

Title VI Rights and Regulations

Waco Metropolitan Planning Organization

Title VI Compliance Program

“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. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.”

—John F. Kennedy



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Title VI Rights and Regulations

What Is Title VI?

[Title VI of the Civil Rights Act](#) of 1964 is a federal law that protects individuals, groups, and organizations from discrimination on the basis of race, color, or national origin in federally assisted programs and activities. Since 1964, other nondiscrimination statutes have expanded the scope and range of Title VI application and reach to include sex, age, and disability. Taken together, these requirements define an over-arching Title VI/Nondiscrimination Program. Title VI regulations apply to all organizations (government or not-for-profit) that receive federal financial assistance.

What Is the Definition of “Federal Financial Assistance”?

[Federal financial assistance](#) can be more than just money. It includes aid that enhances the ability to improve or expand allocation of a recipient’s or subrecipient’s resources. Examples include grants, loans, tax exempt bonds, technical assistance, employee training, and property or land purchases.

Who Is a Recipient or Subrecipient?

A [recipient](#) is an entity or person that [directly](#) (usually through a grant or contract) receives federal financial assistance in order to implement a program or activity, which obligates them to Title VI compliance responsibilities. Any Department of Transportation (DOT) for a U.S. State which receives federal funds from the U.S. Department of Transportation is considered a direct recipient.

A [subrecipient](#) is an entity or person that [indirectly](#) receives federal financial assistance in order to implement a program or activity, which obligates them to Title VI compliance responsibilities as well. Subrecipients include, but are not limited to, metropolitan planning organizations (MPO), local public agencies, and colleges/universities.

The Texas Department of Transportation (TxDOT) receives federal funds from the U.S. Department of Transportation, and distributes these federal funds to Metropolitan Planning Organizations (MPOs) throughout Texas to partner with the agency to plan, program, and coordinate federal highway and transit investments. Federal funding for transportation projects and programs are channeled through this planning process. As a result, all federally funded activities conducted by MPOs in Texas must comply with Title VI.

What is an MPO?

[Metropolitan Planning Organizations](#) were established by Congress to determine regional transportation policy for all urban areas with a population of more than 50,000. The Waco Metropolitan Planning Organization (MPO) evaluates transportation needs for 19 municipal governments, McLennan County, and Waco Transit.

What Are the MPO's Responsibilities Regarding Title VI?

As a [subrecipient](#) of federal financial assistance, the Waco MPO must assure that all of its programs and activities will be operated in a nondiscriminatory manner. This means the Waco MPO promotes fair and meaningful participation in regional transportation decision-making without regard to race, color, national origin, sex, age, or disability, and its transportation planning process is open, accessible, transparent, inclusive, and responsive.

The Waco MPO's Title VI Compliance Program details how the Waco MPO Title VI responsibilities and is available at the Waco MPO offices as well as on the [MPO website](#).

- Voluntarily comply with Title VI.
- Submit a signed assurance that programs, activities, and facilities will be operated in a nondiscriminatory manner.
- Maintain a policy statement that indicates commitment to nondiscrimination in MPO programs and activities to the effect that no person shall on the grounds of race, color, national origin, gender, age, and disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity administered by the MPO or its contractors whether it is federally assisted or not. The policy statement must be signed by the head of the organization.
- Appoint a Title VI/Nondiscrimination Coordinator.
- Develop Title VI/nondiscrimination-related procedures and mechanisms to ensure nondiscrimination in all programs, activities, and services. These include procedures for involving the public, including people with limited English proficiency and other protected groups, and for processing external discrimination complaints.
- Disseminate Title VI information to MPO beneficiaries and stakeholders (for example, members of the general public, employees, and any subcontractors).
- Ensure that Title VI provisions are in all contracts and in those extended to subcontractors.
- Extend subcontracting opportunities to Disadvantaged Business Enterprises (DBEs).
- Keep complete and accurate records that clearly show Title VI compliance.
- Develop a Title VI/Nondiscrimination Annual Work Plan and Accomplishment Report.

How does Waco MPO Encourage Fair and Meaningful Public Participation?

A primary goal of the MPO is to ensure the transportation needs of all people are considered and that no one population group must endure a disproportional share of the burdens in meeting those needs. To accomplish this goal, the Waco MPO performs a periodic analysis of its plans and programs in order to assess the mobility of traditionally underrepresented groups and to provide an assessment of the impacts of proposed projects upon these groups.

The Waco MPO developed a Title VI compliance program to guide its administration and management of Title VI related activities. This program clarifies roles, responsibilities, and procedures to ensure compliance with Title VI. Under the Waco MPO Title VI Compliance Program, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.

For more information on the Waco MPO's Title VI Compliance Program, visit the Waco MPO website (<http://www.waco-texas.com/cms-mpo>) or contact:

Waco Metropolitan Planning Organization (Waco MPO)
P.O. Box 2570
Waco, Texas 76702-2570
www.waco-texas.com
e-mail: mpo@wacotx.gov
254.750.5651

Notice of Protection Against Discrimination

The Waco MPO operates its programs and activities without regard to race, color, national origin, sex, age, or disability in accordance with Title VI of the Civil Rights Act and its implementing regulations. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Waco Metropolitan Planning Organization.



How Do You File a Complaint of Discrimination?

Anyone who believes they have been excluded from participation in the transportation planning process, denied benefits of any services provided by the MPO, or otherwise discriminated against because of their race, color, national origin, gender, age, or disability, may file a Title VI complaint.

