DOT 1000.12D August 26, 2026

SUBJECT: THE U.S. DEPARTMENT OF TRANSPORTATION TITLE VI PROGRAM

CHAPTER I – GENERAL

1. PURPOSE

The U.S. Department of Transportation (DOT) distributes substantial Federal financial assistance each year for thousands of projects, programs, and activities operated or initiated by a variety of entities, including but not limited to State and local governments. Federal law requires all entities receiving this assistance to ensure nondiscrimination in the administration of these programs. Specifically, Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq*., and DOT Title VI regulations at 49 CFR part 21, are designed to ensure that no person in the United States, based on race, color, or national origin, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program that DOT financially assists. Equal access helps to create opportunity and connect all persons and communities to transportation programs that are financially assisted by DOT regardless of race, color, or national origin.

The overriding objective of this Order is to ensure proper enforcement of Title VI by each Operating Administration (OA)[1] overseeing programs for which Federal financial assistance is authorized under a law administered by DOT. To that end, this Order provides policy guidance, practices, and standards to OAs for establishing and maintaining an enforcement program that ensures Title VI compliance. The Order also delineates the roles and responsibilities of OAs, the Departmental Office of Civil Rights (DOCR), and the Office of the General Counsel (OGC) with respect to overseeing and implementing Title VI enforcement programs.

2. CANCELLATION

This Order cancels and supersedes DOT Order 1000.12C, dated June 11, 2021, "The U.S. Department of Transportation Title VI Program."

3. AUTHORITY

This Order is issued pursuant to:

a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq*.
b. 49 CFR part 21
c. Civil Rights Restoration Act of 1987
d. Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws (November 2, 1980)
e. 28 CFR part 42, subpart F

[1] As defined in Chapter I, Section 5 of this Order, the term "Operating Administration" includes both the Office of the Secretary and Operating Administrations.

f. Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (January 21, 2025)
g. Executive Order 14281, Restoring Equality of Opportunity and Meritocracy (April 23, 2025)
h. Executive Order 13899, Combatting Anti-Semitism (December 11, 2019)
i. Executive Order 14188, Additional Measures to Combat Anti-Semitism (January 29, 2025)
j. Rescinding Portions of Department of Transportation's Title VI Regulations to Conform More Closely, 91 Fed. Reg. 35424 (effective June 11, 2026) (codified at 49 CFR part 21) (FR Doc. 2026-11790).
k. Rescinding Portions of Department of Justice Title VI Regulations to Conform More Closely with the Statutory Text and To Implement Executive Order 14281, 90 Fed. Reg. 57141 (effective Dec. 10, 2025) (codified at 28 CFR part 42) (FR Doc. 2025-22448).

4. BACKGROUND

This Order updates and resets the policies, practices, and procedures underpinning DOT's Title VI Program to improve each OA's Title VI implementation and enforcement, and ensures without limitation that:

a. The benefits and services of DOT supported or assisted programs are made available to, and are fairly and properly distributed among, beneficiaries without regard to race, color, or national origin; and

b. The location of existing or proposed projects, facilities, or programs and the provision of services involved will not deny access to any person on the basis of race, color, or national origin.

5. DEFINITIONS

a. "Applicant" means a person or entity who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance.

b. "Compliance" means the condition that exists when a recipient of Federal financial assistance has fully implemented all Title VI requirements and there is no evidence of discrimination.

c. "Director" means the Director of DOCR.

d. "Federal financial assistance" includes:
    1) Grants and loans of Federal funds;
    2) The grant or donation of Federal property and interests in property;
    3) The detail of Federal personnel;

4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

5) Any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

e. "Noncompliance" means a failure to meet the requirements of Title VI and the regulations and compliance requests (such as enforcement orders) of the Department issued thereunder.

f. "Operating Administration" (OA) means the Department's Operating Administrations and the Office of the Secretary (OST).

g. "Recipient" means any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

h. "Title VI program" means the system of requirements, procedures, actions, and sanctions through which the Department enforces Title VI and the regulations effectuating it and ensures that discrimination does not occur in connection with programs or activities that receive Federal financial assistance from this Department.

i. Other terms used in this Order shall have the meaning as defined by statute, regulation, Executive Order, and Federal case law.

6. APPLICABILITY AND SCOPE

This Order applies to all OAs that provide Federal financial assistance authorized under a law administered by DOT, as defined in 49 CFR part 21. This Order establishes the responsibilities of DOCR, OGC, and each OA in implementing and enforcing Title VI, to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits and services of, or be subjected to discrimination under any program receiving Federal financial assistance from this Department. While DOCR has the primary advisory responsibility for civil rights compliance, this Order emphasizes the role of DOT's OAs in enforcing Title VI in their programs and DOT's commitment to a coordinated approach to minimize fragmentation and duplication.

