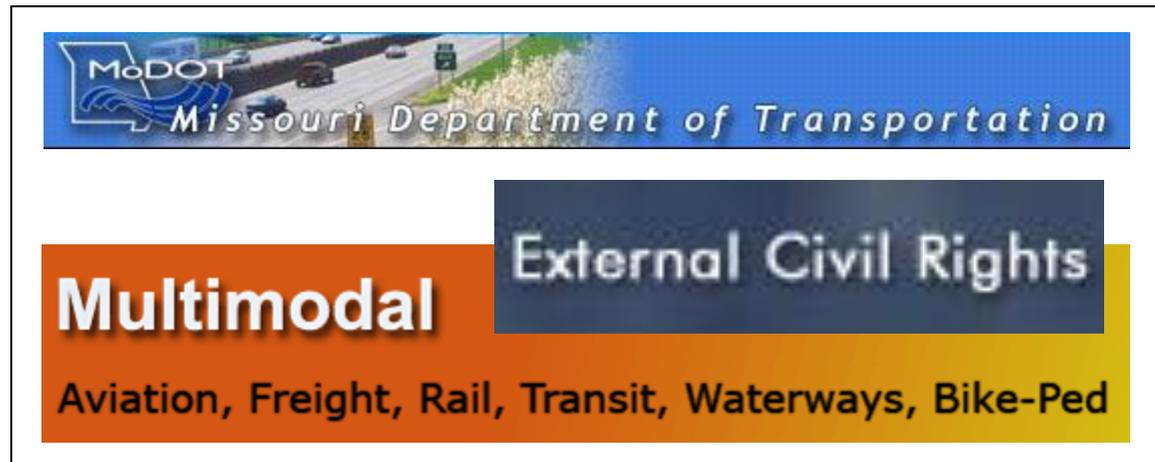


MoDOT Title VI Workshop

General Requirements



Prepared by
Philips & Associates, Inc., Program Consultants

September 5, 2013



Title VI Program Administration and Staff

- **Lester Woods, Jr.**
 - Director – MoDOT External Civil Rights
- **Steve Billings**
 - Administrator of Transit – MoDOT Transit Section
- **Angela Sutton**
 - Intermediate Civil Rights Specialist – MoDOT ECR

Program Consultants

- **George Philips**
 - President – Philips & Associates, Inc.
- **David Dickey**
 - Vice-President – Philips & Associates, Inc.

 Denotes **high importance**.
Used throughout document.
Need to update throughout



Multimodal

External Civil Rights

Aviation, Freight, Rail, Transit, Waterways, Bike-Ped

Title VI Program Outline

- General Requirements page 4
- For Fixed Route Transit Providers page 54
- Guidance for MPOs page 68
- Environmental Justice page 70



Title VI Program Requirements

"Community Transit"
2013-2016
Title VI Program

General Requirements

- A. Introduction
- B. Agency Information
- C. Notice to the Public
- D. Procedure for Filing a Complaint
- E. Complaints, Investigations, Lawsuits
- F. Public Participation Plan
- G. Language Assistance Plan
- H. Advisory Bodies
- I. Subrecipient Assistance
- J. Subrecipient Monitoring
- K. Equity Analysis of Facilities

Additional information

as specified, depending on whether recipient is a transit provider, a State, or a planning entity.

SOURCE: Circular 4702.1B, Appendix A



Title VI Program Template

General Requirements

- A. Introduction (1)
- B. Agency Information (1)
- C. Notice to the Public
- D. Procedure for Filing a Complaint
- E. Complaints, Investigations, Lawsuits
- F. Public Participation Plan
- G. Language Assistance Plan
- H. Advisory Bodies
- I. Subrecipient Assistance (2)
- J. Subrecipient Monitoring (2)
- K. Equity Analysis of Facilities

For Fixed Route Transit Providers

- L. Standards and Policies (3)
- M. Data Reporting and Collection (4)
- N. Transit Service Monitoring (4)
- O. Service and Fare Equity Changes (4)

- (1) recommended
- (2) if applicable
- (3) applies to all fixed route providers (including those that do not meet threshold)
- (4) for providers that operate fixed route transit service that meet threshold (50 or more fixed route vehicles in peak service; 200,000+ population)

Providers of public transportation that only operate demand response service are responsible only for the General Requirements.

SOURCE: Circular 4702.1B, IV-1.



Multimodal

External Civil Rights

Aviation, Freight, Rail, Transit, Waterways, Bike-Ped

Title VI Program

General Requirements and Guidelines

GENERAL REQUIREMENTS AND GUIDELINES



Title VI Program

A. Introduction

TEMPLATE

Introduction

- Every application for FTA financial assistance must be accompanied by an assurance that applicant will carry out the program in compliance with Title VI regulations.**
 - Can utilize FTA Master Agreement language.*
 - Primary recipients shall collect Title VI assurances from subrecipients prior to passing through Title VI funds.
 - MoDOT's Section 5311 application package includes an annual Title VI Certification agreement which includes agency assurance that its governing body is made up of predominantly minority and/or low income individuals, and that potential riders/clients will be predominantly minority and/or low income individuals.

SOURCE: Circular 4702.1B, III-1 (2.); MoDOT 5311 Application, 02/10/12.



Title VI Program

B. Agency Information

Agency Information (recommended)

