

**APPENDIX A****TITLE VI PROGRAM CHECKLIST FOR ALL GRANTEEES**

All recipients should submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Subrecipients shall submit the information below to their direct recipient.

<b>Provision</b>	<b>Circular Reference</b>	<b>Citation in DOT Title VI Regulations or reference to the DOT Order on Environmental Justice</b>	<b>Reporting Requirement</b>
Title VI Complaint Procedures	Chapter IV, part 2	49 CFR 21.9(b)	A copy of their procedures for filing a Title VI complaint
Record of Title VI investigations, complaints, or lawsuits	Chapter IV part 3	48 CFR 21.9(b)	A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submittal
Access to Services by Persons with LEP	Chapter IV, part 4	49 CFR 21.5(b) and the DOT LEP Guidelines	Either a copy of the agency's plan for providing access to meaningful activities and programs for persons with limited English proficiency which was based on the DOT LEP guidance or a copy of the agency's alternative framework for providing access to activities and programs.
Notifying beneficiaries of their rights under Title VI	Chapter IV part 5	49 CFR 21.9(d)	A notice that it complies with Title VI and procedures the public may follow to file a discrimination complaint.
Inclusive public participation	Chapter IV part 9	DOT Order 5610	A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority persons had meaningful access to these activities.

## CHAPTER IV

### GENERAL REQUIREMENTS AND GUIDELINES

This chapter describes requirements that all Federal Transit Administration (FTA) recipients and subrecipients shall follow to ensure that their programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations. This chapter also offers guidance on integrating, into programs, policies, and activities, considerations expressed in the DOT Order on Environmental Justice.

1. REQUIREMENT TO PROVIDE AN ANNUAL TITLE VI CERTIFICATION AND ASSURANCE. Applicants shall submit their annual Title VI assurance as part of their annual Certification and Assurance submission to FTA. Recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. (These Title VI assurances must be submitted as part of a standard list of assurances provided by subrecipients to their direct recipient(s)).
2. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES. In order to comply with 49 CFR Section 21.9(b), recipients and subrecipients 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 upon request. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures developed by the recipient.
3. REQUIREMENT TO RECORD TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS. In order to comply with 49 CFR Section 21.9(b), recipients and subrecipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint.
4. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS. 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 Limited English Proficient (LEP).
  - a. Developing a Language Implementation Plan. Recipients and subrecipients can ensure that LEP persons have meaningful access to their programs and activities by developing and carrying out a language implementation plan pursuant to the recommendations in Section VII of the DOT LEP Guidance. Certain FTA recipients or subrecipients, such as those serving very few LEP persons or those with very limited resources may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a

recipient's program or activities. Recipients or subrecipients electing not to prepare a written language implementation plan should consider other ways to reasonably provide meaningful access. The elements of an effective implementation plan on language assistance for LEP persons can be found at section VII of the Department's Policy Guidance, located at 70 FR 74087 (2005).

5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI.

In order to comply with 49 CFR Section 21.9(d), recipients and subrecipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients and subrecipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's Web site.

a. Contents. The notice shall include:

- (1) A statement that the agency operates programs without regard to race, color, and national origin.
- (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's or subrecipient's nondiscrimination obligations.
- (3) A description of the procedures that members of the public should follow in order to file a discrimination complaint against the recipient or subrecipient.

b. Effective Practices for Fulfilling the Notification Requirement. In complying with the above requirements, recipients and subrecipients should keep the following guidance in mind:

- (1) Dissemination. Agencies may inform the public of their rights under Title VI through such measures as posters, comment cards, or flyers placed at stations and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's or subrecipient's discretion.
- (2) General notification. Agencies may include a statement of nondiscrimination on the basis of race, color, and national origin as part of a broader statement of its commitment to nondiscriminatory service. This broader statement can also include a commitment to nondiscrimination on the basis of characteristics not covered by Title VI, such as age, gender, and disability.
- (3) Document translation. Notices detailing a recipient's or subrecipient's Title VI obligations and complaint procedures should be translated into languages other than English, as needed and consistent with the DOT LEP Guidance.
- (4) Subrecipients. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the recipient;

however, subrecipients should notify their beneficiaries that they may file discrimination complaints directly with the subrecipient.

6. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST. At the discretion of FTA, information other than that required by this circular may be requested, in writing, from a recipient or subrecipient to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.
7. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. FTA requires recipients to report certain general information to determine compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to FTA's regional civil rights officer once every three years.
  - a. Contents. The submission shall include the following information:
    - (1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
    - (2) A copy of the agency's plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance.
    - (3) A copy of the agency procedures for tracking and investigating Title VI complaints.
    - (4) A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part.
    - (5) A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.
  - b. Eliminating Redundancy. If, prior to the deadline for subsequent reports, the recipient has not altered its language assistance policies, procedures for tracking and investigating a Title VI complaint, or its notice to the public that it complies with Title VI and instructions to the public on how to file a Title VI complaint, the recipient should submit a statement to this effect in lieu of copies of the original documents.
  - c. Reporting Requirement Exemptions. Recipients whose only FTA funding is through the FTA's University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or Public Transportation on Indian Reservations program are exempt from submitting a Title VI compliance report to FTA. The absence of this requirement to submit a Title VI report does not obviate the underlying obligations to comply with the requirements of this chapter.

8. GUIDANCE ON CONDUCTING AN ANALYSIS OF CONSTRUCTION PROJECTS. In order to integrate, into environmental analyses, considerations expressed in the DOT Order on Environmental Justice, recipients and subrecipients should integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of construction projects. (Recipients are not required to conduct environmental justice analyses of projects where NEPA documentation is not required.). Recipients preparing documentation for a categorical exclusion (CE) can meet this requirement by completing and submitting FTA's standard CE checklist, which includes a section on community disruption and environmental justice. FTA recommends that recipients preparing an environmental assessment (EA) or environmental impact statement (EIS) integrate into their documents the following components:
- a. A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population (e.g., analysis of Census data, minority business directories, direct observation, or a public involvement process).
  - b. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population.
  - c. A discussion of all positive effects that would affect the identified minority and low-income population, such as an improvement in transit service, mobility, or accessibility.
  - d. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project.
  - e. A discussion of the remaining effects, if any, and why further mitigation is not proposed.
  - f. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas. Recipients and subrecipients that determine there is no basis for such a comparison should describe why that is so.
9. GUIDANCE ON PROMOTING INCLUSIVE PUBLIC PARTICIPATION. In order to integrate, into community outreach activities, considerations expressed in the DOT Order on Environmental Justice, and the DOT LEP Guidance, recipients and subrecipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

a. Effective Practices for Fulfilling the Inclusive Public Participation Requirement.

Recipients and subrecipients have wide latitude to determine how, when, and how often specific public involvement measures should take place, and what specific measures are most appropriate. Recipients should make these determinations based on the composition of the population affected by the recipient's action, the type of public involvement process planned by the recipient, and the resources available to the agency. Efforts to involve minority and low-income people in public involvement activities can include both comprehensive measures, such as placing public notices at all stations and in all vehicles, and measures targeted to overcome linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and low-income people and populations from effectively participating in a recipient's decision-making process. Effective practices include:

- (1) Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
- (2) Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- (3) Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
- (4) Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population.
- (5) Implementing DOT's policy guidance concerning recipients' responsibilities to LEP persons to overcome barriers to public participation.

**APPENDIX C**

**TITLE VI PROGRAM CHECKLIST FOR STATE DEPARTMENTS OF TRANSPORTATION  
OR OTHER STATE ADMINISTRATING AGENCIES**

All State DOTs should submit the following information to the Federal Transit Administration (FTA) as part of their Title VI compliance report.

<b>Provision</b>	<b>Circular Reference</b>	<b>Citation</b>	<b>Information to be included in the Title VI report</b>
Statewide planning activities	Chapter VI Part 1	49 CFR 21.5(B)(2), 49 CFR 21.5(b)(3), 49 CFR 21.5(b)(7),	A copy of procedures used to certify that the Statewide planning process is in compliance with Title VI.
Program Administration	Chapter VI Part 2).	49 CFR 21.5(B)(2), , 49 CFR 21.5(b)(7), 49 CFR 21.9(b)	A description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner
Program Administration	Chapter VI Part 2.	49 CFR 21.5(B)(2),49 CFR 21.5(b)(7),	A description of the procedures the agency uses to provide assistance to potential subrecipients in a non-discriminatory manner. .
Program Administration	Chapter VI Part 3	49 CFR 21.5(B)(2), 49 CFR 21.5(b)(7),	A description of how the agency monitors its subrecipients for compliance with Title VI and results

## CHAPTER VI

### **PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES FOR STATE DEPARTMENTS OF TRANSPORTATION OR OTHER ADMINISTERING AGENCIES**

This chapter provides program-specific requirements that State DOTs and other State administering agencies, administering Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area, Job Access and Reverse Commute (JARC), and New Freedom funding programs as well as and designated recipients in large urbanized areas for JARC and New Freedom shall follow to ensure that their programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations. This chapter also offers guidance on integrating, into programs, policies, and activities, considerations expressed in the DOT Order on Environmental Justice.

