



**SAFETY INSPECTIONS & SAFETY AUDITS:  
INTERSECTION  
WITH THE TITLE VI PROGRAM**

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# Introduction Of Supporting Documents

- Idaho State Police's Title VI Program Policy Statement;
- Idaho State Police's Title VI Program – Informational Flyer;
- FMCSA Enforcement Memorandum MC-ECE-2016-006 entitled “English Language Proficiency and Enforcement Policy”.

# Title VI Program Introduction

- All FMCSA Grantees/Sub-Grantees are required to develop and implement a Title VI Program;
- The FMCSA has approved the State Police's Title VI Program Compliance Plan;

# Title VI Program Introduction (Cont'd)

- FMCSA requires each Grant Applicant to submit an updated Plan for approval each FFY;
- The approved Plan includes a signed and dated Title VI Program Assurance;
- All State Police activities are covered by the requirements of Title VI as the State Police is a Recipient of Federal funds (Civil Rights Restoration Act of 1987).

# Title VI Program Assurance

- Colonel Wills has signed the FMCSA Title VI Program Assurance on behalf of the State Police;
- The FMCSA Title VI Program includes not only Title VI of the Civil Rights Act of 1964, but also related Nondiscrimination authorities;

# Title VI Program Assurance (Cont'd)

- Title VI of the Civil Rights Act of 1964: Prohibits discrimination on the basis of race, color, and national origin;
- Federal-Aid Highway Act of 1973: Prohibits discrimination on the basis of sex;
- Title IX of the Education Amendments of 1972, as amended: Prohibits discrimination on the basis of sex in education programs or activities;

# Title VI Program Assurance (Cont'd)

- Section 504 of the Rehabilitation Act of 1973, as amended: Prohibits discrimination on the basis of disability;
- The Age Discrimination Act of 1975, as amended: Prohibits discrimination on the basis of age;
- Americans with Disabilities Act of 1990, as amended: Prohibits discrimination on the basis of disability;



# Title VI Program Assurance (Cont'd)

- Executive Order #12898 (Environmental Justice): Ensure Nondiscrimination against Minority and Low-Income Populations;
- Executive Order #13166 (Limited English Proficiency): Provide Reasonable Accommodation to persons who do not speak English as their primary language (\*See FMCSA Enforcement Memorandum dated June 15, 2016).

# Safety Inspections

- Safety Inspections are to be conducted without regard to a driver's race, color, national origin, sex, age, disability, income-level, or limited English proficiency (LEP);
- Violations generally and Out-of-Service (OOS) Violations specifically are to be issued without regard to a driver's race, color, national origin, sex, age, disability, income-level, or LEP;

# Safety Inspections (Cont'd)

- LEP: FMCSA Enforcement Memorandum (MC-ECE-2016-006) dated June 15, 2016;
- Note: As of April 1, 2015, the Commercial Vehicle Safety Alliance (CVSA) removed English Language Proficiency as an OOS violation from its OOS Criteria;

# Safety Inspections (Cont'd)

- Please Note: CMV drivers may be concerned when pulled-over due to a traffic violation and/or specifically for a safety inspection. Please do not take any statements/actions made by the drivers personally when conducting the safety inspections and especially when citing safety violations.

# Safety Audits

- Safety Audits of Motor Carriers are to be conducted without regard to an owner's race, color, national origin, sex, age, disability, income-level, or LEP;
- Violations generally and OOS Violations specifically are to be issued without regard to an owner's race, color, national origin, sex, age, disability, income-level, or LEP;

# Safety Audits (Cont'd)

- Please Note: Owners of commercial motor carrier companies may be concerned when a company-wide safety audit/compliance review is being conducted. Please do not take personally any statements/actions made by owners during the duration of a safety audit/compliance review.

# Case Studies

- Compliance Review – Owner of CMV Carrier alleges discrimination when FMCSA moves to place the company out-of-service;
- Safety Inspections – Four complaint-based scenarios from CMV drivers.

## Public Notice of Title VI Program Rights

- The State Police has posted hard copy a Public Notice of Title VI Program Rights at facilities accessed by members of the Public.
- The State Police has also uploaded the Public Notice of Title VI Program Rights to State Police's website.



# Complaint Disposition Process

- Members of the Public (including CMV drivers and CMV companies' owners) may file complaints alleging discrimination on the basis of race, color, national origin, sex, age, disability, income-level and limited English proficiency (LEP);

# Complaint Disposition Process(Cont'd)

- The State Police has a standard operating procedure (SOP) to dispose of complaints filed by members of the Public;
- The State Police's Title VI Program Coordinator is responsible for ensuring that a complaint filed by a member of the Public is disposed of effectively;

# Complaint Disposition Process(Cont'd)

- The Complaint Disposition SOP includes the following steps:
  - Intake;
  - Dismiss or Investigate Complaint;
  - Report of Investigation;
  - Determination;
  - Notification to Complainant.

# Complaint Disposition Process(Cont'd)

- Please contact your Agency's Title VI Program Coordinator for more information;
- The State Police's Title VI Program Coordinator is Kristy Bobish-Thompson, and may be contacted at (208)884-7018.

# Questions

- Do you have any questions?