

# TITLE VI AND GRANT ASSURANCES: CONSIDERATIONS

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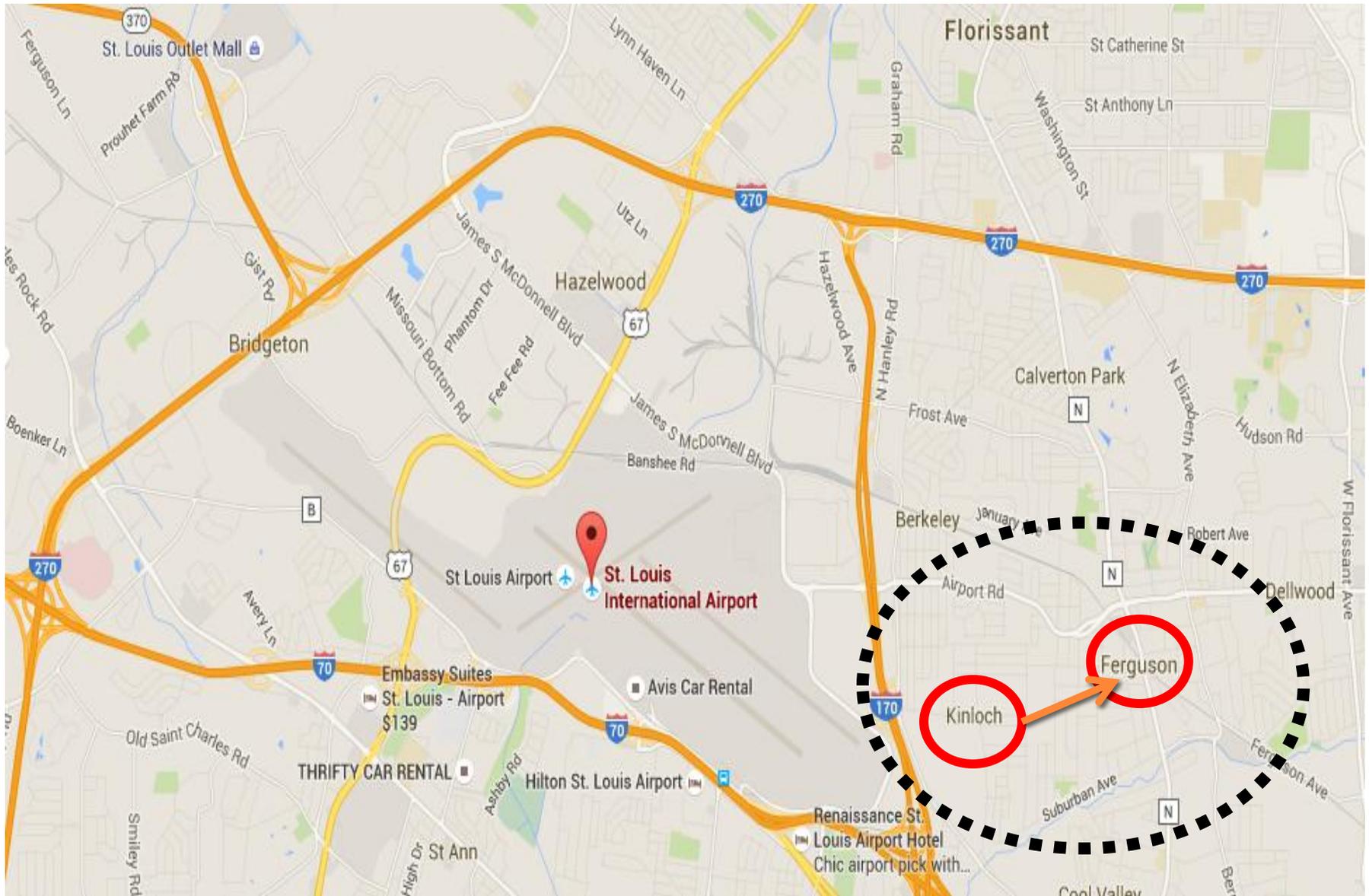
U.S. Department of Transportation,  
Departmental Office of Civil Rights

