



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**

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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 and activities considerations expressed in the Department's Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005).
2. CANCELLATION. This circular supersedes FTA Circular 4702.1 "Title VI Program Guidelines for Federal Transit Administration Recipients," dated May 26, 1988.
3. SCOPE. This circular applies to all recipients of financial assistance from the Federal Transit Administration.
4. REFERENCES.
  - a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d).
  - b. Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.).
  - c. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.).
  - d. Department of Justice regulation, 28 CFR part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted).
  - e. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964" (June 18, 1970, unless otherwise noted).

- f. Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987).
  - g. Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted).
  - h. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997).
  - i. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005).
  - j. Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).
5. WAIVER. FTA reserves the right to waive any requirements of this circular to the extent permitted by law.
  6. AMENDMENTS TO THE CIRCULAR. FTA reserves the right to amend this circular in the future and to update references to requirements contained in other revised or new guidance and regulations that undergo notice and comment procedures, without further notice and comment on this circular.
  7. ACCESSIBLE FORMATS. This document is available in accessible format upon request. Paper copies of this circular as well as information regarding these accessible formats may be obtained by calling FTA’s Administrative Services Help Desk, at 202-366-4865.
  8. BACKGROUND. Since 1972, FTA has required applicants for and recipients and subrecipients of Federal assistance to certify compliance with the requirements of Title VI as part of the grant approval process.
    - a. With regard to external civil rights programs, (Title VI), the FTA Administrator exercises authority pursuant to statutes, regulations, and executive orders. 49 CFR 1.45. Implementing Title VI by FTA will be achieved through continued data collection, reporting, compliance reviews, and, if necessary, through remedial action and procedures for effecting compliance under Chapter X of this circular and the Department’s Title VI Regulations at 49 CFR Sections 21.13, 21.15, and 21.17.
    - b. This circular will also assist FTA recipients in integrating, into their existing programs, policies and activities principles of environmental justice (as embodied in Executive Order 12898), and access to services for persons with limited English proficiency, (as embodied in Executive Order 13166).

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James S. Simpson  
Administrator

**TITLE VI AND TITLE VI-DEPENDENT GUIDELINES FOR FTA RECIPIENTS**

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## CHAPTER I

### HOW TO USE THIS CIRCULAR

1. INSTRUCTIONS TO GRANTEES. This chapter orients applicants, recipients, and subrecipients to the information and requirements contained in the remaining chapters of the circular. The applicability of guidance and procedures in this circular varies depending on the makeup of the recipient. Relevant factors include, but are not limited to, first time applicants, the size of the population served by the recipient, and the activities performed by the recipient. A summary of chapter-by-chapter applicability follows.
  - a. Circular Overview. All applicants, recipients, and subrecipients should familiarize themselves with the information set forth in Chapter II (Overview), including the objectives of this circular, the regulatory and underlying policy basis for the guidance provided in the remaining chapters, and the definitions of terms that appear later in the circular.
  - b. Requirements for Applicants. All entities applying for Federal Transit Administration (FTA) funding should familiarize themselves with the requirements for applicants set forth in Chapter III.
  - c. General Requirements and Guidelines. The requirements and guidelines in Chapter IV, apply to all FTA recipients and subrecipients. FTA encourages all recipients and subrecipients, therefore, to become familiar with these general requirements and guidelines and to utilize the checklist located at Appendix A to ensure that they comply with FTA's reporting requirements.
    - (1) Options for complying with the general requirements and guidelines. Chapter IV lists options for meeting some of the general requirements and guidelines and recommends effective practices. Recipients and subrecipients should familiarize themselves with these options and effective practices and may implement the option or practice that best meets their needs.
  - d. Requirements for Transit Agencies Serving Populations of 200,000 or Greater. All transit providers that serve urbanized areas of 200,000 people or greater should familiarize themselves with the guidance set forth in Chapter V, Program-Specific Requirements for Recipients Serving Large Urbanized Areas. FTA encourages recipients in this category to use the checklist at Appendix B to ensure that they follow FTA's reporting requirements.
    - (1) Options for complying with the program-specific requirements. Chapter V lists options for meeting the program-specific requirements and recommends effective practices. Recipients should familiarize themselves with these options and examples and may choose to implement the option or practice that best meets their needs.

- e. Requirements and Guidelines for State Departments of Transportation (State DOTs) or Other Administering Agencies. State DOTs or other administering agencies should familiarize themselves with the guidance and procedures set forth in Chapter VI. FTA encourages these agencies to use the checklist at Appendix C to ensure that they follow FTA's reporting requirements.
- f. Requirements and Guidelines for Metropolitan Planning Organizations. MPOs should familiarize themselves with the guidance and procedures set forth in Chapter VII.
- g. Compliance Reviews, Complaints, and Procedures for Effecting Compliance. All recipients and subrecipients should become familiar with the information contained in Chapter VIII, Compliance Reviews, Chapter IX, Complaint Procedures, and Chapter X, Effecting Compliance.
- (1) Chapter VIII describes FTA's procedures for conducting compliance reviews of recipients and subrecipients and discusses the information that recipients and subrecipients should provide during and after a compliance review.
  - (2) Chapter IX describes how FTA will respond to complaints of discrimination under Title VI that are filed with FTA against a recipient or subrecipient of FTA funds.
  - (3) Chapter X outlines FTA's procedures for effecting compliance when FTA determines that a recipient or subrecipient is not complying with one or more of FTA's Title VI requirements.
- h. Appendices. Appendices A through C list the reporting requirements that apply to recipients and subrecipients. Appendix D provides technical assistance resources to assist recipients and subrecipients in meeting the requirements and guidelines of this circular.

2. REFERENCE CHART. The following chart displays which chapters pertain to different FTA applicants, recipients, or subrecipients. (The “√ ” refers to those chapters that pertain to the applicant or grantee.)

|              | Applicants | All recipients or subrecipients | Recipients serving 200,000 or greater | State DOTs/administering agencies | MPOs |
|--------------|------------|---------------------------------|---------------------------------------|-----------------------------------|------|
| Chapter I    | √          | √                               | √                                     | √                                 | √    |
| Chapter II   | √          | √                               | √                                     | √                                 | √    |
| Chapter III  | √          | √                               |                                       | √                                 |      |
| Chapter IV   |            | √                               | √                                     | √                                 | √    |
| Chapter V    |            |                                 | √                                     |                                   |      |
| Chapter VI   |            |                                 |                                       | √                                 |      |
| Chapter VII  |            |                                 |                                       |                                   | √    |
| Chapter VIII | √          | √                               | √                                     | √                                 | √    |
| Chapter IX   | √          | √                               | √                                     | √                                 | √    |
| Chapter X    | √          | √                               | √                                     | √                                 | √    |
| Appendix A   |            | √                               | √                                     | √                                 |      |
| Appendix B   |            |                                 | √                                     |                                   |      |
| Appendix C   |            |                                 |                                       | √                                 |      |
| Appendix D   | √          | √                               | √                                     | √                                 | √    |



## CHAPTER II

### OVERVIEW

This chapter outlines (1) the objectives, (2) regulatory basis, (3) reporting procedures, and (4) definitions contained in this circular.

