



Title VI – Sub-Recipient Reviews

Transit Providers
2015

Transit Provider Title VI Review Schedule

- o Three-Year Review Schedule:
 - o 2015: Arrow Transit, River Cities Transit, RST Transit, ROCS, Sanborn County & West River Transit
 - o 2016: Aberdeen Ride Line, Brookings Area Transit, Community Transit, Groton Community Transit, People's Transit, Spink County Transit & Watertown Area Transit
 - o 2017: Brandon City Transit, Dell Rapids Transit, East Dakota Transit, Inter-Lakes Community Action, Palace Transit, Vermillion Transit & Yankton Transit

Quick Reference (FTA) Title VI Circular 4702.1B

- o **How has the Title VI Circular Changed?**
 - o Provides greater clarity, accountability, transparency, and consistency.
 - o Provides clarification between Environmental Justice (EJ) and Title VI.
 - o Provides an extensive appendix with user-friendly templates and checklists to help prepare documents that must be submitted to FTA.
 - o Provides flow charts to illustrate the responsibilities of the various roles in public transportation, such as recipient, direct recipient, designated recipient, and primary recipient.

- o **The general requirements for Title VI compliance are largely the same. FTA's revised Title VI Circular:**
 - o Includes regulatory language to show a clear nexus between regulations and requirements.
 - o Clarifies all requirements, and strengthens some requirements.
 - o Moves EJ language to the new EJ Circular, with the exception of the service and fare equity analysis section.
 - o Sets forth the requirements for all FTA recipients and provides specific requirements for MPOs, States, and Transit Providers.

- o **All FTA recipients must submit the following:**
 - o A Title VI Notice to the Public, Complaint Procedure, and Complaint Form
 - o A Limited English Proficiency Plan (**or Four Factor Analysis**) and **a Public Participation Plan**
 - o A list of investigations, lawsuits and complaints
 - o A table depicting racial composition of membership of non-elected bodies, membership is selected by the recipient
 - o Information regarding the Siting of Fixed Facilities (as opposed to a list of construction projects)
 - o a Title VI Program must be approved by the recipient's Board of Directors or appropriate governing entity

Quick Reference Cont.

o MPOs, State DOTs, and Subrecipients:

- o • **Subrecipients must submit a Title Program to State (as primary recipient)**
- o • State DOTs have an added requirement for demographic maps that overlay the percent minority and non-minority populations, and charts that analyze the impacts of the distribution of State and Federal public transportation funds.
- o • Includes more definitive guidance on monitoring subrecipients

o Compliance Reviews and Complaints

- o Redundancies eliminated by removing a letter of resolution and the appeals process; and providing specific conditions for administratively closing complaints
- o Compliance Reviews include: specific steps prior to imposing any draw-down restrictions on recipients; more specific guidance on the compliance review process; and requires a Board resolution approving any Remedial Action Plan resulting from a compliance review

o Due Dates

- o **All FTA Recipients must submit a Title VI Program every 3 years (to State DOT)**
- o MPO Due date changes from every 4 to every 3 years
- o All Title VI Programs must be submitted via TEAM 60 days prior to expiration (only applies to SDDOT)

Pre-Award Checklist

- o Submitted in 2012
- o Any areas of non-compliance –
 - o Provided date for completion
 - o Must be completed prior to review
- o Review pre-award checklist
- o Do not plan to re-do pre-award checklist in the future

Title VI Review Form

- o Only need to complete every three years based on schedule
- o Must be completed and submitted with supporting documentation by May 1st (on three year rotation)
- o Even if missing any requirement still submit by May 1st
- o Title VI is about voluntary compliance
- o Will be given time to complete a public involvement plan and the Title VI Program document if needed
- o Templates for the various requirements online at:
<http://www.sddot.com/services/civil/titlevi.aspx>

South Dakota Department of Transportation
Title VI Compliance Review
Transit Provider: _____

This review/report covers the period of _____ through _____ and was completed from _____ to _____. Reviewing actual documentation of your activities is necessary in determining compliance. In addition to your narrative responses to the questions below, you must provide documentation in the form of electronic documents, a link to your website for documents and materials, or provide a paper copy.