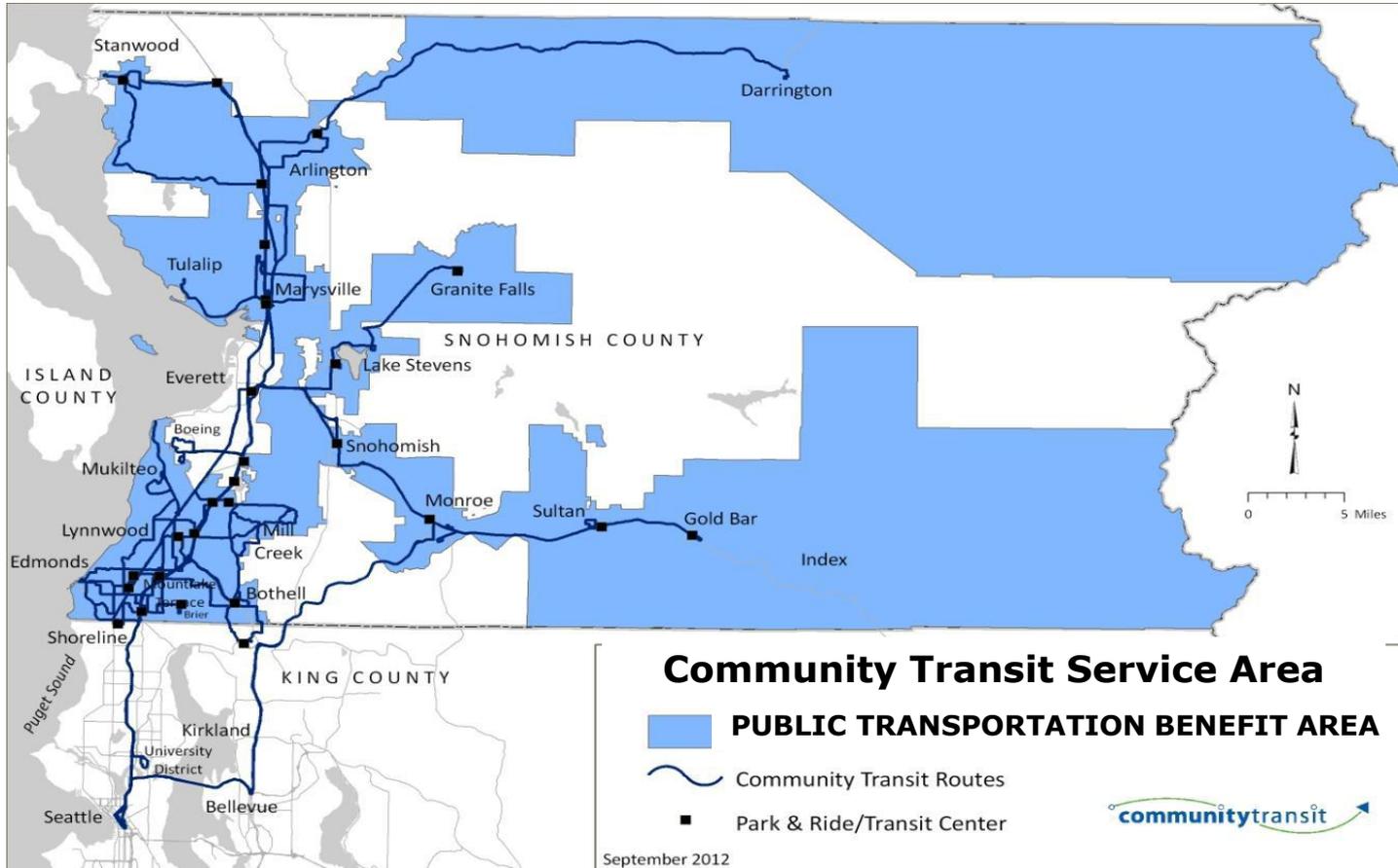
TEMPLATE

- Mission
- History (year started)
- Growth (geographic, population)
- Population served (in context with regional geography).
- Service Area (include map, with any routes utilized).
- Governing body make-up (include terms of office; individual voting rights).



Title VI Program

B. Agency Information





Title VI Program

C. Notice to the Public

Requirement to Notify Beneficiaries of Protection Under Title VI

TEMPLATE

- ❑ Published: Title VI Notice must be published.
- ❑ Content: recipient's obligations under Title VI, and protections against discrimination afforded by Title VI.
- ❑ Local opportunity: Subrecipients must indicate local opportunity to file complaints directly with subrecipient. (May utilize material used by primary recipient.
- ❑ Dissemination: list of locations where notice is posted (website, agency public areas; facilities, vehicles).
- ❑ Document Translation (include Title VI obligations and complaint procedures, consistent with LEP guidance).

SOURCES: Circular 4702.1B, III-4 (5.); FTA Overview, October 2012.



Title VI Program

D. Complaint Procedures

TEMPLATE

Complaint Procedures

- Title VI complaint procedures are intended to provide persons an avenue to raise complaints of discrimination regarding the recipient's programs, activities and services.
- In order to comply with the reporting requirements established in 49 CFR Section 21.9(b)*, **all recipients shall develop procedures for investigating and tracking Title VI complaints** filed against them and make their procedures for filing a complaint available to members of the public. **Title vi officer???? See ComTrns 4.**

**Code of Federal Regulations, Title 49 - Transportation*

SOURCES: Circular 4702.1B, III-5 (6.), Appendix C; FTA Overview, October 2012.



Title VI Program

D. Complaint Procedures

Complaint Procedures

- ✓ Recipients (organizations) must also develop a **Title VI complaint form**, and the form and procedure (notice and instructions) for filing a complaint shall be available on - but not limited to - the recipient's website.
- Subrecipients may adopt the Title VI investigation and tracking procedures and complaint form developed by the primary recipient.

Sample complaint procedure and complaint forms are located in Circular 4702.1B Appendices C and D.

SOURCES: Circular 4702.1B, III-5 (6.); FTA Overview, October 2012.



Title VI Program

E. Monitoring Complaints, Investigations, Lawsuits

Monitoring Complaints, Investigations, Lawsuits

TEMPLATE

- ❑ Maintain and monitor log of Title VI complaints, investigations, status of investigations, actions taken by agency.
 - ❑ Includes documentation of closure letters, letters of finding (LOF)
 - ❑ Includes active investigations by entities other than FTA.
 - ❑ **Formal charges and/or lawsuits will be similarly listed, and investigated by the agency's legal counsel.**
- ❑ **RECOMMENDED: Recipients should make available complaint log report on a semi-annual basis, and a summary of complaints' status on an annual basis.**

SOURCES: Circular 4702.1B, III-5 (7.); FTA Overview, October 2012, Community Transit, Hampton Roads Transit, Maine DOT.



