adverse impact high & disproportionate with offsetting benefits?



Effective Public Involvement

- Assures full opportunity
- Early enough
- Reaches & involves the *right* people
- Gives the right information
- Considers the input received



OUTREACH

- Religious, community, social services
- Newspapers, radio, internet, media
- Civic, homeowners, tenant's associations
- Grassroots, civil rights, and senior citizens
- Legal aid providers, public health clinics, swap meets, shopping malls
- Federal, state, local and tribal governments
- Universities, colleges, vocational schools, libraries



Identifying Solutions

- Avoidance
 - Alter the project so an impact does not occur.
- Minimization
 - Modify the project to reduce the severity of an impact.
- Mitigation
 - Alleviate or offset an impact or replace a resource
- Enhancement
 - Add a desired or attractive feature to make more harmonious into the community.



Mitigation Examples

- Bike paths
- Pedestrian trails
- Enhanced Sidewalks, Curb cuts
- Vegetation/Landscaping/Lighting Fixtures
- Landmark plaques/Signage
- Neighborhood parks/museums/library/centers
- Job training opportunities



**KEEP
CALM
AND
LET'S
RECAP**



EJ Goals

- Treat all people fairly.
- Provide equal protection from environmental hazards.
- Give everyone a voice in the decision.

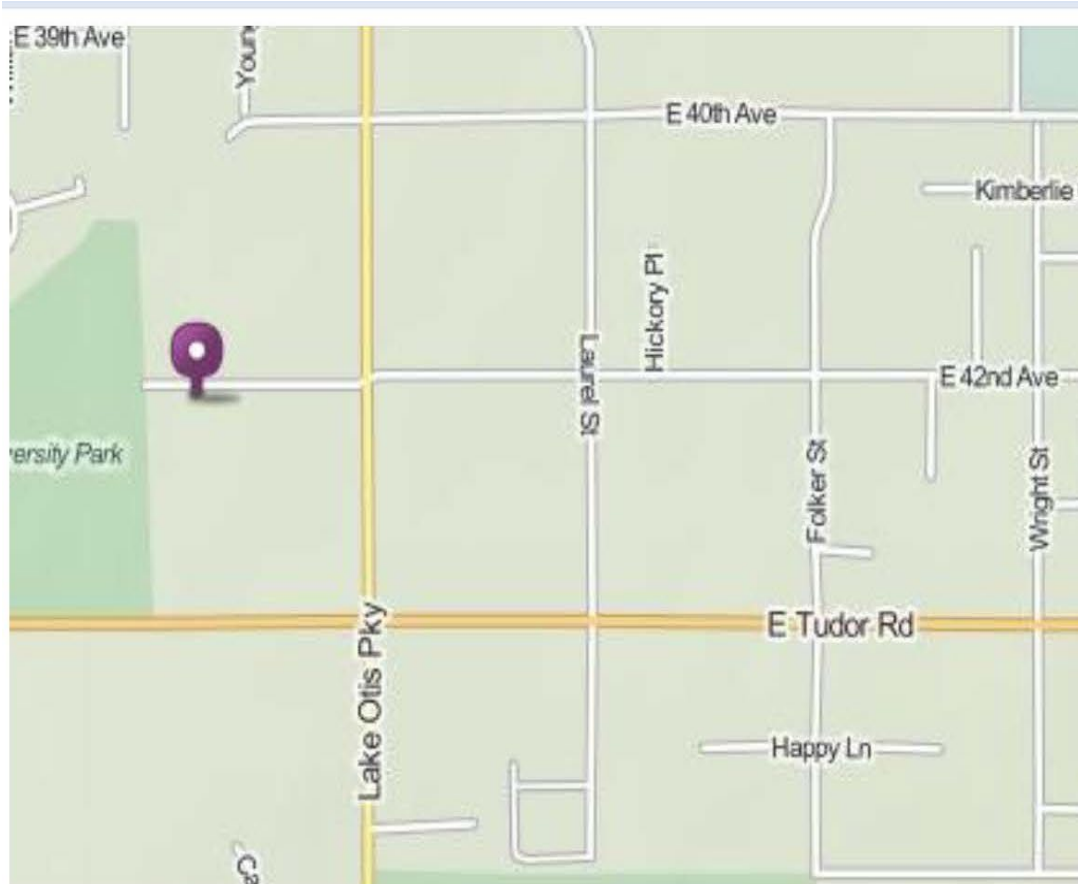


QUESTIONS?





Find Us At



Alaska DOT&PF
Civil Rights Office
2200 E. 42nd Ave
PO Box 196900
Anchorage, AK 99519-6900

Phone: (907) 269-0851

Fax: (907) 269-0847

www.dotcivilrights.alaska.gov



THANK YOU FOR PARTICIPATING



Rashaud Joseph, MAM, MBA

Alaska DOT & PF Civil Rights Office
Civil Rights Office Manager
(907) 269-0848

Rashaud.joseph@alaska.gov

Robespierre Howard

Alaska DOT & PF Civil Rights Office
Title VI Specialist & ADA Program Manager
(907) 269-0852

Robespierre.howard@alaska.gov

Sarah Starzec

Alaska DOT & PF Civil Rights Office
DBE Certification Supervisor
(907) 269-0845

sarah.starzec@alaska.gov

Aaron Nickols

Alaska DOT & PF Civil Rights Office
DBE Business Development /OJT Program
Manager
(907) 269-0850

aaron.nickols@alaska.gov

www.dotcivilrights.alaska.gov



Reference

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- [U.S. GAO - Siting of Hazardous Waste Landfills and Their Correlation With Racial and Economic Status of Surrounding Communities](#)
- [Toxic Wastes and Race at Twenty: 1987—2007 | NRDC](#)
- [Principles of Environmental Justice \(ejnet.org\)](#)
- [Summary of Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations | Laws & Regulations | US EPA](#)
- [Poverty Guidelines | ASPE \(hhs.gov\)](#)
- [Federal Highway Administration Environmental Justice Reference Guide \(ny.gov\)](#)



Picture Definition

- Don't take everything at face value
- Cave = Human experience our ignorance.
- Shadow = mirror reflection of reality what we perceive is true but are lies
- Chains = Closed minded
- Sun = Enlightens