- 1. Staff
 - In the table below, list current personnel employed by position. Include all members of boards, commissions, and committees.

Name	Position	Gender		Race/Ethnicity							
		F	M	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Asian	Native Hawaiian/ Other Pacific Islander	Two or More Races	White	
	Totals										

Microsoft Word window showing a document titled "Title VI Transit Compliance Review Report - 2013.doc [Compatibility Mode]". The document content is as follows:

- How are boards, councils, or committees appointed?
- How does your agency ensure that equal opportunity is provided when appointments are made?

2. Language Services

- List the people designated to provide alternative and non-English language assistance, including volunteers and staff that provide interpreting and translations services.
- What is the number of requests for services by customers with Limited English Proficiency (LEP)? What percentage does this make of total requests?

3. Provide copies of or electronic link to online version of:

- Limited English Proficiency (LEP) plan or Four-Factor Analysis
- Equal Employment Opportunity (EEO) Plan (if applicable and not previously submitted)
- Americans with Disabilities Act (ADA) Transition Plan (if applicable)

4. Complaint Procedure/Pending Complaints

- Provide a copy of the procedure/form used to handle Title VI complaints
- How is the Title VI Policy Statement and complaint procedure disseminated to employees and the public?
- List any public transportation-related Title VI investigations, complaints, or lawsuits filed since the time of the last review. (List should include only those that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs that pertain to the recipient submitting the report)

5. Demographics

- Is your agency using the most current data to describe the population demographics within your jurisdiction? (please supplement review with data relied upon to ensure veracity)
- Can SDDOT provide any demographic information for your agency?

6. Title VI Equity Analysis

- If you have constructed a facility in this reporting period, such as a vehicle storage facility, maintenance facility, operations center, etc. you must include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.

7. Public Outreach/Involvement

- Provide documentation of your Title VI notice to the public as well as the locations the notice is located.
- List the recruiting opportunities during the report period including the number of vacancies and promotions:
 - i. How was recruitment done?

Page 2

Page: 2 of 3 Words: 658 80%

Title VI Transit Compliance Review Report - 2013.doc [Compatibility Mode] - Microsoft Word

File Home Insert Page Layout References Mailings Review View Developer Add-Ins

Cut Copy Paste Format Painter

Arial 11

Font Paragraph Styles

Find Replace Select

ii. Race and gender of applicants.
 iii. Race and gender of person hired/promoted.

- Describe any public outreach activities undertaken during the reporting period such as public announcements and/or communications for meetings, hearings, and project notices.
- List the special language needs assessments conducted. Attach examples of assessments.
- What efforts were made to ensure equal opportunity of participation in outreach activities from minorities, women, low-income individuals, and LEP population groups?
- Attach demographics gathered from attendees at public meetings, hearings, etc.
- Describe the avenues of public outreach (i.g. print, television, radio, etc.) Is this information provided with advance public notice or in a timely manner?
- Which meetings were attended by the local EEO/Title VI officer?
 - I. What was their role in the outcome of that meeting?

8. List any Title VI training* taken by staff.

Attendee	Name of Training	Date

9. Name the individual who will be serving as the Title VI coordinator for the next year.

Sponsor must return a copy of this completed form to:

June D. Hansen, Civil Rights Compliance Officer
 South Dakota Department of Transportation
 Office of Legal Counsel
 700 East Broadway
 Pierre, SD 57501-2586

Or email: june.hansen@state.sd.us
 Or fax: (605) 773-4442

Transit Name/Phone Number _____

Signature of duly authorized representative _____

Title _____

Date _____

*Title VI training can be provided by the SDDOT upon request. To discuss training or Title VI requirements, reviews or reports, contact June Hansen, Civil Rights Compliance Officer, (605) 773-4444, or email: june.hansen@state.sd.us

SDDOT acknowledges the Idaho Transportation Department and the California Department of Transportation for the original formation of this document.

