The Federal Transit Administration (FTA) Office of Civil Rights is responsible for ensuring public transit providers comply with all federal nondiscrimination requirements. The Office of Civil Rights oversees the implementation of laws and regulations that prohibit discrimination on the basis of race, color, national origin, religion, sex, disability, and age in the provision of services to the public.

To ensure that FTA recipients meet the statutory and regulatory requirements of various civil rights laws, the Office of Civil Rights oversees the Title VI program; the Disadvantaged Business Enterprise program; and the Equal Employment Opportunity program. The Office of Civil Rights also ensures that recipients comply with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

There is a distinction between statutory and regulatory civil rights requirements and FTA-specific program guidance. Civil rights statutes are passed by Congress and codified in the U.S. Code. Federal civil rights regulations are implemented by federal agencies such as the Department of Transportation (DOT) and are codified in the Code of Federal Regulations (CFR). FTA develops specific civil rights program guidance in circulars. In implementing civil rights programs, FTA recognizes that Indian tribes are exempt from certain federal civil rights statutes. Based on consultations with Indian tribes in establishing the Tribal Transit Program, Indian tribes will not be subject to certain DOT civil rights regulations and FTA-specific civil rights program guidance in the Tribal Transit Program. For all other FTA programs, however, Indian tribes will be subject to federal civil rights statutes, DOT civil rights regulations, and FTA-specific civil rights program guidance unless expressly exempt by law.

**FTA Civil Rights Programs**

*Title VI Program*: Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, and national origin in programs...
and activities receiving federal financial assistance. DOT Title VI regulations (49 CFR Part 21) are designed to ensure that the Title VI statute is upheld under any program that DOT financially assists. All recipients receiving financial assistance from FTA, including Indian tribes, are subject to Title VI of the Civil Rights Act of 1964 and DOT’s implementing regulations. For Indian tribes that participate only in the Tribal Transit Program, FTA exempts such Indian tribes from the requirement to prepare and submit a program to demonstrate compliance with Title VI, as this is FTA-specific program guidance.

**DBE Program**: The Department of Transportation’s (DOT) Disadvantaged Business Enterprise (DBE) Program seeks to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department’s highway, transit, and airport financial assistance programs. The FTA Office of Civil Rights is responsible for monitoring FTA recipients’ DBE programs and ensuring their compliance with DOT’s DBE regulations (49 CFR Part 26) through the implementation of the DBE program. An Indian Tribe (or any other FTA recipient) receiving planning, capital and/or operating assistance that will award contracts exceeding $250,000 in FTA funds in a Federal Fiscal Year (FFY) (excluding vehicle purchases) must meet FTA’s DBE program requirements. The DBE program requirement applies to both Indian Tribes that receive only Tribal Transit Program funds and to those that receive other FTA funds.

**EEO Program**: FTA’s nondiscrimination statute at 49 U.S.C. 5332(b) supplements employment protections found in Title VII of the Civil Rights Act of 1964 and it prohibits discrimination by recipients in employment opportunities. In addition, Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex and national origin. Furthermore, Title I of the Americans with Disabilities Act of 1990 (ADA) prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

The FTA Equal Employment Opportunity (EEO) Program helps FTA recipients develop, implement, and monitor an effective EEO Program to ensure that recipients meet DOT Title VII regulations (49 CFR Part 21.5(c)) and other laws prohibiting employment discrimination. FTA recipients that that employ 100 or more transit-related employees and receive capital or operating assistance in excess of $1 million in the previous Federal fiscal year, or FTA recipients that receive planning assistance in excess of $250,000 in the previous Federal fiscal year must meet FTA EEO program requirements. Although Title VII of the Civil Rights Act of 1964 and Title I of the ADA exempt Indian tribes from the definition of an “employer,” Indian tribes are subject to the provisions of FTA’s
nondiscrimination statute. Therefore, Indian tribes that receive funds in any of FTA’s
grant programs are subject to FTA’s EEO Program requirements, even those that only
receive Tribal Transit Program funds.

With respect to a tribe’s employment rights ordinance, Indian tribes have the authority
to include Indian preference in employment on projects located on or near reservations
and may include Indian preference in any contracts or subcontracts under grants
specifically for the benefit of Indian tribes such as the Tribal Transit Program.

