

## SUBJECT: DEPARTMENT OF TRANSPORTATION EQUITY COUNCIL

1. PURPOSE. This Order establishes the Department of Transportation (DOT) Equity Council, which will serve as a coordination mechanism for all Operating Administrations (OAs) and offices within the Office of the Secretary (OST) to ensure the consistency and direction of the implementation of activities pursuant to legal authorities regarding equity and to further institutionalize equity across the Department.
2. BACKGROUND.
  - a. DOT formed the Equity Task Force, a temporary multi-modal structure to respond to Executive Order 13985 on *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The Equity Task Force helped produce the Department's first-ever Equity Action Plan and DOT-wide equity strategic goal.
  - b. The DOT Equity Council builds on the foundation laid by the DOT Equity Task Force to further institutionalize equity across the Department's policies and programs, with the aim of reducing inequities within DOT, across transportation systems, and the communities they affect.
  - c. The DOT Equity Council will serve as the coordinating body for implementation of the Department's various authorities on equity, development and execution of equity initiatives, and achievement of the Department's equity goals.
  - d. The DOT Equity Council will operate in a manner that complements but does not supplant the statutory authority of the OAs and Secretarial Offices. The OAs and Secretarial Offices may continue to pursue their own internal equity activities in collaboration with those of the DOT Equity Council.
3. REFERENCES.
  - a. Title VI, Title VII, and Title IX of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
  - b. 49 U.S.C. § 306, Chapter 3, Subchapter I, "Prohibited Discrimination."
  - c. 28 CFR 42.407, Chapter I, Part 28, Subpart F, "Procedures to Determine Compliance."
  - d. 28 CFR 50.3 (DOJ Title VI Enforcement Guidelines)
  - e. 49 CFR Part 21 (DOT's Title VI implementing regulations)

- f. DOT Order 1000.12C, The Department of Transportation Title VI Program (describes DOT's internal procedures for managing its Title VI program)
- g. 42 U.S.C. § 4321 et seq. – National Environmental Policy Act
- h. 42 U.S.C. § 2000d - Title VI of the Civil Rights Act of 1964
- i. Council on Environmental Quality NEPA Regulations 40 C.F.R. Parts 1500 – 1508
- j. U.S. DOT Order 5610.1C, Procedures for Considering Environmental Impacts
- k. Section 504 of the Rehabilitation Act of 1973
- l. Air Carrier Access Act of 1986, 49 U.S.C. § 41705
- m. FAA Reauthorization Act of 2018 (Pub.L. 115-254)
- n. 49 CFR Part 27, Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance (DOT's § 504 implementing regulations)
- o. 14 CFR Part 382 (DOT's Air Carrier Access Act implementing regulations)
- p. Small Business Act, 15 U.S.C. 632 (Pub.L. 95-507)
- q. Section 25010 of the Infrastructure Investment and Jobs Act (Pub.L. 117–58)
- r. DOT Order 5050.1 U.S. DOT ROUTES Initiative
- s. 49 CFR Part 23 (ACDBE Program Regulation)
- t. 49 CFR Part 26 (DBE Program Regulation)
- u. Transportation planning statutes 23 U.S.C. Sections 134 and 135 (specifically, 23 U.S.C. §§ 134(h)(2), 134(i)(6), 135(d)(2), 135(f)(3), 135(g)(3)); and DOT's implementing regulations 23 C.F.R. part 450 (specifically 23 C.F.R. 450.210, 450.316)
- v. Executive Order (EO) 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, January 20, 2021.
- w. EO 13988: *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, January 20, 2021.
- x. EO 14008: *Tackling the Climate Crisis at Home and Abroad*, January 27, 2021.
- y. EO 14020: *Establishment of the White House Gender Policy Council*, March 8, 2021.

- z. EO 14031: *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*, May 28, 2021.
- aa. EO 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*, June 25, 2021.
- bb. EO 14041, *White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Historically Black Colleges and Universities*, September 3, 2021.
- cc. EO 14045: *White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics*, September 13, 2021.
- dd. EO 14049: *White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities*, October 11, 2021.
- ee. EO 14050: *White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans*, October 19, 2021.
- ff. EO 14063, *Executive Order on the Use of Project Labor Agreements for Federal Construction Projects*, February 2, 2022.
- gg. EO 14069, *Advancing Economy, Efficiency, and Effectiveness in Federal Contracting by Promoting Pay Equity and Transparency*, March 15, 2022.
- hh. EO 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, May 25, 2022.
- ii. EO 14075, *Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals*, June 15, 2022.

#### 4. DEFINITIONS.

- a. Equity: The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.<sup>1</sup>
- b. Underserved communities: The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, who have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. This term includes individuals who belong to communities of color, such as Black and African American, Hispanic and Latino, Native American, Alaska Native and Indigenous, Asian American, Native Hawaiian and Pacific Islander, Middle Eastern, and North African persons. It also includes individuals who belong to communities that face

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<sup>1</sup> EO 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.

discrimination based on sex, sexual orientation, and gender identity (including lesbian, gay, bisexual, transgender, queer, gender non-conforming, and non-binary (LGBTQ+) persons); persons who face discrimination based on pregnancy or pregnancy-related conditions; parents; and caregivers. It also includes individuals who belong to communities that face discrimination based on their religion or disability; first-generation professionals or first-generation college students; individuals with limited English proficiency; immigrants; individuals who belong to communities that may face employment barriers based on older age or former criminal conviction or incarceration; persons who live in rural areas; veterans and military spouses; and persons otherwise adversely affected by persistent poverty, discrimination, or inequality. Individuals may belong to more than one underserved community and face intersecting barriers.<sup>2</sup>