1. **GUIDANCE ON CONDUCTING STATEWIDE TRANSPORTATION PLANNING.** In order to integrate, into statewide planning activities, considerations expressed in the DOT Order on Environmental Justice, State DOTs should have an analytic basis in place for certifying their compliance with Title VI. Examples of this analysis can include:
  - a. A demographic profile of the State that includes identification of the locations of socioeconomic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI.
  - b. A statewide transportation planning process that identifies the needs of low-income and minority populations.
  - c. An analytical process that identifies the benefits and burdens of the State's transportation system investments for different socioeconomic groups, identifying imbalances, and responding to the analyses produced.
2. **GUIDANCE ON PROGRAM ADMINISTRATION.** In order to integrate into their program administration considerations expressed in the DOT Order on Environmental Justice, recipients to which this chapter applies should document that they pass through Federal Transit Administration (FTA) funds under the Transportation for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom grant programs without regard to race, color, or national origin and that minority populations are not being denied the benefits of or excluded from participation in these programs.
  - a. FTA recommends that agencies prepare the following information:
    - (1) A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description should emphasize the method used to ensure the equitable distribution of



funds to subrecipients that serve predominantly minority and low-income populations, including Native American tribes, where present.

- (2) A description of the agency's criteria for selecting transit providers to participate in any FTA grant program.
  - (3) A record of requests for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding. The record should identify those applicants that would use grant program funds to provide assistance to predominantly minority and low-income populations. The record should also indicate whether those applicants were accepted or rejected for funding.
  - (4) A description of the agency's procedures to assist potential subrecipients in applying for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding, including any efforts to assist applicants that would serve predominantly minority and low-income populations.
  - (5) State DOTs or other administering agencies may classify applicants as providing service to predominantly minority and low-income populations if the proportion of minority and low-income people in the applicant's service area exceeds the statewide average minority and low-income population.
3. GUIDANCE ON MONITORING SUBRECIPIENTS. In order to ensure that subrecipients are complying with the DOT Title VI Regulations, State DOTs or other State administering agencies should monitor their subrecipients for compliance with Title VI. The State DOT should undertake the following activities:
- a. The agency should document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular.
  - b. At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the State DOT or administering agency, the agency should request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis. Recipients should ask subrecipients to develop system-wide service standards and verify that service provided to predominantly minority and low-income communities meets these standards.
4. GUIDANCE ON PROVIDING ASSISTANCE TO SUBRECIPIENTS. FTA recommends that agencies assist their subrecipients in complying with the general reporting requirements in Chapter IV. Assistance should be provided at the request of a subrecipient or as deemed necessary and appropriate by the State DOT or other administering agency. Agencies should consider providing the following information to subrecipients:
- a. Sample notices to the public informing beneficiaries of their rights under Title VI and procedures on how to file a Title VI complaint.

- b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient.
  - c. Demographic information on the race, income, and English proficiency of residents served by the subrecipient. (This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.)
5. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that State DOTs or other administering agencies document their compliance with the program-specific requirements in Section 1 through 3 of this chapter and submit to FTA a Title VI program that also includes documentation of compliance with the general reporting requirements in Chapter IV. This program shall be submitted once every three years on or prior to a date arranged by FTA.
- a. Contents. Recipients to which this chapter applies shall include the following information in their compliance report:
    - (1) A copy of the procedures used for certifying that the statewide planning process complies with Title VI.
    - (2) A description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner.
    - (3) A description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner.
    - (4) A description of how the agency monitors its subrecipients for compliance with Title VI and a summary of the results of this monitoring.
  - b. Eliminating Redundancy. If, prior to the deadline for subsequent reporting periods, the State DOT or administering agency has not altered its procedures for certifying that the statewide planning process complies with Title VI, its description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner, its description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner, or its description of how the agency monitors its subrecipients for compliance, the agency should submit a statement to this effect in lieu of copies of the original documents.