Page 3

Page: 3 of 3 | Words: 658 | 80%

Title VI Program

- o Must be submitted by May 1st with Title VI Review Form (on three year rotation schedule)
- o New requirement for subrecipients
- o Compiling all the Title VI requirements in one document
- o Must be approved by Board of Directors or appropriate governing entity
- o Submitted to SDDOT every three years as part of the Title VI Review – Updated with any changes
- o Follow template provided that includes links to examples and additional information

Microsoft Word interface showing a document titled "Title VI Program Template .docx [Read-Only]". The ribbon includes File, Home, Insert, Page Layout, References, Mailings, Review, View, Developer, and Add-Ins. The Home ribbon is active, displaying Font, Paragraph, Styles, and Editing groups. The document content is centered on a white page:

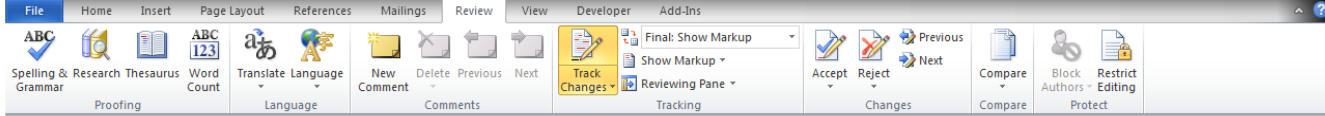
South Dakota Department of Transportation

Title VI Program Template

June 2013

Office of Legal Counsel
Civil Rights Program
700 East Broadway Avenue
Pierre, South Dakota 57501-2486
(605) 773-3540

Page: 1 of 5 | Words: 1,254 | 75%



Every three years, on a date determined by the South Dakota Department of Transportation (SDDOT), each recipient is required to submit the following information as part of their Title VI Program. For immediate reference please review here [FTA C 4702.1B](#)

Below you will find an outline of the Title VI Program, as required by USDOT Federal Transit Administration. Your Title VI Program must contain each of these individual parts to be considered complete. Sample documents have been provided for your assistance.

1. Cover Page
 - a. Name of transit provider
 - b. Title VI Program
 - c. Date Completed
 - d. Contact information for Title VI Coordinator
2. Table of Contents
 - a. Include page numbers for all of the following pieces of the Title VI Program
3. General Information Section
 - a. Narrative that lists the following:
 - b. Brief description of Transit Provider and Service Area
 - c. Name of Title VI Coordinator
 - d. Date of appointment of Title VI Coordinator
 - e. Any Training received by Title VI Coordinator & Staff
4. Title VI Notice to the Public, including a list of locations where the notice is posted
 - a. See #7 of Title VI Compliance Review
 - b. See Appendix A
 - c. [Sample Notice to the Public](#)
 - d. If applicable, include the translated version for any LEP population your transit provider may serve
5. Title VI Complaint Procedures
 - a. See #4 of Title VI Compliance Review
 - b. Instructions to the public regarding how to file a Title VI discrimination complaint.
 - c. [Sample Form](#)
6. Title VI Complaint Form
 - a. See #4 of Title VI Compliance Review
 - b. [Sample Form](#)
 - c. [Additional Sample](#)
7. List of transit-related Title VI investigations, complaints, and lawsuits
 - a. See Title VI Compliance Review
 - b. [Sample log form](#)
 - c. [Additional Sample](#)

Microsoft Word window titled "Title VI Program Template.docx [Read-Only]". The ribbon includes File, Home, Insert, Page Layout, References, Mailings, Review, View, Developer, and Add-Ins. The Review tab is active, showing options for Track Changes, Show Markup, Accept, Reject, Previous, Next, Compare, Block Authors, and Restrict Editing.

8. Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since last Title VI Program submission

- a. *This document explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities.*
- b. *Recipients have wide latitude to determine how, when, and how specific public participation activities should take place, and which specific measures are most appropriate.*
- c. *Recipients should make these determination based on a demographic analysis of the population affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations can include both comprehensive measures as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process.*
 - i. *Some effective practices can include:*
 - 1. *Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.*
 - 2. *Employing different meeting sizes and formats*
 - 3. *Coordinating with community and faith based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.*
 - d. *For further guidance reference page(s) 25-26 of [ETA C 4602.1B](#)*

9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance

- a. *Reference your agency's Four Factor Analysis for information regarding Language Assistance Plan specific to the area that is served.*

10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities in such committees

- a. *See #1 of Title VI Compliance Review*
- b. *See Appendix B*
- c. *Expand upon table with questions following table*

11. A Title VI Equity Analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operations center, etc. in the last three years.

