

TITLE VI



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LEARNING OBJECTIVES

At the end of this course, participants will be able to:

- 1 — EXPLAIN TITLE VI & NONDISCRIMINATION AUTHORITIES
- 2 — DESCRIBE THE FUNDAMENTALS OF TITLE VI:
ROLES & RESPONSIBILITY
- 3 — DEFINE AND IDENTIFY DISCRIMINATION
- 4 — IDENTIFY APPROPRIATE IMPLEMENTATION & COMPLIANCE
PROCEDURES
- 5 — EXPLAIN THE CONSEQUENCES FOR NONCOMPLIANCE &
HOW TO EFFECT COMPLIANCE



Title VI of the Civil Rights Act of 1964

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TITLE VI

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
(42 USC § 2000d)



image source: www.cbias.com

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TITLE VI

The Title VI nondiscrimination regulations and obligations apply to:

- All programs and activities of the entity receiving federal financial assistance
- Staff
- Contractors

Discrimination is strictly prohibited

We all play a role in preventing and eliminating discrimination

TITLE VI INVOLVES ALL OF US!

WHAT IS THE
PURPOSE
OF THIS
TRAINING?

- Increase knowledge and understanding of the **importance, impact, and reach** of Title VI
- Provide information regarding **federal requirements** for a Metropolitan Planning Organization's (MPOs) Title VI program
- To **prevent and eliminate illegal discrimination** through understanding what discrimination is and the **requirements** of a comprehensive and proactive Title VI program

WE WANT YOU TO KNOW WHAT TO DO

1

TITLE VI: WHAT DO YOU NEED TO KNOW?

Who is Protected?

- All persons in the United States

The Intent

- To eliminate **barriers** and **conditions** that prevent/prohibit equal access, participation and opportunity from federally assisted programs and activities

The Impact





- Touchstone of several non-discrimination authorities
- Far-reaching protection, applicability, and coverage (operations of recipient entity)

EQUAL TREATMENT, ACCESS, OPPORTUNITY, AND RIGHTS!

2

TITLE VI FUNDAMENTALS: ANSWER KEY

Activity 1: Does Title VI Apply?

Activity	Yes	No
Facilities at a transit provider underwent renovations with a federal grant. An employee alleges that their facility located in a locality that is predominantly lower income, did not receive upgrades.		
An MPO recently completed its Long-Range Plan, senior community that is predominately Hispanic says that they were unable to attend meetings at the offered time, and would like to contribute		
At the public meeting for an MPO's LRTP, two community members who have identified as minority individuals have a heated interaction. A Title VI complaint of alleged discrimination is filed.		
Your MPO's Transportation Program initiated a study to research how highways bisected low-income and minority communities. The transportation planner is applying for a federal grant, but won't receive confirmation until after the study.		

Template: Federal Transit Administration

2

TITLE VI FUNDAMENTALS: NONDISCRIMINATION AUTHORITIES

Americans with Disabilities Act (ADA) of 1990

The **ADA prohibits public entities** from discriminating against people with disabilities or implicitly excluding them from participation in services, programs or activities:

- Prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications
- Extends the application and protection to non-federally funded entities

2

TITLE VI FUNDAMENTALS: CASE LAW

Clarifying Protections & Provisions

Civil Rights Restoration Act of 1987

- Restore the broad scope, intent, and clarify application of:
 - Title IX Education Amendments of 1972
 - Section 504 of Rehabilitation Act of 1973
 - Age Discrimination Act of 1975
 - Title IV of 1964 Civil Rights Act
- The term 'activities or program' and 'program' means the operations of
 - "a department, agency, special purpose district, or other instrumentality of a State or of a local government..."
 - "The entity of such State or local government that distributes such assistance and each such department (and each other State or Local Government Entity) to which assistance is extended..."
- Expanded to protect everyone in the United States - including non-citizens

2

TITLE VI FUNDAMENTALS: FEDERAL FINANCIAL ASSISTANCE

What does it mean to be a recipient of federal financial assistance?



Title VI does not apply to the activities of the federal government, employment practices, or beneficiaries

2

TITLE VI FUNDAMENTALS: FEDERAL FINANCIAL ASSISTANCE

What does it mean to be a recipient of federal financial assistance?