Title VI Program Complaint Examples

- **Metro Transportation Commission of SF and BART: 2010**
 - Alleged violation of Title VI by awarding federal funding for Bay Area Rapid Transit (BART) Oakland airport connector instead of federal funding for AC transit of Oakland to improve bus service. *Result: BART connector lost federal funding, but was built w/other sources.*
- **Los Angeles Metro Transportation Authority (Metro): 1996**
 - Alleged violation of the civil rights of minority citizens of the service area by unlawfully reducing bus service, which is used primarily by minorities, in favor of spending the money on expanding rail service (not benefiting minorities). *Result: consent decree forcing Metro to add bus services. (W/expiration of decree, Metro again under scrutiny.)*
- **Metro Atlanta Rapid Transit Authority (MARTA): 1980s**
 - MARTA made decision to operate its newest vehicles out of northern garage (not a minority area), and oldest vehicles out of southern garage (minority area). In addition, most of their bus shelters and other transit amenities were in the north. *Result: order to redistribute buses and shelters more equitably throughout the service area.*

SOURCE: Overview of Title VI, Christopher MacKechnie, 2012



Title VI Program

F. Public Participation (Engagement) Plan

TEMPLATE

Case Studies:

- *The Utah Transit Authority had to slightly reduce its bus service in order to provide the resources to operate two new light rail lines (positively anticipated) that it opened in 2011. They provided two proposals (including vehicle service standards) to the public, and selected the proposal that was viewed more favorably.*
- *Metro St. Louis.....West magazine*
- *LEP example*

SOURCE: Overview of Title VI, Christopher MacKechnie, 2012



Title VI Program

F. Public Participation (Engagement) Plan

Promoting Inclusive Public Participation (Engagement)

- ✓ **Process should include community meetings to provide education and highlight Title VI Plan components.**
 - Board should conduct public hearings during triennial development of Title VI Plan.**
 - Seek out information effectively from the community regarding the LEP experience.**
- ✓ The **robust** public participation plan should contain:
 - Desired outcomes (goals, objectives);
 - Proactive strategies (inclusive of all stakeholders);
 - Procedures (communication, visualization, publication and distribution of information, outreach/meetings)

SOURCES: Circular 4702.1B, III-5 (8.); FTA Overview, October 2012; FTA Office of the Administrator, May 16, 2013.



Title VI Program

F. Public Participation Plan

Promoting Inclusive Public Participation

- ❑ Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place.
 - ❑ Recipients should make these determinations based on a demographic analysis of the populations affected.
 - ❑ Goal is *inclusive* public participation.
 - ❑ Efforts to include minority and LEP populations should be carried forth proactively.
- ❑ **RECOMMENDED:** Recipients should summarize and report public outreach and involvement activities, triennially.
 - ❑ **Includes outreach activities of prior Title VI period.**

SOURCES: Circular 4702.1B, III-5 (8.); FTA Overview, October 2012.



Title VI Program

F. Public Participation (Engagement) Plan

Public Participation Best Practices

- Publicize meetings as far in advance as possible.
- Make sure you are reaching targeted communities.
- Meet at convenient times and accessible locations utilizing different meeting sizes and formats.
- Make sure agency decision makers are in attendance.
- Prepare several different service proposals.
- Secure public comments before finalizing any proposals.

SOURCE: Overview of Title VI, Christopher MacKechnie, 2012



Title VI Program

F. Public Participation (Engagement) Plan

Public Participation Best Practices

- ❑ Be flexible on how long a person may speak (despite announced time limit). Speakers will appreciate the opportunity to be heard on their own terms.
- ❑ Listen to public comments and be willing to modify proposal in response to the comments. Many attendees believe that public hearings are held only to satisfy legal requirements.
- ❑ Collect as much data as possible before proposing changes.
- ❑ Communicate clearly the rationale for any change.

SOURCE: Overview of Title VI, Christopher MacKechnie, 2012



Title VI Program

G. Language Assistance Plan

TEMPLATE

True or False?

English is the official language of the United States.

False

There is no official language of the United States.



Title VI Program

G. Language Assistance Plan

Who is a Limited English Proficiency (LEP) person?

*Sometimes referred to as a **limited English proficient** person.*

- ❑ A person who has a limited ability to read, speak, write or understand English.
 - ❑ The inability use the English language at a level that permits effective interaction with providers.
- ❑ Public transit is a key means of achieving mobility for many LEP persons.
 - ❑ LEP persons are three times more likely to use public transit services, than those who speak English well.



Title VI Program

G. Language Assistance Plan

- **Title VI of the Civil Rights Act is the legal basis for LEP regulations, to disallow national origin discrimination.**
- Executive Order 13166 directs each agency providing Federal financial assistance to issue guidance to recipients of such assistance on their legal obligation to take reasonable steps to *ensure meaningful access* for LEP persons under the national origin nondiscrimination provisions of the Civil Rights Act of 1964, and implementing regulations.

Title VI of the Civil Rights Act of 1964 provides that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance.

SOURCES: Circular 4702.1B, III-6 (9.); Attorney General, February 11, 2011.



Title VI Program

G. Language Assistance Plan

Source Material

- ❑ Title VI of the Civil Rights Act of 1964
www.fta.dot.gov/civilrights/12328.html
- ❑ Executive Order 13166 – *"Improving Access for Persons with Limited English Proficiency,"* August 18, 2000
www.lep.gov/13166/eo13166.html
- ❑ FTA Circular 4702.1B, *"Title VI Requirements and Guidelines for Federal Transit Administration Recipients,"* October 1, 2012
www.fta.dot.gov/legislation_law.12349_14792.html
- ❑ State Program/Plan Documentation and Guidance



Title VI Program

G. Language Assistance Plan

Specifically, the Title VI Program includes a **requirement to provide *meaningful access* to LEP persons.**

What does meaningful access look like?

- Practices and operating procedures cannot have the effect of restricting meaningful participation by LEP persons.
- Language assistance, to whatever extent it is provided, must be at no cost to the individual.
- It must be competent assistance.

SOURCE: Circular 4702.1B, III-6.



Title VI Program

G. Language Assistance Plan

Overview of requirements:

- ❑ Identify LEP individuals who need language assistance (Four Factor Analysis).
- ❑ Develop a Language Assistance (LA) Plan.
- ❑ Implement and maintain your Language Assistance Plan.
- ❑ There are variable guidelines regarding incorporation of written translated materials (Safe Harbor Provision) in the Language Assistance plan.

The Language Assistance Plan is sometimes referred to as the LEP Plan. Most accurately, the Requirement to Provide Meaningful Access to LEP Persons (FTA C 4702.1B III-6) includes the two-fold process of conducting a Four Factor Analysis, and using those results to develop a Language Assistance Plan (or LEP Plan) (FTA C 4702.1B III-8).



Title VI Program

G. Language Assistance Plan

Language Assistance Plan Title VI requirements:

- Provide summary** of public outreach and involvement activities to engage minority and LEP populations.
- Have in place Title VI notice and instructions on how to file a discrimination complaint.
- Implement procedures for tracking and investigating Title VI complaints.
- List** any Title VI investigations, complaints, or lawsuits.
- Title VI Notices, including notices advising LEP persons of the availability of free language assistance.