- a. *See #6 of Title VI Compliance Review*
- b. *The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin.*
- c. *Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the*

Page: 3 of 5 | Words: 1,254 | 75%

Microsoft Word window: Title VI Program Template .docx [Read-Only] - Microsoft Word

File Home Insert Page Layout References Mailings Review View Developer Add-Ins

Spelling & Research Grammar ABC 123 Word Count Translate Language New Comment Delete Previous Next Track Changes Show Markup Reviewing Pane Accept Reject Next Compare Block Authors Restrict Editing

1
2
3
4
5
6
7
8

preferred site. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.

d. *If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin.*

e. *The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.*

f. *For further guidance reference page(s) 31-32 of [FTA C 4602.1B](#)*

12. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program

Appendix A
SAMPLE Title VI Notification to the Public

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: vi.complain@cityofusa.us; or visit our administrative offices at 1234 Center Street, City of USA, State 11111. For more information, visit www.cityofusa.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

Page: 4 of 5 Words: 1,254 75%

Microsoft Word interface showing a document titled "Title VI Program Template .docx [Read-Only]". The ribbon includes File, Home, Insert, Page Layout, References, Mailings, Review, View, Developer, and Add-Ins. The Review tab is active, showing options for Proofing, Language, Comments, Tracking, Changes, and Compare/Protect.

APPENDIX B
TABLE DEPICTING MINORITY REPRESENTATION ON COMMITTEES AND COUNCILS SELECTED BY THE RECIPIENT (GENERAL REQUIREMENT)

Background
Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the membership of those committees broken down by race, and a description of efforts made to encourage the participation of minorities on such committees. *The sample below is provided for the purposes of guidance only.*

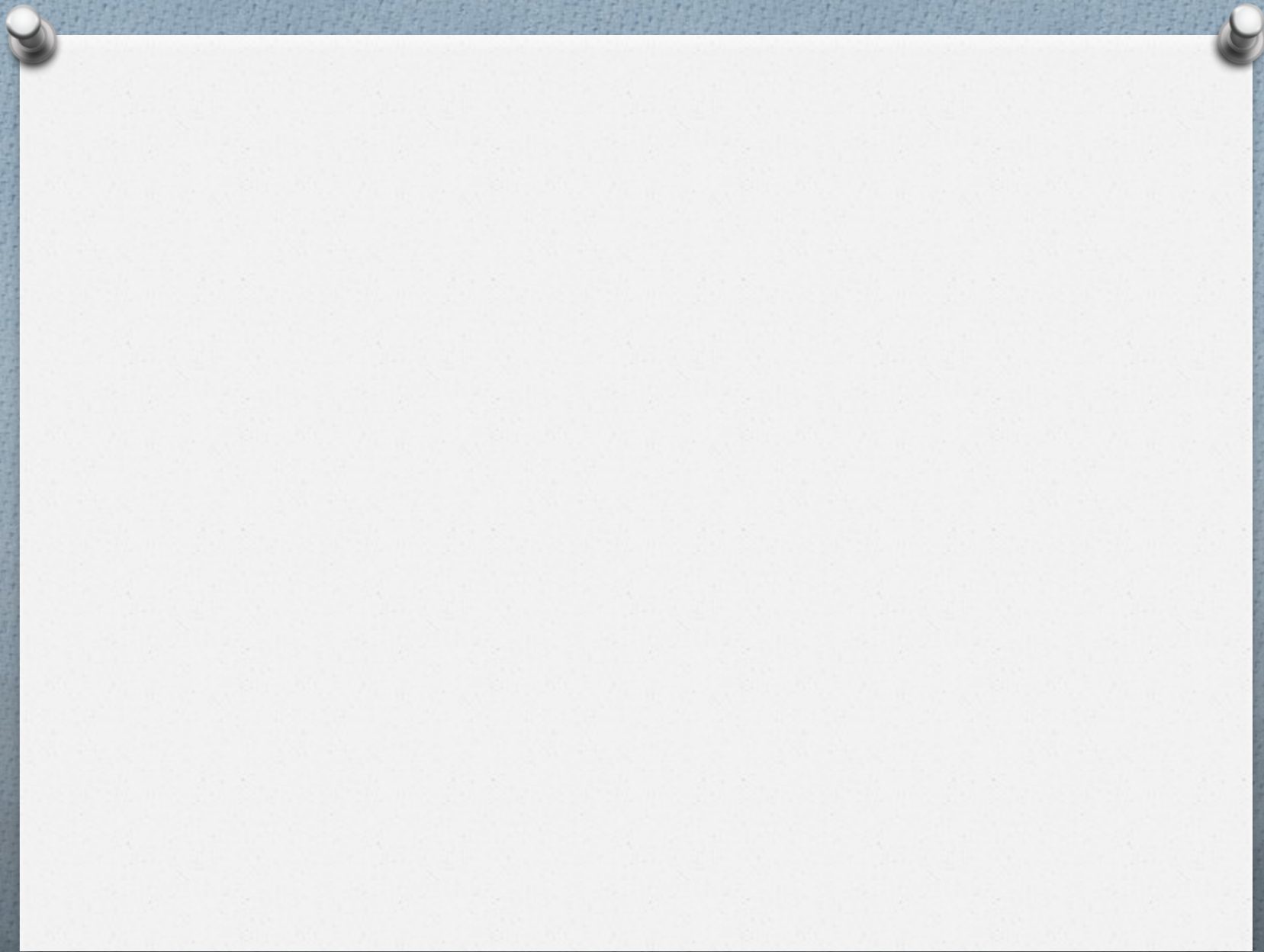
SAMPLE Table Depicting Membership of Committees, Councils, Broken Down by Race

