

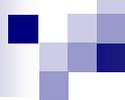
# Civil Rights

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# Presentation Overview

- Title VI
- ADA
- DBE

# Title VI

- Title VI of the Civil Rights Act of 1964 (and other related laws and regulations)
  - Prohibits discrimination on the basis of race, color, national origin, sex (gender), age, or disability
  - Applies to all programs and activities of an agency that receives any type of Federal financial assistance; even those programs and activities of an agency that are not Federally funded
  - State law includes several other protected classes, such as sexual orientation

# Title VI

## ■ Compliance actions

- Educate staff
- Prepare and execute a Title VI Plan or Agreement and provide a copy to the Iowa DOT
- Execute a Standard Title VI Assurance and provide a copy to the Iowa DOT
- Include the Standard Title VI Assurances in contracts, deeds, and permits as appropriate
- Include notification of non-discrimination in all solicitations for bids or requests for proposals
- Recognize and respond to the needs of individuals with Limited English Proficiency (LEP)
- Have a process to respond to complaints

# Title VI

- For more information:

- I.M. 1.070, Title VI and Nondiscrimination Requirements
- DOT Title VI web site

<https://iowadot.gov/civilrights/Title-VI/What-is-Title-VI-Program>

- Iowa DOT Civil Rights Bureau

- 515-239-1399
- Nikita Rainey, EEO/AA Officer, Title VI Compliance
- Steve Kerber, EEO/AA Officer, Title VI Compliance
- Tracey Bradley, EEO/AA Officer, Title VI Compliance

# ADA

- Americans with Disabilities Act (ADA)
  - Pedestrian facilities must be made accessible to persons with a disability – applies to:
    - new construction, unless structurally impracticable
    - alterations to existing facilities, to the maximum extent feasible
  - Maintenance work does not trigger ADA requirements
    - but, installing ramps where there currently are none is still recommended
  - Accessibility improvements are not required if they would create an unsafe condition

# ADA

- What is “accessible”?
  - Designed and constructed in accordance with ADA requirements in Iowa DOT and SUDAS Design Manuals
    - Sidewalks - Part 12A
    - Bicycle Facilities - Part 12B
    - Iowa SUDAS Design Manual
      - [www.iowasudas.org](http://www.iowasudas.org)

# ADA

- What is an “alteration”?

“An alteration is a change that affects or could affect the usability of all or part of a building or facility. Alterations of streets, roadways, or highways include activities such as reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect.”

*Iowa DOT Design Manual, Section 12A.C*

# ADA

- What is “resurfacing”?

- Was defined on June 28, 2013!

- Iowa DOT Design Manual, Section 12A.D.1 at:*

- [www.iowadot.gov/design/dmanual/12A-02.pdf](http://www.iowadot.gov/design/dmanual/12A-02.pdf)

- Technical Assistance

- [www.fhwa.dot.gov/civilrights/programs/doj\\_fhwa\\_ta.cfm](http://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta.cfm)

- Glossary of Terms of many surface treatments

- [www.fhwa.dot.gov/civilrights/programs/doj\\_fhwa\\_ta\\_glossary.cfm](http://www.fhwa.dot.gov/civilrights/programs/doj_fhwa_ta_glossary.cfm)

# ADA

- Examples where it may not be “technically feasible” to provide full compliance:
  - Right-of-way availability
  - Underground structures
  - Adjacent developed facilities
  - Drainage limitations
  - Impacts natural or historic features
  - Underlying terrain
  - Street grades that exceed the crosswalk cross slope maximums

# ADA

## ■ Documenting Exceptions

- LPAs must provide a certification with supporting documentation to the Iowa DOT for all Federal-aid projects and all other projects let by the DOT
- signed by a registered professional engineer or architect licensed in Iowa
- identify the specific locations where full compliance cannot be achieved
- provide specific reasons why full compliance cannot be achieved
- should be retained until the facility is made compliant

# ADA

## ■ Transition Plan

- Required if existing pedestrian facilities in the public right-of-way are not accessible
- Curb Ramp Transition Plan Requirements
  - Prioritized inventory of ramps to be completed
  - Schedule for completion
  - Source(s) of funding
  - Contact information of responsible official

## ■ For more information:

- I.M. 1.080, ADA Requirements
- Iowa DOT Design Manual

<https://iowadot.gov/design/design-manual>

# Disadvantaged Business Enterprise (DBE)

- Which firms are Certified DBE Firms?
  - Official register of eligible DBE contractors and consulting firms can be found at:  
<https://secure.iowadot.gov/DBE/Directory/Index/>
  
  - Iowa DOT Civil Rights DBE page:  
<https://iowadot.gov/civilrights/Disadvantaged-business-enterprise-program-DBE/DBE-Program>

# DBE

- When should a DBE Goal be set?
  - Availability of firms
  - Multiple ways to meet a goal
  - Size of contract subcontracts
  
- What size of DBE Goal should be set?
  - Review I.M. 5.010
  - Consult with Iowa DOT Civil Rights Bureau

# DBE

- Advertising for DBE participation
- Demonstration of Good Faith Efforts by contractors and consultants
- LPA review of contractors or consultants  
Good Faith Efforts
- Disputes concerning Good Faith Efforts
- Good Faith Efforts when a DBE firm is unable to perform the work

# DBE

- For more information:

- I.M. 5.010, DBE Guidelines
- DOT Title VI web site

<https://iowadot.gov/civilrights/Title-VI/What-is-Title-VI-Program>

- Iowa DOT Civil Rights Bureau

- 515-239-1399
- Nikita Rainey, Contract Compliance Officer
- Danny Wagener, DBE Compliance Officer

# Questions?



## ■ Reference Documents:

- As listed on previous slides
- Forms referenced in this Overview Training may be found at:

<https://forms.iowadot.gov/BrowseForms.aspx>

## ■ Iowa DOT Contact Person:

- See Iowa DOT Contact List for appropriate Administering Bureau staff