7. POLICY AND PROCEDURES

Each OA administering Federal financial assistance shall, in consultation with DOCR, develop and issue guidance necessary for their applicants and recipients that effectuate Title VI, or review and update any previously issued guidance as necessary to ensure consistency with this Order. OAs shall engage in the notice-and-comment process, as appropriate and in accordance with the Administrative Rulemaking, Guidance, and Enforcement Procedures at 49 CFR part 5 and DOT Order 2100.6B (Policies and Procedures for Rulemakings, Guidance Documents, and Enforcement Proceedings) to implement the requirements of this Order. During the pendency of such process, OAs may also issue interim guidance in accordance with the procedures outlined in 49 CFR part 5 and DOT Order 2100.6B.

Because there are differences in how OA programs are structured and how Federal financial assistance is allocated, each OA shall tailor its Title VI program, as necessary, to ensure its applicants and recipients comply with Title VI.

DOCR, in coordination with each OA, shall provide the necessary technical assistance, education, and training to assist with each OA's Title VI oversight and enforcement.

8. COORDINATION

a. In some instances, more than one OA may have jurisdiction over an applicant, recipient, or program. The OAs, in consultation with OGC and DOCR, shall coordinate and jointly determine their enforcement and compliance efforts to the maximum extent possible to reduce duplication, promote consistency, and build programmatic relationships.

b. When concurrent obligations may exist between applicants or recipients subject to Title VI, OAs are encouraged to develop practices that promote collaboration and cooperation in pursuing enforcement and compliance efforts.

9. RESPONSIBILITIES

a. Each OA administering Federal financial assistance, consistent with the Title VI Coordination regulations at 28 CFR part 42, subpart F, and the DOT Title VI regulations at 49 CFR part 21, shall implement this Order. Each OA is responsible for the Title VI obligations within its OA.

b. DOCR serves as the Title VI Coordinator and the principal advisor to the Secretary and Deputy Secretary on civil rights and nondiscrimination statutes, regulations, and Executive Orders applicable to the Department. *See* 49 CFR § 1.40. DOCR is responsible for providing guidance to the OAs concerning the implementation and enforcement of all civil rights laws, regulations, and Executive Orders. This includes reviewing and evaluating the Department's Title VI enforcement program, providing guidance for the OAs on processing and handling Title VI complaints, investigations, and resolutions, and responding to policy questions on behalf of the Secretary and Deputy Secretary. DOCR has the responsibility to:

1) Recommend, disseminate, and monitor departmental Title VI programs, policies, and procedures guidance, and assist the OAs in establishing and implementing their own Title VI programs, policies, and procedures.
2) Review and evaluate departmental regulations and assist the OAs in developing program directives designed to enforce Title VI.
3) Review, evaluate, and monitor OA programs relating to Title VI to ensure consistency and program effectiveness, including identifying OA processes for Title VI enforcement, and conducting Title VI program evaluation analyses.
4) Monitor compliance with the standard DOT Title VI Assurances, including the review of any alterations or addenda to the Assurances and Appendices by the OAs.
5) Provide leadership, guidance, training, education, technical assistance, resources, and support to the OAs in executing their Title VI responsibilities.
6) Review, evaluate, and monitor OA handling of complaints alleging Title VI noncompliance and provide guidance to ensure that they are processed, investigated, and resolved in accordance with 49 CFR § 21.11, and DOT Order 1000.18, the Department's External Civil Rights Complaint Processing Manual and any revisions thereto.
7) Advise and provide guidance to each OA to ensure that, as specified by 28 CFR § 42.411(a) and 49 CFR § 21.13(a), all findings of Title VI noncompliance are appropriately and promptly resolved through informal and voluntary means whenever possible. If compliance cannot be achieved by informal and voluntary means, the OA shall, with concurrence from OGC, initiate actions to achieve compliance in accordance with 28 CFR § 42.411 and 49 CFR § 21.13.
8) Coordinate and act as a liaison with other Federal agencies and offices, as well as other public and private organizations outside the Department, in coordination with OGC, to achieve program objectives.
9) Disseminate information and provide meaningful education and training for the public concerning the Department's Title VI program, including, in appropriate situations, the provision of material in languages other than English pursuant to 28 CFR § 42.405(d)(2).

c. The General Counsel is the chief legal officer of the Department with final authority on all questions of law for all components of DOT. The Office of the General Counsel (OGC) shall provide legal advice, support, and guidance to the OAs and DOCR with respect to their responsibilities under this Order, including with respect to the interpretation, implementation, and agency enforcement of Title VI, and all actions involving findings of deficiencies that could result in funding terminations or referrals to DOJ for enforcement.

d. Operating Administrations (OAs): Each OA authorized to extend Federal financial assistance is responsible for ensuring its applicants and recipients implement and comply with Title VI, and compliance and enforcement responsibilities reside with the OA.