Most applicable to MPOs in accordance with the Unified Planning Work Plan (UPWP), 23 CFR Part 450; 49 USC part 5305 (contracts, grants, and agreements):

- Grants and loans of federal funds
- Any Federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance

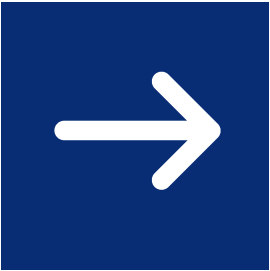
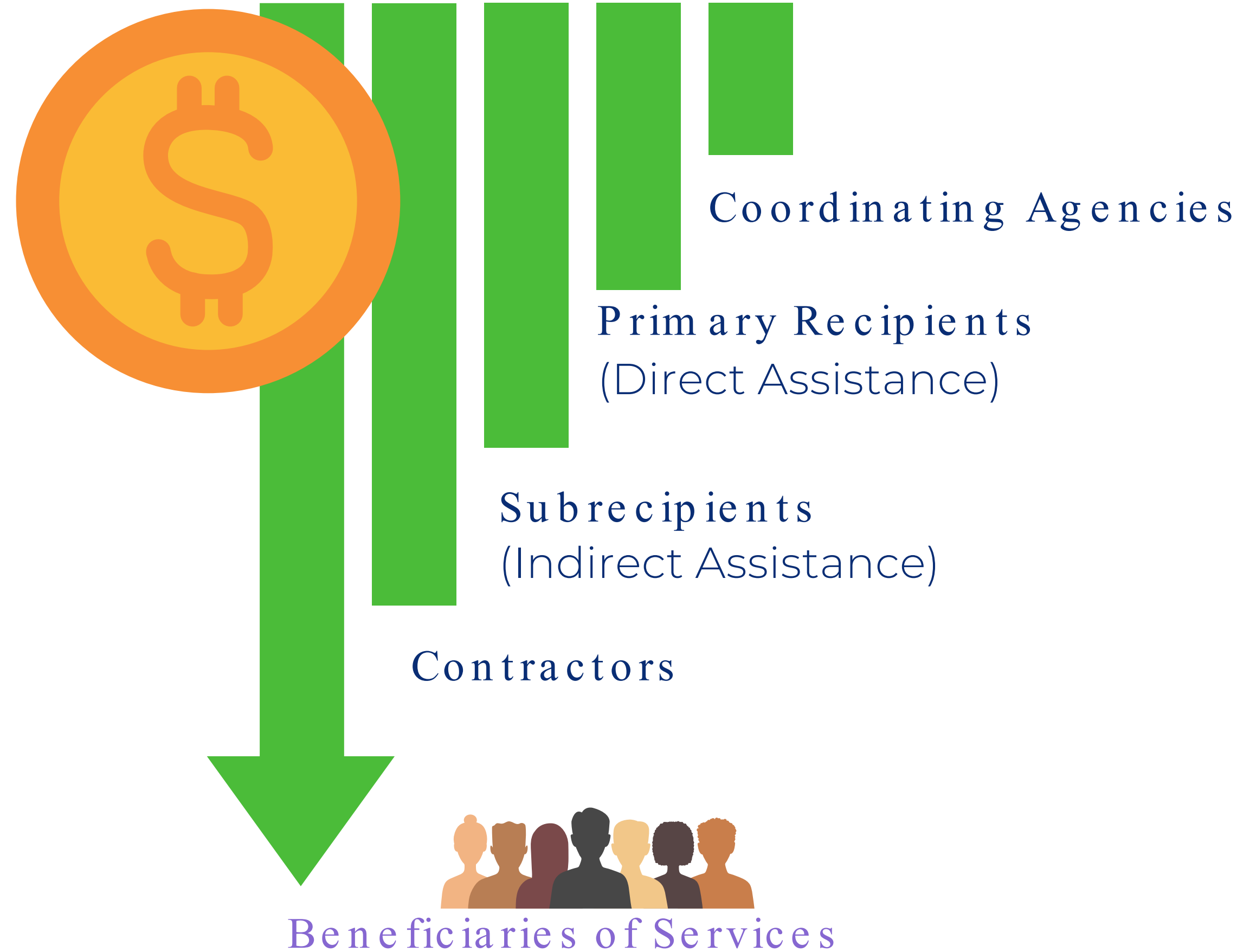
Other forms of federal financial assistance:

- The grant or donation of Federal property and interest in property
- The detail of Federal personnel
- The sale and lease of, and permission to use federal property or interest in such property without consideration or at a nominal consideration

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TITLE VI
FUNDAMENTALS:
ROLES
&
RESPONSIBILITIES

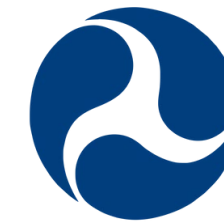
US Department of Justice



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TITLE VI
FUNDAMENTALS:
ROLES
&
RESPONSIBILITIES

Coordinating
Agencies



Federal Highway
Administration



Federal Transit
Administration

Primary
Recipients



Subrecipients



Contractors



2

TITLE VI FUNDAMENTALS: ROLES & RESPONSIBILITIES

What are the responsibilities for Title VI compliance?

