

Federal Transit Administration & SD Department of Transportation

Introduction to Title VI of the Civil Rights Act

Training Overview



for SDDOT Sub-recipients



Welcome!

Agenda:

1. General Title VI requirements
2. Sub-recipient Monitoring Plans
3. Limited English Proficiency Plan (LEP)
4. Review of LEP Four-Factor Analysis Plan



Title VI

1

- “No person in the United States shall, on the grounds 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.”

3

4



42 U.S.C § 2000d, et seq



2

Race, Color & National Origin: the three *protected classes*

- **Race**

- U.S. Census categories define race
- Persons of *any* race are protected classes

- **Color**

- Discrimination based on skin color or complexion is prohibited

- **National Origin**

- Foreign born ancestry



3

Program or Activity

Applies institution-wide

- Title VI applies *institution-wide*; it is *not* limited to the program that receives FTA funding (e.g., planning, capital, operations)
- Examples?
- Are Title VI requirements limited to primary recipients?



4

Title VI applies to both Recipients & Sub-recipients

- **Recipient:**

- State DOT
- Transit Agency
- Any public or private agency, institution, department or other organizational unit receiving funding from FTA



- **Sub-recipient:**

- Any entity that receives FTA financial assistance as a pass-through from another entity



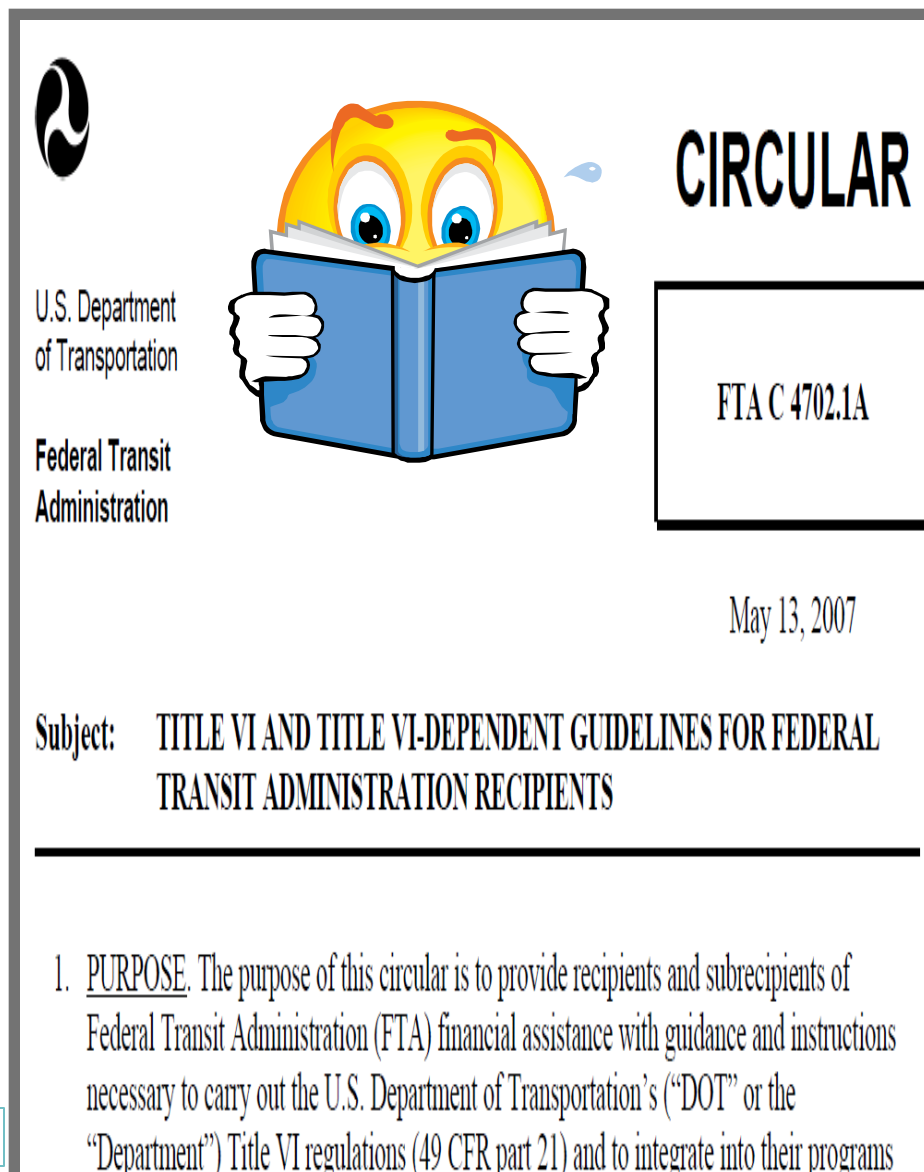
FTA Circular 4702.1A

Title VI Requirements for FTA Recipients



FTA Direct Grant Recipients must meet Title VI obligations defined in the Circular