In fulfilling this Title VI compliance and enforcement responsibility, OAs that provide Federal financial assistance shall:

1) Examine the nature and structure of the programs, services, and activities for which they provide Federal financial assistance to develop guidance, procedures, and requirements that establish a comprehensive and effective Title VI program consistent with 28 CFR part 42, subpart F, and 49 CFR part 21.
2) Assess the type of applications for Federal financial assistance specified in Chapter II, Section 2 (Pre-Award Review: Title VI Assessment) below and determine, in writing or recorded within an OA's grant award system or equivalent, whether the applicant is in compliance with Title VI, and whether the program, service, or activity for which Federal financial assistance being requested is consistent with the OA's Title VI program.
3) Require applicants and recipients, as a condition for approval of any new applications for financial assistance, or any application by a State or State Agency for continuing or formula financial assistance, to provide assurance, as specified by 49 CFR § 21.7(a)(l) and (b), that the applicant or recipient will comply with all race, color, and national origin nondiscrimination statutory and regulatory authorities and case law to which they are subject. This requirement is in addition to the application requirements of 28 CFR part 42, subpart F, and the assurance provided shall include any specific assurances the OA deems necessary to ensure an applicant's compliance with Title VI.
4) Ensure that appropriate personnel with expertise implement and require compliance with the OA's Title VI program, including but not limited to conducting complaint investigations and compliance reviews, providing technical assistance, and carrying out other activities to enforce Title VI.
5) Within 120 days from the date of this Order, summarize and submit to DOCR for review and evaluation:
    i. The structure, administration, and implementation plan for the OA's Title VI program, in accordance with this Order and the Title VI Coordination regulations at 28 CFR part 42, subpart F, relating to each Federal financial assistance program it administers; and
    ii. Draft guidance or instruction for requiring all applicants and recipients to take the actions necessary to implement a compliant Title VI program. If an OA previously developed guidance or instruction that satisfies this provision, it should review and update the guidance or instruction as necessary to ensure consistency with this Order before submitting it to DOCR for review and evaluation.

6) In consultation with DOCR, develop guidance and conduct periodic training for appropriate staff to ensure they can effectively determine whether applicants for, or recipients of, Federal financial assistance are complying with Title VI.

CHAPTER II – TITLE VI COMPLIANCE AND ENFORCEMENT

1. GENERAL

DOT is prohibited from permitting or participating in discriminatory activities and, pursuant to Title VI, must ensure that discrimination based on race, color, or national origin does not exist in the programs it funds or financially assists. Thus, the policy of the Department is to award and to continue to provide Federal financial assistance only to those applicants and recipients who comply with all Title VI requirements.

Toward that end, each OA shall require the collection of data and information from applicants for and recipients of Federal financial assistance, conduct assessments of applications for Federal financial assistance, and monitor the performance of continuing recipients to ensure compliance with Title VI. *See* 28 CFR §§ 42.406 [Data and information collection], 42.407(b) [Application review], 42.407(c) [Post-approval review], and 42.410 [Continuing State programs]; *see also* 49 CFR part 21.

2. PRE-AWARD REVIEW: TITLE VI ASSESSMENT

During the Pre-Award Review period, OAs must conduct a Title VI Assessment of applicants for Federal financial assistance and determine, in writing or recorded within an OA's grant award system, that an applicant is in compliance with Title VI and will not use Federal financial assistance to discriminate on the basis of race, color, or national origin. The OAs shall make a Title VI assessment primarily in conjunction with the following three types of applications for Federal financial assistance: (1) new applications; (2) applications for approval of specific projects; and (3) significant changes in applications for continuation or renewal of assistance. The OAs shall also conduct a Title VI assessment of an existing application or project at other times when the OA determines it is necessary and appropriate to do so. The OA shall not award the Federal financial assistance until the Title VI Assessment is complete and the applicant signs the DOT Title VI Assurance. A current Title VI Plan on file with the OA, as described in Chapter II, section 3 below, may be sufficient to meet the Assessment requirement when an applicant is seeking continuing Federal financial assistance, so long as the plan is not more than 3 years old.