1. OBJECTIVES. The guidance and procedures in this document will help Federal Transit Administration (FTA) recipients and subrecipients to:
  - a. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
  - b. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
  - c. Promote the full and fair participation of all affected populations in transportation decision making;
  - d. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
  - e. Ensure meaningful access to programs and activities by persons with limited English proficiency.
2. REGULATORY BASIS. In order to assist recipients and subrecipients in carrying out the provisions of the Department of Transportation (DOT) Title VI Regulations at 49 CFR part 21, each of the requirements in this circular includes a reference to the corresponding provision of 49 CFR part 21.
3. ADDITIONAL DOCUMENTS. In addition to the above-listed regulations the following documents incorporate Title VI principles:
  - a. DOT Order 5610.2, the Department's Order on Environmental Justice, establishes the procedures used by the Department to comply with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994. This Order establishes procedures for the Department of Transportation to use in complying with EO 12898.
  - b. The Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.

c. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that the recipient agrees to comply, and assures the compliance of each third-party contractor at any tier and each subrecipient at any tier of the project, with the provisions of 49 U.S.C. Section 5332, which prohibit discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity. Furthermore, the recipient agrees to comply, and assures the compliance of each third-party contractor at any tier and each subrecipient at any tier of the project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000d et seq., and with 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act." Unless FTA states otherwise in writing, all recipients shall comply with all applicable Federal directives, current or future, not listed herein.

4. REPORTING REQUIREMENTS. 49 CFR Section 21.9(b) requires that recipients record and retain certain information and submit information to FTA as necessary or required. Recipients of FTA funding shall fulfill this requirement by submitting a compliance report to the responsible FTA regional office every three years (or every four years in the case of metropolitan planning organizations (MPOs) that are direct recipients of FTA funds). Chapters IV, V, VI, and VII and appendices detail what information should be included in these reports. In addition, recipients and subrecipients should note the following FTA guidance concerning reporting:

a. Determination of Deficiencies. If any of the required information is not included in the recipient's Title VI compliance report, or if the information submitted is not consistent with the guidance provided in the relevant section of this circular, then FTA may determine that the report is deficient and may condition or delay continued Federal financial assistance to the recipient until FTA is satisfied that the recipient has taken corrective action.

b. Subrecipient Reporting. Subrecipients shall submit compliance reports to the recipient consistent with reporting timelines established by the recipient.

5. DETERMINATIONS. FTA will issue findings of no deficiency, findings of deficiency, and findings of non-compliance based on the following procedures:

a. No deficiency. If, after a review of a recipient or subrecipient's practices, FTA determines that the entity has followed this circular's guidance and procedures, it will be considered to be not deficient in meeting the specific part of the circular and the corresponding provision(s) of the DOT Title VI regulations. Agencies are not expected to take any corrective action in response to findings of no deficiency, except with regards to advisory comments. Advisory comments are recommendations that the recipient or subrecipient undertake activities in a manner more consistent with the guidance provided in the pertaining section of the circular. FTA will issue advisory comments to the

recipient or subrecipient. The entity can choose to implement or disregard an advisory comments.

b. Deficiency. If, after a review of a recipient's or subrecipient's practices, FTA determines that the entity has not followed this circular's requirements, guidance and procedures, it will be considered to be deficient in meeting the specific part of the circular and the corresponding provision(s) in the DOT Title VI regulations, unless the agency can provide FTA with adequate justification for failing to follow the guidance and procedures in question.

c. Non-compliance. If, after an investigation of a recipient's or subrecipient's practices, FTA determines that the entity has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity, FTA will consider the grantee to be non-compliant with the DOT Title VI regulations. If noncompliance cannot be corrected informally, the recipient or subrecipient may be subject to remedial action or proceedings under Chapter X of this circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.

6. DEFINITIONS. For purposes of this circular, the following definitions will be used:

- a. Adverse Effect means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.
- b. Alternative "Clean" Fuels mean fuels that reduce vehicle emissions. These fuels can include natural gas, ethanol, methanol, electricity, and liquefied propane gas.
- f. Applicant means an eligible entity or organization that submits an application for financial assistance under any FTA program.
- g. Deficient refers to a condition where, after a review of a recipient's or subrecipient's practices, and barring an adequate justification from the recipient or subrecipient, FTA determines that the entity has not followed specific provisions of this circular's required guidance and procedures.
- h. Discrimination refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in

disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

- i. Disparate Impact refers to facially neutral policies or practices that have the effect of disproportionately excluding or adversely affecting members of a group protected under Title VI, and the recipient's policy or practice lacks a substantial legitimate justification.
- j. Disparate Treatment refers to actions that result in circumstances where similarly situated persons are treated differently (i.e., less favorably) than others because of their race, color, or national origin.
- k. Disproportionately High and Adverse Effect on Minority and Low-income Populations means an adverse effect that:
  - (1) is predominately borne by a minority population and/or a low-income population, or
  - (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.
- l. Environmental Justice Activity means an action taken by DOT, FTA, or a recipient or subrecipient of FTA funding to identify and address adverse and disproportionate effects of its policies, programs, or activities on minority and/or low-income populations, consistent with Executive Order 12898 and the DOT Order 5610.2 on Environmental Justice.
- m. Fixed Guideway means a public transportation facility using and occupying a separate right-of-way or rail for the exclusive use of public transportation and other high occupancy vehicles, or using a fixed catenary system and a right-of-way usable by other forms of transportation.
- n. Federal financial assistance means
  - (1) grants and loans of Federal funds;
  - (2) the grant or donation of Federal property and interests in property;
  - (3) the detail of Federal personnel;
  - (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
  - (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

- o. FTA Activity means any program of assistance authorized by the Federal Transit Laws at 49 U.S.C. Chapter 53 or the Federal Highway Laws at Title 23 United States Code that are administered by FTA.
- p. Grantee means a direct or indirect recipient of Federal financial assistance from FTA.
- q. 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 people who reported to the U.S. Census that they do not speak English well or do not speak English at all.
- r. Low-Income means a person whose median household income is at or below the Department of Health and Human Services' poverty guidelines.
- s. Low-Income Population means any readily identifiable groups of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- t. Minority Persons include the following:
  - (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
  - (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
  - (3) Black or African American Populations, which refers to peoples having origins in any of the Black racial groups of Africa.
  - (4) Hispanic or Latino Populations, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
  - (5) Native Hawaiian and Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- u. Minority Population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- v. National Origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.
- w. Noncompliance refers to an FTA determination that the recipient or subrecipient has engaged in activities that have had the purpose or effect of denying persons the benefits

of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity.