- FTA Title VI Circular 4702.1A
 - AKA “The Circular”
- Submission Cycle
 - Direct recipients every 3 years
 - MPOs every 4 yrs



The image shows the cover page of the FTA Circular 4702.1A. It features the U.S. Department of Transportation logo on the left, a cartoon yellow character reading a blue book in the center, and the word "CIRCULAR" in large letters on the right. Below the character is a box containing the text "FTA C 4702.1A". The date "May 13, 2007" is printed below the box. The subject line reads "TITLE VI AND TITLE VI-DEPENDENT GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS". A horizontal line separates the subject line from the first section, which is titled "1. PURPOSE" and describes the circular's intent to provide guidance and instructions for Title VI regulations.

U.S. Department of Transportation
Federal Transit Administration

CIRCULAR

FTA C 4702.1A

May 13, 2007

Subject: TITLE VI AND TITLE VI-DEPENDENT GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS

1. PURPOSE. The purpose of this circular is to provide recipients and subrecipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out the U.S. Department of Transportation's ("DOT" or the "Department") Title VI regulations (49 CFR part 21) and to integrate into their programs

Guidelines for All Recipients and Sub-recipients

- Title VI Circular describes:
 - Procedures for:
 - Investigating complaints
 - Recording complaints, investigations, and lawsuits
 - Notifying the public of their rights
 - Conducting EJ analysis in NEPA
 - Strategies for including Minority, Low-Income and LEP (Limited English Proficiency) persons in public transportation decisionmaking processes
 - Ensuring meaningful (language) access for LEP persons



General Requirements for All Title VI Programs

1. Summary of public outreach and involvement activities, and description of steps to ensure minority & low-income people had meaningful access to activities
2. LEP plan
3. Procedures for tracking and investigating Title VI complaints
4. List of any Title VI investigations, complaints, or lawsuits
5. Title VI notice and instructions on how to file a discrimination complaint



Procedures for Investigating Complaints

Why must I develop complaint procedures?

- Procedures
 - Create uniformity with regard to how the agency investigates and tracks complaints
 - Must be available upon request



Complaint Procedures

- Define what constitutes a complaint
 - Legal bases
- Consider including:
 - Timeframe for accepting complaint
 - Investigation and resolution timeframe
 - Who investigates the complaint
 - Who resolves the complaint



Complaint Procedures (cont.)

Also consider including:

- Reasons for dismissal of complaint
- How to respond: by producing report? by writing letter of finding?
- System for tracking complaints
- Accessibility of complaints (e.g., written, TDY)
- Language assistance measures
- When to send complaints to FTA



Notifying the Public of Rights

THE CITY OF USA

- The City of USA operates its programs without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- For more information on the City of USA's civil rights program, and the obligations and procedures to file a complaint, contact 800-656-1234, (TTY 800-656-4567); email title.VIcomplaint@abc.org; or visit our administrative office at 1234 Center Street, Anywhere, CA, 17970. For more information, visit www.city.usa.ca.us
- If information is needed in another language contact, 800-656-1234
MAKE SURE THIS SENTENCE IS ALSO PROVIDED IN THE OTHER LANGUAGE(S)



SDDOT Notice of Public Rights

The South Dakota Department of Transportation provides services without regard to race, color, gender, religion, national origin, age or disability, according to the provisions contained in SDCL 20-13, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, as amended, the Americans With Disabilities Act of 1990 and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994.

Any person who has questions concerning this policy or who believes he or she has been discriminated against should contact the Department's Civil Rights Office at 605-773-3540.



Public Involvement



- **Early, often and continuous**
- Provide opportunities for public to get involved in proposed transportation decisions
- Promote **inclusive public participation**, including low-income, minority and LEP populations
- Refer to list of Interested Parties [SAFETEA-LU, 23 U.S.C. 134(i-j) and 135(f-g)]



Some Public Involvement Tips

- Select accessible meeting times, locations
- Consider providing childcare and food during meetings
- Utilize social media (e.g., Facebook, YouTube) to complement (*not replace*) other involvement techniques
- Use non-traditional methods (e.g., go to hair salons, street fairs, faith based institutions, etc.)