- **US Department of Justice (DOJ)**
 - Oversee and coordinate the implementation and enforcement responsibilities of federal agencies
 - Ensure consistent and effective enforcement across the federal government
 - Establish guidelines and standards
- **US Department of Transportation (US DOT)**
 - **Oversee Transportation Modal Administrators**
 - Office of Civil Rights
 - Provide leadership, guidance, training, education and technical assistance
 - Review, evaluate, and monitor programs for consistency and effectiveness
 - Process and investigate complaints against recipients
 - Coordinate with and act as a liaison

2

TITLE VI FUNDAMENTALS: ROLES & RESPONSIBILITIES

What are the responsibilities for Title VI compliance?

- **Federal Highway Administration (FHWA)**
 - Ensures Title VI Compliance of FHWA federal funding recipients (STAs)
 - Provides oversight and stewardship
 - Monitors compliance with regular reviews
 - Approves implementation plans and conducts process reviews
 - Provides policy and technical assistance training
- **Federal Transit Administration (FTA)**
 - Ensures Title VI compliance of FTA grant/funding recipients
 - Conducts 3-year Recertification Reviews (MPOs)
 - Monitors compliance with regular reviews
 - Provides oversight and stewardship
 - Approves implementation plans and conducts process reviews
 - Provides policy and technical assistance training

2

TITLE VI FUNDAMENTALS: ROLES & RESPONSIBILITIES

What are the responsibilities for Title VI compliance?

- **State Departments of Transportation (DOTs)**
 - Recipient entity
 - Administer federal aid highway programs
 - Distribute federal funding to subrecipients
 - Submit annual plans, assurances, and report to FHWA
 - Conduct internal and external review of **subrecipients**
 - Process and investigate complaints against **subrecipients**
- **Metropolitan Planning Organizations (MPOs)**
 - Conduct Long Range Planning activities
 - Report as subrecipient to the recipient (state)
 - Ensure compliance of MPO subrecipients
 - Monitor contractors/consultants
 - Collect, analyze, and report demographic information
 - Participate in FTA/FHWA certification reviews
 - Develop Title VI complaint process

Under Title VI federal laws, recipients of federal funds are required to take proactive action to ensure that there is nondiscrimination in all of program, activities, and operations.

Title VI of the Civil Rights Act of 1964, as Amended (42 USC 2000d)

Prohibits discrimination on the grounds of race, color, or national origin. “Civil Rights” are the rights of individuals to receive equal treatment (and to be free from unfair treatment or “discrimination”) in a number of settings, including education, employment, housing, and more, and based on certain legally-protected characteristics.

Civil Rights Restoration Act of 1987

Restores and provides clarification of the original intent of Title VI of the Civil Rights Act to define the phrase "program or activity" and the term "program" to mean all of the operations of an entity. Amendments to Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, restore the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities whether they are federally assisted or not.

We've defined what discrimination is and the legal basis. Next you will learn what agencies' and recipients' compliance requirements are, and how compliance is achieved through:



Title VI Implementation
Plan and Federal/State
Oversight and Assistance



Public Participation



Meaningful & Equitable
Engagement



COMPLIANCE:

TITLE VI

IMPLEMENTATION

PLAN

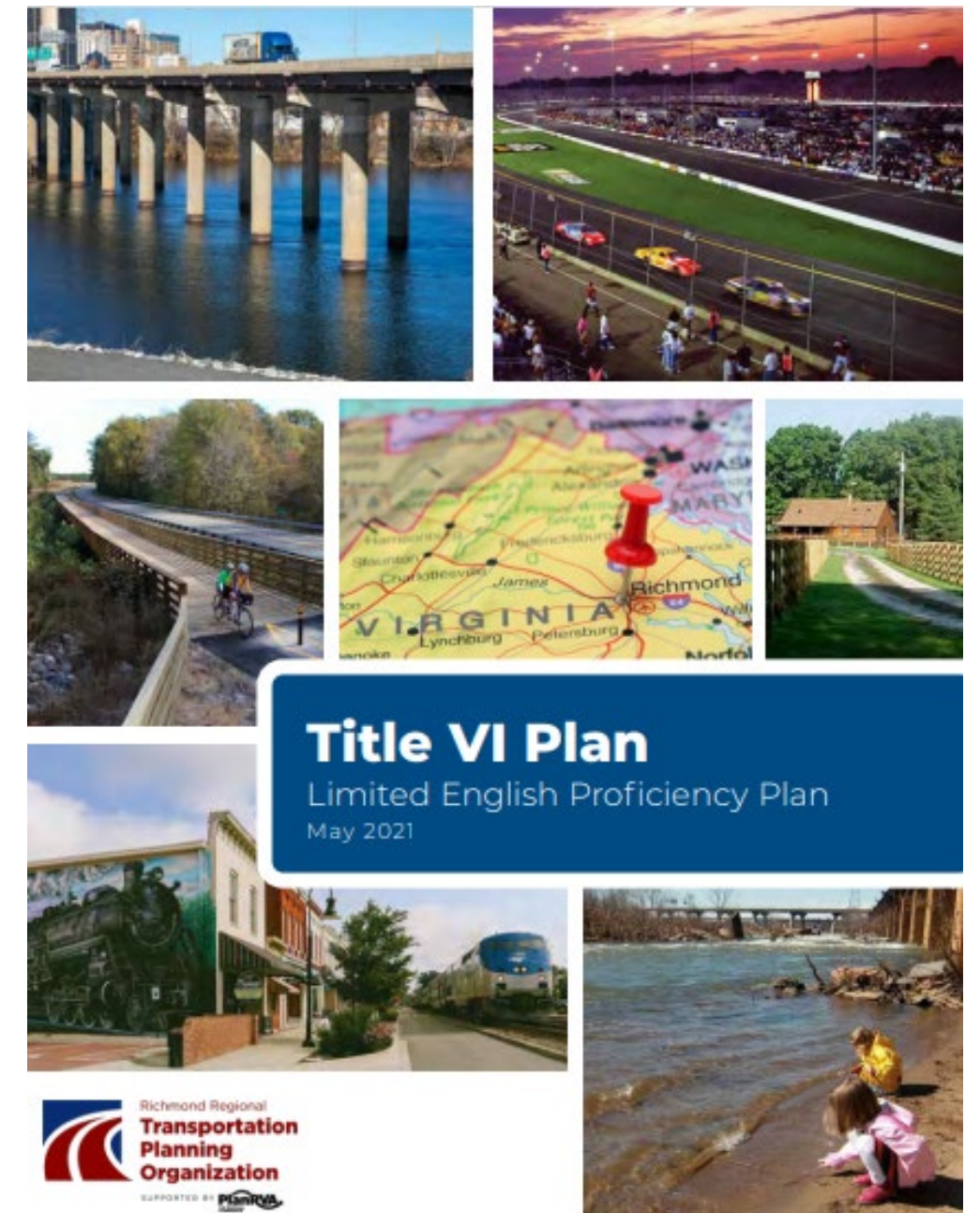
Title VI Implementation Plan

We are required to develop a Title VI Implementation Plan.

- The plan must include comprehensive and **proactive** steps that are implementable, effective, and efficient to prevent discrimination
- Identifies staffing, roles, responsibilities, and resources
- Include tasks, goals, objectives for activities such as training, outreach & education, and technical assistance

Key Elements & Content

- Organization and Staffing Roles
- Nondiscrimination Policy Statement
- Assurances (DOT order 1050.2A)
- Title VI Statute, Nondiscrimination Authorities and Executive Orders
- Program Area Descriptions
- Data Collection & Analysis
- Public Participation Plan
- Dissemination of Title VI Information
- Training
- Monitoring Processes
- Complaint Procedures



COMPLIANCE: TITLE VI IMPLEMENTATION PLAN

Key Elements & Content: DOT Standard Title VI Assurances

US DOT Order 1050.2A (A-E)

- Requirement of federal financial assistance
- Provides the basis for the Federal government to enforce compliance with Title VI
- Reinforce recipients of obligations to comply with Title VI and the various nondiscrimination authorities/provisions
- Required to include Title VI provisions in contractual documents



US DOT Standard DOT Title VI Assurances:

https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/acr/dot_order_1050_2A_standard_dot_title_vi_assurances.pdf

COMPLIANCE:

TITLE VI

IMPLEMENTATION

PLAN

COMPLIANCE:
PUBLIC
PARTICIPATION

Public Participation Plan

A well-developed Public Participation Plan should include strategies for meaningful engagement and shall be developed in accordance with: 23 C.F.R. § 200.9; 23 C.F.R. § 450.212; 49 C.F.R. § 21.5; 28 C.F.R. 42.405, EO 13166- LEP.



Federal recipients are required by law to develop equitable engagement plans as a component of its Title VI program and take proactive and affirmative action to ensure nondiscrimination in programs and activities

COMPLIANCE:
PUBLIC
PARTICIPATION

A Public Participation Plan must:

- Display nondiscrimination policy and compliance with Title VI
- Inform staff and the public of their rights under Title VI resources available to employees and the public
- Detail the approaches and effective strategies to involve and inform LEP persons
- Have considerations for Environmental Justice populations in accordance with Executive Order 12898 and ensure EJ populations are involved in decision making for programs and activities

COMPLIANCE:
PUBLIC
PARTICIPATION

Public Involvement

- Public involvement is the **foundation** to effectively **integrate Title VI into decision-making**
- Provides **valuable input and assists with validating data/information** obtained from sources (e.g. online data)
- **Informs and identifies** issues, concerns, and values of populations/communities
- **Creates opportunities** to form trusted and longstanding relationships to better inform agencies and better serve the public (two-way street!)