- x. Predominantly Minority Area means a geographic area, such as a neighborhood, Census tract, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.
- y. Predominantly Low-Income Area means a geographic area, such as a neighborhood, Census tract, or traffic analysis zone, where the proportion of low-income persons residing in that area exceeds the average proportion of low-income persons in the recipient's service area.
- z. Recipient means any State, political subdivision, instrumentality, or any public or private agency, institution, department or other organizational unit receiving financial assistance from FTA.
- aa. Secretary means the Secretary of the Department of Transportation.
- bb. Service Area refers to either the geographic area in which a transit agency is authorized by its charter to provide service to the public or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.
- cc. Service Standard/Policy means an established policy or service performance measure used by a transit provider or other recipient, or subrecipient as a means to plan or distribute services and benefits within its service area.
- dd. Subrecipient means any entity that receives FTA financial assistance as a pass-through from another entity.
- ee. Title VI Program refers to a recipient's submission, provided to FTA or to the subrecipient's direct recipient every three years, containing information in response to the requirements of this circular

## CHAPTER III

### REQUIREMENTS FOR APPLICANTS

This chapter describes the procedures that all applicants for Federal Transit Administration (FTA) financial assistance, including those entities applying for FTA assistance for the first time, should follow to comply with the Department of Transportation (DOT) Title VI regulations.

1. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES. To ensure accordance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement shall be fulfilled when the applicant submits its annual certifications and assurances to FTA. The text of FTA's annual certifications and assurances is available on FTA's Web site.
2. REQUIREMENTS FOR FIRST-TIME APPLICANTS In addition to the assurances set out above, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the last three years. The summary should include:
  - a. The purpose or reason for the review.
  - b. The name of the agency or organization that performed the review.
  - c. A summary of the findings and recommendations of the review.
  - d. A report on the status and/or disposition of such findings and recommendations. This information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.

## 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.

## CHAPTER V

### **PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES FOR RECIPIENTS SERVING LARGE URBANIZED AREAS**

This chapter provides program-specific guidance for recipients that provide service to geographic areas with a population of 200,000 people or greater under 49 U.S.C. 5307. These recipients should also follow the general requirements in Chapter IV Of this circular.

1. **REQUIREMENT TO COLLECT DEMOGRAPHIC DATA.** In order to comply with 49 CFR Section 21.9(b), recipients to which this chapter applies shall collect and analyze racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance. FTA recommends that recipients fulfill this requirement by implementing one or more of the following three options:

- a. **Option A: Demographic and Service Profile Maps and Charts.** Recipients may prepare demographic and service profile maps and charts. These maps and charts will help the recipient determine whether transit service is available to minority and low-income populations within the recipient's service area. Maps and charts should be prepared after each decennial census and prior to proposed service reductions or eliminations (per the instructions of Section 4 of this Chapter). These maps may be prepared using Geographic Information System (GIS) technology, although recipients without access to GIS may prepare the maps in alternative formats. The Federal Transit Administration (FTA) recommends that recipients provide the following maps and charts:

- (1) A base map of the agency's service area that includes each Census tract or traffic analysis zone, major streets and highways, fixed transit facilities (including the alignment of fixed guideways and transit stations, depots, maintenance and garage facilities, and administrative buildings) and major activity centers or transit trip generators (major activity centers and transit trip generators can include, but are not necessarily limited to, the central business district, outlying high employment areas, schools, and hospitals). This map should also highlight those transit facilities that were recently modernized or are scheduled for modernization in the next five years.

- (2) A demographic map that plots the above information and also shades those Census tracts or traffic analysis zones where the percentage of the total minority and low-income population residing in these areas exceeds the average minority and low-income population for the service area as a whole. Transit agencies may elect to produce maps that highlight separately those areas with a predominantly minority population, a predominantly low-income population and a population that is both predominantly minority and low income, if such specialized maps would assist the

agency in determining compliance with Title VI. Transit agencies may also elect to produce additional maps showing the presence of individual minority populations if this information would assist the agency in determining compliance with Title VI.

(3) A chart for each Census tract or traffic analysis zone that shows the actual numbers and percentages for each minority group within the zone or tract and the total population for each zone. This chart should also show the total number and percentage of low-income people within each zone or tract. Those tracts where the total minority population percentage and the total low-income population percentage exceed the system wide average for the agency’s transit service area should be highlighted in the chart.

b. Option B: Survey  
Information on Customer Demographics and Travel Patterns. Recipients may collect information on the race, color, national origin, income, and travel patterns of their riders. FTA recommends that recipients collect the following information (recipients may request additional information from their riders, as appropriate, or request different information that is more applicable to the type of service they provide):

- (1) Information on riders’ race, color, and national origin.
- (2) Whether the rider speaks or understands English “not well” or “not at all.”
- (3) Information on riders’ income or income range.
- (4) The mode of transit service that riders use most frequently (when applicable).
- (5) The frequency of transit usage.
- (6) The typical number of transfers made.
- (7) The fare payment type and media most frequently used (when applicable).
- (8) Riders’ auto availability.
- (9) Riders’ opinion of the quality of service they receive (this could include questions such as satisfaction with the system, willingness to recommend transit to others, and value for fare paid).

(10) In administering the above option, grantees should keep the following guidance in mind:

- (a) Timing. The information recommended in Section 1.b.(1) can be integrated into customer surveys routinely employed by transit agencies and can be collected at the time that such surveys are routinely performed.
- (b) Language access. The recipient should take steps to translate customer surveys into languages other than English, or to provide interpretation services in the course of conducting customer surveys consistent with the DOT LEP guidance.

c. Option C: Locally Developed Alternative. Recipients may modify the above options or develop their own procedures to collect and analyze demographic data on their beneficiaries. Any locally developed alternative shall meet the expectations of 49 CFR Section 21.9(b).

2. REQUIREMENT TO SET SYSTEMWIDE SERVICE STANDARDS In order to comply with 49 CFR Section 21.5(b)(2) and (7), Appendix C to 49 CFR part 21, recipients to which this chapter applies shall adopt quantitative system-wide service standards necessary to guard against discriminatory service design or operations decisions.

a. Effective Practices to Fulfill the Service Standard Requirement. FTA recommends that recipients develop quantitative standards for the following indicators. (Transit agencies may set standards for additional indicators as appropriate or set standards for different indicators that are more applicable to the type of service they provide, in lieu of the ones presented below.)

- (1) Vehicle load. Vehicle load can be expressed as the ratio of passengers per vehicle or the ratio of passengers to the number of seats on a vehicle during a vehicle's maximum load point. Vehicle load is generally measured at peak and off-peak times and on different modes of transit. When recipients observe that the vehicle load on certain routes is consistently exceeding its service standard, they should consider adding additional vehicles or expanding the capacity of vehicles serving that route. Recipients may set different vehicle load standards for peak and for off-peak times and for different modes of transit service (such as bus, rail, bus rapid transit, and commuter rail).
- (2) Vehicle headway. Vehicle headway is the time interval between two vehicles traveling in the same direction on the same route. The frequency of service is a general indication of the level of service provided along a route and a component of the amount of travel time expended by a passenger to reach his/her destination. It is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Recipients may set different vehicle headway standards for different modes of transit service (such as bus, rail, bus rapid transit, and commuter rail). A vehicle headway policy might establish a minimum frequency of service by area based on population density. For example, a 15 minute peak and 30 minute off-peak service might be the standard for routes

serving the most densely populated portions of the service area. Thirty (30) minute peak hour service might be the standard in less densely populated areas. Headway policy is also typically related to vehicle load. For example, a policy might state that service frequency will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.