# Consider This Scenario

- An airport authority seeks a grant to build a new runway
- Proposed project includes a buy-out program for residents living in proposed construction area
- Impacted community statistics
  - Population: 4,500 (estimated)
  - Demographics: 89% of residents are Black/African American
- **What are the possible civil rights concerns? How would we hold the grantee accountable to those concerns?**

# This Scenario is Real: Kinloch, MO

- Kinloch, St. Louis County, Missouri
- 1980: St. Louis Airport Authority carried a plan to buy out residents of Kinloch to build a new runway for St. Louis International Airport
- **Result: Dramatic Displacement of predominantly African American community**
  - 1980 population= 4,500
  - 2010 population= 299
- Project was never finished.
- Where did displaced residents move?



# Lessons from Kinloch case

- Airport Expansion plan did not directly produce Ferguson riots, but it did impact the events of 2014
- Rapid demographic changes impacted racial relations in Ferguson
- Airport authority displaced a community but failed to deliver on the project that justified displacement
- How do assurances attempt to address these sorts of potential problems?

# Grant Assurances and Civil Rights

- Assurances=legal commitment by a grantee to comply with federal laws & regulations
- Many grantees may be unfamiliar with civil rights law, or how their work can discriminate
- Assurances clarify to grantees that with federal dollars comes legal responsibilities, including considering how they may discriminate

# Why Assurances for civil rights?

- They allow for legal action when grantees fail to meet their civil rights obligations
  - If grantees refuse to sign, a federal entity can use that as the basis to withhold funds or cancel contracts
- Assurances provide agencies leverage to protect civil rights for the general public
- Also they create a chance for proactive civil rights enforcement, instead of reactive

# What Civil Rights Laws Do Assurances Cover?

- Title VI of the 1964 Civil Rights Act
  - Bans race, color and national origin discrimination by federally funded programs (***Intent or disparate impact***)
- Executive Order 13166 (2000)
  - Requires all federally agencies and federal grant recipients to provide language access for Limited English Proficient (LEP) individuals
- Americans with Disabilities Act (1990)
- Sec. 504 of Rehabilitation Act (1973)

# How do I know what's an external Title VI issue?

- Title VI Issues
  - Is grantee and/or sub-contractor following EEO guidelines?
  - Is grantee following DBE guidelines?
  - Community impacts
    - Are there significant racial or national origin populations living in or near an FAA project?
    - Are there large numbers of Limited English Proficient (LEP) persons in the area?

# Title VI Issues in FAA Contracts

- **Airport Improvement Program (AIP)**
  - Will the project negatively impact minority communities? Do they have input?
  - Is information on project and impacts accessible to LEP persons?
  - Will DBEs be assured opportunities to compete for contracts/subcontracts?
- **PFC contracting program**
  - DBE contracting/subcontracting
  - Are safety systems for passengers and staff accessible for LEP persons?
- **Local contracting program**
  - DBE contracting/subcontracting
  - EEO compliance for employment opportunities by grantee or subcontractor
- **FBO services: DBE; do they affect minority residents?**

# Do The Research First

- Consider using demographic data tools when crafting an Title VI assurance document
- Available research tools
  - EJ Screen: Online demographic mapping tool (<http://ejscreen.epa.gov/mapper/index.html>)
  - U.S. Census American Fact Finder Data Tables (<http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>)
  - U.S. Census Language Mapper- for Limited English Proficient Population ([https://www.census.gov/hhes/socdemo/language/data/language\\_map.html](https://www.census.gov/hhes/socdemo/language/data/language_map.html))

# Assurances and DOT Mission

- Lastly, assurances should be seen as an opportunity to help grantees be compliant with Title VI before a project or program begins
- Proactive enforcement can help mitigate violations and reduce the chance for Title VI complaints to arise
- Title VI assurances can help carry out DOT's ongoing Ladders of Opportunity initiative
  - Transportation as a way to create opportunities for all Americans, through connectivity and jobs

# Contact Information

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