Title VI Program

G. Language Assistance Plan

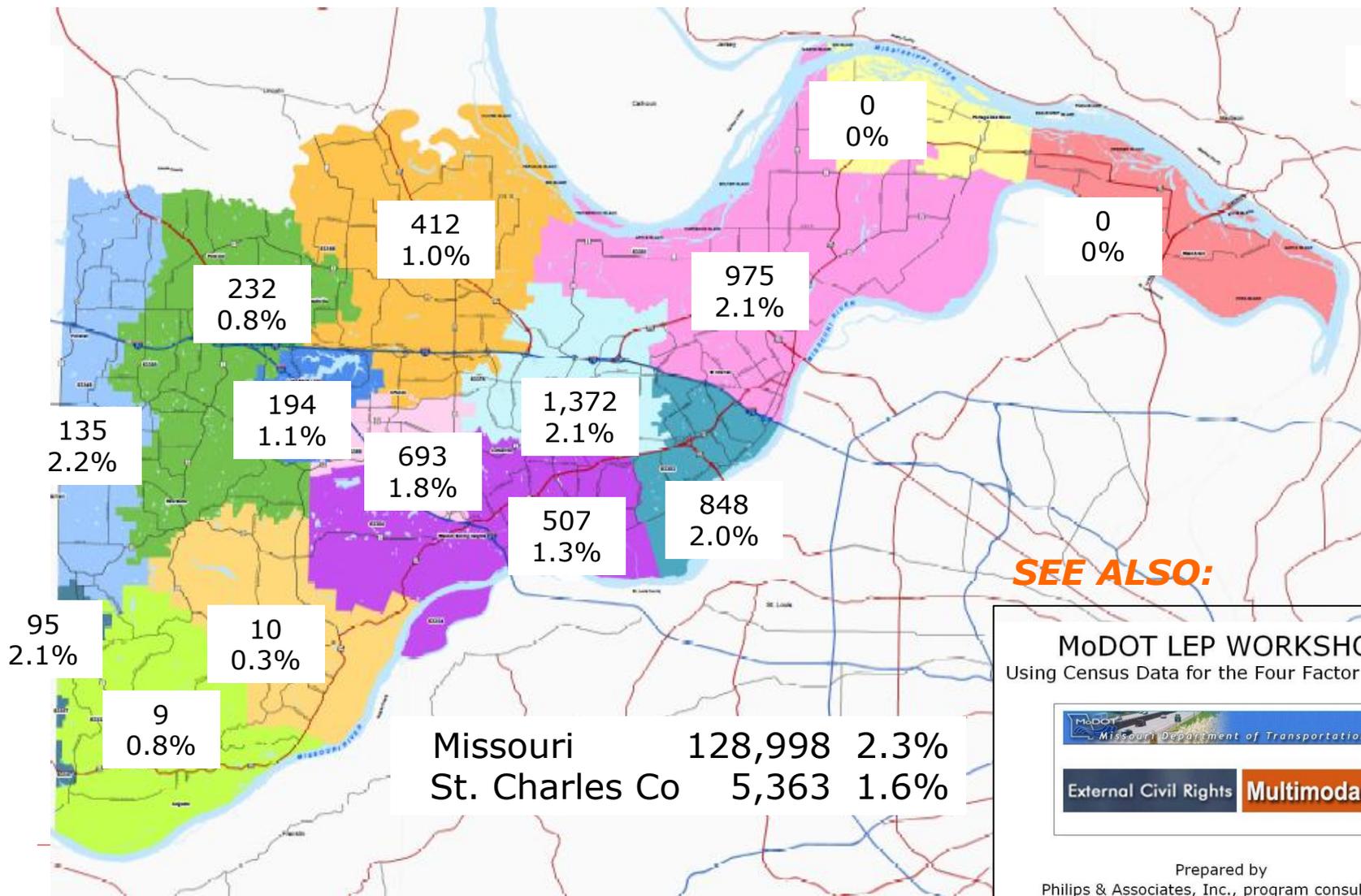
Identify LEP individuals who need language assistance.

Four-Factor Analysis

- ❑ Factor 1: The **number or proportion of LEP persons** in organization's area.
- ❑ Factor 2: The **frequency of contact** between LEP persons and the organization's services.
- ❑ Factor 3: The **importance of the service** provided by the organization.
- ❑ Factor 4: The **resources available** to the organization and costs.

St. Charles County: LEP Population

"Speak English less than very well"



SEE ALSO:

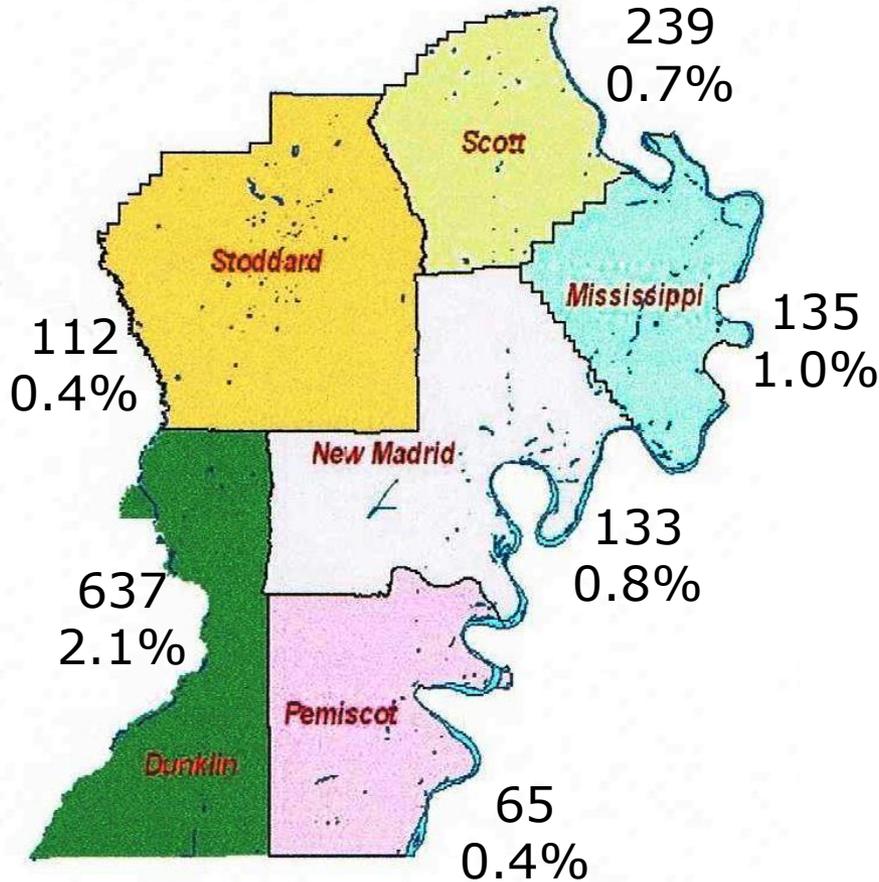
MoDOT LEP WORKSHOP
Using Census Data for the Four Factor Analysis