- (6) On-time performance. On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, it may be considered acceptable if a vehicle completes a scheduled run within five minutes of the established schedule. The percentage of times that vehicles on a particular route or line complete runs within this standard is then measured. An acceptable level of performance must then be defined. For example, an agency might define on-time as 95 percent of all runs on a particular route or line completed within the allowed “on-time” window (e.g., five minutes).
- (7) Distribution of transit amenities. Transit amenities refer to items of comfort and convenience available to the general riding public. These items include, but are not limited to, benches, shelters, route maps, timetables, trash receptacles, and intelligent transportation systems (such as electronic fare payment and vehicle arrival information displays) along bus routes and at fixed guideway stations and elevators, escalators and “park-and-ride” facilities, at fixed guideway stations. Transit agencies may set different service standards for the different modes of service that they provide. Policies or standards in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. Standards for the installation of transit amenities along bus routes are often based on the number of passenger boardings that occur at stops along the routes. Transit agencies should not set standards for amenities such as bus shelters that are solely installed and maintained by a separate jurisdiction, such as a municipality. Transit agencies should set standards for amenities such as bus shelters that are installed and maintained under contract between the transit agency and a private entity. In these cases, the transit agency should communicate its service standard to the private entity.
- (8) Service availability. Service availability is a general measure of the distribution of routes within an agency’s service area. For example, a policy might be to distribute service so that 90 percent of all residents in the service area are within one-fourth of a mile of bus or rail service. A policy might also indicate the maximum distance between stops along bus routes. These measures of coverage and stop distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in suburban or rural areas. In less densely populated areas, the percentage of the total population within one-fourth of a mile to routes or lines might also be lower. Commuter rail service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations. The standards or policies covering this area apply to existing services as well as proposed changes in levels of service (e.g., expansion, addition, or deletion of routes).



3. REQUIREMENT TO SET SYSTEM-WIDE SERVICE POLICIES. In order to comply with 49 CFR Section 21.5(b)(2) and 49 CFR Section 21.5(b)(7), Appendix C to 49 CFR part 21, recipients to which this chapter applies shall adopt system-wide service policies necessary to guard against service design and operational policies that have disparate impacts. System-wide policies differ from service standards in that they are not necessary based on a quantitative threshold.

a. Effective Practices to Fulfill the Service-Policy Requirement. FTA recommends that recipients develop policies for the following indicators. (Transit agencies may set policies for additional indicators as appropriate or set policies for different indicators that are more applicable to the type of service they provide, in lieu of the ones presented below.)

(1) Vehicle assignment. Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and routes throughout the recipient's system. Policies for vehicle assignment can be based on the age of the vehicle; for example, a recipient may have a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system wide average. The policy could also be based on the type of vehicle. For example, an agency could assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, certain types of vehicles could be assigned for express or commuter service. Agencies deploying vehicles equipped with technology designed to reduce emissions may choose to set a policy for how these vehicles will be deployed throughout the service area. For example, a policy could be to distribute vehicles so that the level of emissions per bus at each depot is comparable.

(2) Transit security. Transit security refers to measures taken to protect a recipient's employees and the public against any intentional act or threat of violence or personal harm, either from a criminal or terrorist act. These actions include, but are not limited to, deploying surveillance technology and security personnel along routes and at stations, implementing security training programs for employees and security awareness programs for the public, and conducting inspections of facilities and passengers. Decisions to provide a greater level of security at some but not all of a recipient's fixed guideway stations in its area or along some but not all of a recipient's transit routes should be based on neutral criteria such as an assessment of security threats to facilities, data showing higher levels of criminal activity at certain facilities or in vehicles traveling along certain routes, or objective information that leads officials to believe that certain facilities or routes are more likely to be at risk. Policies associated with observing suspicious activity should ensure that suspicious activity is observed without regard to race, color, or national origin.

4. REQUIREMENT TO EVALUATE SERVICE AND FARE CHANGES. In order to comply with 49 CFR Section 21.5(b)(2), 49 CFR Section 21.5(b)(7) and Appendix C to 49 CFR part 21, recipients to which this chapter applies shall evaluate significant system-wide service and fare

changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. For service changes, this requirement applies to “major service changes” only. The recipient should have established guidelines or thresholds for what it considers a “major” change to be. Often, this is defined as a numerical standard, such as a change that affects 25 percent of service hours of a route. FTA recommends that recipients evaluate the impacts of their service and/or fare changes using one of the following two options:

- a. Option A: Recipients are encouraged to evaluate the impacts of proposed service and fare changes according to the following procedure:
- (1) Assess the effects of the proposed fare or service change on minority and low-income populations.
    - (a) Route changes. For proposed major service changes that would reduce or expand frequency of service or add or eliminate routes, the recipient should produce maps of the routes that would be eliminated, reduced, added, or expanded, overlaid on a demographic map of the service area, that highlights those Census tracts or traffic analysis zones where the total minority and low-income population is greater than the service area average.
    - (b) Span of service. For proposed changes that would reduce or expand hours and days of service, the recipient should analyze any available information generated from ridership surveys that indicates whether minority and low-income riders are more likely to use the service during the hours and/or days that would be eliminated.
    - (c) Fare changes. For proposed changes that would increase or decrease fares on certain transit modes or by fare payment type or payment media, the recipient should analyze any available information generated from ridership surveys indicating whether minority and low-income riders are more likely to use the mode of service, payment type, or payment media that would be subject to the fare increase.
  - (2) Assess the alternatives available for people affected by the fare increase or major service change.
    - (a) Service changes. For proposed service changes, the recipient should analyze what, if any, modes of transit or transit routes are available for people affected by the service expansions or reductions. This analysis should compare the travel time and cost of the current route with the travel time and cost to the rider of the alternatives.
    - (b) Fare changes. For proposed fare changes, the recipient should analyze what, if any, alternative transit modes, fare payment types, or fare payment media are available for people affected by the fare change. This analysis should

compare the fares paid under the change with fares that would be paid through available alternatives.

(3) Describe the actions the agency proposes to minimize, mitigate, or offset any adverse effects of proposed fare and service changes on minority and low-income populations.

(4) Determine which, if any of the proposals under consideration would have a disproportionately high and adverse effect on minority and low-income riders. Recipients can implement a fare increase or major service reduction that would have disproportionately high and adverse effects provided that the recipient demonstrates that the action meets a substantial need that is in the public interest and that alternatives would have more severe adverse effects than the preferred alternative.

b. Option B: Locally Developed Evaluation Procedure. Recipients have the option of modifying the above option or developing their own procedures to evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. This locally developed alternative shall include a description of the methodology used to determine the impact of the service and fare change, a determination as to whether the proposed change would have discriminatory impacts, and a description of what, if any, action was taken by the agency in response to the analysis conducted.

