

FTA

FEDERAL TRANSIT ADMINISTRATION

Region IV State Programs Team Annual Meeting

Atlanta, GA
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Title VI Program



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FTA

FEDERAL TRANSIT ADMINISTRATION

Presentation Outline

- Title VI
- ADA
- Proposed Revisions to EEO Circular 4704.1
- DBE – TVM
- TRAMS
- Resources
- Questions // Comments

Title VI

Title VI of the Civil Rights Act of 1964

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 of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Civil Rights Restoration Act of 1987

Title VI applies to all programs & activities of Federal-aid recipients, sub-recipients & contractors whether those programs & activities are federally funded or not.



Title VI Circular 4702.1B

- FTA's revised circular – October 1, 2012.
- Guidance to grantees on how to comply with Title VI regulations
- Specific compliance information and appendices with additional guidance and examples.
- TCR is working on an update to the current Title VI Circular. Visit the website and click on “[sign up for e-mail updates](#)” for more information

Chapter III of Circular 4702.1B

- General Requirements and Guidelines

Submit a Title VI Program

- Every 3 years
- At least 60 calendar days prior to expiration date
- All recipients must have Title VI Program approved by the recipient's board of directors, appropriate governing entity or official(s) responsible for policy.
- Including:
 - Copy of board resolutions; Meeting minutes; or similar documentation

Requirements for ALL Recipients

Title VI Program Elements:

- Notice of Rights under Title VI
- Complaint Procedures & Copy of complaint form
- List of Title VI investigations, complaints or lawsuits
- Public Participation Plan
- LEP Plan
- Racial Breakdown of Non-elected Advisory Councils
- Narrative Describing Subrecipient Monitoring
- Title VI Equity Analysis (if any)
- Board of Directors resolution or meeting minutes demonstrating the board approved the Title VI Program

Chapter V of Circular 4702.1B

- Requirements for States

State DOTs

- State shall include:
 - General requirements outlined in Chapter III
 - Any applicable transit provider requirements
 - Signed by State Secretary of Transportation
 - Demographic profile
 - Demographic maps
 - Analysis of disparate impacts
 - Statewide transportation planning process
 - **Pass-through procedures**
 - **Procedures to assist sub-recipients**

State DOTs

- All States must conduct planning activities
- Collect Title VI programs from MPOs
- Self Certification; and
- Collection and storage from sub-recipients is for state to determine

State DOTs

- Document FTA funds are passed-through without regard to race, color, or national origin
- States prepare/maintain but not report unless requested by FTA:
 - Record of funding request
 - Description of competitive selection process
 - Agency's selection Criteria

Subrecipient (Title VI Program)

Required Information

Subrecipients may choose to adopt the primary recipient's: Apply to All

- 1. Notice of Rights under Title VI;**
- 2. Complaint procedures & Complaint Form**
- 3. Public participation plan; and**
- 4. LEP Analysis and Language assistance plan.**
- 5. List of Title VI investigations, complaints or lawsuits**

Subrecipient (Title VI Program)

May or May Not Apply to Subrecipients

- 6. Racial breakdown of Non-elected Advisory Councils**
- 7. Narrative describing subrecipient monitoring**
- 8. Title VI Equity Analysis (if any)**

Note: Resolution, meeting minutes, or other documentation demonstrating Board approval or approval from highest official.

Subrecipient Assistance

Primary recipient should provide assistance to the subrecipient...

- Sample Title VI Notices
- Procedures for investigating Title VI complaints & Complaint Forms
- Demographic information on race & English proficiency
- Any other recipient-generated data that will assist subrecipients in complying with Title VI

Subrecipient Monitoring

- Primary recipients must monitor subrecipients
- Non-compliant subrecipient means primary recipient is also non-compliant

Primary recipients **shall**:

- Document process for ensuring subrecipients compliance
- Collect and review subrecipient's Title VI Program

FTA may request that subrecipients who provide transportation services verify that their level and quality of service is equitably provided.

Timeline for Submittals

Grantee	Title VI Program Expiration Dates
ALDOT	11/30/2016
FDOT	11/30/2016
GDOT	7/31/2016
GDHS	3/31/2017
KYTC	11/30/2017
MDOT	5/31/2018
NCDOT	5/31/2017
PRHTA	5/31/2017
SCDOT	5/31/2017
TDOT	3/31/2017
VIDPW	3/31/2017

Americans with Disabilities Act

- The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities.
- The Federal Transit Administration works to ensure **nondiscriminatory transportation** in support of our mission to enhance the social and economic quality of life for all Americans. The FTA Office of Civil Rights is responsible for civil rights compliance and monitoring to ensure nondiscriminatory provision of public transit services.

ADA Circular

- In October 2015, FTA issued its ADA Circular.
- This is a new circular. It does not cancel, alter, amend or supersede any existing directive.

FTA CIRCULAR 4710.1

“AMERICANS WITH DISABILITIES ACT
GUIDANCE”

ADA Circular

Primarily addresses the following types of public transit services:

- Fixed route bus
- Complementary paratransit
- Demand responsive
- Rail (rapid, light, and commuter)
- Water transportation/passenger ferries

Notice of Proposed Revisions to EEO Circular 4704.1

- FTA is Updating it's Equal Employment Opportunity Guidelines to clarify the requirements for compliance.
- Provide public comment NLT May 2, 2016
- FTA seeks comments on the scope and content of the proposed circular

Overview of Proposed Revisions

- Eliminates outdated nomenclature
- Reorganization of circular for ease-of-read
- Proposal of new definitions
- Updated MOU between FTA and FHWA, allowing state DOTs to submit a single EEO Program that will satisfy both FTA and FHWA

Overview of Proposed Revisions

- FTA seeks comment regarding potential change to threshold for EEO Program submission
- Added requirements for EEO Officer's EEOP Responsibilities
- New MOU between EEOC and FTA to allow access to EEO-4 utilization numbers

Overview of Proposed Revisions

- Proposal to reduce long term goals to 2 or more years
- Added requirement to collect reports on a scheduled basis to determine goal attainment
- Added requirement to show potential impact of an agency's employment practices on person's with disabilities and veterans

Overview of Proposed Revisions

- Proposal to change the frequency requirement for compliance reviews
- Proposal to change the description of compliance reviews

Transit Vehicle Manufacturers “TVM”

Only those transit vehicle manufacturers listed on **FTA’s certified list of Transit Vehicle Manufacturers**, or that have submitted a goal methodology to FTA that have been approved or has not been disapproved, at the time of solicitation are eligible to bid.

- 49 CFR Part 26.49(a)(1)

Notification of Award for Transit Vehicles

Within **30 days** of making an award to purchase transit vehicles, all Direct Recipients must send a letter to the RCRO **on agency letterhead** stating the **name** of the successful bidder and the **total dollar value** of the contract.

❖ Email the letter to your RCRO

TrAMS

TrAMS Helpdesk:

- 1-877-561-7466
- Email: FTA.TrAMS.help@dot.gov

TrAMS website:

<http://www.fta.dot.gov/grants/16260.html>

TrAMS

Three Common Issues

1. DBE Reporting
2. Program submissions and TrAMS notifications and TrAMS submittal dates
3. Grantees receiving a warning or are unable to finalize a grant due to Civil Rights program status

Resources

Civil Rights Regulations and Guidance Training Resources and Webinars

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/civil-rights-ada>

Eligible TVM Listing

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-tvms-list>

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