External Civil Rights **Multimodal**

Prepared by
Philips & Associates, Inc., program consultants

Missouri Bootheel: LEP Population

"Speak English less than very well"



Missouri	128,998	2.3%
6 county area	1,321	0.9%

SEE ALSO:

MoDOT LEP WORKSHOP
Using Census Data for the Four Factor Analysis




Prepared by
Philips & Associates, Inc., program consultants



Title VI Program

G. Language Assistance Plan

Four-Factor Analysis

- Factor 2: Frequency with which LEP persons come into contact with the program.**
 - a. Document staff encounters with LEP persons:
 - In the course of providing organization's services.
 - At agency (organization) and public meetings and programs.
 - b. Track contacts (calls) for assistance:
 - Volume
 - Volume as percentage of all customer service calls
 - Trends

Maintain records of LEP person encounters.



Title VI Program

G. Language Assistance Plan

Four-Factor Analysis

- **Factor 3: Nature and importance of the program, activity, or service provided by the program to people's (LEP persons') lives.**
 - a. Identify your organization's most critical services/benefits.
 - b. Interact (outreach) with community and organizations that champion needs of LEP persons.
 - c. Seek out information effectively from the community regarding the LEP experience.
 - d. Corroborate results of community outreach efforts.



Title VI Program

G. Language Assistance Plan

Four-Factor Analysis

- **Factor 3: Nature and importance of the program, activity, or service provided by the program to people's (LEP persons') lives.**
 - b. Interact (outreach) with community and organizations that champion needs of LEP persons.**
 - Plan and hold **community meetings** for purpose of obtaining information regarding needs of LEP persons.
 - Partner with **community organizations** where similar goals can be achieved.
 - **Publicize** organization's language assistance measures (with non-English media, where possible).



Title VI Program

G. Language Assistance Plan

Four-Factor Analysis

- **Factor 4: Resources available to the recipient** (organization) for LEP outreach, as well as the costs associated with that outreach.
 - a. Inventory** language assistance measures currently being provided, along with associated costs.
 - b. Determine** what **additional services** are needed.
 - c. Consider cost effective practices.**
 - Language assistance products developed and paid for by local, regional, state government agencies.
 - Bilingual staff to serve as interpreters/translators.
 - Use telephone interpretation services.
 - d. Plan your budget.**



Title VI Program

G. Language Assistance Plan

RESOURCES

Organization's Website

You are here: [Home](#) > [Rider Guide](#) > [Non-English Resources](#)

Non-English Resources

[Traducciones en español](#)

View KCATA's [Limited English Proficiency Plan](#). [PDF]



If you or someone you know need language interpretation to understand Metro service information, several Metro bus schedules include Spanish translation. Or, refer them to 816-221-0660. The Call Center agent will provide assistance by connecting callers with the TeleLanguage Service.

TeleLanguage Service

The Metro has access to interpreters who can assist riders with bus schedule information in more than 50 languages. If you or someone you know needs to speak to a non-English interpreter for over-the-phone answers to your questions about riding The Metro, please call us at 816-221-0660. This free service is available from 6 a.m. to 7 p.m., Monday through Friday.

Spanish Translation

The following Metro documents are also printed in Spanish:
Reduced farecard applications En Espanol.

[Senior](#)

[Youth](#)

[Persons with Disabilities](#)

www.kcata.org



Title VI Program

G. Language Assistance Plan

RESOURCES

Traducciones en español

Si usted o alguien que usted conoce necesita servicios de interpretación de idiomas para entender la información de los servicios del Metro, sepa que hay varios horarios de autobuses del Metro escritos en español. También se puede llamar al 816-221-0660. Un agente del Centro de Llamadas le ayudará a conectar a las personas que llamen con los servicios de TeleLanguage.

Servicio TeleLanguage

El Metro tiene acceso a intérpretes que pueden ayudar con información sobre los horarios de los autobuses en más de 50 idiomas. Si usted o alguien que usted conoce necesita hablar a través de un intérprete para obtener respuestas por teléfono a sus preguntas sobre tomar El Metro, favor de llamarnos al 816-221-0660. Este servicio gratuito está disponible desde las 6 a.m. to 7 p.m., de lunes a viernes, en todos los idiomas.

Traducciones en español

Los siguientes documentos del Metro también están disponibles en español.

Solicitudes de Tarjeta de Costo Reducido

- [Personas de la Tercera Edad](#)
- [Menores](#)
- [Personas con Discapacidades](#)

Title VI Program

G. Language Assistance Plan

Pictograms

- ❑ "I Speak Cards" are an appropriate "front-line" tool for identifying language of LEP persons.
- ❑ "I Speak Cards" can be customized to characteristics of your organization's LEP population.
- ❑ Website/application ("app") translators

An Interpreter Will Be Provided At No Cost To You

Arabic اللغة العربية وستنادي المترجم حالاً.	Korean 한국말 당신이 쓰는 말을 지적하세요.
Armenian Հայերէն Երկրագնդի լեզուները	Laotian ພາສາລາວ ຂໍຢັບອກພາສາທີ່ເຈົ້າເວົ້າໄດ້
Cambodian ភាសាខ្មែរ សូមចង្អុលភាសាអ្នក	Mandarin 國語 請指認您的語言。
Cantonese 廣東話 唔該點出您講嘅語言。	Polish Polski Proszę wskazać na swój język ojczysty.
French Français Montrez-nous quelle langue vous parlez.	Portuguese Português Aponte seu idioma.
German Deutsch Zeigen Sie auf Ihre Sprache.	Russian Русский Язык Укажите, на каком языке Вы говорите
Hindi हिन्दी अपनी भाषा इशारे से दिखाइये।	Spanish Español Señale su idioma.
Hmong Hmoob Thov taw tes rau koj yam lus.	Tagalog Tagalog Paki turo mo nga ang iyong wika.
Italian Italiano Faccia vedere qual è la sua lingua.	Thai ภาษาไทย ทำเครื่องหมายภาษา ที่ท่านใช้ภาษาที่ท่านพูด
Japanese 日本語 あなたの話す言葉 を指さしてください	Vietnamese Tiếng Việt Chỉ rõ tiếng bạn nói.