## 5. MEMBERSHIP.

- a. The members of the DOT Equity Council will include the following positions:
  - 1) Secretary of Transportation (Chair)
  - 2) Deputy Secretary of Transportation (Vice Chair)
  - 3) Assistant Secretary for Transportation Policy (Co-Manager)
  - 4) Director, Departmental Office of Civil Rights (Co-Manager)
  - 5) Under Secretary of Transportation for Policy
  - 6) General Counsel
  - 7) Assistant Secretary for Administration
  - 8) Assistant Secretary for Budget and Programs
  - 9) Assistant Secretary for Research and Technology
  - 10) Director, Office of Small and Disadvantaged Business Utilization
  - 11) Assistant Secretary of Government Affairs
  - 12) Director, Office of Public Affairs
  - 13) Chief Information Officer
  - 14) The Administrator of each OA:
    - i. Federal Aviation Administration (FAA)
    - ii. Federal Highway Administration (FHWA)
    - iii. Federal Motor Carrier Safety Administration (FMCSA)
    - iv. Federal Railroad Administration (FRA)
    - v. Federal Transit Administration (FTA)
    - vi. Great Lakes St. Lawrence Seaway Development Corporation (GLS)
    - vii. Maritime Administration (MARAD)
    - viii. National Highway Traffic Safety Administration (NHTSA)
    - ix. Pipeline and Hazardous Materials Safety Administration (PHMSA)
  - 15) A career member of the Senior Executive Service from the Office of the Departmental Office of Civil Rights (DOCR) as designated by the DOCR Director.

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<sup>2</sup> EO 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*.

16) A career member of the Senior Executive Service from OST-P as designated by the Assistant Secretary for Transportation Policy

17) A career member of the Senior Executive Service from each OA as designated by each Administrator:

- i. FAA
- ii. FHWA
- iii. FMCSA
- iv. FRA
- v. FTA
- vi. GLS
- vii. MARAD
- viii. NHTSA
- ix. PHMSA

b. Additional members may be added at the discretion of the Chair.

## 6. RESPONSIBILITIES.

a. The DOT Equity Council serves as a forum for collaborative decision-making and will:

- 1) Guide and oversee the process for institutionalizing equity across the Department's policies and programs, with the aim of reducing inequities within DOT, across transportation systems, and the communities they affect;
- 2) Establish action teams, implementation plans, and reporting as needed to coordinate efficient and effective implementation of equity-related strategic goals, executive orders, and legal authorities;
- 3) Coordinate and support OST and OA implementation of equity initiatives and embedding of equity expertise and activities in programs and policies so that it becomes a core competency for all staff;

b. The Secretary of Transportation and Deputy Secretary of Transportation shall serve as the permanent Chair and Vice Chair of the DOT Equity Council, respectively. The Chair or Vice Chair will preside over meetings of the DOT Equity Council and will have support from the Co-Managers and Equity Management Team, consisting of staff to support the Co-Managers, in conducting its operations and functions. The Chair will report at least annually to the Department on progress, findings, accomplishments, and future plans of the DOT Equity Council. The Vice-Chair of the DOT Equity Council will assist and support the Chair in overseeing the functions of the Council.

d. The Director of the Departmental Office of Civil Rights and the Assistant Secretary for Transportation Policy shall serve as permanent Co-Managers of the DOT Equity Council. The Co-Managers will oversee the Equity Management Team, which will support the

operations of the Council, including compiling documents necessary to meet agenda items and ensuring that timelines established by the Council are adhered to, and preparing the Chair's annual report to the Department. The Co-Managers may request staff from other parts of the Department to serve as members of the Equity Management Team.

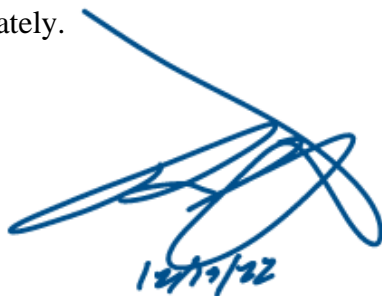
- e. All members of the DOT Equity Council will actively participate in and support the functions and operations of the Council. This includes:
  - a. Guiding and overseeing the process for institutionalizing equity and embedding equity expertise across their respective policies and programs.
  - b. Proposing and leading action teams under the Council, identifying resources to serve on these teams, monitoring progress, and supporting implementation within their respective organizations.
  - c. Proposing equity initiatives to the Chair and Vice Chair and supporting their implementation.

## 7. PROCEDURES.

- a. The DOT Equity Council will meet a minimum of four times per fiscal year.
- b. The Equity Council Co-Managers and Equity Management Team may convene more frequent meetings with a subset of Council members and staff as necessary to advance the Council's goals, and charter action teams to accomplish specific tasks, in consultation with the Chair and Council members.
- c. The Chair or Vice Chair will facilitate the discussion and deliberation around matters of significance to the Department's equity goals for the members of the DOT Equity Council.
- d. The DOT Equity Council will not be provided an annual budget. Consistent with applicable law, existing resources of the Department will be used to carry out the responsibilities.

## 9. EFFECTIVE DATE.

This Order is effective immediately.



Pete Buttigieg  
Secretary of Transportation