

# **Title VI & Environmental Justice: An Overview**



# Introduction



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# Goals for Today

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At the end of this presentation, you should be able to:

- Explain the purpose of Title VI & Environmental Justice (EJ)
- Differentiate between Title VI and Environmental Justice
- Describe how Title VI relates to you
- Understand how to conduct both a Title VI & EJ analysis
- Understand who to contact and how to contact them, regarding Title VI questions or concerns



# What is Title VI?

# Title VI is:



- Title VI of the Civil Rights Act of 1964 is a law created to address the growing demand during the 1960s for the federal government to launch a nationwide offensive against racial discrimination (intentional or neutral practices that result in a disparate impact) and creating an individual right to sue in the court of law.
- Title VI states “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.”
- DOT Title VI Regulation-49 CFR part 21
  - Effectuates the provisions of Title VI of the Civil Rights Act of 1964

# FHWA Title VI Program Requirements



- Source: 23 CFR Part 200
- Provides guidelines for implementing FHWA Title VI compliance.
- Broader than Title VI the law because it prohibits discrimination on the grounds of race, color, national origin, sex, age, disability, LEP (Limited English Proficiency) or income.



# What is Environmental Justice (EJ)?

# Environmental Justice is:



- Environmental Justice is a set of principles developed to identify and address disproportionately high and adverse effects of proposed decisions on low-income populations and minority populations. The US DOT EJ principles include:
  - To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;
  - To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority or low-income populations; and
  - To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority or low-income populations. [Executive Order 12898](#)





# How are Title VI and Environmental Justice different?

# Comparison of EJ, Title VI & FHWA:



**Table 1. A comparison of EJ, the Title VI statute, and the FHWA Title VI Program**

Area of Comparison	EJ	Title VI Statute	FHWA Title VI Program
<b>Authorizing source</b>	Executive Order 12898	Civil Rights Act of 1964	Title VI Program and Related Authorities: 23 CFR 200
<b>Goal</b>	Identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations	Prohibit discrimination on the basis of race, color, or national origin in programs receiving Federal assistance	Ensure that funding recipients comply with Title VI and related civil rights authorities
<b>Protected classes</b>	Minority and low-income populations	Race, color, and national origin	Race, color, national origin, sex, age, disability, low-income, and limited English proficiency
<b>Covered actions</b>	Federal programs, policies, and activities	All activities of recipients of Federal assistance	All activities of recipients of FHWA assistance
<b>FHWA Lead Office</b>	Office of Civil Rights and Office of Planning, Environment, and Realty	Office of Civil Rights	Office of Civil Rights
<b>Entities responsible for implementation</b>	FHWA offices and recipients of Federal assistance	FHWA offices and recipients of Federal assistance	FHWA offices and recipients of FHWA assistance
<b>Provides authority for private parties to initiate a lawsuit</b>	No. However, where an agency opts to examine EJ as part of its NEPA analysis, courts may review the EJ analysis under the Administrative Procedure Act.	Yes. However, there is only a private right of action in a lawsuit for claims of intentional discrimination and not disparate impact discrimination. Only the funding agency issuing the disparate impact regulation has the authority to challenge a recipient's actions under a disparate impact claim.	No

# Title VI vs. EJ:



## Title VI

- Law
- Civil Rights Act of 1964
- Prohibits discrimination based on Race, color, national origin
- Covers all activities of recipients and subrecipients of Federal assistance
- Provides for private party lawsuits
- FHWA Title VI Program is broader than Title VI the law

## Environmental Justice

- Principles
- Executive Order 12898
- Address and identify disproportionate and adverse environmental effects on Minority and low-income populations
- Federal programs, policies & activities
- Does not provide for private party lawsuits



How does this relate to  
me?

# How this relates to you:



## General Considerations for Title VI and EJ

- Have you identified the minority and low-income communities impacted by the project? Were any minority or low-income populations identified? Is there more than one minority group identified?
- Have you identified any LEP communities?
- Have you documented the outreach to minority and LEP communities?
- What Language assistance measures have you implemented? Have you translated all vital documents? Are interpreter services needed?
- What other measures have you implemented to ensure meaningful access to LEP persons?
- Have you collaborated with community organizations? What was the feedback from the impacted communities?
- Have you collected demographic data during public involvement events?
- Were meaningful opportunities for public participation provided?

# How to do an EJ analysis:



## EJ Analysis (Must be documented):

### An Environmental Justice analysis should also include:

- Were any minority or low-income populations identified? Is there more than one minority group identified? Have you clearly documented the data regarding the minority and low-income populations?
- Has one or more of the population groups borne disproportionately high and adverse impacts? If so, identify these impacts?
- Are further mitigation measures or alternatives that would reduce the disproportionate and adverse effects practicable?
- Have you considered the social, economic, and environmental effects of avoiding or mitigating the adverse effects to determine practicability?
- Have you identified and documented the degree to which the affected minority and low-income populations have been involved in the decision-making process? See Chapter 7 of the NEPA manual and [https://www.fhwa.dot.gov/environment/environmental\\_justice/publications/reference\\_guide\\_2015/fhwahep15035..pdf](https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035..pdf)
- Have you collected demographic data during public involvement events?
- Have you documented the views of the impacted populations on the project and proposed mitigation?
- Were meaningful opportunities for public participation provided? Were these opportunities documented?

# How to do a Title VI Analysis:



Title VI Analysis (Need not be documented by NEPA teams):

- Does the project create a discriminatory impact on the identified minority population?
- If so, can you demonstrate a substantial legitimate justification for the project?
- Can you demonstrate that there are no comparatively effective alternative practices that would result in less-disparate impacts?;
- AND Can you demonstrate that the the justification for the project is not a pretext for discrimination?



**ALL DISCRIMINATION COMPLAINTS**  
**DURING THE NEPA PROCESS**  
**SHOULD BE SUBMITTED TO THE**  
**CIVIL RIGHTS AND BUSINESS**  
**RESOURCE CENTER.**



# Resources



## **CDOT resources:**

- [NEPA Manual](#)
- [The Civil Right's and Business Resource Center website](https://www.codot.gov/business/civilrights)  
(<https://www.codot.gov/business/civilrights>)

## **Other resources:**

[Title VI of The Civil Rights Act of 1964](#)

[Executive Order 12898](#)

[Executive Order 13166](#)

[LEP website](#)

[FHWA Guidance on Preparing NEPA Documents](#)

[FHWA Title VI and EJ Resources](#)



Who do I contact with  
questions related to  
Title VI?  
How?

# Contact us:



**Katherine Williams**  
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