POINT TO YOUR LANGUAGE



Title VI Program

G. Language Assistance Plan

RESOURCES

Translation service options:

- Bilingual staff
- Staff interpreters
- Contract interpreters
- Telephone interpreter services
- Formal agreements with community volunteers

Language assistance is an enforceable regulation. Organizations should develop list of LEP resources in each service region, and for each language group. Many organizations schedule rides in advance, which gives the organization time to call upon their resources.



Title VI Program

G. Language Assistance Plan

RESOURCES

Translated schedules and route maps:

- Available at transit service centers, community-based organization offices, community centers, health agencies, on-board transit vehicles, etc.



Title VI Program

G. Language Assistance Plan

RESOURCES

Vital (Critical) Documents

- ❑ Determination whether a document is vital (or critical), or not, is to be made by the recipient/subrecipient (organization), and will **depend on the consequence to the LEP person (or group) if the information is not provided.**
- ❑ Vital information should be translated into the language of each frequently-encountered LEP group served and/or likely to be affected by the program. (See “Safe Harbor” discussion.)



Title VI Program

G. Language Assistance Plan

RESOURCES

Vital (Critical) Documents may include:

- Employment applications**
- Documents** critical for accessing agency (organization) services or benefits.
- Information on **the right to file a complaint**
- Complaint forms**
- Key information regarding **where an LEP person may obtain further, *translated*, information**
- Outreach materials** directed to the greater, inclusive community served by the agency (organization).
- Letters** requiring response from clients.



Title VI Program

G. Language Assistance Plan

Safe Harbor Provision

LEP guidelines overview –

- Provide “meaningful access” to LEP persons.
- Select language assistance and translation services.
- Identify vital (or critical) documents.
- Understand when safe harbor provision is applicable.**



Title VI Program

G. Language Assistance Plan

Safe Harbor Provision:

- A “safe harbor” [a legal term] means that if a recipient (organization) provides **written translations** *under this provision*, such action will be considered strong evidence of compliance with the recipient’s (organization’s) written translation obligations.

- The failure to provide written translations under this provision does not dictate there is noncompliance. This provision merely provides a guide for recipients (organizations) that would like *greater certainty of compliance*.



Title VI Program

G. Language Assistance Plan

Safe Harbor Provision:

- The Safe Harbor Provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable.
- Requires written translations of vital (critical) documents *for each LEP group that meets the threshold.*



Title VI Program

G. Language Assistance Plan

Safe harbors for written translations:

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the service area or among current beneficiaries.	Translated vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number.	Translated written notice* of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number.	No written translation is required.

*in the primary language of the LEP language group.



Title VI Program

G. Language Assistance Plan

Summary Guidance

- Developing a sound language assistance plan:
 - What specific steps should be taken will depend on:
 - The information gathered from census, other data.
 - Fieldwork with LEP individuals and the organizations that serve them.
 - Analysis of organization resources and costs of providing (different types of) language assistance.

Successful Language Assistance Plan will demonstrate organization's commitment to **reasonable steps** – consistent with organization's mission and capacity.



Title VI Program

H. Advisory Bodies

Minority Representation on Planning and Advisory Bodies

TEMPLATE

- ❑ Recipients are encouraged to have a transit-related, non-elected planning board, or advisory council, to provide insight, direction, and approval for Agency Title VI Program.
- ❑ Recipient must provide a table depicting membership of non-elected committees and councils, the membership of which is selected by the recipient, by race breakdown.
- ❑ Recipient should provide a description of efforts made to encourage the participation of minorities on such advisory bodies.

SOURCES: Circular 4702.1B, III-9 (10.); FTA Overview, October 2012.



Title VI Program

I. Subrecipient Assistance

Subrecipient Assistance

- Primary recipients should provide subrecipients:
 - Sample public notices, Title VI complaint procedures, and the recipient's Title VI complaint form.
 - Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient.
 - Direction regarding obtaining demographic information of population served by subrecipients.
 - **Technical assistance.**
 - **Reviews of Title VI Programs; follow-up as necessary.**

SOURCE: 5702.1B III-10 (11.), VIII-1; FTA Overview, October 2012.



Title VI Program

J. Subrecipient Monitoring

Subrecipient Monitoring

- ❑ Primary recipients must monitor subrecipients.
 - ❑ Non-compliant subrecipient means primary recipient is also non-compliant.
- ❑ Primary recipients shall:
 - ❑ Document process for ensuring all subrecipients are complying with the general and specific requirements.
 - ❑ Collect and review subrecipients' Title VI Programs.
 - ❑ At FTA's request, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of service is equitably provided.

SOURCES: Circular 4702.1B, III-10 (12.); FTA Overview, October 2012.



Title VI Program

K. Equity Analysis of Facilities

Equity Analysis of Facilities

TEMPLATE

- ❑ The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.

- ❑ “Facilities” include but are not limited to:
 - ❑ Vehicle storage facilities
 - ❑ Maintenance facilities
 - ❑ Operations centers, etc.

- ❑ “Facilities” do not include:
 - ❑ Bus shelters (*these are transit amenities – IV*)
 - ❑ Transit stations
 - ❑ Power substations, etc.

Applicable to service and fare equity analysis AND facility location discussion. See esp. III-11 (13.)

SOURCE: Circular 4702.1B, III-11 (13.); FTA Overview, October 2012.

Title VI Program

K. Equity Analysis of Facilities

Equity Analysis of Facilities

- ❑ Identify several alternatives for site of facility.
- ❑ Engage in outreach to persons *potentially impacted*

Example:

- ❑ Will any persons be displaced from their residences (by reason of land acquisition)?
- ❑ Are there existing facilities that – together with proposed facility – would have cumulative adverse impact?
- ❑ Analysis should be done at the census tract or block group level.
- ❑ Conduct “two test” exercise to determine whether facility can proceed, despite **disparate impact**.