5. REQUIREMENT TO MONITOR TRANSIT SERVICE. In order to comply with 49 CFR Section 21.5(2), 49 CFR Section 21.5(b)(7) and Appendix C to 49 CFR part 21, recipients to which this chapter applies shall monitor the transit service provided throughout the recipient's service area. Periodic service monitoring activities shall be undertaken to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the end result of policies and decision making is equitable service. Monitoring shall be conducted at minimum once every three years. If a recipient's monitoring determines that prior decisions have resulted in disparate impacts, agencies shall take corrective action to remedy the disparities. FTA recommends that recipients fulfill this requirement by implementing at least one of the following four service monitoring procedures:

a. Option A: Level of Service Methodology.

(2) Recipients should select a sample of bus routes and (if applicable) fixed guideway routes that provide service to a demographic cross-section of the recipient's population. A portion of the routes in the sample should be those routes that provide service to predominantly minority and low-income areas. Recipients should bear in mind that the greater the sample size, the more reliable the results.

- (3) Recipients should assess the performance of each route in the sample for each of the recipient's service standards and policies.
- (4) Recipients should compare the transit service observed in the assessment to the established service policies and standards.
- (5) In cases in which observed service does not meet the stated service policy or standard, recipients should determine why the discrepancy exists and take corrective action to correct the discrepancy.

b. Option B: Quality of Service Methodology.

- (1) Recipients should identify an appropriate number of Census tracts or traffic analysis zones that represent a cross-section of the recipient's population. A portion of this sample should include Census tracts or traffic analysis zones where minority and/or low-income residents predominate. Recipients should keep in mind that the greater the sample size, the more reliable the results.
- (2) Recipients should identify the most frequently traveled destinations for riders using the recipient's service.
- (3) For each of the three most frequently traveled destinations, recipients should compare the average peak hour travel time to destination, average non-peak hour travel time to destination, number of transfers required to reach the destination, total cost of trip to the destination, and cost per mile of trip to the destination for people beginning the trip in the selected Census tracts or traffic analysis zones.
- (4) If disparities exist in any of these factors along the trips to any of the destinations analyzed, recipients should determine whether the differences are significant. FTA recommends that recipients employ standard statistical tests for significance to make this determination.
- (5) If significant disparities in one or more quality of service indicators have been confirmed, recipients should determine why the disparity exists and take corrective action to correct the disparity.

g. Option C: Title VI Analysis of Customer Surveys.

- (1) For their most recent passenger survey, recipients should compare the responses from individuals who identified themselves as members of minority groups and/or in low-income brackets, and the responses of those who identified themselves as white and/or in middle and upper-income brackets.
- (2) To the extent that survey data is available, recipients should determine whether the different demographic groups report significant differences in the travel time, number of transfers, and overall cost of the trip or if different demographic groups

gave significantly different responses when asked to rate the quality of service, such as their satisfaction with the system, willingness to recommend transit to others, and value for fare paid.

- (3) If the agency concludes that different demographic groups gave significantly different responses, it should take corrective action to address the disparities.
- h. Option D: Locally Developed Alternative. Recipients have the option of modifying the above options or developing their own procedures to monitor their transit service to ensure compliance with Title VI. Any locally developed alternative should be designed to ensure that the agency's service meets the expectations of 49 CFR part 21 as illustrated by the example in Appendix C of the same, which provides that "no person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin."

6. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that recipients to which this chapter applies document their compliance with the program-specific requirements in Sections 1 and 2 of this chapter and submit to FTA's regional civil rights officer a Title VI program that also includes documentation of compliance with the general reporting requirements in Sections 1 through 7 of 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 agency's demographic analysis of its beneficiaries. This should include either any demographic maps and charts prepared or a copy of any customer surveys conducted since the last report that contain demographic information on ridership, or the agency's locally developed demographic analysis of its customer's travel patterns.
- (2) Copies of system-wide service standards and system-wide service policies adopted by the agency since the last submission.
- (3) A copy of the equity evaluation of any significant service changes and fare changes implemented since the last report submission.
- (4) A copy of the results of either the level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally developed monitoring procedures conducted since the last submission.

b. Eliminating Redundancy. If, prior to the deadline for subsequent reporting periods, the recipient has not altered its existing demographic analysis, service standards, or service policies, the recipient should submit a statement to this effect in lieu of copies of the original documents.

## 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 administrating agencies, administrating 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.

## CHAPTER VII

### **PROGRAM-SPECIFIC GUIDANCE FOR METROPOLITAN TRANSPORTATION PLANNING ORGANIZATIONS**

This chapter describes the procedures that metropolitan planning organizations (MPOs) should follow in order to comply with the Department of Transportation's (DOT) Title VI regulations.

1. **GUIDANCE ON CONDUCTING METROPOLITAN TRANSPORTATION PLANNING.** In order to integrate, into metropolitan planning activities, considerations expressed in the DOT Order on Environmental Justice, MPOs 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 metropolitan area 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 metropolitan transportation planning process that identifies the needs of low-income and minority populations.
  - c. An analytical process that identifies the benefits and burdens of metropolitan transportation system investments for different socioeconomic groups, identifying imbalances and responding to the analyses produced.

2. **REPORTING REQUIREMENTS.** Those MPOs that are direct recipients of Federal Transit Administration (FTA) shall report to FTA consistent with the reporting procedures in Chapter II part 4. Other MPOs should report to their direct recipient, the State Departments of Transportation (State DOTs), consistent with reporting procedures established by the State DOT.