Each OA is responsible for notifying applicants that they will undergo a Title VI Assessment, and for collecting from applicants the information necessary to conduct the Title VI Assessment. As part of its Title VI program, each OA shall prepare or update, if necessary, application procedures that set forth in detail the specific information that must be included in applications for the OA to complete a Title VI Assessment prior to the award of Federal financial assistance. This information may be included as part of the notice of funding opportunity. DOCR may review and evaluate these procedures. Each applicant for Federal financial assistance will be provided a copy of these procedures, with the directive that the Title VI Assessment is part of the application. The OA may tailor these procedures, considering such factors as the size of the Federal financial assistance award, the size and capacity of an applicant, the potential number of people impacted, and the resources available to an applicant.

If the OA determines that it needs more information to complete the Title VI Assessment and determine probable compliance, it shall require that the applicant provide such information within a reasonable period, such as 60 days of the request. Failure by the applicant to provide such information in a timely fashion shall be a consideration in the determination of probable noncompliance.

3. FORMULA OR CONTINUING FUNDING TO STATE PROGRAMS: TITLE VI PLAN

Consistent with 28 CFR §§ 42.407(b) and 42.410, and 49 CFR § 21.7(b), each OA providing formula or continuing Federal financial assistance to a State or State agency, or an entity acting on behalf of a State or State agency, shall require that each such recipient develop and adopt a Title VI Plan that outlines measures to ensure compliance with Title VI by the recipient and its subrecipients.[2] OAs may tailor the content each recipient must include in its Title VI Plan, considering such factors as the size of the Federal financial assistance award, the size and capacity of a recipient, the potential number of people impacted, and the resources available to a recipient, but must ensure inclusion of sufficient information for determining whether the recipient and any subrecipients comply with Title VI and the standards established in 28 CFR part 42, subpart F. At a minimum, OAs must require each applicable recipient to provide for the assignment of Title VI responsibilities to designated State personnel and written assurance that the recipient will compile and maintain records necessary for determining Title VI compliance of the recipient and any subrecipients. A current Title VI Plan on file with the OA may be sufficient under this Section so long as the Plan is not more than 3 years old.

4. ALL APPLICANTS AND RECIPIENTS

In addition to the procedures outlined in Chapter II, Sections 2 and 3 above, OAs shall require all applicants and recipients to provide, consistent with 28 CFR §§ 42.405 and 42.406(d), a brief description of:

a. Any Title VI lawsuits, investigations, or complaints filed or pending against the recipient or any of its subrecipients within 2 years of the date of the application, or since the last Title VI Plan submission, together with an explanation of the status or outcome of each such enforcement activity;

b. Any pending application by the recipient or any of its subrecipients for Federal financial assistance to any Federal agency;

c. Any civil rights compliance review performed or being performed on the recipient or any of its subrecipients by any State, local, or Federal agency within 2 years of

[2] An OA need not request the development and adoption of a Title VI Plan by subrecipients.

the date of the application, or since the last Title VI Plan submission, whichever was more recent, together with a statement of the status or outcome of such review; and

d. The manner in which the applicant or recipient will notify participants, beneficiaries, and other interested persons about the protections provided by Title VI, and related program information, including:
   1) A Title VI nondiscrimination statement; and
   2) A description of procedures that members of the public should follow to file a Title VI complaint against the recipient.

5. OA COMPLIANCE REVIEWS

Compliance reviews, consistent with the DOT Title VI regulations at 49 CFR § 21.11(a), are an effective means of ensuring enforcement of Title VI. Compliance reviews can be accompanied by the OA's ongoing engagement with recipients collaboratively to identify and resolve Title VI-related concerns informally through voluntary compliance, technical assistance, training, and education. As with other components of this Order, coordination between and among OAs should be considered, where appropriate.

a. Compliance Procedures: Compliance reviews shall be conducted by the OA, with assistance from DOCR as necessary, to determine a recipient's Title VI compliance.

b. Criteria: OAs may use any combination of the following factors for selecting recipients for compliance reviews:
   1) Consideration of the size of the recipient, and the period of time since the recipient's last review;
   2) Consideration of the number of Title VI lawsuits, complaints, or investigations filed against the recipient;
   3) A recipient submitting an incomplete or insufficient Title VI Plan; and
   4) Title VI findings or recommendations resulting from prior technical assistance, reviews, or investigations that have not been sufficiently resolved or implemented.

c. Scope: Compliance reviews will assess the following information:

   1) The recipient's documented efforts to meet the Title VI requirements and guidance issued by the OA; and
   2) Other information necessary to determine whether the recipient is complying with Title VI.

d. Results of Compliance Review: The OA, with input and assistance from DOCR as necessary and warranted, will summarize the compliance review's findings, and provide a courtesy copy of the final compliance report to DOCR. If findings of deficiency exist in the final compliance report, the OA will require the recipient to take corrective action, develop a timeline for compliance, and report on its progress on a timely basis. For significant findings or as requested by DOCR, the OA will update DOCR on the recipient's progress on a quarterly basis, through data, narrative, or other means, and provide DOCR with a deficiency status update on an annual basis. Once an OA determines that the recipient has satisfactorily responded to the compliance review findings, it shall inform the recipient that the review process has ended and release the recipient from further reporting based on the compliance review. For significant and requested review findings, the OA will also inform DOCR that the review process has ended. The OA may follow a compliance review with additional reviews as necessary and will inform DOCR of such steps and any outcome as requested.

6. TITLE VI COMPLAINTS AND INVESTIGATIONS

a. Procedures: Each OA administering Federal financial assistance shall establish and publish procedures consistent with 28 CFR § 42.408 and 49 CFR §§ 21.11, DOT Order 1000.18 (DOT's External Civil Rights Complaint Processing Manual) and any revisions thereto, 49 CFR part 5, and DOT Order 2100.6B (Policies and Procedures for Rulemakings, Guidance Documents and Enforcement Actions), and any corresponding regulations, for the prompt processing and disposition of Title VI complaints.

b. Investigations: Consistent with 49 CFR § 21.11(c), OAs shall conduct a prompt investigation whenever a compliance review, report, complaint, or other information indicates possible noncompliance with Title VI.

c. Recordkeeping Requirements: Pursuant to 28 CFR § 42.408(d), each OA shall maintain a log of Title VI complaints filed with it, and with its recipients, identifying each complainant by race, color, or national origin; the recipient; the nature of the complaint; the dates the complaint was filed, and the investigation completed; the disposition; the date of disposition; and other pertinent information. Such log may be maintained through the use of centrally provided information technology. The OAs shall also require each recipient processing Title VI complaints to maintain a similar log.

d. DOCR will prepare a semiannual report to the Assistant Attorney General, Civil Rights Division, concerning the receipt, nature, and disposition of Title VI complaints, as required by 28 CFR § 42.408(d).

7. EFFECTING COMPLIANCE

a. As required by 28 CFR § 42.411(a), and 49 CFR §§ 21.11(d)(1) and 21.13(a), OAs shall attempt to resolve all findings of Title VI noncompliance through informal and voluntary means whenever possible. If compliance cannot be achieved by informal and voluntary means, the OA shall, with concurrence of the General Counsel, initiate action to achieve compliance in accordance with 28

CFR § 42.411, 49 CFR § 21.13, 49 CFR part 5, and DOT Order 2100.6B (Policies and Procedures for Rulemakings, Guidance Documents, and Enforcement Actions), and any corresponding regulations.

b. Consistent with 49 CFR § 21.13, among the methods of effecting compliance include but are not limited to: initiation of proceedings that could result in action taken by DOT to suspend, terminate, or refuse to grant or continue Federal financial assistance to a recipient; making a referral to the U.S. Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking; and other means authorized by law.

c. Notification to the DOJ Assistant Attorney General: The Director shall promptly notify the Assistant Attorney General, Civil Rights Division, of every finding of noncompliance where voluntary compliance is not achieved resulting from an application review, complaint, or compliance review investigation.

8. COMBATTING ANTI-SEMITISM

Consistent with Executive Orders 13899 and 14188, anti-Semitic discrimination may violate Title VI when it is based on an individual's actual or perceived Jewish ancestry or ethnic characteristics. OAs shall enforce Title VI to prevent anti-Semitic discrimination as vigorously as all other Title VI violations. In reviewing, investigating, or deciding whether there has been a violation of Title VI based on an individual's actual or perceived Jewish ancestry or Jewish ethnic characteristics, OAs shall take into consideration the International Holocaust Remembrance Alliance (IHRA)'s working definition of anti-Semitism adopted by the U.S. Department of State on May 26, 2016, along with the contemporary examples of anti-Semitism identified by the IHRA, as part of the assessment of whether a practice was motivated by antisemitic intent.[3]

Sean P. Duffy
Secretary of Transportation

[3] Int'l Holocaust Remembrance Alliance, *Working Definition of Antisemitism* (May 26, 2016), https://holocaustremembrance.com/resources/working-definition-antisemitism.