To file a complaint of discrimination, complainants should complete the Waco MPO's [Title VI Complaint Form](#). The Title VI Complaint Form is available at the Waco MPO offices and on the [MPO website](#). Complaints must be filed in writing within 180 days from the last date of the alleged discrimination. Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, contact the MPO's Agency's Title VI Coordinator at (254) 750-5651.

Complaints may be submitted via:

Mail:
P.O. Box 2570
Waco, TX 76702-2570

Phone:
(254) 750-5651 – office
(254) 750-1605 – fax

Website:
<http://www.waco-texas.com/cms-mpo/page.aspx?id=209>

e-mail:
mpo@ci.waco.tx.us

Office Location:
401 Franklin Ave
Dr. Mae Jackson Development Center
Waco, Texas 76702

Office Hours:
8:00 a.m. to 5:00 p.m.
Monday through Friday
except certain holidays

What Happens After a Complaint is Filed?

Upon receipt of a Title VI related complaint, the Title VI Coordinator will notify TxDOT's Waco District Public Transportation Coordinator within 10 working days and assign an internal investigator. Title VI complaints must be investigated within sixty days. Investigating a complaint includes interviewing all parties involved and key witnesses. The Title VI Coordinator will assign an investigator. The investigator may request relevant information such as books, records, electronic information, and other sources of information from all involved parties. You may specify if there is a particular individual or individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

After the investigator reviews the complaint, she or he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states there was not a Title VI violation and the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of staff members or other actions will occur. If warranted, the MPO will make any appropriate changes to policy or procedures.

Title VI complaints may also be filed directly with [TxDOT](#), the [Federal Highway Administration \(FHWA\)](#), the [Federal Transit Administration \(FTA\)](#), the [United States Department of Transportation \(USDOT\)](#), and the [United States Department of Justice \(USDOJ\)](#).

What Are the Legal Authorities Guiding the MPO's Title VI Program?

The Waco MPO's Title VI (nondiscrimination) practices are governed by a range of federal laws, regulations, and executive orders. Legal authorities guiding the MPO's Title VI Compliance Program include, but are not limited to:

- [Title VI of the Civil Rights Act of 1964, \(42 U.S.C. §2000d et seq., 78 stat. 252\)](#) is a federal law which prohibits exclusion from participation in any federal program or activity based on race, color, or national origin in federally assisted programs and activities. Since other nondiscrimination authorities have expanded the scope and range of Title VI application and reach, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.
- [The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 \(Uniform Act\), \(42 U.S.C. §4601\)](#), as amended, prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of programs or activities receiving federal financial assistance.
- [Federal-Aid Highway Act of 1973 \(23 U.S.C. §324 et seq.\)](#) prohibits discrimination based on sex (gender).
- [Section 504 of the Rehabilitation Act of 1973 \(29 U.S.C. §790 et seq.\)](#), as amended, prohibits discrimination based on a disability.
- [The Age Discrimination Act of 1975 \(42 U.S.C. §6101 et seq.\)](#), as amended, prohibits discrimination based on age.
- [The Civil Rights Restoration Act of 1987 \(P.L. 100-209\)](#) further clarified the intent of Title VI to include all programs and activities of federally assisted entities, including those programs and activities that are not specifically federally funded.
- [The Americans with Disabilities Act of 1990 \(ADA\), \(42 U.S.C. §12101 et. seq.\)](#), as amended, prohibits discrimination based on a disability.
- [The National Environmental Policy Act of 1969 \(42 U.S.C. §4321 et seq.\)](#), assures that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment
- [49 C.F.R. Part 21](#), entitled *Nondiscrimination in Federally-Assisted Programs of the U.S. Department of Transportation – Effectuation (Implementing Regulations) of Title VI of the Civil Rights Act of 1964*.
- [49 C.F.R. Part 27](#), entitled *Nondiscrimination on the Basis of Disability In Programs or Activities Receiving Federal Financial Assistance*.

- [49 C.F.R. Part 28](#), entitled *Enforcement of Nondiscrimination on the Basis of Handicap In Programs or Activities Conducted by the Department of Transportation*.
- [49 C.F.R. Part 37](#), entitled *Transportation Services for Individuals with Disabilities (ADA)*.
- [23 C.F.R. Part 200](#), Federal Highway Administration's Title VI Program Implementation and Review Procedures Regulation.
- [4702.1B FTA Circular](#), Title VI Requirements and Guidelines for Federal Transit Administration Recipients.
- [23 C.F.R. Part 450](#), Metropolitan Planning Organization (MPO) Regulations.
- [28 C.F.R. Part 50.3](#), U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.

The following Executive Orders place further emphasis on preventing discrimination based on race and national origin:

- [Environmental Justice \(EJ\), under Executive Order 12898 \(1995\)](#) entitled “*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*”, addresses disproportionate adverse environmental, social, and economic impacts that may occur in communities with minority or low-income populations.
- [Limited English Proficiency \(LEP\), under Executive Order 13166 \(2001\)](#) entitled “*Improving Access to Services for Persons with Limited English Proficiency*”, addresses access to services by persons whose primary language is not English and who have limited ability to read, write, speak, or understand English.
- [Implementation of Nondiscrimination Laws, under Executive Order 12250 \(1980\)](#) entitled “*Leadership and Coordination of Nondiscrimination Laws*”, addresses consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance.

