



U.S. Department
of Transportation

Office of Civil Rights

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

RECEIVED

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PUBLIC SERVICE COMMISSION

Aaron Morman
North Dakota Public Service Commission
600 E Boulevard - Dept. 408
Bismarck, ND 58505-0480

Dear PHMSA Grant Recipient,

As the designated representative for your agency or organization, the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Civil Rights, wants to ensure that recipients of federal grants are aware of the requirements and responsibilities under Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et. seq.).

Under the Title VI statutes, recipients of federal grants may not engage in any prohibited practices that are discriminatory in nature. Recipients of any PHMSA grants are required to execute statements of Title VI compliance as part of the PHMSA grant application package. This compliance statement requires the grant recipient to comply with several non-discrimination statutes for any program or activity that uses federal grant funding, including: (1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin; (2) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability; (3) the Age Discrimination Act of 1975, which prohibits unreasonable discrimination based on age; and (4) Title IX of the Educational Amendments of 1972, which prohibits discrimination based on gender. Failure to comply with these provisions could result in the loss of grant funding.

An example of non-compliance involved allegations of discriminatory employment practices against a state agency that had been awarded a PHMSA grant. The complaint was filed with the U.S. Equal Employment Opportunity Commission (EEOC) by numerous employees of the grantee. The EEOC investigated the complaint and determined that discrimination had, in fact, occurred. The EEOC invited the parties to work together with the EEOC to try and reach a settlement of the matter. The effort to reach a settlement was unsuccessful. Since the EEOC found discrimination had occurred, the state agency was in violation of the Title VI requirements of the Civil Rights Act of 1964, and thus in violations of their PHMSA grant agreement.

If a grantee fails to comply with the requirements of Title VI and PHMSA's process for implementing the regulations, the U.S. Department of Transportation will make every effort to secure the recipient's voluntary compliance. If voluntary compliance efforts are unsuccessful, the Department may take the following enforcement actions:

- Termination of, or refusal to grant, or refusal to continue federal financial assistance; or

- Other means authorized by law, which may include, but is not limited to, referral to the Department of Justice for judicial action.

We are committed to ensuring all PHMSA grant recipients understand and comply with their Title VI obligations. The following documents will assist you in better understanding Title VI of the Civil Rights Act of 1964 and your responsibilities as a recipient of Federal funding.

- Title VI of the Civil Rights Act of 1964
- Department of Transportation Regulation for Title VI
- Department of Justice Title VI Manual, Chapter 10, Compliance.

These documents as well as other related information can be found on our website:
<http://www.phmsa.dot.gov/about/org/civil-rights> for related documents.

If you have any questions or need additional information, please contact Helen Hagin, Director, Office of Civil Rights at helen.hagin@dot.gov; or by telephone at 202-366-9638.

Sincerely,

A handwritten signature in cursive script that reads "Helen Hagin".

Helen E. Hagin
Director

CC: Grant Program Office