

Federal

Subject: Title VI Requirements

Information:

All agencies receiving federal funds through the Michigan Department of Transportation (MDOT), Office of Passenger Transportation (OPT), must have an approved Title VI Program. This program should be developed in accordance with the Federal Transit Administration's (FTA's) [Title VI Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients"](#), or any updated circular thereafter. A Title VI Program template is available to assist with this effort (see Attachment A).

All agencies must submit a Title VI Program to a MDOT OPT Project Manager every three years. This process applies to all agencies except for those receiving Section 5307 funds directly from the FTA; these agencies will need to submit their Title VI Program directly to the FTA. The Title VI Program should also include a Language Assistance Plan (LAP) to help persons with limited English proficiency (LEP) based on the result of the four-factor analysis. For technical assistance in completing the four-factor analysis and developing an LAP, refer to the U.S. Department of Transportation LEP guidelines, at <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>, and FTA's Title VI Circular 4702.1B as mentioned above.

Contracts with a transit agency cannot be executed without an approved Title VI Program.

In addition to the approval processes mentioned above, agencies applying for federal funds through OPT's annual application process are also required to complete the Title VI Information Form (Attachment B).

Actions Needed:

Title VI Program Approval

Attachment A Process:


1. All agencies, except for those receiving Section 5307 funds directly from the FTA, must submit a Title VI Program that addresses the elements as indicated in Attachment A to their Project Manager every three years.
2. Address comments from your Project Manager regarding your Title VI Program until it is approved by OPT.
3. Adopt the Title VI Program approved by OPT and provide proof of adoption, such as, a copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program.

4. Rural agencies will submit an updated Title VI Program to the OPT every three years. Urban agencies will need to submit an updated plan directly to the FTA within the same timeframe, on a date determined by the FTA.

Attachment B Process:

1. Complete and submit this form entitled "Title VI Information" (Attachment B) in PTMS through the annual application process. Agencies without access to PTMS are required to submit the form to their Project Manager. The form can be accessed through PTMS and via MDOT's form site, at [http://mdotjboss.state.mi.us/webforms/ WebFormsHome.htm](http://mdotjboss.state.mi.us/webforms/WebFormsHome.htm) by entering the form number 3067. The Annual Application Instructions document includes directions on how to obtain and complete the Attachment B form.
2. Work with the Project Manager in resolving Title VI issues reported in the form and provide follow-up, as needed.

Contact: If you have any questions, please contact your Project Manager.

Approved:  12/13/18
Administrator Date

Attachments: Attachment A - Title VI Program Template
Attachment B - Title VI Information form

Attachment A Title VI Program Template for Transit Agency

Name of Agency/Recipient:

New Requirements are Bolded Below. *All recipients must submit a Title VI Program that includes:*

- A Title VI Program statement **and the reference of [FTA C 4702.1B](#)**. *Indicate the purpose of the program and state that your Title VI Program is developed in accordance with this updated circular.*

- The Title VI Coordinator Contact Information. *List name and contact information for the Title VI Coordinator for your agency.*
Further reference: Chap. III-1, 4. Requirement to Prepare and Submit a Title VI Program.

- Title VI Notice to the Public, including a list of locations where the notice is posted. *The notice should indicate your agency complies with Title VI, and inform members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted, such as in transit vehicles and administrative facilities, at stations and bus shelters, agency's brochures, on website, etc. A sample Title VI notice is in **Appendix B** of [FTA C 4702.1B](#).*
Further reference: Chap. III-4, 5. Requirement to Notify Beneficiaries of Protection under Title VI.

- Title VI Complaint Procedures and Complaint Form (i.e., instructions to the public regarding how to file a Title VI discrimination complaint). *Provide a copy of your agency's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in **Appendix C**, and a sample Title VI complaint form is in **Appendix D** of [FTA C 4702.1B](#).*
Further reference: Chap. III-5, 6. Requirement to Develop Title VI Complaint Procedures and Complaint Form.

- List of transit-related Title VI investigations, complaints, and lawsuits.** *A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission of your Title VI Plan. See **Appendix E** of [FTA C 4702.1B](#) for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.*
Further reference: Chap. III-5, 7. Requirement to Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits.

- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission.** *A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.*
Further reference: Chap. III-5, 8. Promoting Inclusive Public Participation.