Read: *How to Engage Low-Literacy and Limited English Proficiency Populations in Transportation Decisionmaking*
available online at
www.fhwa.dot.gov/hep/lowlim



Sub-recipient Monitoring

- Preaward Checklist (every three years)
 - All Providers Required to do checklist and submit by January 10, 2012
 - Any deficiencies noted will be addressed in writing and time given to get into compliance
 - Rotation will be established and providers notified when required to submit checklist in future



Sub-recipient Monitoring

- Title VI Compliance Review/Reports (every three years)
 - All providers required to complete review report – due by January 10, 2013
 - Copies mailed to Transit Providers in November, 2012
 - Areas of non-compliance will be identified and provider notified
 - Rotation will be developed and providers notified



Sub-recipient Monitoring

- On-Site Reviews – (every three years)
 - Some providers will be selected for on-site versus completing the review form in 2012 to start rotation
 - Rotation will be established and providers notified



Limited English Proficiency (LEP)



Definition of LEP

- Limited English Proficient (LEP) Persons are persons for whom English is *not their primary language* and who have a *limited ability to speak, understand, read, or write English*.
- It includes BOTH people who reported to the U.S. Census that they *do not speak English well* AND people who reported that they *do not speak English at all*.



LEP-Related Requirements of Title VI

- Title VI and its implementing regulations require that FTA recipients take *responsible* steps to ensure *meaningful access* to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.



LEP Executive Order 13166

- Signed by Clinton August 2000
- Directs Federal agencies to:
 - Examine services we provide
 - Develop and implement a system by which LEP persons can meaningfully access those Federal services
 - Ensure that Federal recipients provide meaningful access to their LEP applicants and beneficiaries
- Failure to ensure opportunities for LEPs to effectively participate in or benefit from Federally assisted programs may constitute national origin discrimination.



Four Factor Analysis for LEP

- 1) **Number** of LEPs eligible or likely to be encountered by your Federally funded program
- 2) **Frequency** that LEPs come into contact with program
- 3) **Nature** & importance of program to LEPs
- 4) **Resources** available and **costs** to program



Factor 1:

Number or Proportion of LEPs

Count LEP persons who are:

- From a particular language group;
- Eligible to be served or encountered.

The greater the number or proportion, the more services needed.



Language Use and English-Speaking Ability: 2000

Census 2000 Brief

The ability to communicate with government and private service providers, schools, businesses, emergency personnel, and many other people in the United States depends greatly on the ability to speak English.¹ In Census 2000, as in the two previous censuses, the U.S. Census Bureau asked people aged 5 and over if they spoke a language other than English at home. Among the 262.4 million people aged 5 and over, 47.0 million (18 percent) spoke a language other than English at home.

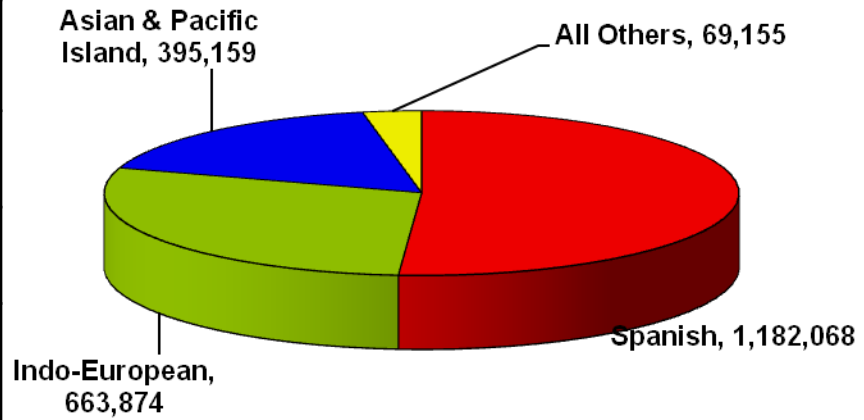
Figure 1.

Reproduction of the Questions on Language From Census 2000

- 11** a. Does this person speak a language other than English at home?
- Yes
- No → *Skip to 12*
- b. What is this language?
- _____
- (For example: Korean, Italian, Spanish, Vietnamese)
- c. How well does this person speak English?
- Very well
- Well
- Not well
- Not at all

Source: U.S. Census Bureau, Census 2000 questionnaire.