COMPLIANCE:
MEANINGFUL
ENGAGEMENT

Strategies for Meaningful Engagement

- Actively foster community wide engagement designed to invite everyone to express their needs, concerns, ideas
- Develop trust that input is considered
- Identify and consider barriers to participation
 - Language, translation services, written v. oral
 - ADA compliance
 - Access to meetings - physical vs. virtual
 - Time of day (consider age, employment, etc.)
 - Financial constraints
 - Transportation
 - Cultural, religious, tribal traditions
- Acknowledge, identify, and assess diversity of populations within the region

COMPLIANCE:
LANGUAGE
ASSISTANCE PLAN

Meaningful Engagement: LEP, Language Access Plan

- LEP access is required and supported by Title VI nondiscrimination authority (**DOJ 65 FR 50 124**)
- Identify and consider barriers to participations in the given region
- Acknowledge, identify, and assess diversity of population within the region
- Conduct a **Four Factor Analysis** to develop your **Language Access Plan**
- **LEP group** must have written translation of **vital documents**

COMPLIANCE:
MEANINGFUL
ENGAGEMENT

Strategies for Meaningful Engagement:

What is our Role?

- **Establish connections** across the community
 - Analyze and Identify 'high-priority' areas for reaching populations who don't typically engage
 - Conduct four factor analysis for LEP persons/populations
 - Conduct targeted engagement within these areas to identify preferred communication methods
- **Educate all stakeholders** about the program, project, or activity so they are comfortable, informed and effective in their participation
- **Maintain equitable participation** through long-standing relationships

Data Collection: Ensuring Benefits Reach Everyone!

Data collection is **essential** to meaningful engagement and **required** in accordance with **23 CFR 200.9** and **49 CFR 21.9**.

COMPLIANCE: DATA COLLECTION

- State Highway Actions 23 CFR 200.9 (b)(4). **Develop procedures for collection of statistical data** (race, color, religion, sex, and national origin) or participants in, and beneficiaries of state highway programs (ie. relocatees, **impacted citizens**, and **affected communities**)

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COMPLIANCE: DATA COLLECTION

Data Collection: Ensuring Benefits Reach Everyone!

US DOT Compliance Reporting 49 CFR 21.9 (b).

"Each recipient shall keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part.

In the case in which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part."

Data Collection: Ensuring Benefits Reach Everyone!

COMPLIANCE: DATA COLLECTION

Jurisdiction	Total Population	Not Hispanic or Latino and Single Race Alone							Hispanic or Latino	Minority
		White	Black or African American	American Indian and Alaskan Native	Asian	Native Hawaiian and other Pacific Islander	Some other race alone	Two or more races		
Charles City	7,022	2,915	3,224	456	62	-	13	226	126	4,107
		41.5%	45.9%	6.5%	0.9%	0.0%	0.2%	3.2%	1.8%	58.5%
Chesterfield	335,594	210,795	75,068	747	11,562	85	942	8,711	27,684	124,799
		62.8%	22.4%	0.2%	3.4%	0.0%	0.3%	2.6%	8.2%	37.2%
Goochland	22,148	17,186	3,642	40	261	-	44	407	568	4,962
		77.6%	16.4%	0.2%	1.2%	0.0%	0.2%	1.8%	2.6%	22.4%
Hanover	103,218	87,131	9,331	150	1,537	25	132	2,026	2,886	16,087
		84.4%	9.0%	0.1%	1.5%	0.0%	0.1%	2.0%	2.8%	15.6%
Henrico	324,073	175,647	95,051	596	25,782	141	811	8,489	17,556	148,426
		54.2%	29.3%	0.2%	8.0%	0.0%	0.3%	2.6%	5.4%	45.8%
New Kent	20,523	16,326	2,336	185	203	-	32	843	598	4,197
		79.5%	11.4%	0.9%	1.0%	0.0%	0.2%	4.1%	2.9%	20.5%
Powhatan	28,364	23,989	3,135	80	76	27	19	464	574	4,375
		84.6%	11.1%	0.3%	0.3%	0.1%	0.1%	1.6%	2.0%	15.4%
Richmond	220,892	88,320	105,878	356	4,552	32	518	6,893	14,343	132,572
		40.0%	47.9%	0.2%	2.1%	0.0%	0.2%	3.1%	6.5%	60.0%
Region	1,061,834	622,309	297,665	2,610	4,035	310	2,511	28,059	64,335	439,525
		58.6%	28.0%	0.2%	4.1%	0.0%	0.2%	2.6%	6.1%	41.4%

Sample Data:

PlanRVA Race Demographics by Locality

COMPLIANCE:
DATA
COLLECTION

Data Collection: How to collect and how is it used?