- An updated four factor analysis based on the new census, as applicable.**
Further reference: Chap. III-6, 9. Requirement to Provide Meaningful Access to LEP Persons. For updated census information, see <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

- Language Assistance Plan (LAP) for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance.** *After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves.*
*Further reference: Chap. III-6, 9. Requirement to Provide Meaningful Access to LEP Persons; DOT LEP Guidance at <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>; FTA Title VI website at <http://www.fta.dot.gov/civilrights/12328.html>; Appendix M of **FTA C 4702.1B**.*

- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.** *Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.*
*Further reference: Chap. III-9, 10. Minority Representation on Planning and Advisory Bodies; Appendix F of **FTA C 4702.1B**.*

- A description of how the recipient monitors its subcontractors and vendors for compliance with Title VI, and a schedule of their Title VI Program submissions.** *In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.*
Further reference: Chap. III-10, 12. Monitoring Subrecipients.

A Title VI equity analysis if the recipient constructs a facility, such as a vehicle storage facility, maintenance facility, operation center, etc. If you are not planning for a facility construction at this time, you will still need to include a statement indicating that you will comply with this requirement. *For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. In order to comply with the regulations:*

- a. *The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.*
- b. *When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.*
- c. *If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.*

Further reference: Chap. III-11, 13. Determination of Site or Location of Facilities.

A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. Please submit your Title VI Program to your MDOT project manager for review and approval prior to submitting it to your approval authority.

Further reference: Chap. III-1, 4. Requirement to Prepare and Submit a Title VI Program

All Fixed Route Transit Providers must also submit:

- Service standards (*see Appendix G of [FTA C 4702.1B](#)*)
 - Vehicle load for each mode. *The ratio of passengers to the total number of seats on a vehicle. This should be expressed in terms of peak and off-peak times.*

- Vehicle headway for each mode. *The amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Headway should be measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour).*
 - On time performance for each mode. *A measurement of runs completed as scheduled. Agency must first define what is considered on time.*
 - Service availability for each mode. *A general measure of the distribution of routes within a transit provider's service area. Such as, a percentage of all residents in the service area within a one-quarter mile walk of a bus station, or the maximum distance between bus stops.*
- Service policies (see Appendix H of [FTA C 4702.1B](#))
- Transit Amenities for each mode. *Transit amenities refer to items of comfort, convenience and safety that are available to the general riding public. Fixed route providers must set a policy to ensure equitable distribution of amenities across the system. Amenities may include, seating (i.e., benches, seats at bus stop or stations), bus shelters, provision of information (e.g., printed signs, system maps, route maps and schedule, digital arrival signs), and waste receptacles including trash and recycle containers.*
 - Vehicle Assignment for each mode. *The process by which transit vehicles are placed into service on routes throughout the transit system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition*

Further reference: Chap. IV-4, 4. Requirement to Set System-wide Standards and Policies

Name and Title

Signature

Approval Date

SAMPLE TITLE VI NOTICE TO THE PUBLIC

(AGENCY NAME) TITLE VI NOTICE

(Agency name) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964 and Federal Transit Administration (FTA) Circular 4701.1B. For additional information on Title VI or to file a complaint, contact (insert contact name, agency address, phone, email and/or website).

ATTACHMENT B

FY 2019 TITLE VI INFORMATION

INSTRUCTIONS: Complete and return this form to the Michigan Department of Transportation.

NAME OF APPLICANT (legal organization name)

All FTA funds recipients, except for urban agencies that receive all of their FTA funds directly from FTA, must submit the following information that covers the period since your last MDOT application. First-time applicants should submit information for the previous fiscal year.

1. List any active lawsuits or complaints naming the applicant that allege discrimination based on race, color or national origin **with respect to service or other transit benefits.** The list should include: the date lawsuit or complaint was filed; a summary of the allegation, and the status of the lawsuit or complaint, including whether the parties to the lawsuit have entered into a consent decree.

If none, so state.

RESPONSE:

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2. Summarize all Title VI compliance review activities conducted **with regard to your transportation program, including triennial compliance reviews conducted by FTA and/or MDOT.** The summary should include: the purpose or reason for the review; the name of the agency or organization that performed the review; the findings and recommendations of the review; and a report on the status and/or disposition of such finding and recommendations.

If none, so state.

RESPONSE:

3. When was your last Title VI Program approved by MDOT or FTA?

4. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved?
NO YES If yes, please provide the name and contact information for the new coordinator/EEO Officer.

5. Has your organization had any projects and/or service change that have Title VI, Limited English Proficiency (LEP), or Environmental Justice (EJ) impacts? Service change includes service expansion/ reduction, route and/or hour changes, etc. If yes, please complete the following items: NO YES

a. Provide a brief description of these projects/service changes.

b. What did you do to ensure that populations affected by the project and/or service change had meaningful access to and involvement in the development process?

c. What is the number or percentage of LEP or EJ populations affected by the project and/or service change?

6. During this reporting period, how were your employees educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities?
