



FEDERAL TRANSIT ADMINISTRATION

## FTA Region IV Regional Conference

# Civil Rights Update

May 13, 2015  
Atlanta, GA



U.S. Department of Transportation  
Federal Transit Administration

# PRESENTATION OVERVIEW

- Overview of Program Areas
- Civil Rights Compliance
  - Title VI Program
  - Disadvantaged Business Enterprise Program
  - Equal Employment Opportunity Program
- DBE Program Final Rule (2014)
- ADA Information
- Q & A

# TEAM IS USED TO CONTACT YOU

MAKE SURE YOUR CONTACT INFORMATION IS CURRENT

~AND~

WE KNOW WHAT YOU DO

The Office of Civil Rights (TCR) pulls information from TEAM to send emails, letters and other correspondence to grantees.

- Under the “**Recipient**” tab, make sure **all** necessary individuals are listed and their contact information is correct: Name, Title, Address, Email, Telephone...
- Send me the contact information for individuals responsible for Civil Rights matters in your organization if they are not listed or do not have access to TEAM-Web.

# CIVIL RIGHTS PROGRAM AREAS

- Title VI Program
- Disadvantaged Business Enterprise Program
- Equal Employment Opportunity Program
- ADA – Emphasis on Technical Assistance  
(FTA does not review/approve Paratransit Plans)

# COMPLIANCE WITH CIVIL RIGHTS REGULATIONS

Having all required Civil Rights programs (**Title VI, EEO, and DBE Program and DBE Goals**) on file and concurred upon are pre-requisites to funding.

Increased emphasis on:

- Programs submitted in TEAM
- In-depth reviews
- FTA/Civil Rights followed-up with a letter indicating review determination, and any corrections

# PROGRAM DETERMINATIONS

- **Concur**
- **In Review**
- **Expired/Expiration**

# TITLE VI

## PROHIBITS DISCRIMINATION BASED ON RACE, COLOR, NATIONAL ORIGIN

“**No** Person in the U.S. shall, on the grounds of Race, Color, national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”

- **42 U.S.C § 2000d**, *et seq*

# TITLE VI PROGRAM SUBMISSION

- Applies to all FTA Recipients
- Every 3 years – The Office of Civil Rights has developed a submission schedule similar to the DBE submission schedule.
- Submit your Program at least 60 calendar days prior to expiration date.
- **All** recipients must have Title VI Program approved by the recipient's governing entity and **MUST** submit documentation of review and approval actions.



# CONTRACTORS AND TITLE VI

Contractors who operate service for FTA grantees do NOT submit Title VI Programs. However, they must comply with the grantee's Title VI program.

- For example: A company contracted to provide paratransit service for Transit Agency A must comply with Title VI Program of Transit Agency A.

# SUB RECIPIENTS AND TITLE VI

- ❖ Each sub recipient must develop and implement its own Program.
  - Even if the organization does not get any funding directly from FTA, but gets FTA funding from the Primary Recipient – the organization must have a Title VI Program.
  - Sub recipients submit T-VI Programs to the FTA recipient on a schedule established by the recipient.

# SUB RECIPIENTS AND TITLE VI

The Primary Recipient is responsible providing technical assistance, review and concurrence and oversight of the sub recipient's Program.

❖ **If the Sub recipient is out of Civil Rights compliance – the Primary Recipient is out of compliance.**

## TITLE VI CIRCULAR

- Provides grantees with guidance for the Title VI Program requirements
- Explains what grantees must include to FTA in their Title VI programs
- Includes in-depth appendices to provide examples to grantees (Includes graphs, sample forms, and flow charts)

# ORGANIZATION OF TITLE VI CIRCULAR

- Chapter I: Introduction and Background
- Chapter II: Program Overview
- **Chapter III: General Requirements and Guidelines**
- **Chapter IV: Requirements and Guidelines for Fixed Route Transit Providers**
- **Chapter V: Requirements for States**
- **Chapter VI: Requirements for MPOs**
- Chapter VII: Effectuating Compliance with DOT Title VI Regulations
- Chapter VIII: Compliance Reviews
- Chapter IX: Complaints
- Appendices

# CHAPTER III

## Requirements for ALL Recipients

Eight elements contained in every Title VI Program:

- Notice of Rights under Title VI
- How to File a Complaint, copy of complaint form
- List of Title VI investigations, complaints or lawsuits
- Public Participation Plan
- LEP Plan
- **Racial Breakdown of Non-elected Advisory Councils**
- **Narrative Describing Subrecipient Monitoring**
- **Board of Directors resolution or meeting minutes demonstrating the board approved the Title VI Program**

# CHAP. IV REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS

Requirement	Fixed Route Transit Providers that do not meet the threshold	Transit Providers with 50 or more fixed route vehicles in peak service, located in large UZA
Set system-wide standards and policies	<b>Required</b>	<b>Required</b>
Collect and report data	Not required	<b>Required:</b> <ul style="list-style-type: none"> <li>• Demographic and service profile maps and charts</li> <li>• Survey data regarding customer demographic and travel patterns</li> </ul>
Evaluate service and fare equity changes	Not required	<b>Required</b>
Monitor transit service	Not required	<b>Required</b>