Collection of data can occur through reports, online sources, GIS, internet research for preliminary information.

- **Federal/National Sources**
 - US Census Bureau (Decennial/ ACS)
 - EPA (EJ Screen 2.0) as available
- **State Data Sources**
 - State/Regional transit providers
 - Planning Departments
- **Local Data Sources**
 - MPO, PDCs , advisory committees
 - Minority business associations: organizations serving and/or led by underserved, underrepresented, or marginalized communities/persons
 - Rural/agricultural organizations

COMPLIANCE:
DATA
COLLECTION

Data Collection: How is it used?

- Understand the range of the persons/communities that our organization serves
- Influences the development of programs and projects and the distribution of opportunities to access programs and activities
- Inform investment and funding prioritization in projects, programs, activities, and services

COMPLIANCE: DATA COLLECTION

Data Collection: How is it used?

- Impact/ burden avoidance, minimization, and mitigation (or redirection of funding)
 - Avoid disproportionately high and adverse effects
 - Avoid disparate impact
- Utilized for reporting and compliance requirements and documentation
 - NEPA process and documentation
 - Potential litigation
 - Title VI compliance reporting



Data collection, analysis and utilization is integral to ensuring compliance with Title VI and is required by law.

COMPLIANCE

How Do we Comply?

- Established Title VI coordinator (with support staff)
- Collect and report data
- Provide language assistance services
- Submit annual signed assurances
- Require and provide opportunities for training
- Ensure nondiscrimination in services, outreach and decision making provided by staff, contractors/ consultants

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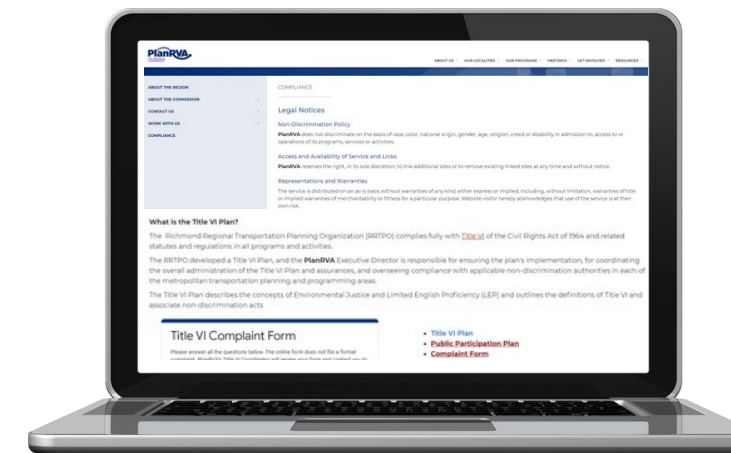
COMPLIANCE

How Do we Comply?

- Public dissemination of information/ meetings
- Perform routine review of documents/materials
- Public outreach
- Establish complaint procedures/investigation
- Inform the public of their rights under Title VI



EEO UNLAWFUL DISCRIMINATION POSTER



COMPLIANCE WEBPAGE
Sample: Plan RVA

Notifying the Public of Rights Under Title VI

THE CITY OF USA

- The City of USA operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- For more information on the City of USA's civil rights program, and the procedures to file a complaint, contact 800-555-1212, (TTY 800-555-1111); email title.vi.complaint@city.ca.us; or visit our administrative office at 1234 Center Street, City of USA, State 11111. For more information, visit www.city.ca.us
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 800-555-1212.
 - *MAKE SURE THE SENTENCE ABOVE IS ALSO PROVIDED IN ANY LANGUAGE(S) SPOKEN BY LEP POPULATIONS THAT MEET THE SAFE HARBOR THRESHOLD*

Public Notice of Rights
Sample: FTA

COMPLIANCE: REPORTING

How Do we Comply?

To ensure compliance, we submit reports annually and on time, to support compliance:

- **Accomplishments Report**
 - Prepare a yearly report on activities/accomplishments of the past year and upcoming goals (23 CFR part 200.9)
- **Annual Work Plan**
 - Prepare a yearly outline of activities/monitoring requirements
 - Identify program areas for improvement
- **Records**
 - Maintain a log of Title VI complaints
 - Maintain data sources, collection processes, and information

COMPLIANCE:
OVERSITE
&
MONITORING

How Do we Comply?

We must **monitor** its internal practices and **subconsultant** for compliance

- Monitor internal/external contract procedures and monitor subconsultants
- Address potential barriers to procurement and promote diversity in subconsultant invitations (**SW aM Supplier Diversity EO 35**)
- Ensure contract documents contain Title VI assurances/appropriate provisions (US DOT Order 1050.2A)

We've defined various roles and responsibilities of Title VI compliance and community and public outreach to support compliance.