Body	Caucasian	Latino	African American	Asian American	Native American
Population	46%	28%	14%	8%	4%
Access Committee	60%	23%	10%	7%	0%
Citizens Advisory Council	40%	25%	20%	10%	5%
Bicycle Pedestrian Committee	45%	30%	15%	5%	5%

Page: 5 of 5 | Words: 1,254 | 75%

Public Participation Plan

- o Template on website
- o Highlight public involvement efforts
- o Incorporated in Title VI Program Plan



South Dakota Department of Transportation



Title VI Public Participation Template To be included in the Title VI Program

August 2014

Office of Legal Counsel
Civil Rights Program
700 East Broadway Avenue
Pierre, South Dakota 57501-2486
(605) 773-3540

Information:

Every three years, on a date determined by the South Dakota Department of Transportation (SD-DOT), each recipient is required to submit the following plan as part of their Title VI Program. For immediate reference please review page(s) 25-26 of [FTA C 4702.1B](#)

Information:

Every three years, on a date determined by the South Dakota Department of Transportation (SD-DOT), each recipient is required to submit the following plan as part of their Title VI Program. For immediate reference please review page(s) 25-26 of [FTA C 4702.1B](#)

Below you will find an outline of the Title VI Public Participation Plan, as required by US-DOT Federal Transit Administration. This document explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities.

Your Title VI Public Participation Plan must contain each of these individual parts to be considered complete.

1. Cover Page (applicable if a detailed plan, otherwise use a section heading)
 - a. *Name of transit provider*
 - b. *Title VI Public Participation Plan*
 - c. *Date Completed*
 - d. *Contact information for Title VI Coordinator*

2. General Information Section

- a. *Public involvement as a necessity*
 - i. Why is public involvement necessary?
 - ii. When is public involvement necessary?
 - iii. How does public involvement benefit your transit or department?

Sample:

The Federal and State government mandate public involvement, because it helps to guide department decisions in providing public transportation services. Public involvement also benefits [name of sub recipient/transit provider] and the public, by allowing for the development of services that meet the needs of area citizens/customers.