## CHAPTER VIII

### COMPLIANCE REVIEWS

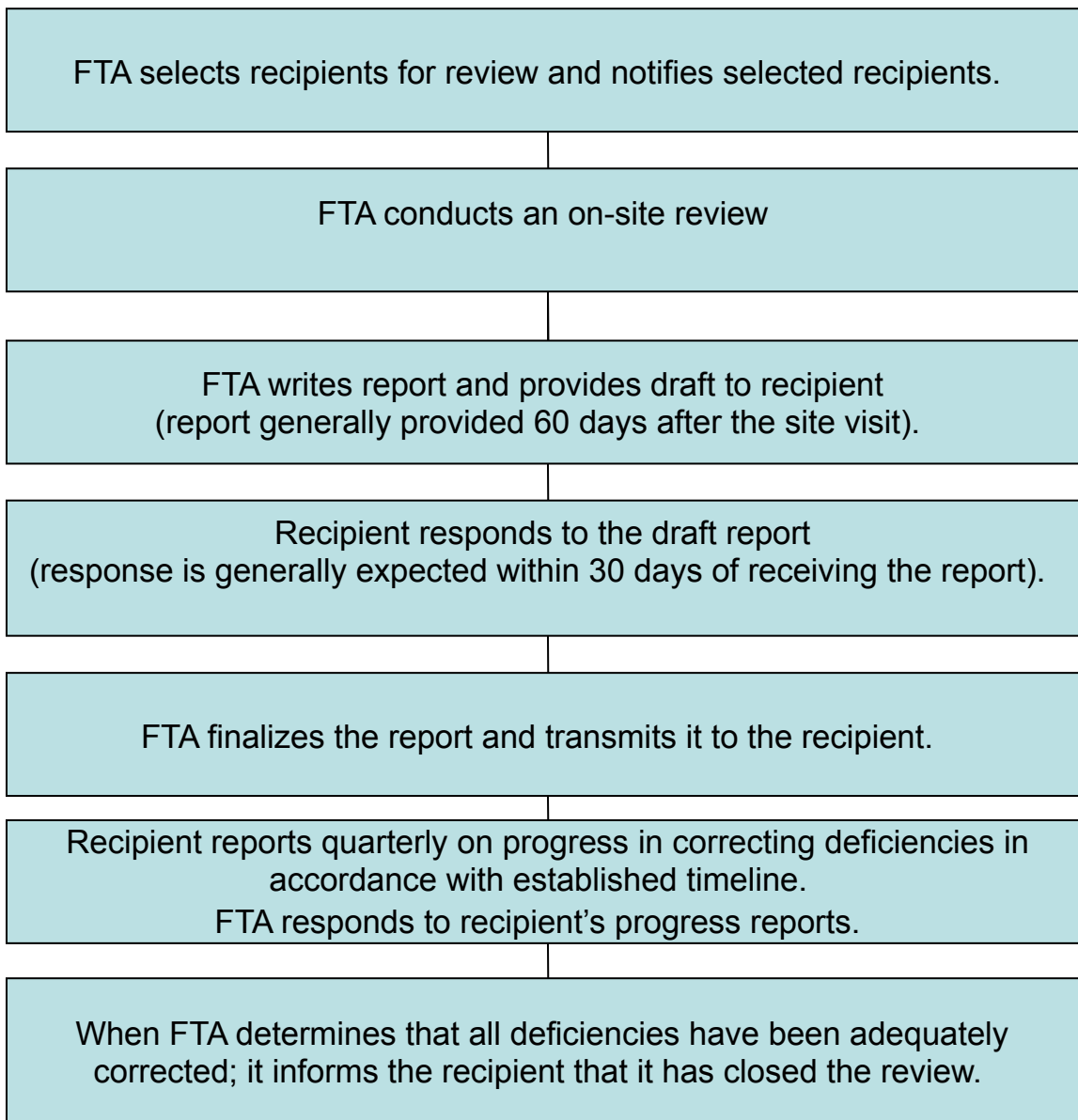
This chapter describes the review process that the Federal Transit Administration (FTA) will follow when determining if a recipient's or subrecipient is deficient or noncompliant after the award of Federal financial assistance and what information and actions are expected from recipients and subrecipients that are subject to these reviews.

1. COMPLIANCE PROCEDURES. After a grant has been awarded, FTA may conduct reviews as part of its ongoing monitoring responsibilities, pursuant to its authority under 49 CFR Section 21.11(a). These reviews exist separate and may be in addition to the Triennial Review, State Management Review, or Planning Certification Review and will be conducted either as a desk audit or at an on-site visit. They may cover all or a portion of the recipient's compliance with the requirements of this circular. Such reviews are conducted at the discretion of FTA, and their scope is defined on a case-by-case basis.
2. CRITERIA. The following list of factors will contribute to selection of recipients for compliance reviews:
  - a. Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging that the recipient or subrecipient is deficient or non-compliant with Title VI;
  - b. Problems brought to the attention of FTA by other Federal, State, or local civil rights agencies;
  - c. Incomplete Title VI program submissions that were previously submitted to FTA by a recipient;
  - d. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI; or
  - e. The length of time since the last compliance review.
3. SCOPE. In general, compliance reviews will assess the following information:
  - a. The recipient's or subrecipient's efforts to meet the requirements under the "general reporting" and program-specific sections of this circular.
  - b. Other information that is necessary and appropriate to make a determination that the grantee is in compliance with Title VI.

4. **DETERMINATIONS.** After reviewing the recipient's or subrecipient's efforts to meet the general reporting and program-specific reporting sections of the circular, FTA will issue findings of no deficiency, deficiency or noncompliance.
  - a. **Findings of no deficiency** are determinations that no deficiency was found in review of the recipient or subrecipient's Title VI program or after the results of an investigation or compliance review. Agencies are not expected to take any corrective action in response to findings of no deficiency except with regard to advisory comments. Advisory comments are recommendations that the recipient or subrecipient undertake activities in a manner more consistent with the guidance provided in the pertaining section of the circular. Recipients and subrecipients are expected to notify FTA as to whether they will take action in response to the advisory comments.
  - b. **Findings of deficiency** are determinations that the recipient or subrecipient has not complied with one or more of the pertinent provisions of this circular. Recipients and subrecipients are expected to take corrective actions in response to findings of deficiency and the compliance review will provide specific instructions to the recipient on how the corrective action should be taken.
  - c. **Findings of noncompliance** are determinations that the recipient or subrecipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity, FTA will consider the grantee to be non-compliant with the DOT Title VI regulations. If noncompliance cannot be corrected informally, the recipient or subrecipient may be subject to remedial action or proceedings under Chapter X of this circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.
5. **RESULTS OF COMPLIANCE REVIEW ACTIVITIES.** FTA will summarize the results of the review in a draft report, which will include findings of no deficiency, findings of deficiency and advisory comments, as appropriate. The recipient or subrecipient will have the opportunity to review and respond to the draft report. After FTA has received and reviewed the agency's response, it will publish a final report that will be provided to the recipient or subrecipient and will also be subject to requests from the public under the Freedom of Information Act (FOIA). If findings of deficiency remain in the final report, the recipient or subrecipient will be required to take corrective action, develop a timeline for compliance, and report on its progress to FTA on a quarterly basis. Once FTA determines that the recipient or subrecipient has satisfactorily responded to the review's findings, it will inform the agency that the review process has ended and release it from further progress reporting in response to the review. Compliance reviews may be followed up with additional reviews as necessary.
6. **EFFECTING COMPLIANCE.** Consistent with the provisions in Chapter X of this circular, if the recipient or subrecipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate Effecting Compliance proceedings that could result in action taken by Department of Transportation (DOT) to suspend, terminate, refuse to grant or continue Federal financial assistance to a recipient or subrecipient or a

referral to the Department of Justice (DOJ) with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

7. TITLE VI COMPLIANCE REVIEW FLOW CHART



## CHAPTER IX

### COMPLAINTS

This chapter describes how the Federal Transit Administration (FTA) will respond to complaints of discrimination under Title VI that are filed with FTA against a recipient or subrecipient of FTA funds. FTA will promptly investigate all complaints filed under Title VI in accordance with Department of Transportation (DOT) regulations at 49 CFR Section 21.11(b) and 21.11(c). FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.

