

**OFFICE OF PASSENGER TRANSPORTATION
COMPLIANCE REVIEW FOR
SECTION 5310 AND 5311 TRANSIT AGENCIES**

TITLE VI COMPLIANCE REVIEW CHECKLIST

TRANSIT AGENCY		DATE OF COMPLIANCE REVIEW
DATE TITLE VI PROGRAM APPROVED BY MDOT	DATE TITLE VI PROGRAM APPROVED BY GOVERNING BOARD	

If the agency does not have an approved Title VI Program, see Appendix A (Title VI Program Template for Transit Agencies) attached to the end of this checklist.

REQUIREMENT

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “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. (42 U.S.C. §2000d)

REFERENCES

Circular 4702.1B (http://www.fta.dot.v/documents/FTA_Title_VI_FINAL.pdf)

Appendix A (Title VI Program Template for Transit Agencies)

PROGRAM OBJECTIVES

This circular is to help FTA recipients:

- a. Ensure the level and quality of public transportation service is provided in a nondiscriminatory manner;
- b. Promote full and fair participation in public transportation decision making without regard to race, color, or national origin;
- c. Ensure meaningful access to transit related programs and activities by persons with limited English proficiency.

REVIEW QUESTIONS

A Title VI Notice to the Public must be displayed to inform a recipient’s customers of their rights under Title VI. At a minimum, recipients must post the notice on the agency’s website, in public areas of the agency’s office(s), including the reception desk and meeting rooms, transit shelters and stations, and on transit vehicles (e.g. buses, rail cars, etc.). The Title VI Notice is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor Provision (5% or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered), then the notice should be provided in English and in any other language(s) spoken by LEP populations that meet the threshold. At a minimum, this statement in the notice – “If information is needed in another language, then contact [phone number]” – should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Provision.

1. Does the agency's service area have any LEP language group that exceeds 5% of the service area or 1,000 persons? Yes ☐ No ☐

If yes, does the agency provide written translation of vital documents in that/those languages? Yes ☐ No ☐

Describe any needed improvements:

2. Does the agency's Title VI Notice to the Public include the following information?

Agency name? Yes ☐ No ☐

Statement that the agency operates its programs and services without regard to race, color, and national origin? Yes ☐ No ☐

A description of the procedures (including agency's contact information) that members of the public should follow in order to request additional information on the agency's Title VI obligation? Yes ☐ No ☐

A description of the procedures (including the agency's contact information) that members of the public should follow in order to file a Title VI discrimination complaint against the agency? Yes ☐ No ☐

If applicable, is this information provided in another language spoken by the LEP population that meets the Safe Harbor threshold? Yes ☐ No ☐ N/A ☐

Describe any needed improvements:

3. Where is the Title VI information displayed? (Required areas denoted by *)

Brochures: Yes No N/A

* Facility/Headquarters in public areas: Yes No N/A

Transit vehicles: Yes ☐ No N/A

Transit shelters/stations: Yes No N/A

* Agency website: Yes No N/A

Describe any needed improvements:

4. How does the agency ensure its subrecipients are complying with Title VI?

Describe any needed improvements:

5. Since the last review, have any of the four factors changed that might result in an updated analysis and Language Assistance Plan (LAP)? Yes No

If yes, have the updated analysis and LAP been done? Yes No

Describe any needed improvements:

6. Since the last review, what outreach and involvement activities has the agency performed to seek out and consider the viewpoints of minority and LEP populations?

Describe any needed improvements:

7. Do the agency's non-elected boards and committees include minority representation?

Yes ☐ No ☐

Since the last review, what has the agency done to encourage minority representation?

Describe any needed improvements:

8. Has the agency performed or is currently performing a facility construction using federal funds since the last review? For purposes of this requirement, the "facilities" are referred to as vehicle storage facility, maintenance facility, operation center, etc.; they do 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 the project development and NEPA process:

Yes No

If yes, has the agency performed a Title VI equity analysis as described in Chapter III – 13, pg. Ch. III-11, Determination of Site or Location of Facilities? Yes ☐ No ☐

If available, please provide a copy of the Title VI equity analysis document.

Describe any needed improvements:

9. Does the agency provide any fixed route service? Yes ☐ No ☐

If yes:

Do they have system-wide service standards and policies, and how do they monitor them?

Yes ☐ No ☐

When did the agency last conduct a passenger survey to collect the required demographic ridership and travel patterns? (Required at least every 5 years.)

Describe any needed improvements:

COMPLIANCE ANALYST	DATE
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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](#) and attached.
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

TITLE VI NOTICE TO PUBLIC

[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 4702.1B. For additional information on Title VI or to file a complaint, contact [TITLE VI OFFICER] at [CONTACT INFORMATION (address, phone, email and/or website)].