Next we will learn what noncompliance is, the complaint process, sanctions for noncompliance, and actions to comply.



Complaint Process



Noncompliance



Corrective Actions



COMPLAINT
PROCESS:
WHAT IS A
COMPLAINT?

In accordance with 49 CFR 21.11 (a-e), subrecipients must comply with complaint and investigative procedures:

a. Periodic Compliance Reviews

49 CFR 21.11:

b. Complaints. Any person who believes him /her-self; themselves, or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than **180 days** after the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

c. Investigations

d. Resolution of matters

e. Intimidatory or retaliatory acts are prohibited

COMPLAINT PROCESS

How are Complaints Submitted, Processed, Investigated, and Resolved?

The Primary Recipient oversees the enforcement of Title VI compliance and conduct complaint investigations of MPOs/LPAs when noncompliance with Title VI occurs.

- **Methods of Filing Complaints**



- In writing (paper or electronic), or verbal (Title VI Coordinator, employee/officer of recipient)

- **Acceptance**

- Filed within 180 days of alleged act of discrimination
- Contains sufficient information

- **Preliminary Review**

- Gather more information
- Administratively dismiss

HOW TO
Effect
Compliance:
VOLUNTARY
CORRECTIVE
ACTION

How are Complaints Submitted, Processed, Investigated, and Resolved?

Federal & State Transportation Agencies are required to provide (sub)recipients with technical assistance

Monitoring, cooperative coordination, and technical assistance can prevent and correct (**voluntarily**) any violations of Title VI programs (23 C.F.R. § 200.11(d); 28 C.F.R. § 50.3).



Applicants/Recipients are afforded legally mandated opportunities to **voluntarily** effect compliance

HOW TO EFFECT COMPLIANCE: HEARINGS

In accordance with 49 CFR 21.15, a recipient must be granted:

a. **Opportunity for hearing.** Whenever an opportunity for hearing is required (49 CFR 21.13 (c)- termination/suspension procedures, the recipients must be granted

- Reasonable notice through mail
- Specificity of the proposed action being taken (including legal basis)
- Provide date of hearing, or provide option to request a hearing date
- The recipient may waive hearing, and provide counter information including documents and argument on the record



Failure to not request a hearing or failure appear at the set hearing date waives the applicants/recipients' rights and consent to decision made.

HOW TO
EFFECT
COMPLIANCE:
CORRECTIVE
ACTION

It is the responsibility of the **State Transportation Agency (STA)** to conduct Title VI reviews of subrecipients: MPO's, LPAs, etc., (23 CFR 200.9).

- Audit MPOs for compliance with Title VI
 - Prepare findings (In Compliance or noncompliance)
- Address any compliance deficiencies (90d)
- MPOs must comply and participate in any follow-up reviews

HOW TO EFFECT COMPLIANCE: PROGRAM AREA REVIEW

APPENDIX F MPO and PDC Review Forms, Compliance Letters and Letters of Findings



Metropolitan Planning Organization Title VI Program Review Form

This questionnaire is used to assess your organization's compliance with Title VI regulations. State Highway Agencies (SHAs) are required to review those entities to which the SHA distributes federal funds (subrecipients) (23 C.F.R. §200.9(b)(7)). VDOT is required to conduct Title VI reviews of Metropolitan Planning Organizations (MPOs) to monitor and ensure Title VI compliance. The review form assists VDOT in determining whether the MPO operates in a nondiscriminatory manner and is managing the federal-aid in compliance with Title VI Regulations.

Reporting Period (VDOT reviewer enter applicable reporting period here)

Name of MPO	
Address of MPO	
Date of Review	
Name & Title of person completing this form	

Title VI Administration

1. Identify the person responsible for the administration of the Title VI policies and procedures at your Agency (Title VI Coordinator)
Name: _____ Position Title: _____
2. Has the Title VI Coordinator participated in any form of training with specific reference to Title VI?
Yes No
If YES, what type of Training?
Describe and provide date
3. Does the Title VI Coordinator have access to the top official at the MPO?
Yes No
Please list names of the official(s)
4. Does the agency have an approved Title VI Implementation Plan that documents the Agency's methods of administration of its Title VI Program?
Yes No
If YES, please enter the name of the Agency that approved the Plan, provide the date of approval and attach a copy of the Plan.