1. RIGHT TO FILE A COMPLAINT. Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by Title VI may by himself or by a representative file a written complaint with the FTA. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.
2. COMPLAINT ACCEPTANCE. Once a complaint has been accepted by FTA for investigation, FTA will notify the recipient or subrecipient that it has been subject to a Title VI complaint and ask the agency to respond in writing to the complainant's allegations. Once the complainant agrees to release the complaint to the recipient or subrecipient, FTA will provide the agency with the complaint. If the complainant does not agree to release the complaint to the recipient or subrecipient, FTA may choose to close the complaint. FTA strives to complete a Title VI complaint investigation within 180 days of the date that FTA accepts the complaint for investigation.
3. INVESTIGATIONS. FTA will make a prompt investigation whenever a compliance review, report, complaint or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with Title VI.
4. LETTERS OF FINDING AND RESOLUTION. After the investigation has been completed FTA's Office of Civil Rights will transmit to the complainant and the grantee one of the following three letters based on its findings:
  - a. A letter of resolution that explains the steps the recipient or subrecipient has taken or promises to take to come into compliance with Title VI.
  - b. A letter of finding that is issued when the recipient or subrecipient is not found to be in noncompliance with Title VI. This letter will include an explanation of why the recipient or subrecipient was not found to be in non-compliance, and provide notification of the complainant's appeal rights. If applicable, the letter can include a list of procedural violations or concerns, which can put the recipient or subrecipient on notice that certain

practices are questionable and that without corrective steps, a future violation finding is possible.

c. A letter of finding that is issued when the recipient or subrecipient is found to be in noncompliance. This letter will include each violation referenced as to the applicable regulations, a brief description of proposed remedies, notice of the time limit on the conciliation process, the consequences of failure to achieve voluntary compliance, and an offer of assistance to the recipient or subrecipient in devising a remedial plan for compliance, if appropriate.

5. APPEALS PROCESS. The letters of finding and resolution will offer the complainant and the recipient or subrecipient the opportunity to provide additional information that would lead FTA to reconsider its conclusions. In general, FTA requests that the parties in the complaint provide this additional information within 60 days of the date the FTA letter of finding was transmitted. After reviewing this information, FTA's Office of Civil Rights will respond either by issuing a revised letter of resolution or finding to the appealing party, or by informing the appealing party that the original letter of resolution or finding remains in force. FTA strives to transmit these letters within 30 to 60 days of receiving the appeal.



## **CHAPTER X**

### **EFFECTING COMPLIANCE**

This chapter outlines procedures when the Federal Transit Administration (FTA) determines that a grantee is in non-compliance with Title VI after FTA follows the procedures in 49 CFR 21.11. The Department of Transportation (DOT) Title VI regulations at 49 CFR Section 21.13(a) states the following:

If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to: (1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

1. **PROCEDURES FOR SECURING VOLUNTARY COMPLIANCE.** Prior to taking measures to effect compliance, FTA will attempt to resolve non-compliance informally and by using the following procedures.
  - a. **Determination of Noncompliance.** FTA may determine noncompliance with Title VI following a compliance review or after FTA completes an investigation in response to a Title VI complaint.
  - b. **Notification to the Recipient.** When FTA has determined that a recipient or subrecipient is in noncompliance with Title VI, it will transmit a letter of finding to the grantee that describes FTA's determination and requests that the grantee voluntarily take corrective action(s) that FTA deems necessary and appropriate.
  - c. **Recipient Response.** Within 30 days of receipt of FTA's letter of finding, the recipient or subrecipient must submit a remedial action plan, including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations. The grantee's plan should:
    - (1) List all corrective action(s) accepted by the recipient or subrecipient.
    - (2) Describe how the corrective actions will be implemented. And a timeline for achieving compliance.

- (3) Include a written assurance that the recipient or subrecipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan.
  - d. Request for Reconsideration. A request for reconsideration should provide a justification for the request to reconsider, including any evidence or information supporting such a request, and include a written assurance that on the basis of the requested reconsideration, the agency is or otherwise will come into compliance with Title VI. This request should be submitted within 30 days of FTA's notification to the recipient.
  - e. FTA Review of the Grantee Response. Within 30 days after receiving the recipient's or subrecipient's response, FTA will review the submitted remedial action plan and any request for reconsideration and decide what remedial action(s) are necessary and appropriate to bring the grantee into compliance. If necessary, before making a decision, FTA may conduct a site visit to substantiate information or statements contained in the recipient's or subrecipient's response. FTA will issue a decision, including its findings and recommendations, as part of a final remedial action plan. The final remedial action plan will be sent to the recipient or subrecipient for review and consent. Consent means that the grantee agrees to initiate action(s) specified in the plan.
  - f. Conditions for Declining the Remedial Action Plan. The recipient or subrecipient has 15 days to agree or disagree with the final remedial action plan. If a recipient or subrecipient disagrees with this plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. Under those circumstances, the recipient or subrecipient will be considered in noncompliance, and a meeting will be scheduled within 30 days to resolve the disagreements.
2. PROCEEDINGS. When FTA and the recipient or subrecipient cannot agree on a final remedial action plan, FTA may initiate proceedings against the recipient or subrecipient in accordance with 49 CFR Section 21.13. These proceedings refer to an action taken by DOT to suspend, terminate, or refuse to grant or continue Federal financial assistance to a recipient or subrecipient. Proceedings are appropriate in cases where all means of informal resolution have failed to get the recipient or subrecipient into compliance. FTA may refer a matter to DOJ with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking. Proceedings will take place according to the following procedure:
    - a. Hearings. Whenever FTA has terminated or refused to grant or to continue Federal financial assistance, an order will be issued with express findings, after an opportunity for a hearing on the record pursuant to 49 CFR Section 21.13(c). In accordance with 49 CFR Section 21.15(a), notice of the hearing will be provided by registered or certified mail, return receipt requested, to the recipient or subrecipient. The notice will advise the recipient or subrecipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action. It will either:

- (1) Fix a date not less than 20 days after the date of such notice within which the recipient or subrecipient may request of the Administrator that the matter be scheduled for hearing; or
  - (2) Advise the recipient or subrecipient that the matter in question has been scheduled for a hearing at a stated place and time. The time and place will be reasonable and subject to change for cause.
- b. Waiver of Hearing. A recipient or subrecipient may waive a hearing and submit written information and argument for the record. The failure of a recipient or subrecipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under Section 602 of the Civil Rights Act of 1964 and Section 21.13(c) of the DOT Title VI regulations and consent to the making of a decision on the basis of the available information.
- c. Timing and Location of Hearing. Hearings will be held at the offices of the Agency in Washington, DC, at a time fixed by the Administrator unless the convenience of the recipient or subrecipient or of the Agency requires that another place be selected.
- d. Right to counsel. In all proceedings under this section, the recipient or subrecipient and the Agency shall have the right to be represented by counsel.
- e. Procedures, evidence, and record. Pursuant to 49 CFR 21.15(c), the hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper relating to the conduct of the hearing, giving of notices to the applicant or recipient, taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters.
- f. Consolidated or joint hearings. In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more Federal Statutes, the Administrator may, by agreement with other departments or agencies, provide for the conduct of consolidated or joint hearings.
3. JUDICIAL REVIEW. When FTA issues a final order after a hearing on the record, such final action is subject to judicial review. In the case of a final order or final decision that is not otherwise subject to judicial review, an aggrieved person may obtain judicial review of FTA's or DOT's final order if such action is in accordance with the Administrative Procedure Act (5 U.S.C. Chapter 7) and, therefore, the final order or final decision is not deemed an unreviewable agency action as defined.

