

301 Title VI Nondiscrimination & Environmental Justice

To effectively engage with diverse population groups and comply with federal laws and directives pertaining to nondiscrimination and environmental justice, community engagement activities for transportation actions must recognize and address potential barriers to meaningful public participation. It is particularly important to include population groups whose input is relevant to understanding the distribution of benefits and burdens of a transportation action.



Relevant Legislation

The federal laws and directives that are directly related to nondiscrimination and environmental justice in transportation are:

- Title VI of the Civil Rights Act of 1964;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Other federal nondiscrimination laws, regulations, and directives include:

- Age Discrimination Act – Prohibits discrimination based on a person's age.
- Americans with Disabilities Act and Rehabilitation Act – Addresses discrimination to persons with disabilities.
- 23 United States Code (USC) 324 – Addresses discrimination based on gender.
- 23 Code of Federal Regulations (CFR) 771 – Prohibits discrimination based on handicap, age, race, color, sex, and national origin.
- USDOT Order 5610.2(c), updates and clarifies procedures to be used by DOT to comply with Executive Order 12898.

For more information and details associated with the various legislation discussed in this section, please refer to the video: *Facilitating Equitable Outcomes (EJ Analysis) – Part 1: Foundation of Environmental Justice*, on the SCE Evaluation Process [webpage](#).

Title VI and EJ Relationship

Though the requirements of Title VI and Environmental Justice (EJ) Executive Order 12898 vary, extensive overlap exists between the two, and with the Limited English Proficiency (LEP) Executive Order 13166.

While Title VI is one tool for agencies to use to achieve the principles of EJ, Title VI imposes statutory and regulatory requirements that are broader in scope than EJ. Title VI prohibits recipient agencies from discriminating on the basis of race, color, or national origin (including individuals with limited English proficiency) in their programs or activities, and it obligates Federal funding agencies to enforce compliance. This includes evaluating the comparative impacts of the agency's actions on differing population groups.

The EJ Executive Order calls on each Federal agency to achieve EJ "by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations". Given that Title VI does not include low-income populations, Title VI considerations will not necessarily satisfy EJ considerations.

Title VI and EJ are aligned in the need to provide for opportunities for affected communities to meaningfully participate in agency planning and decision-making processes.