Language Group	#	%
<i>Spanish</i>	1,182,068	6.66%
<i>Indo-European</i>	663,874	3.74%
	395,159	2.23%
<i>All Others</i>	69,155	0.39%



LEP (Limited English Proficient) Persons - Portland Area

Language Spoken

Asian Pacific

5 - 9%

Indo European

5 - 15%

Spanish

5 - 54%

Other

5 - 8%

Non-English Speaking

0 - 5%

6 - 10%

11 - 25%

26 - 54%

Total TM Boundary Population: 1,209,701

Non-English Speakers Total Percent

Spanish 30,816 2.54%

Indo European 9,088 0.75%

Asian Pacific 6,189 0.50%

Other 971 0.08%

Total 47,064 3.89%

TriMet Service

MAX Light Rail

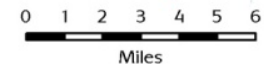
Blue, Red and Yellow Lines

Frequent Service Bus Routes

Regular Service Bus Routes

TriMet Service District

Downtown Portland







LEPS





Limited English Proficient Speakers

-  MAX Light Rail
-  Frequent Service
-  Regular Service
-  I-205 Commuter Rail
-  1 Mile Buffer

NonEnglish Speaking

-  0% - 4%
-  5% - 12%
-  13% - 28%
-  29% - 54%

Type of NonEnglish Speaker

- Spanish**
 5% - 54%
- Indo European**
 5% - 15%
- Asian**
 5% - 9%
- Other**
 5% - 8%

Total TM Boundary Population = 1,209,701

Non English Speakers	Total	Total TM Population
Spanish	20516	0.54%
Indo European	9028	0.75%
Asian Pacific	6129	0.50%
Other	917	0.08%
Total	47694	0.39%







Source: G:\PUBLIC\ceda\harden\Project\Amber\Orders\LEPS\LEPS.mxd
Data Source: 2000 US Decennial Census\lang_ability_Eng_p11_bg



Language Spoken

-  MAX Light Rail
-  Frequent Service
-  Regular Service
-  I-205 Commuter Rail
-  1 Mile Buffer