The Federal government mandates public involvement prior to raising fares, implementing major reductions in service, or applying for grants/loans to finance transportation improvement projects.

3. Public Participation/ Engagement

Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

- a. *Public Meetings*
 - i. What meetings, if any, are open to the public?
 1. Customer Information Meetings, Advisory Board Meetings, Public Hearings and other community meetings.
 - ii. How do you inform the public of upcoming meetings and agendas?
 - iii. Do you employ different meeting sizes and formats to accommodate the minority, disabled, and limited English proficiency (LEP) populations?

b. *Coordination*

i. Other agencies

1. Department of labor, Job Link, local churches, local food pantry, medical facilities, social services, educational institutions, and other organizations provide a medium to educate and solicit feedback on current services.

ii. Community events

1. Senior center health fairs, non-profit events, and other community events serve as a way to provide education about your services.

iii. Interpretation services

c. *Public Studies:*

As per requirements of [49 U.S.C. Sections 5307 (b)] and [5307 (c)(I)] [name of sub recipient/transit provider] will develop and/or consider a process to study public comment before raising a fare or carrying out a major reduction in transportation service.

- i. Consider conducting an annual customer survey

4. Public Outreach Plan

a. *How do you advertise?*

- i. Possible outreach mediums include local television channels, radio shows or podcasts, and newspaper ads.

b. *Outreach to minority, LEP, and other underserved populations:*

The Public Participation Plan should include information about outreach methods to engage minority and limited English proficiency (LEP) populations, as well as a summary of outreach efforts made since the last Title VI Program submission.

- i. What steps are being taken to engage minority and LEP populations?
- ii. What steps are being taken to engage underserved populations such as the disabled or those with low-income?
- iii. Do you schedule meetings at times and locations that are convenient and accessible for minority and LEP communities?
- iv. Do you coordinate with community and faith based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities?

Efforts to involve minority and LEP populations can include both comprehensive measures as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process.

5. Type of Public Involvement

a. *What public should be involved:*

It is important to involve as many individuals as possible in order to gain the support and development of public transportation.



- *Potential and current riders*
- *Non-riders*
- *Business and community leaders/groups*
- *Government officials*
- *City Council and other City Departments*
- *Faith based community*
- *Academia and educational institutions*
- *Medical facilities/long term care centers*

What's Next?

- o Transit Providers Reviewed in 2015 – Submit Title VI Review Form & Title VI Program by May 1, 2015
- o Submit Copy of EEO Plan (if needed) with Title VI Program by May 1, 2015
- o Templates & Guidance information on the website at:
<http://www.sddot.com/services/civil/titlevi.aspx>

2015 Review Schedule

- o 2015 Transit Providers – Title VI Review Forms & Title VI Programs due May 1st
 - o Live Center/Arrow Transit
 - o River Cities Transit
 - o Rosebud Sioux Tribe Transit
 - o Rural Office of Community Services (ROCS) Transit
 - o Sanborn County Transit
 - o West River/Prairie Transit
- o Review Submissions – (tentative completion date of review process by July 15th)

Review Schedule continued

- o Issue Review Letter (by August 1st) that states either:
 - o In Compliance – No follow-Up Needed
 - o Follow-Up Needed due to missing requirements or other deficiencies
 - o Either Schedule On-Site Meeting or Teleconference to review findings
 - o Provide any technical assistance needed
 - o Transit Provider will have put in writing plans to either correct any deficiencies or complete any requirements
 - o Schedule On-Site Review (required to do a certain number of on-site reviews)
 - o Review Findings
 - o Provide Technical Assistance
 - o Develop Plan to either correct any deficiencies or complete any requirements
- o Next Review will be in 2018

Final Advice

- o Focus on Title VI Review Form first
- o Then the Title VI Program Document
- o Keep Public Involvement Plan Simple
- o Then address any missing requirements or deficiencies
- o Call for technical assistance if you need it

Contact Information

- o Contact June Hansen at 605-773-3540 or june.hansen@state.sd.us
- o Executive Intern (May-August) – to be appointed
- o Templates for the various requirements online at:
<http://www.sddot.com/services/civil/titlevi.aspx>