

*Texas Department of Transportation*

Title VI Review  
of the  
Camino Real Regional Mobility Authority



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## **Overview**

A Title VI compliance review of the Camino Real Regional Mobility Authority (CRRMA) was conducted by the Texas Department of Transportation (TxDOT) Office of Civil Rights Contract Compliance Section.

The report contains the Title VI program findings for this assessment. It also includes recommendations to assist the CRRMA in identifying potential strategies for program improvement.

The TxDOT Title VI Technical Assistance Guide consisting of 10 requirements and examples of suggested actions to comply with the requirements was utilized to identify these observations and recommendations of the Title VI program.

## **Selected Nondiscrimination Laws and Executive Orders**

TxDOT's Title VI practices and reviews are governed by a wide range of requirements, including federal laws, regulations, and executive orders. Title VI requirements include, but are not limited to:

- Title VI of the Civil Rights Act of 1964
- The 1970 Uniform Act
- Section 162(a) of the Federal-Aid Highway Act of 1973
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- The Civil Rights Restoration Act of 1987, P.L. 100-209
- 23 Code of Federal Regulations Part 200
- 49 Code of Federal Regulations Part 21
- Executive Order 12898
- Executive Order 13166

## **Title VI Requirement #1**

### ***Title VI Assurances***

Subrecipients of federal financial assistance through the U.S. DOT must have a signed U.S. DOT Standard Title VI Assurance on file with TxDOT to establish full and affirmative compliance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities.

### ***Findings***

The CRRMA provided a copy of the agency's signed Title VI Assurances.

## **Title VI Requirement #2**

### ***Title VI Policy Statement***

Subrecipients of federal financial assistance must develop a Title VI Nondiscrimination Policy Statement assuring nondiscrimination in its programs and activities to the effect that no person shall on the grounds of race, color, national origin, sex, age, disability, or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the subrecipient and/or its contractors. The policy statement must be signed by the head of the agency and be circulated internally and to the general public.

### ***Findings***

The CRRMA provided a copy of its signed Title VI Nondiscrimination Statement. The CRRMA disseminated its Title VI Nondiscrimination Statement to members of its board of directors and businesses that perform work for CRRMA on federally funded transportation projects. The CRRMA has also published the Title VI Nondiscrimination Statement on its Web site.

## **Title VI Requirement #3**

### ***Title VI Coordinator***

Subrecipients of federal financial assistance should designate a Title VI coordinator for Title VI issues and complaints within the organization. The Title VI coordinator should have a responsible position within the agency and easy access to the head of the agency.

### *Findings*

The CRRMA designated its executive director as the agency's Title VI coordinator. The CRRMA's Title VI coordinator has the following responsibilities:

- Identifying and correcting Title VI issues
- Serving as the focal point for Title VI implementation and monitoring
- Including Title VI requirements into CRRMA policies
- Implementing procedures for timely processing of Title VI complaints
- Attending external training on nondiscrimination efforts
- Developing training for CRRMA implementation of a Title VI program
- Developing and distributing Title VI information to the public
- Taking actions necessary to ensure compliance with Title VI

## **Title VI Requirement #4**

### ***Procedures for Processing External Discrimination Complaints***

Local public agencies that receive federal financial assistance must have procedures for processing external discrimination complaints.

### *Findings*

The CRRMA provided copies of its Title VI External Discrimination Complaint form in English and Spanish. The CRRMA did not provide a copy of its Title VI discrimination complaint handling procedures. However, the CRRMA provided a copy of a board resolution which identifies the Title VI coordinator's responsibilities, including implementing procedures for timely processing of Title VI complaints.

### *Recommendations*

The CRRMA should develop procedures for processing external discrimination complaints. Transportation related external discrimination complaints filed under Title VI with the CRRMA in which the regional mobility authority or its subrecipients are named as the respondent should be forwarded to TxDOT for investigation within 10 calendar days. The CRRMA should also develop a complaint log or method to identify each complainant by:

- Race, color, sex, or national origin
- The recipient
- The nature of the complaint
- The dates the complaint was filed and the investigation completed

- The disposition
- The date of the disposition
- Other pertinent information

The CRRMA should also make the public aware of the procedures for filing a discrimination complaint, such as providing information on an external Web site or in a brochure. The complaint procedures should be submitted to TxDOT within thirty (30) calendar days from the CRRMA's receipt of this report.