# PROMOTING INCLUSIVE PUBLIC PARTICIPATION





# PARTICIPATION PLAN

- Must contain:
  - Proactive Strategies,
  - Procedures, and
  - Desired Outcomes
- Participation Plan strategies and examples
  - Meetings at convenient times and accessible locations
  - Utilizing different meeting sizes and formats
  - Alternative advertising platforms
  - Varying community interaction

# Limited English Proficiency (LEP)

## LEP Four Factor Analysis

1. The **number** or proportion of LEP persons
2. The **frequency** with which LEP persons come in contact with the program
3. The **nature and importance** of the program, activity, or service provided
4. The **resources available** to the recipient for LEP outreach, as well as the costs.

# Limited English Proficiency (LEP)

## Language Assistance Plan

- How do you provide assistance by language?
- How do you provide notice to LEP persons?
- How do you provide notice to LEP persons?
- How do you monitor, evaluate, and update?
- How do you train employees to provide timely and reasonable language assistance.

**Resource:** [www.lep.gov](http://www.lep.gov)

# TITLE VI APPENDIX

Appendices provide practical guidance and include checklists, examples, tables... for FTA recipients to consult when preparing their Title VI Program.

- Use Appendices 😊
- Visit the FTA Civil Rights training page:  
<http://www.fta.dot.gov/civilrights/12885.html>

# DBE

DBE applies to FTA recipients receiving planning, capital and/or operating assistance who will award contracts exceeding \$250,000 in FTA funds in a Federal fiscal year (excluding vehicle purchase and internal expenses, i.e. planning).

**There are THREE components to the DBE Requirement; the DBE Program is different from the DBE Goal grantees submit every three years.**

- The DBE PROGRAM describes how the agency implements the program or carries out its DBE efforts.
- The DBE Goal anticipates contracts with FTA funds and the availability of DBEs to perform work on FTA-assisted contracts.
- DBE Reports provide information on how the money received is actually spent. MUST be filed in TEAM each June and December

# MEETING YOUR GOAL

- Really consider your projected spending and do not overlook **contracting opportunities**.
- If you did not meet your goal, conduct an honest **Shortfall Analysis**. This is your opportunity to analyze your goal, determine why you didn't meet it and what you can do to improve. Was it because a faulty goal setting method was used? Was a change in the market? ...
- Meet DBE participation by starting with improved **RN efforts**.  
Hold meet and greets, implement mentoring programs, review your SBE Program and really implement it.
- Use of **Contract Goals**. (RC efforts).

# DBE PROGRAM FINAL RULE (2014)

## Key change to the DBE Goal requirement

### Publication and Consultation

**Publication** is deemphasized. Recipients must at least publish their goal on their website, but whether to publish the goal in other avenues is at the recipient's discretion.

**Consultation** is being given more emphasis. Recipients must make an concentrated effort to reach out to all interested parties and gain their feedback. (Passive or slight efforts such as blast emails without follow-up will not satisfy this requirement.)

❖ This is the time of year to be conducting consultations.

# DBE RESOURCES

## Resources:

FTA Office of Civil Rights DBE Page:

<http://www.fta.dot.gov/civilrights/12326.html>

Link to UDOT site (for reference):

<https://www.civilrights.dot.gov/disadvantaged-business-enterprise>



# EEO

## EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (EEO)

Does it apply to you?

❖ FTA recipients with 50 or more transit-related employees

**AND**

✓ (1) received \$1 million or more in capital or operating assistance

~ Or ~

✓ (2) received \$250,000 or more in planning assistance during the previous fiscal year

# PROPOSED ADA CIRCULAR

- FTA is proposing the phased development of a new ADA Circular FTA C 4710.1
- It is being developed by chapter (~12 chapters)
- There is a draft of the Circular on the FTA ADA page: <http://www.fta.dot.gov/civilrights/12325.html>  
**“Proposed ADA Circular Chapter”**
- Opportunities to submit comments

# THE ADA FINAL RULE

DOT issued an ADA Final Rule March 15, 2015

## **“Transportation for Individuals With Disabilities: Reasonable Modification of Policies and Practices”**

This final rule was published to clarify that public transportation entities are required to make reasonable modifications/ accommodations to their policies, practices, and procedures to ensure program accessibility.

# THE ADA FINAL RULE

Transit agencies must provide **reasonable accommodations** by making changes to policies, practices, and procedures if:

- needed by an individual with a disability to enable him or her to participate in the recipient's program or activity,
- **unless** providing such accommodations are an **undue financial and administrative burden** or constitute a **fundamental alteration** of the program or activity.