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

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.  |

**APPENDIX B****TITLE VI PROGRAM CHECKLIST FOR RECIPIENTS SERVING URBANIZED AREAS  
WITH POPULATIONS OF 200,000 PEOPLE OR GREATER**

All recipients providing service to geographic areas with 200,000 people or greater should submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program..

| <b>Provision</b>                              | <b>Circular Reference</b> | <b>Citation</b>   | <b>Information to be included in the Title VI report</b>   |
|---|---------------------------|---|--|
| Demographic Data Collection                   | Chapter V, Part 1         | 49 CFR 21.9(b);   | Either demographic maps and charts prepared since the most recent decennial census, results of customer surveys that include demographic information, or demographic information on beneficiaries through locally developed procedure. |
| Service Standards                             | Chapter V, Part 2         | 49 CFR 21.5(b)(2); 49 CFR 21.5(b)(7); Appendix C to 49 CFR 21 | System-wide service standards (such as standards for vehicle load, vehicle headway, distribution of transit amenities, on-time performance, transit availability, and transit security).   |
| Service Policies                              | Chapter V, Part 3         | 49 CFR 21.5(b)(2); 49 CFR 21.5(b)(7); Appendix C to 49 CFR 21 | System-wide policies (such as policies for vehicle assignment or transit security).  |
| Equity Evaluation of Service and Fare Changes | Chapter V, Part 4         | 49 CFR 21.5(b)(2); 49CFR 21.5(b)(7); Appendix C to 49 CFR 21; | An analysis of the impacts on minority and low-income populations of any significant service and fare changes that occurred since the previous report was submitted.   |
| Monitoring                                    | Chapter V, Part 5         | 49 CFR 21.5(b)(2); 49CFR 21.5(b)(7); Appendix C to 49 CFR 21; | The results of either level of service monitoring, quality of service monitoring, analysis of customer surveys, or locally developed monitoring procedure.   |

**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                                |

**APPENDIX D**

**TITLE VI, ENVIRONMENTAL JUSTICE, AND LIMITED ENGLISH PROFICIENCY  
TECHNICAL ASSISTANCE RESOURCES**

The following resources should help recipients and subrecipients integrate the guidance and procedures of this circular into their planning and operations. Recipients seeking additional resources that may have been published subsequent to the date of this circular may inquire with FTA's regional Office or the Federal Transit Administration (FTA) Office of Civil Rights. Technical assistance resources will be published at the FTA Office of Civil Rights website, [http://www.fta.dot.gov/civil\\_rights.html](http://www.fta.dot.gov/civil_rights.html), on an ongoing basis.

1. Relevant Web sites. Recipients and subrecipients are encouraged to review information on the following Web sites:
  - a. Federal Highway Administration (FHWA)/FTA's Environmental Justice Web site. [www.fhwa.dot.gov/environment/ej2.htm](http://www.fhwa.dot.gov/environment/ej2.htm). This Web site provides an overview of transportation and environmental justice and includes links to legislation and guidance, case studies, effective practices, and answers to commonly asked questions.
  - b. FTA's Title VI Web site. [www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html). This Web site provides an overview of FTA's Title VI activities, including links to recent compliance reviews of recipients, related Web sites, policy guidance and procedures, and instructions on how to file a Title VI complaint.
  - c. Federal Interagency Working Group on Limited English Proficiency. [www.lep.gov](http://www.lep.gov). LEP.gov promotes a cooperative understanding of the importance of language access to Federal programs and Federally-assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and Federally-assisted programs, and other stakeholders.
  - d. U.S. Department of Justice Civil Rights Division. <http://www.usdoj.gov/crt/crt-home.html>. The Civil Rights Division of the Department of Justice, established in 1957, is the program institution within the Federal government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin.
  - e. Transportation Research Board's Environmental Justice Committee Web site. <http://ej.utc.uic.edu>. This Web site lists research on environmental justice and transportation as well as minutes from the committee and links to related organizations.

- f. Community Impact Assessment Web site. <http://www.ciatrans.net>. The Community Impact Assessment (CIA) Web site seeks to inform transportation officials and the general public about the potential impacts of proposed transportation actions on communities and their subpopulations.
- g. United We Ride. [www.unitedweride.gov](http://www.unitedweride.gov). United We Ride is an interagency Federal national initiative that supports States and their localities in developing coordinated human service delivery systems originating from the Office of Program Management or the Federal Transit Administration. In addition to State coordination grants, United We Ride provides State and local agencies a transportation-coordination and planning self-assessment tool, help along the way, technical assistance, and other resources to help their communities succeed.
2. Technical Assistance Products. Recipients and subrecipients are encouraged to review information on the following technical assistance products. Interested parties can access these products through the relevant Web site or by contacting FTA's Office of Civil Rights.
- a. Carrying Out Transportation Inspection and Safety Responsibilities In A Nondiscriminatory Manner" <http://airconsumer.ost.dot.gov/rules/20011012.htm>. This statement is a reminder to Department of Transportation (DOT) employees and those carrying out transportation inspection and Effecting Compliance responsibilities with DOT financial support of longstanding DOT policy prohibiting unlawful discrimination against individuals because of their race, color, religion, ethnicity, or national origin.
- b. National Highway Cooperative Research Program, "Effective Methods of Environmental Justice Assessment" [http://www.trb.org/news/blurb\\_detail.asp?id=4143](http://www.trb.org/news/blurb_detail.asp?id=4143). This guidebook is designed to enhance understanding and to facilitate consideration and incorporation of environmental justice into all elements of the transportation planning process, from long-range transportation systems planning through priority programming, project development, and policy decisions. It offers practitioners an analytical framework to facilitate comprehensive assessments of a proposed transportation project's impacts on affected populations and communities.
- c. Transportation and Environmental Justice: Case Studies" <http://www.fhwa.dot.gov/environment/ejustice/case/index.htm>. These case studies feature dramatic stories and highlight commonplace techniques that have been used to promote environmental justice in transportation. The cases show that, when properly implemented, environmental justice principles can improve all levels of transportation decision making.
- d. "Transportation and Environmental Justice: Effective Practices" <http://www.fhwa.dot.gov/environment/ejustice/effect/index.htm>. This publication describes effective practices taken by transportation agencies, community-based organizations, and other grassroots and advocacy organizations to advance the fundamental principles of environmental justice. These practices highlight the essential importance of public involvement as well as describe various data sources, analytical



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methods, monitoring tools, partnerships, funding programs, and strategies that have been employed to better identify the needs and address the concerns of low-income and minority populations.

e. “How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision making.” <http://www.fhwa.dot.gov/hep/lowlim/>. This report documents “best practices” in identifying and engaging low-literacy and limited-English-proficiency populations in transportation decision making. These “best practices” were collected during telephone interviews with individuals in 30 States.

f. “Disaster Response and Recovery Resource for Transit Agencies <http://transit-safety.volpe.dot.gov/Publications/order/singledoc.asp?docid=437>. This resource provides local transit agencies and transportation providers with useful information and best practices in emergency preparedness and disaster response and recovery, including information on how to respond to the needs of low-income persons, limited English proficient persons, persons with disabilities, and older adults.

**INDEX**

**SUBJECT AND LOCATION IN CIRCULAR**

Subject

Chapter/Page