



**Washington State
Department of Transportation**

Title VI Analysis Toolkit

Title VI Notice to Public

It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equity and Civil Rights (OECR). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OECR's Title VI Coordinator at (360) 705-7090.

Americans with Disabilities Act (ADA) Information

This material can be made available in an alternate format by emailing the Office of Equity and Civil Rights at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

25-03-0094

What is WSDOT's responsibility?

It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin or Limited English Proficiency (LEP), as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Specific types of Title VI discriminatory actions that are prohibited fall under three legal categories: (1) Disparate Treatment, (2) Disparate Impact and (3) Retaliation.

What is a disparate Treatment?

Disparate treatment occurs when individuals or groups are intentionally treated differently based on their race, color, national origin or LEP. Disparate treatment can manifest in various forms, such as biased decision-making, exclusionary practices, or unequal application of policies and procedures.

What is a disparate Impact?

Disparate impact (also known as adverse or disproportionately impact) refers to the discriminatory effect of a law, projects, actions, or process that appears neutral on its face and lacks any relevant justification, yet disproportionately harms individuals from protected groups under federal law. Federal statutes and regulations, such as Title VI, authorize the use of disparate impact analysis to identify instances of unlawful discrimination. Under Title VI, disparate impact discrimination occurs when a recipient of federal funds, such as WSDOT, employs criteria, administrative methods, procedures, or practices that result in a disproportionately adverse impact or discriminate against individuals based on their race, color, or national origin – even if discrimination was not the recipient's intention.

Why WSDOT's programs, divisions & regions need to conduct Title VI Analyses?

To assess disparate impact, we must collect and analyze demographic data related to our projects, programs, and decisions. This analysis helps determine whether any protected class is disproportionately and adversely affected compared to others. It also supports equitable and inclusive participation in transportation planning and project development within diverse communities in both planning and project areas. Ultimately, this process ensures that the needs of individuals and groups residing in these communities are thoroughly considered.

When does WSDOT need to conduct a Title VI Analysis?

To prevent disparate impacts and discrimination, WSDOT must conduct a Title VI analysis whenever its programs and/or activities affect individuals or communities. These include, but are not limited to:

- Project development (Planning, NEPA, etc.)
- Implementing new policies, programs, or activities.
- Fare or major service changes.

How to conduct a Title VI Analysis?

Here are the essential steps for conducting a thorough and systematic Title VI Analysis to determine whether planned policies, programs, major service changes, and/or transportation projects will result in a disparate impact or disproportionate burden on communities based on race, color, national origin, or LEP:



Define the Population	Identifying the demographic groups potentially affected by the action helps focus the analysis on the relevant populations and ensures that all relevant data are considered.
Identify the Criteria	Understanding the specific criteria used in decision-making allows for a targeted examination of how those criteria may affect different demographic groups.
Gather Data	<p>Collecting data on the demographic composition of the affected population and decision outcomes provides the empirical basis for the analysis and allows for comparisons between groups. Some standard resources for demographic data collection recommended by FHWA are:</p> <ul style="list-style-type: none"> • Decennial Census • American Community Survey from U.S. Census Bureau (Data.Census. Gov) • Public Involvement Meeting Demographics • Surveys (Written or Visual), financial <p>Note: the U.S. Census will not provide Title VI demographic data for all situations. Some types of Title VI impacts—such as right of way/relocations and public involvement—will require recipients to conduct surveys to collect demographic data from impacted persons.</p>
Statistical Analysis	<p>Statistical methods are essential for quantifying any observed disparities and determining whether they are statistically significant or simply due to chance.</p> <p>Statistical evidence ideally should be based on comparison groups that include, but do not extend beyond, the total group to which the policy or action applies.</p> <p>The statistical proof that covers the relevant population, may not always available.</p> <p>Sometimes the sources of available data may describe a population smaller or larger than the population subject to the challenged policy.</p>
Interpret Results	Interpreting the statistical results involves assessing whether any observed disparities are meaningful or significant from a legal and policy perspective.
Consider Justifications	Evaluating potential justifications for observed disparities helps determine whether they are legitimate or whether they mask unlawful discrimination.
Document Findings	Documenting the analysis and findings ensures transparency, accountability, and a clear record of the decision-making process.
Consider Remedies	If disparities are found to be unlawful, considering remedies is essential for addressing them and ensuring compliance with anti-discrimination laws.
Monitor and Review	Ongoing monitoring and periodic reviews help ensure that any remedies implemented are effective and that the policy, program, or practice remains in compliance with legal requirements over time.