NonEnglish Speaking

-  0% - 4%
-  5% - 12%
-  13% - 28%
-  29% - 54%

Language Spoken

Russian

-  5% - 8%




Chinese

-  5% - 8%

Vietnames

-  5% - 10%

Spanish

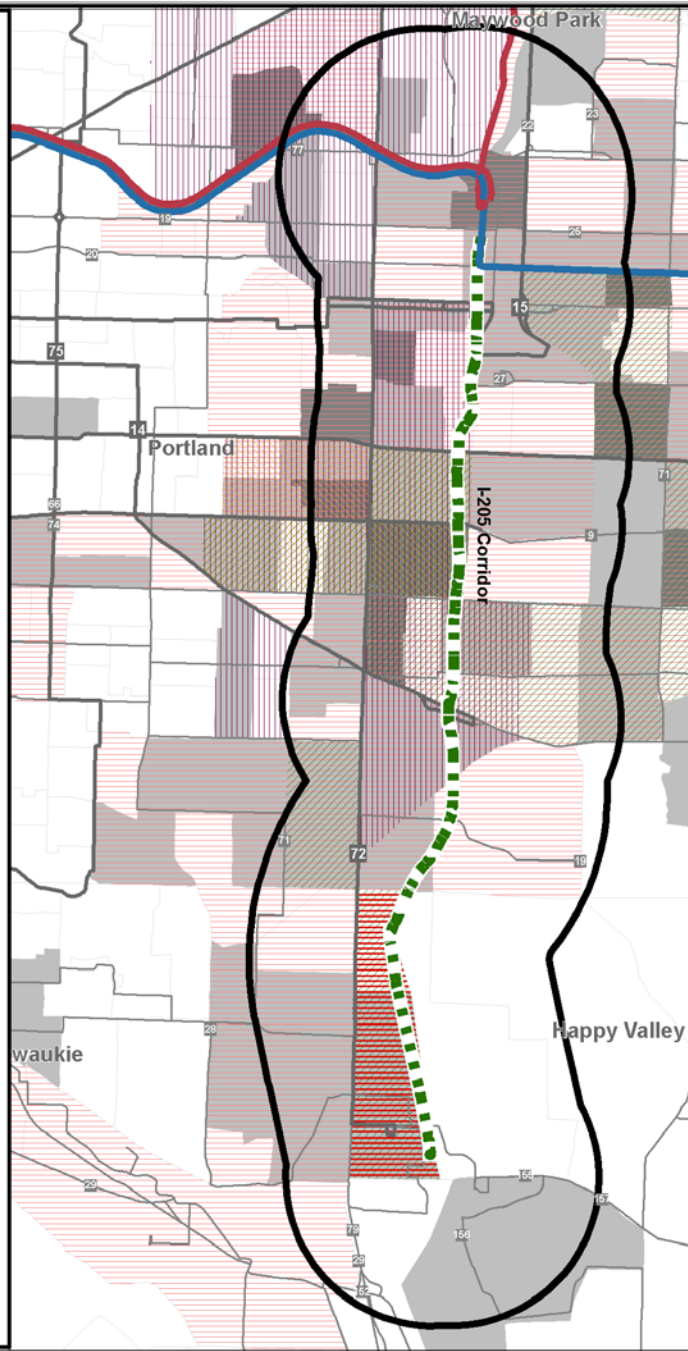
-  5% - 11%
-  12% - 24%
-  25% - 55%

PORTLAND LANGUAGES

SPANISH	6.82%
RUSSIAN	0.85%
CHINESE	0.85%
VIETNAME	1.20%



Source: G:\PUBLIC\GIS\GIS\Projects\Amber\Overview\EPS\2005_LEPS\Map4.rpt
 Date: 9/26/06 10:56 AM
 Dataset: Census/language.ppt19 1\workgroup



Factor 2:

Frequency of Contact

- Rule of thumb:
 - More contact = More enhanced services
- What data would you analyze?



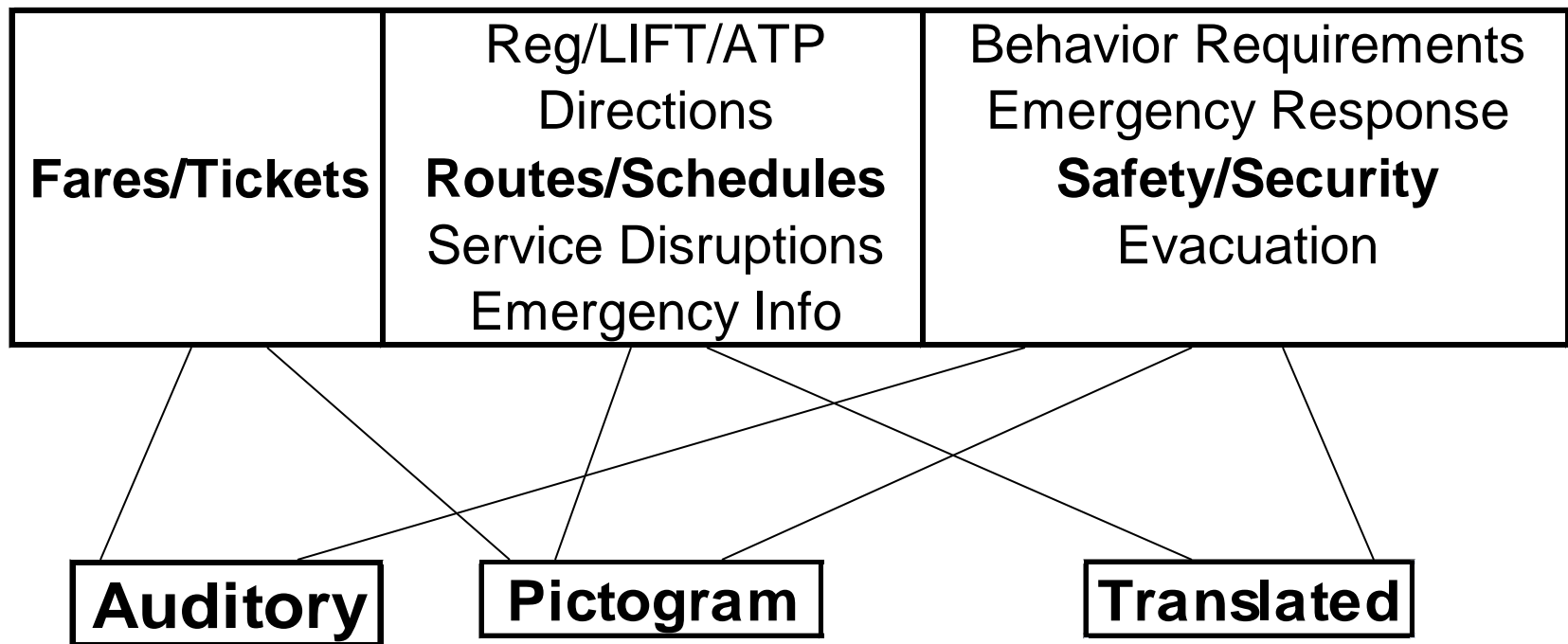
Factor 3:

Nature & Importance of Program

- Rule of thumb:
 - More important = more contact
 - More contact = more likely to need language services
- For LEP persons, what are your most important services?