Recall discrimination discussion.

SOURCE: Circular 4702.1B, III-11 (13.); FTA Office of Administrator, 2013.



Title VI Program Discrimination

Applicable to service and fare equity analysis AND facility location discussion. See esp. III-11 (13.)

When can recipients take actions that have disparate impacts?

- ❑ In cases when the proposal is supported by a “substantial legitimate justification” (“TEST ONE”) **and**
- ❑ There are no comparable effective alternative practices that would result in less **disparate impacts as calculated by agency disparate impact policy** (“TEST TWO”).

Guidance on disparate impact policy is discussed in fixed route service and fare change section.

	Purpose	Threshold	
Disparate impact policy	Determines when adverse effects are borne disproportionately by minority populations.	Determined by agency. Example: +/-15% difference in impacts between minority and non-minority riders.	Must be consistently applied throughout the analysis.

SOURCES: Transit Action Network, Kansas City MO ; 4702.1B, III-11.; GRTA (Georgia).



Multimodal

External Civil Rights

Aviation, Freight, Rail, Transit, Waterways, Bike-Ped

Title VI Program

FIXED ROUTE TRANSIT PROVIDES

FOR FIXED ROUTE TRANSIT PROVIDERS



Title VI Program Fixed Route Introduction

Introduction

- ❑ Applies to all providers of fixed route public transportation (transit providers) that receive Federal financial assistance.
- ❑ Contractors follow Title VI Program of transit provider.
- ❑ Subrecipient transit providers submit requirements to their primary recipient.

SOURCES: 4702.1B, IV-1 thru IV-3 (1., 2., 3.); FTA Overview, October 2012.

Title VI Program

Fixed Route Introduction

Requirements for Fixed Route Transit Providers

Requirement	Transit Providers that operate fixed route service	Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: <ul style="list-style-type: none"> Demographic and service profile maps and charts Survey data regarding customer demographic and travel patterns
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required

At this time, applies to METRO (St. Louis) and KCATA (Kansas City).

SOURCE: Circular 4702.1B, IV-1 (1.)



Title VI Program

L. Standards and Policies

System-Wide Service Standards and Policies*

TEMPLATE

- Applies to all fixed route providers or public transportation service.
- All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service.
- Standards and policies must address how service is distributed across the transit system.
- Recipients should report any changes in service standards or policies made during the past year on an annual basis.

****applies to all fixed route providers (including those that do not meet volume threshold).***

Providers of demand response service are responsible only for General Requirements.

SOURCE: Circular 4702.1B, IV-4 (4.); FTA Overview, October 2012.



Title VI Program

L. Standards and Policies

Effective Practices to Fulfill the Service Standard Requirement:

Quantitative standards:

1. Vehicle load for each mode.
2. Vehicle headway for each mode.
3. On-time performance for each mode.
4. Service availability for each mode.

Vehicle load applies to each vehicle type.

Headway, on-time performance, and service availability is more relevant to entire system.

Effective Practices to Fulfill the Service Policy Requirement:

Qualitative standards:

1. Vehicle assignment for each mode.
2. Distribution of transit amenities (such as bus shelters) for each mode.

See Community Transit **Title VI Program** for Service Standards and Service Policies example. (Pages 22-26)

SOURCE: FTA Overview, October 2012.



Title VI Program

L. Standards and Policies

Standards and Policies: Definitions

- **Vehicle Load:** Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point. Can specify vehicle loads for peak vs. off-peak times, and for different modes of transit.
- **Vehicle Headway:** The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- **On-time performance:** A measure of runs completed as scheduled.
- **Service availability:** A general measure of the distribution of routes within an agency's service area.

SOURCE: Circular 4702.1B, IV-4 (4.)



Title VI Program

M. Data Reporting and Collection

METRO, KCATA

Requirement to Collect and Report Demographic Data*

TEMPLATE

- ❑ Must prepare data regarding demographic and service profile maps and charts and customer demographic travel patterns.
 - ❑ **Demographic and Service Profile Maps and Charts**
 - ❑ Base map of service area that overlays with geographic data.
 - ❑ Demographic map.
 - ❑ **Demographic Ridership**
 - ❑ **Travel Patterns**

**** applies to providers that operate 50 or more fixed route transit vehicles in peak service; 200,000+ population.***

SOURCE: Circular 4702.1B, IV-7 (5.); FTA Overview, October 2012.



Title VI Program

N. Transit Service Monitoring

METRO, KCATA

TEMPLATE

Requirement to Monitor Transit Service*

- Implement monitoring program for 4 standards and 2 policies noted at: *L. Standards and Policies.*
- Assess performance of each minority and non-minority route in sample. **Compare to standards and policies.**

Standard #4: Service Availability for Minority and Non-Minority Residents

# of Households	Within 0.5mi.	More than 0.5 mi.
Minority	86.6%	13.4%
Non-minority	76.8%	23.2%
System	78.5%	21.5%

- Study amenities (such as bus shelters) distribution.

*** applies to providers that operate 50 or more fixed route transit vehicles in peak service; 200,000+ population.**

SOURCE: Circular 4702.1B, IV-9 (6.), Appendix J; FTA Overview, October 2012.



Title VI Program

N. Transit Service Monitoring

METRO, KCATA

Requirement to Monitor Transit Service

- Brief and obtain Board approval regarding monitoring program results.
- Submission of monitoring results every 3 years in Title VI program.
- Primary recipient should document results of subrecipient monitoring program and report, including evidence that the board or other governing entity or official(s) approved results.

SOURCE: Circular 4702.1B, IV-9 (6.); FTA Overview, October 2012.



Title VI Program

O. Service and Fare Equity Analysis

METRO, KCATA

TEMPLATE

Use service and fare equity checklist*

- Develop **major service change** policy.
- Develop disparate impact policy (and adverse effect determination).
- Develop disproportionate burden policy (and adverse effect determination).

Step-by-step guidance is offered in the **FTA Service Equity Ridership vs Population Data** Presentation, 11/07/12.

Step-by-step guidance is offered in the **FTA Fare Equity Analysis Ridership Data** Presentation, 10/24/12.

See Community Transit Title VI Program for **Major Service Change & Impact Policies** example.

*** applies to providers that operate 50 or more fixed route transit vehicles in peak service; 200,000+ population.**

SOURCE: Circular 4702.1B, IV-9 (6.); FTA Overview, October 2012.