Title VI Analysis Determination?

WSDOT's programs, divisions and regions must demonstrate compliance with these steps. They must consider and analyze alternatives to determine whether there are options with a lesser disparate impact based on race, color, or national origin, and then implement the least discriminatory alternative.

Examples of Title VI Statistical Analysis:

Threshold Analysis: This analysis helps determine if a specific minority group (based on their race, color, national origin or LEP exceeds a certain threshold or percentage in each area, which would trigger the need for further examination of potential disproportionate impacts. The threshold focuses on identifying whether a particular population is present in significant numbers compared to the general population.

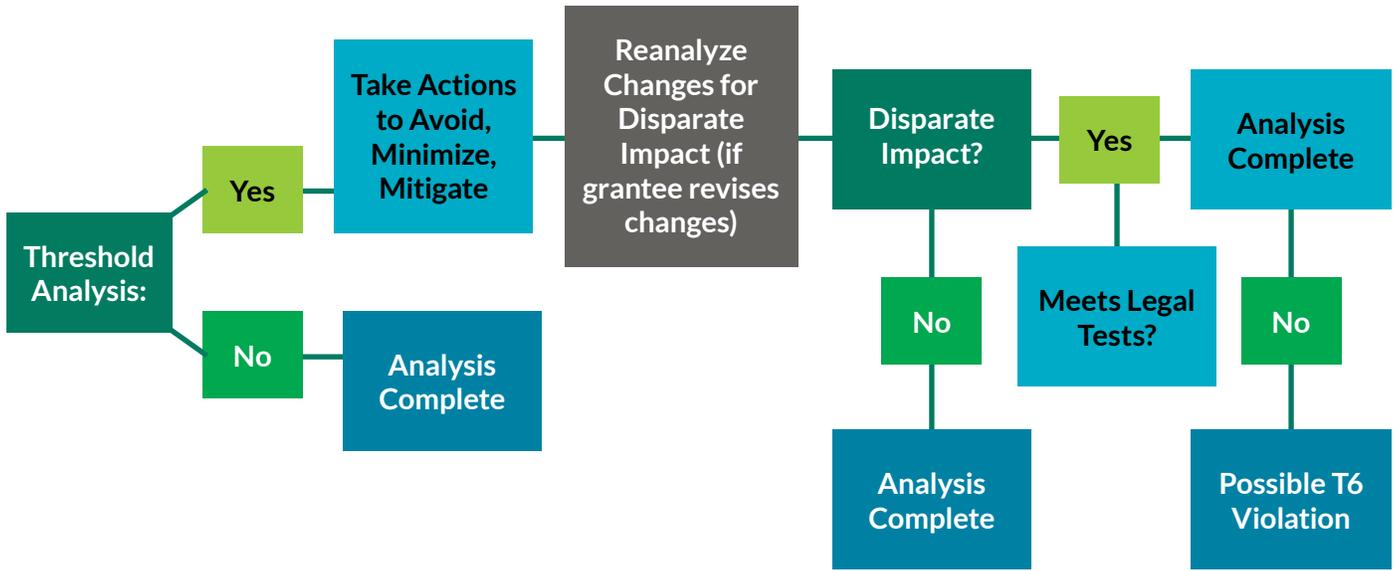
Representation Analysis: In the Representation Analysis, the goal is to assess whether the demographic composition of individuals receiving benefits or impacted by a project reflects the demographic characteristics of the broader population. This ensures equitable access and that no group is disproportionately affected (either negatively or positively). These two analyses (Threshold & Representation) compare demographics to actual distribution of benefit/burden (e.g. project alternative route selection).

