1. **What is Title VI?**
   Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal assistance. It prohibits discrimination: whether intentional or where the unintended effect is unduly burdensome. Title VI applies to all recipients of federal financial assistance.

2. **What is a recipient of federal financial assistance?**
   Recipients of federal funds range from state and local agencies (towns, cities, counties, transportation planning agencies, transit agencies, colleges and universities, etc.) to non-profits and contractors. Title VI covers a recipient’s entire program or activity. This means that all parts of a recipient’s operations are covered. This is true even if only one part of the recipient receives the federal assistance. Sub-recipients are also covered, when federal funds are passed from one recipient to a sub-recipient. Federal financial assistance includes, among other things, grants, training, use of equipment, donations of surplus property, etc.

3. **What discrimination is prohibited by Title VI?**
   There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color or national origin, either directly or through contractual means:
   - deny a program services, aids, or benefits;
   - provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others; or
   - Separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

4. **Who may file a Title VI complaint?**
   Complaints may be filed by any individual or group who believes:
   - their rights, under Title VI, have been violated in a discriminatory manner.
   - the agency’s programs or activities do not comply with federal civil rights laws.
   - they have been treated in a disparate manner.

5. **What is Discrimination?**
   An act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, gender, or national origin has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from a federal agency.

6. **What is Disparate Treatment?**
Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes. Disciplining Hispanic and African-American employees for tardiness, while ignoring tardiness among other employees is an example of disparate treatment.

7. **What will the WSDOT do with my complaint?**
Once a complaint is filed, it will be reviewed by the department to determine whether it has jurisdiction to investigate the issues you have raised. If it is determined that WSDOT has jurisdiction to investigate the complaint, the allegations will be investigated. If violations of Title VI are found, the department will attempt to resolve them. If the complaint is against WSDOT it will be forwarded to the federal agency which provided funds for the program or project in question.

8. **What is the time limit for filing a Title VI complaint?**
Yes. You should file your complaint as soon as possible, but no later than 180 days after the alleged incident(s).

9. **What if I am subjected to retaliation for making a complaint?**
The civil rights laws prohibit agencies that receive federal funding from retaliating against you, if you report that they engaged in unlawful discrimination. A retaliation claim stands independently from the underlying discrimination claim. If you believe you have been the target of retaliation, you should file a complaint with WSDOT’s Office of Equal Opportunity.

10. **Are there any fees connected to filing a complaint?**
No. There are no fees or other charges that a complainant must pay in connection to filing a discrimination complaint.

11. **What is Limited English Proficiency (LEP)?**
Presidential Executive Order 13166 states that people who are limited English proficient should have meaningful access to federally conducted and federally funded programs and activities. Recipients of federal financial assistance must take reasonable steps to provide meaningful access to federally funded programs and activities consistent with Title VI regulations.

12. **Who is an LEP individual?**
Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient or “LEP.” The individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

13. **What is a federally conducted activity?**
All federal agencies and recipients of federal financial assistance must design and implement a plan to ensure access for LEP individuals to all of its federally conducted programs and activities (basically, everything that it does).
14. **What are recipients of federal funds and federal agencies required to do to meet LEP requirements?**

Recipients and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be flexible and a fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;  
2. the frequency with which LEP individuals come in contact with the program;  
3. the nature and importance of the program, activity, or service provided by the program to people’s lives;  
4. and the resources available to the grantee/recipient or agency, and costs.

As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, or small nonprofits. Further information regarding Environmental Justice can be found at the following WSDOT web site:

http://www.wsdot.wa.gov/Environment/EJ/limitedEnglishproficiency.htm

15. **Is Environmental Justice a new requirement?**

No. The recipients of federal-aid have been required to submit assurances of compliance with, and the Washington State Department of Transportation (WSDOT) must ensure nondiscrimination under, Title VI of the Civil Rights Act of 1964, Executive Order 12898 on Environmental Justice, and the U.S. Department of Transportation Order to “Address Environmental Justice in Minority Populations and Low-Income Populations.”

16. **What are the fundamental concepts of Environmental Justice?**

There are three fundamental Environmental Justice principles:

- To avoid, minimize, or mitigate disproportionally high and adverse human health or environmental effects.
- To ensure the full and fair participation of all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

17. **What is the legal basis for addressing the concerns of low-income populations?**

The U.S. Department of Transportation planning regulations (23 C.F.R. 450) require metropolitan planning organizations (MPOs) and States to “seek out and consider the needs of those traditionally underserved by existing transportation systems, including, but not limited
to, low-income and minority households.” As required by National Environmental Policy Act (NEPA) and 23 U.S.C. 109(h), impacts on all communities including low-income communities must be routinely identified and addressed.

18. **What types of activities require Title VI and Environmental Justice considerations?**
Title VI and environmental justice apply to all WSDOT programs, policies, and activities, including, but not limited to: contracting, systems planning, project development, implementation, operation, monitoring, and maintenance.

19. **Do all impacts have to be evaluated for Title VI and Environmental Justice, or just health and environmental impacts?**
All reasonably foreseeable adverse, social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed.

20. **How early can issues which give rise to Title VI / Environmental Justice concerns be addressed?**
At the start of the planning process, planners must determine whether Environmental Justice issues exist and use data and other information to: (1) determine benefits to and potential negative impacts on minority populations and low-income populations from proposed investments or actions; (2) quantify expected effects (total, positive and negative) and disproportionately high and adverse effects on minority populations and low-income populations; and (3) determine the appropriate course of action, whether avoidance, minimization, or mitigation. If issues are not addressed at the planning stage, they may arise during project development, or later when they could be more difficult to mitigate and delay project decisions.

Environmental Justice is an important part of the planning process and must be considered in all phases of planning. This includes all public-involvement plans and activities, the development of Regional Transportation Plans (RTP’s), Transportation Improvement Programs (TIP’s), Statewide Transportation Improvement Programs (STIP’s), and work programs (such as the Unified Planning Work Programs (UPWP’s). A truly integrated and effective planning process actively considers and promotes environmental justice within projects and groups of projects, across the total plan, and in policy decisions.

Further information regarding Environmental Justice can be found at the following WSDOT web site:

http://www.wsdot.wa.gov/environment/ej/default.htm

http://www.wsdot.wa.gov/LocalPrograms/Environment/EJ.htm