Title VI Program

O. Service and Fare Equity Analysis

METRO, KCATA

Policy	Purpose	Threshold
Major Service Change (same as current policy)	Establishes a service change threshold that warrants a service equity analysis	Route addition/elimination or >25% change in revenue hours
Disparate Impact (new policy related to minority populations)	Determines when adverse effects of major service changes are borne disproportionately by <i>minority</i> populations	+/- 15 percentage point difference in impacts between minority and non-minority riders
Disproportionate Burden Impact (new policy related to low-income populations)	Determines when adverse effects of major service changes are borne disproportionately by <i>low-income</i> populations	+/- 3% percentage point difference in impacts between low-income and non low-income riders



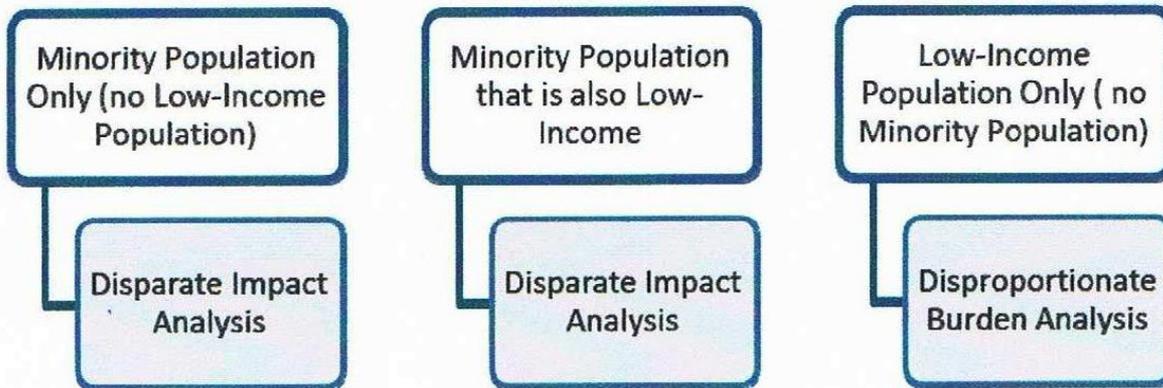
Title VI Program

O. Service and Fare Equity Analysis

METRO, KCATA

Requirement to Evaluate Service and Fare Equity Changes

- What is the proper analysis?



SOURCE: Circular 4702.1B, IV-9 (7.); FTA Overview, October 2012.



Title VI Program

O. Service and Fare Equity Analysis

METRO, KCATA

Requirement to Evaluate Service and Fare Equity Changes

- ✓ Primary recipient should document results of service and/or fare equity analysis conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) approved results (before implementation of those changes).
- In addition to the periodic report, transit agencies must also conduct a Title VI assessment whenever they make major changes to a route or any change in fares. A major change is defined as changing the service hours or length of a route by more than 25%.

SOURCE: Circular 4702.1B, IV-9 (7.); FTA Overview, October 2012; FTA Office of the Administrator, May 16, 2013; Christopher MacKechnie.



Title VI Program Fixed Route Summary

METRO, KCATA

Requirements for transit providers that operate 50 or more fixed route vehicles in peak service and 200,000+ population:

- ❑ All general requirements set forth in Circular, Chapter III.
- ❑ A demographic analysis of transit provider's service area.
- ❑ Data regarding customer demographics; travel patterns.
- ❑ Results of monitoring program of service standards and policies and any action taken.
- ❑ A description of the public engagement process for "major service change policy" and disparate impact policy.
- ❑ A copy of board meeting minutes and resolutions.
- ❑ Results of equity analysis.
- ❑ A copy of board meeting minutes or a resolution demonstrating consideration, awareness, and approval of the equity analysis.

SOURCE: FTA Overview, October 2012.



Multimodal

External Civil Rights

Aviation, Freight, Rail, Transit, Waterways, Bike-Ped

Title VI Program Guidance for MPOs

GUIDANCE FOR MPOs



Title VI Program Guidance for MPOs

Requirements of MPOs

- ❑ All general requirements
- ❑ Fixed route requirements, if applicable
- ❑ Demographic profile of the metropolitan area
- ❑ Description of procedures by which the mobility needs of minority populations are identified and considered in the planning process.
- ❑ Demographic maps that show the impacts of the distribution of state and federal funds in the aggregate for public transportation projects.
- ❑ Analysis of the MPO's transportation system investments that identifies and addressed any **disparate impacts**.
- ❑ Description of the procedures the agency used to ensure non-discriminatory pass-through of FTA financial assistance (if requested).
- ❑ Description of the procedures the agency uses to provide assistance to potential subrecipients in a nondiscriminatory manner (if requested).

SOURCE: Circular 4702.1B, Appendix A.



Multimodal

External Civil Rights

Aviation, Freight, Rail, Transit, Waterways, Bike-Ped

Title VI Program Environmental Justice

ENVIRONMENTAL JUSTICE



Title VI Program Environmental Justice

Environmental Justice Assessment Process

- Under the process outlined in Executive Order 12898 and the US DOT's order, consideration of environmental justice issues must be considered during preparation of an **Environmental Impact Statement (EIS)**. General principles required as part of the EIS analysis are as follows:
 - **Identification of Minority or Low-Income Populations:** Agencies should consider the composition of the affected area to determine whether minority populations, low-income populations, or Indian tribes are present, and if so whether there may be disproportionately high and adverse human health or environmental effects on these populations. This identification should occur as early as possible during the **EIS** process.

Circular 4702.1B (10/1/2012) moves **Environmental Justice** language to new EJ Circular 4703.1 (8/15/2012) with the exception of the service and fare equity analysis section.

SOURCE: fta.dot.gov: Environmental Justice



Title VI Program Environmental Justice

Environmental Justice Assessment Process

- ❑ **Public Participation:** Agencies should develop effective public participation strategies that assure meaningful community representation in the **EIS** process.
- ❑ **Numeric Analysis:** Where a disproportionate and adverse environmental impact is identified, agencies should consider relevant demographic, public health and industry data concerning the potential for exposure to human health or environmental hazards in the affected population, to the extent that such information is reasonably available.
- ❑ **Alternatives and Mitigation:** The relative impact of alternatives should be considered, and measures to avoid, minimize, and mitigate impacts should be evaluated as part of the **EIS**.

SOURCE: fta.dot.gov: Environmental Justice