# DOOR-TO-DOOR ASSISTANCE IS A REASONABLE ACCOMMODATION

For example: If the agency policy is curb-to-curb assistance but the sidewalk is slick and it is not an undo hardship for the driver to get off the bus and help the passenger get on the bus, then the driver must do that.

- It won't cause a system disruption for the driver to help the passenger and it is safer for the passenger who is a fall risk.

- ❖ Personal care service is NOT a reasonable accommodation. Passengers must still have their own Personal Care Attendant when needed.

# REASONABLE MODIFICATION POLICY

**Regional Civil Rights Officers will NOT be reviewing every grantee's Reasonable Modification Policy.**

- Policies will be looked at during oversight reviews and on a case-by case basis in the interim.

❖ Office of Civil Rights ADA Page:

<http://www.fta.dot.gov/civilrights/12325.html>

# ADA TECHNICAL ASSISTANCE

## Questions or concerns about ADA or Paratransit

[Home Page](#) >> [Civil Rights](#) >> [Americans with Disabilities Act](#) >> [ADA Technical Assistance](#)

**ADA Issues Questions or Concerns?** Email the FTA **ADA Team** through FTA's Contact Us tool on our website :

<http://ftawebprod.fta.dot.gov/ContactUsTool/Public/NewRequest.aspx>

Input your inquiry and our ADA team will provide sound technical advice.

**FTA ADA Assistance Line 1-888-446-4511**

Topic Guides on ADA Transportation - **DREDF**

[Topic Guides on ADA Transportation](#)

# WEBSITES

**FTA Region IV website:**

<http://www.fta.dot.gov/about/region4.html>

**FTA Civil Rights website:**

[http://www.fta.dot.gov/civil\\_rights.html](http://www.fta.dot.gov/civil_rights.html)





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## Region 4



### Areas Served

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, The Commonwealth of Puerto Rico, and the United States Virgin Islands

### Profile

Our mission is to "improve public transportation for America's communities" by administering Federal funding and providing technical assistance to support a variety of locally planned, constructed, and operated public transportation systems throughout the Southeastern Region.

We intend for the Region IV website to be a dynamic resource for our customers to keep current on real-time questions and answers regarding several exciting initiatives, some new and some we have been pursuing for several years. These initiatives include the **DOT/HUD/EPA Sustainable Communities initiative** which was initiated in June, 2010, and the **Veterans Transportation and Community Living initiative**, which was initiated in May, 2011. Both of these initiatives are essential to the operation of public transportation systems that meet the needs of our private citizens; our veterans; and the communities in which they both live.

For Fiscal Years (FY) 2012 and FY2013, the FTA will be preparing for the next appropriations legislation (**MAP-21**). For more details about MAP-21, please go to <http://www.fta.dot.gov/map21/index.html> on this web site. We will also be working diligently to ensure that transit infrastructure projects are an essential component of the FY 2014 President's Budget for public transportation, because these projects not only provide jobs for America's unemployed, they also enhance the public transportation systems of transit agencies in the Southeast and across the Nation. Therefore, this is certainly a time of change and opportunity – let's all commit ourselves to a successful Fiscal Year 2013 by doing all that we can to keep our economy moving and the American public mobile.

### Historical Data (2012)

In FY 2012, Region IV awarded 423 grants and obligated \$1,040,647,113. We could not have achieved this exceptional result without the incredible partnerships that we have with our key stakeholders. All of these grants

Yvette G. Taylor: Regional  
Administrator for Region 4

Geographical Assignments (PDF)

American Recovery and Reinvestment  
Act Information

Upcoming Events

Grantee Resources Center

State Programs Information

Livable and Sustainable Communities

Real Estate Information

Transit Systems & Associations

Photo Gallery - Region 4

Region IV Organizational Chart

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## Civil Rights

The FTA Office of Civil Rights (TCR) is the standard bearer for equity in the public transit system sector. As the sole office for ensuring that the Civil Rights protections afforded by law and regulation are enforced for all FTA programs and recipients, TCR works towards establishing public transportation that is free of discrimination and accessible for all by working with internal and external stakeholders.

TCR's vision is to be the preeminent Civil Rights office within the United States Department of Transportation (USDOT) by incorporating innovative technology and solution orientated approaches to Civil Rights in an ever changing world.



[Americans with  
Disabilities Act](#)



[Title VI of the  
Civil Rights Act of  
1964](#)



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Enterprise](#)



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# QUESTIONS?



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# Don't Forget the Survey!

Please remember to complete the survey for this session by visiting the Guidebook App or

<http://goo.gl/forms/hhOzdnpmKK>

- Choose “Thurs., 11:00 a.m. - Civil Rights Update” from the dropdown list

# Special Thanks to Our Vendors & Sponsors!

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National  
**RTAP**  
Rural Transit Assistance Program

The logo for the National Rural Transit Assistance Program (RTAP) features a stylized graphic of a blue and green leaf or drop shape.

**FTA**

FEDERAL TRANSIT ADMINISTRATION