

Title VI in Practice - Findings and Fixes:

What we look for during an on-site review

Title VI – FY2023 Top Findings

Deficiency Description	Number of Findings
Language Assistance Plan implementation deficiencies	36
Revisions to Title VI program not made	17
Insufficient oversight of subrecipients' Title VI programs	11
Subrecipient Title VI plans not reviewed or not reviewed for required elements	9

Title VI Recap

Purpose of this Review Area: The recipient must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance without regard to whether specific projects or services are federally funded. The recipient must ensure that all transit services and related benefits are distributed in an equitable manner

Title VI

Recipient Information Request

- Most recent Title VI Program
- Listing of Title VI investigations, complaints, and lawsuits that have occurred since the last Title VI Program submission
- List of language assistance training for staff
- Examples of public participation activities performed since the last Compliance Review that align with the Title VI Program
- List of transit facilities sited since the last Compliance Review and copies of corresponding equity analyses
- List of transit facilities to be constructed/leased in the upcoming three Federal fiscal years and copies of equity analysis completed or schedule for equity analysis completion

Title VI

Recipient Information Request

- Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population
 - List of any fare changes or major service changes since the last Title VI Program submission; date of change; and a brief description of the change
 - Any service equity or fare equity analyses conducted since submission of the last Title VI program for major service changes or any fare changes
 - Any service equity or fare equity analyses conducted since submission of the last Title VI Program for new fixed guideway service, New Starts or Small Starts projects

Title VI

Recipient Information Request

- States and non-state direct recipients of Section 5310 or Section 5311 funds with subrecipients:
 - Competitive selection or annual program of projects process
 - List of all subrecipient applications received during the review period and identify those:
 - accepted or rejected
 - applicants that are minority organizations or that serve minority or low-income communities
 - amount of funds allocated

Title VI

QUESTION

Did the recipient prepare and submit a Title VI program?

APPLICABILITY

All recipients. Note: Recipients may fall under multiple threshold categories (i.e., transit provider and State) and must comply with the requirement within the respective category(ies).

INDICATOR OF COMPLIANCE

- a. Development and Submission of program
- b. Revisions

Title VI

QUESTION

Did the recipient prepare and submit a Title VI program?

APPLICABILITY

All recipients. Note: Recipients may fall under multiple threshold categories (i.e., transit provider and State) and must comply with the requirement within the respective category(ies).

POTENTIAL DEFICIENCY DETERMINATION

- a. Title VI program not submitted
- b. Revisions to Title VI program not made

Title VI

QUESTION

Does the recipient provide meaningful access to Limited English Proficient (LEP) persons?

APPLICABILITY

All recipients.

INDICATOR OF COMPLIANCE

a. LAP implementation

Title VI

QUESTION

Does the recipient provide meaningful access to Limited English Proficient (LEP) persons?

APPLICABILITY

All recipients.

POTENTIAL DEFICIENCY DETERMINATION

- a. Language Assistance Plan implementation deficiencies

Title VI

QUESTION

Does the recipient notify the public of its rights under Title VI?

APPLICABILITY

All recipients.

INDICATOR OF COMPLIANCE

- a. Dissemination
- b. Translation
- c. Notice required elements

Title VI

QUESTION

Does the recipient notify the public of its rights under Title VI?

APPLICABILITY

All recipients.

POTENTIAL DEFICIENCY DETERMINATION

- a. Title VI public notification not disseminated
- b. Title VI public notification translation not provided
- c. Title VI public notification lacking required elements

Title VI

QUESTION

Does the recipient implement complaint procedures as described in its Title VI program?

APPLICABILITY

All recipients.

INDICATOR OF COMPLIANCE

- a. Forms and instructions
- b. Dissemination
- c. Translations
- d. Complaint processing

Title VI

QUESTION

Does the recipient implement complaint procedures as described in its Title VI program?

APPLICABILITY

All recipients.

POTENTIAL DEFICIENCY DETERMINATION

- a. Title VI complaint process not implemented in accordance with Title VI program

Title VI

QUESTION

Has the recipient implemented the public participation plan from its Title VI program in its public participation activities?

APPLICABILITY

All recipients.