Additional information for processing external discrimination complaints may be found in the Department's Title VI Technical Assistance Guide for Local Public Agencies at: [http://www.txdot.gov/txdot\\_library/publications/civil\\_rights.htm](http://www.txdot.gov/txdot_library/publications/civil_rights.htm).

## **Title VI Requirement #5**

### ***List of External Discrimination Complaints and Lawsuits***

Local public agencies should maintain a log of Title VI external discrimination complaints that includes the following information: identification of each complaint by race, color, sex, or national origin; the recipient; the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; the date of the disposition; and other pertinent information such as age or disability.

### ***Findings***

The CRRMA confirmed that it has not been named in any external discrimination complaints within the last three years.

### ***Recommendations***

Implementation of the recommendations made in response to Requirement #4 will also ensure that the CRRMA has a process to maintain a log of external discrimination complaints.

## **Title VI Requirement #6**

### ***Accommodations for Limited English Proficient Persons***

Executive Order 13166 requires that recipients of federal financial assistance take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).

### *Findings*

The CRRMA has identified the need to serve Spanish speaking individuals and provided several examples to demonstrate compliance with this requirement, such as:

- Board members who can communicate in Spanish at board meetings that are open to the public
- Informational brochures developed by the CRRMA in English and Spanish been distributed at various community events and to numerous civic organizations
- The CRRMA uses a contact form that is available in English and Spanish
- City and CRRMA staff tasked with answering calls from the public are fluent in Spanish

Additionally, the CRRMA has access to the City of El Paso's translation and interpretation services through in kind services from the City of El Paso.

## **Title VI Requirement #7**

### ***Public Participation***

Subrecipients of federal financial assistance must provide an opportunity for public involvement and full access to the transportation decision making process in each stage of the planning and development of a transportation project. It is essential that all segments of the population be afforded the opportunity to understand and articulate concerns with any project that affects them and their way of life.

### *Findings*

The CRRMA does not have a formal public participation plan. However, the CRRMA provides information to the public regarding its federally funded construction projects through the following methods:

- Regularly updated Web site which includes the CRRMA's policies and archived meeting minutes
- Regularly scheduled monthly board meetings
- An e-mail list maintained for the distribution of monthly agendas and other important notices
- A project specific web page for the Americas Interchange Project
- A monthly newsletter developed for the Americas Interchange Project
- Social media involvement through Facebook and Twitter

## **Title VI Requirement #8**

### ***Data Collection***

Subrecipients of federal financial assistance must collect and analyze statistical data (race, color, national origin) of participants and beneficiaries of their programs and activities.

### ***Findings***

The CRRMA did not have any opportunities to collect statistical data of participants or beneficiaries during the time period of this review.

## **Title VI Requirement #9**

### ***Title VI Contract Provisions***

Subrecipients should physically include the FHWA Form 1273 and Appendix A of the Title VI Assurances in all sub-contracts.

### ***Findings***

The CRRMA provided a sample contract that contained general civil rights information and the FHWA 1273.

### ***Recommendations***

The CRRMA should develop and implement procedures to ensure that Appendix A of the Standard Title VI Assurances is inserted in every contract subject to the Act and the Regulations. The CRRMA may consider developing a checklist or using contract templates that include this information.

## **Title VI Requirement #10**

### ***Affirmative Action Program***

Subrecipients, contractors, and subcontractors of federal financial assistance may not discriminate in the award of contracts in connection with projects receiving federal financial assistance.

### ***Findings***

The CRRMA has demonstrated compliance with this requirement by adopting TxDOT's Disadvantaged Business Enterprise Program.



## **Conclusion**

As a result of the review, we identified practices and policies of the CRRMA that are notable. The report includes recommendations that we believe will enhance the CRRMA's efforts to prevent discrimination in its programs. The recommendations pertaining to Requirements 3-4 should be implemented immediately. Furthermore, the CRRMA should continue to have a Title VI program to prevent and eliminate discrimination in the programs it administers.