Community Focus Groups to determine how to deliver info



Factor 4:

Resources and Costs

- How much will it cost and what resources will we need to deliver services?



Safe Harbor & LEP Thresholds

- **Safe Harbor-**
 - Requires written translations of vital documents for **each** LEP group that meets the threshold
- **Safe Harbor LEP threshold-**
 - *5% or 1,000 individuals, whichever is less*
- **Vital documents**
 - Documents critical for accessing recipients services or benefits
 - Letters requiring response from customer
 - Informing customers of free language assistance
 - Complaint forms
 - Notification of rights



How are LEP plans typically implemented?

- Popular Strategies
 - Publishing timetables and route maps in languages other than English
 - Multi-language phone lines
 - Multilingual staff in information booths
 - Pictograms
 - Multi-language announcements at stations and on vehicles
 - Language identification using “I Speak” cards
 - Advertising in ethnic media



LEP – Examples of Language Assistance Resources

- Hire and train bilingual staff to act as interpreters and translators
- Language Line – 1-800-305-9673 (InterpreTALK – billed at \$1.95/minute or set up account) to access language assistance
- ‘I Speak’ cards – download at <http://www.justice.gov/crt/cor/Pubs/ISpeakCards.pdf>
- Identify/share interpreter resources with colleges/universities, hospitals, law enforcement, and minority community organizations
- Find volunteers in the community (makes sure someone trained to translate or interpret)
- Go to www.LEP.gov or http://www.fta.dot.gov/civilrights/sitemap_11704.html



I Speak Cards

2004
Census
Test

United States
Census
2010

LANGUAGE IDENTIFICATION FLASHCARD

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

Խնդրում ենք նշում կատարեք այս բառակառուցում,
եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

यदि आपनि बांग्ला पढ़ेन वा बलेन ता हले एइ बाक्से दाग दिन ।

3. Bengali

ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro



No smoking



**Keep food and
drink in closed
containers**



**Keep feet off
seats**



**Keep pets
in carrier**
(except service animals)



**Fold strollers
after boarding**



A Model LEP Plan

- Includes Four Factor Analysis
- Provides policies for evaluating language assistance providers
- Notice to public
- Vital Documents
- Staff Training
- Monitoring plan



LEP Summary Points

- Conduct Four Factor Analysis
 - Number
 - Frequency
 - Nature
 - Resources and costs
- Use results of Four Factor Analysis to develop and implement your LEP plan



LEP Plan/Four-Factor Analysis Submissions Timeline

- November 14, 2011 – Provide Training to Transit Providers on Four Factor Analysis & LEP Plans
- November 14, 2011 to May 15, 2012 – Provide one-on-one technical assistance as needed
- May 15, 2012 – Four Factor Analysis and/or LEP Plans Due to SDDOT Civil Rights Office
- May 15, 2012 to August 1, 2012 – SDDOT Staff review submissions
- August 1, 2012 – Written Review Comments Completed and Sent to Transit Providers. Schedule any necessary follow-up meetings with Transit Providers to assist in addressing review comments.
- September 15, 2012 – Deadline for submitting additional information required or to address concerns raised during the review
- September 15, 2012 to October 1, 2012 – Review any follow-up submissions
- October 1, 2012 – Issue written review comments for any follow-up submissions



General Requirements Summary Points (cont.)

- Title VI program must include:
 - Summary of public outreach and involvement activities
 - LEP plan
 - Procedures for tracking and investigating Title VI complaints
 - List of any Title VI investigations, complaints, or lawsuits
 - Title VI notice and instructions on how to file a discrimination complaint
- For exact language, refer to FTA Circular 4702.1A



Thank you!! 问题

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Questions

질문

פִּאָרַגֶּע

¿Preguntas?



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pergunta

Pitanje

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Domanda?

ΒΟΠΡΟΣΥ

kesyon

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