**FTA ADA Guidance**

**ADA:** The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and
ensures equal opportunity and access for persons with disabilities. Title II of the ADA
applies to almost all providers of transportation service, whether private or public, and
whether or not an entity receives Federal financial assistance. Prior to the passage of the
ADA in 1990, the Rehabilitation Act of 1973—and Section 504 of that act— was
implemented to prohibit discrimination against individuals with disabilities by entities
that receive Federal funds. The purpose of the Rehabilitation Act is to ensure that
individuals with disabilities are not excluded from, denied the benefits of, or subject to
discrimination in any programs or activities receiving Federal financial assistance. FTA is
charged with ensuring public transit providers comply with the DOT regulations
implementing the transportation-related provisions of the Americans with Disabilities
Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended. In
order to receive Federal funds, FTA recipients must comply with Section 504. In order
to comply with DOT’s Section 504 regulations, grantees must comply with the DOT
ADA regulations (49 CFR Parts 27, 37, 38, and 39). The regulations set specific
requirements transit providers must follow to ensure their services, vehicles, and
facilities are accessible to and usable by individuals with disabilities. Section 504 and
ADA requirements in 49 CFR parts 27, 37, and 38 are government-wide requirements
that apply to all Federal programs. Since Indian tribes are not specifically exempt from
the provisions of Title II of the ADA, Title II of the ADA and DOT’s implementing ADA
Title II regulations will thus apply to Indian tribes that receive FTA funding.

**Applicability and FTA Contacts**

Indian Tribes that receive FTA program funds outside of the Tribal Transit Program as a direct
recipient or subrecipient are subject to all associated statutory and regulatory requirements
including FTA Civil Rights program guidance.

FTA Regional Civil Rights officers (RCROs) ensure that every FTA recipient complies with
applicable federal requirements and FTA Civil Rights program guidance. The RCRO approves
every transit program’s eligibility to be an FTA recipient before award applications can be accepted for review. RCROs are also available as a resource to answer specific Civil Rights questions and to provide technical assistance to recipients as needed.

**Summary: Applicability of FTA Civil Rights Programs and ADA Compliance for Indian Tribes receiving FTA Funds**

<table>
<thead>
<tr>
<th>Civil Rights/ADA Requirements</th>
<th>Program Funds Received</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Direct recipient of only Tribal Transit Program (5311(c)) funds</td>
</tr>
<tr>
<td>Title VI Program</td>
<td>Exempt from program submission</td>
</tr>
<tr>
<td>DBE Program</td>
<td>Required, if will award contracts exceeding $250,000 in FTA funds in a Federal Fiscal Year</td>
</tr>
<tr>
<td>EEO Program</td>
<td>May be required, depending on transit-related staff size and other factors</td>
</tr>
<tr>
<td>ADA Compliance</td>
<td>Required (except Title I which concerns employment discrimination)</td>
</tr>
</tbody>
</table>
Additional Civil Rights and ADA Resources for Rural and Tribal Transit Providers

- **FTA Circulars:**
  - 4702.1B: Title VI Requirements and Guidelines for Federal Transit Administration Recipients
  - 4710.1: Americans with Disabilities Act (ADA): Guidance
  - 4704.1A: Equal Employment Opportunity (EEO) Requirements And Guidelines for Federal Transit Administration Recipients

- **FTA and NTI trainings and recorded webinars**
  - Title VI
  - DBE
  - EEO

- **National Rural Transit Assistance Program (RTAP):** [Title VI Webinar](#) (2015)
- **National RTAP:** [Transit Manager’s Toolkit: Civil Rights](#)
- **National RTAP:** [ADA Toolkit](#)
- **DOT:** [Tips for Goal-Setting in the Disadvantaged Business Enterprise (DBE) Program](#)
- **National Aging and Disability Transportation Center:** [Resource Library FTA Master Agreements](#)
- **FTA Responses to the November 9, 2012 Solicitation of Comments (78 FR 27284)** - Comments and Responses on Tribal Transit Program implementation

*This fact sheet does not have the force and effect of law and is not meant to bind the public in any way. The fact sheet is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Recipients or subrecipients should refer to FTA’s statutes and regulations for applicable requirements.*