INDICATOR OF COMPLIANCE

- a. Public participation and outreach activities

Title VI

QUESTION

Has the recipient implemented the public participation plan from its Title VI program in its public participation activities?

APPLICABILITY

All recipients.

POTENTIAL DEFICIENCY DETERMINATION

- a. Title VI Public Participation Plan not implemented

Title VI

QUESTION

Does the recipient monitor its subrecipients for compliance with Title VI requirements?

APPLICABILITY

Recipients with subrecipients

INDICATOR OF COMPLIANCE

- a. Subrecipient Title VI Programs
- b. Subrecipient oversight

Title VI

QUESTION

Does the recipient monitor its subrecipients for compliance with Title VI requirements?

APPLICABILITY

Recipients with subrecipients

POTENTIAL DEFICIENCY DETERMINATION

- a. Subrecipient Title VI Programs not reviewed or not reviewed for required elements
- b. Insufficient oversight of subrecipients Title VI programs

Title VI

QUESTION

Has the recipient conducted the required equity analysis for any new transit facilities sited since the last Compliance Review?

APPLICABILITY

All recipients

INDICATOR OF COMPLIANCE

- a. New transit facilities since last review
- b. Equity analysis completion
- c. Equity analysis elements

Title VI

QUESTION

Has the recipient conducted the required equity analysis for any new transit facilities sited since the last Compliance Review?

APPLICABILITY

All recipients

POTENTIAL DEFICIENCY DETERMINATION

- a. Title VI equity analysis not conducted for facility site or location
- b. Incomplete equity analysis for facility site or location determination

Title VI

QUESTION

Has the recipient evaluated fare and major service changes and monitored transit service?

APPLICABILITY

Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population

INDICATOR OF COMPLIANCE

- a. Mode of operation
- b. Fare or major service change
- c. New fixed-guideway service
- d. Service and amenities oversight
- e. Public health emergency

Title VI

QUESTION

Has the recipient evaluated fare and major service changes and monitored transit service?

APPLICABILITY

Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population

POTENTIAL DEFICIENCY DETERMINATION

- a. Impact of fare and/or service changes not adequately examined
- b. Impact of fare and/or service changes not approved by governing body

Title VI

QUESTION

Has the recipient evaluated fare and major service changes and monitored transit service?

APPLICABILITY

Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population

POTENTIAL DEFICIENCY DETERMINATION

- c. New Starts or new fixed guideway service and equity analyses not completed
- d. Not implementing Title VI monitoring of service or amenities
- e. Policy-making officials' review of Title VI monitoring not evident

Title VI

QUESTION

Does the recipient identify the needs of minority populations in planning activities; document that it passes Federal Transit Administration (FTA) funds through to subrecipients without regard to race, color, or national origin; and assure that minority populations are not being denied the benefits of or excluded from participation in FTA-funded programs ?

APPLICABILITY

States and non-state direct recipients of Section 5310 of Section 5311 funds with subrecipients

INDICATOR OF COMPLIANCE

- a. Planning process engagement
- b. Identification of needs
- c. Subrecipient award process
- d. Subrecipient application assistance

Title VI

QUESTION

Does the recipient identify the needs of minority populations in planning activities; document that it passes Federal Transit Administration (FTA) funds through to subrecipients without regard to race, color, or national origin; and assure that minority populations are not being denied the benefits of or excluded from participation in FTA-funded programs ?

APPLICABILITY

States and non-state direct recipients of Section 5310 of Section 5311 funds with subrecipients

POTENTIAL DEFICIENCY DETERMINATION

- a. Needs of minority communities not identified in statewide or metropolitan planning process
- b. Minority communities not included in the statewide or metropolitan transportation planning process

Title VI

QUESTION

Does the recipient identify the needs of minority populations in planning activities; document that it passes Federal Transit Administration (FTA) funds through to subrecipients without regard to race, color, or national origin; and assure that minority populations are not being denied the benefits of or excluded from participation in FTA-funded programs ?

APPLICABILITY

States and non-state direct recipients of Section 5310 of Section 5311 funds with subrecipients

POTENTIAL DEFICIENCY DETERMINATION

- c. No basis for determining equitable distribution of funds
- d. Assistance not provided to potential subrecipients