VDOT MPO Sample Program Review Form



Planning District Commission (PDC) Title VI Program Review Form

This questionnaire is used to assess your organization's compliance with Title VI regulations. State Highway Agencies (SHAs) are required to review those entities to which the SHA distributes federal funds (subrecipients) (23 C.F.R. §200.9(b)(7)). VDOT is required to conduct Title VI reviews of Metropolitan Planning Organizations (MPOs) to monitor and ensure Title VI compliance. The review form assists VDOT in determining whether the MPO operates in a nondiscriminatory manner and is managing the federal-aid in compliance with Title VI Regulations.

Reporting Period (VDOT reviewer enter applicable reporting period here)

Name of PDC	
Address of PDC	
Date of Review	
Name & Title of person completing this form	

Title VI Administration

1. Identify the person responsible for the administration of the Title VI policies and procedures at your Agency (Title VI Coordinator)
Name: _____ Position Title: _____
2. Has the Title VI Coordinator participated in any form of training with specific reference to Title VI?
Yes No
If YES, what type of Training?
Describe and provide date
3. Does the Title VI Coordinator have access to the top official at the PDC?
Yes No
Please list names of the official(s)
4. Does the agency have an approved Title VI Implementation Plan that documents the Agency's methods of administration of its Title VI Program?
Yes No
If YES, please enter the name of the Agency that approved the Plan, provide the date of approval and attach a copy of the Plan.
5. Has the agency signed the Title VI Assurances (USDOT 1050.2A)?
Yes No

VDOT PDC Sample Program Review Form

NONCOMPLIANCE:
TERMINATION OF
ASSISTANCE

In accordance with 49 CFR 21.13, informal methods to enforce compliance (Title VI) cannot be met, or failure for noncompliance cannot be corrected:

a . **General.** Termination, refusal to grant, or suspension of federal financial assistance

The recipient must be advised, notified and termination of federal financial assistance

NONCOMPLIANCE WITH TITLE VI REGULATIONS IS A
SERIOUS & COSTLY INFRACTION



- Compliance procedures and complaint forms are available online at:
<https://planrva.org/home/about-the-commission/compliance/>
<https://planrva.org/wp-content/uploads/RRTP O-Title VI-Com plaint-Form .pdf>
- Review PlanRVA's Title VI Plan available online at:
<https://planrva.org/wp-content/uploads/RRTP O-Title VI-P lan .pdf>
- Stay informed and in touch with:
Rashaunda Lanier-Jackson
Community Engagement Manager/ Title VI Coordinator (rljackson@PlanRVA.org)

We need each of you to ensure that all people within your localities are treated equally, fairly, and assured equal access to benefits and services



References:

- Dumbuya, M. S. (2018, May 8). Subrecipients & Title VI- 2018 AASHTO Civil Rights Training Symposium. Oklahoma City; FHWA Resource Center.
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TITLE VI

FUNDAMENTALS:

NONDISCRIMINATION AUTHORITIES

Executive Order 13166: Ensuring Access to Persons with Limited English Proficiency (LEP)

Executive Order 13166 requires federal agencies, including (sub)recipients of federal assistance, to take **reasonable steps** to ensure meaningful access to programs and activities by LEP persons. EO 13166:

- Ensures programs and activities normally provided in English are accessible to LEP persons and **do not discriminate** on the bases of **national origin**
- Requires agencies to **prepare a plan** to improve access, and shall be consistent with standards in accordance with EO 13166
- Ensures **adequate opportunity** and **meaningful access** to **participate** in public involvement and agency services.

Regulations Implementing Title VI

49 CFR Part 21- US DOT Title VI Regulations

No person in the United States shall, on the grounds of **race, color or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation.

23 CFR Part 200.9- FHWA Title VI regulations

DOT Regulations for the implementation of Title VI of the Civil Rights Act of 1964 requires assurances from States that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient receives Federal assistance from the Department of Transportation, including the Federal Highway Administration.

Regulations Implementing Title VI

FTA Circular 4702.1B Title VI Requirement and Guidelines for FTA Recipients

The FTA's update to circular 4702.1A provides guidance to FTA recipients and grantees on how to comply with the requirements of Title VI of the 1964 Civil Rights act and US DOT regulations (49 CFR part 21), The circular provides guidance on ensuring meaningful language access to persons who are limited English proficient (LEP).

FTA Circular 4703.1- EJ Policy Guidance for FTA Recipients

The FTA's separate guidance policy to assist recipients with incorporating the principles of EJ into plans, projects, programs, and activities. The final guidance provides State DOTs, MPOs, and other public transportation providers with recommendations on how to engage EJ populations in the decision-making process, how to assess disproportionately high and adverse effects due to activities, and avoidance, minimizations or mitigation strategies.

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DEFINE & IDENTIFY
DISCRIMINATION:
ANALYSIS

Tools/Procedures to Evaluate Equity: Service and Fare Changes

Requirement of Transit Service providers:

- Transit provides operating 50+ fixed route vehicles during peak service