Selection Analysis: The process of evaluating how decisions are made in selecting sites, participants, or services to ensure that these decisions do not disproportionately impact or exclude individuals based on race, color, national origin, or LEP. (e.g. Evaluate the criteria used to choose the location for a new transit station, and if this selection affects minority or low-income communities, or provide more benefits to one group than other.)

Barrier Analysis: The goal of a Barrier Analysis is to determine if there are physical, procedural, linguistic, or systemic barriers or obstacles that may prevent individuals or communities, from having equal access to programs, services, and benefits or that disproportionately affect communities because of their race, color, national origin or LEP, potentially leading to discriminatory impacts. The following are a few examples of barriers:

- **Physical barriers:** Inadequate infrastructure, such as inaccessible facilities or transportation networks that prevent equitable access to services. (e.g. inadequate venue for public meetings, etc.)
- **Procedural barriers:** Complicated or unclear processes for applying for services or programs that are difficult to navigate for certain populations.
- **Linguistic barriers:** Lack of language services, such as translation or interpretation, that prevent LEP populations from understanding and accessing programs.
- **Cultural barriers:** Lack of culturally appropriate outreach or engagement that limits participation from minority communities.
- **Transportation barriers:** Inadequate bus routes or schedules that disproportionately affect low-income, minority, or LEP communities, making it harder for them to access public services or job opportunities.

Steps Taken If Disparate Impact Found



Title VI Analysis Federal Resources & Tools:

Federal Agency	Resources & Sources
US Department of Justice	<ul style="list-style-type: none"> Title VI Legal Manual (justice.gov)
FHWA	<ul style="list-style-type: none"> Title VI Data Collection (link)
USDOT	<ul style="list-style-type: none"> Best Practices for Addressing Title VI in Transportation (link)
FHWA	<ul style="list-style-type: none"> U.S. Census – Limited English Proficiency Data Collection Walkthrough (link)

Title VI Analysis Best Practices Examples, Resources & Tools:

DOTs	Best Practices, Examples, Resources & Tools
Hawaii DOT	<ul style="list-style-type: none"> • FTA Title VI Program Plan 2016 -2019 (Click Here) • Facility Site Analysis pages 16-17 • Title VI Analysis pages 54-70
San Luis Obispo Regional Transit Authority (RTA)	<ul style="list-style-type: none"> • Fixed Facility Analysis (Click Here) • Planned New Bus Maintenance Facility – Pages B-1-9 and B-1-11 to B-1-12
Oklahoma DOT	<ul style="list-style-type: none"> • Title VI Plan/ FTA 2020 – 2022 (Click Here) - Page 11
New York State DOT	<ul style="list-style-type: none"> • Title VI Compliance Requirements (Click Here) - Pages 2-3
Oregon DOT	<ul style="list-style-type: none"> • Transportation System Plan Guidelines (Click Here) • Guidelines for Addressing Title VI and EJ (Click Here)
Pennsylvania DOT	<ul style="list-style-type: none"> • PDOT Title VI Program Compliance Plan (Click Here) - Pages 26-32 • Title VI Analysis
Rhode Island DOT (RHDOT)	<ul style="list-style-type: none"> • FHWA Title VI Implementation Plan (Click Here) - Pages 30-38
San Francisco Bay Area Rapid Transit	<ul style="list-style-type: none"> • Title VI Fare Analysis (Click Here) - Pages 8-13
Wyoming DOT	<ul style="list-style-type: none"> • FTA Title VI Program 2023-2025 (Click Here) - Pages 21-26