



Title VI Requirements for Subrecipients

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Disclaimer

This presentation is provided for informational purposes only to raise awareness about Title VI of the Civil Rights Act of 1964 and does not constitute legal advice. IndyGo is committed to ensuring equal access to all programs and services and prohibits discrimination on the basis of race, color, or national origin.

History of Title VI



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A Martha's Vineyard Bus Driver Was Fired after a Racist Comment

When a man asked why the bus passed him by, the driver quipped, "Because you are black."

by **SPENCER BUELL** • 7/13/2018, 10:33 a.m.

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What is Title VI?

Title VI of the Civil Rights Act of 1964

- Prohibits discrimination based on race, color and national origin under any program or activity receiving federal financial assistance
- Includes denial of meaningful access to services for individuals with limited English proficiency
- Applies to IndyGo and all subrecipients (including 5310 grantees)

What is Title VI?

FTA Title VI Circular 4702.1B

- Applies to all grantees:
 - Transit agencies
 - MPOs
 - Subrecipients

Why is Title VI Important?

Ensures that public services, including transportation, are provided in a nondiscriminatory manner

Requires opportunities for public participation in decision-making without regard to race, color, or national origin, including populations with Limited English Proficiency (LEP)

Provides access to public services by LEP populations

Non-compliance with Title VI can cause federal funding to be conditioned or withheld

Title VI Protections

Protects citizens and non-citizens

Extends to individuals with limited English proficiency

Covers all operations of recipients

Allows individuals to file a complaint if they believe that a recipient has discriminated against them based on race, color, or national origin

What constitutes discrimination?



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- Disparate Treatment (Intentional Discrimination)
 - Actions that result in similarly situated individuals being intentionally treated differently than others because of their race, color, or national origin.

What constitutes discrimination?



- Disparate Impact (Unintentional Discrimination)
 - Occurs when the recipient's procedure, policy or practice, while appearing to be neutral on its face, has the effect of disproportionately excluding, or having and adverse impact on members of a protected class without substantial legitimate justification.

Title VI Compliance Reviews

Federal Transit Administration

Monitors IndyGo every three (3) years

IndyGo

Subject to FTA Triennial Review

Must self monitor

Must Monitor Subrecipients

Subrecipient

Subject to IndyGo review every three years

Subject to IndyGo mini reviews

Must Monitor Self

Must review its contractors

Title VI & 5310 Requirements

- To receive 5310 funding, IndyGo and all its subrecipients are required to develop and implement a Title VI Program.
- The Title VI Program must be approved by the subrecipient board of directors or appropriate governing entity and documented.

Title VI & 2024 CFP

- Applicants must include their Title VI Civil Rights Plan
- If you are a first time applicant or subrecipient **without a Plan**, you must complete your documentation by July 2025.
 - For the application, we want you to provide a timeline for creating the plan in your 2024 CFP application.
- Information about what needs to be included is in the CFP

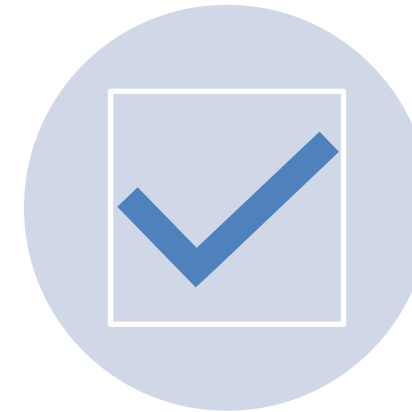
Title VI Program Requirements



TITLE VI NOTICE TO THE PUBLIC



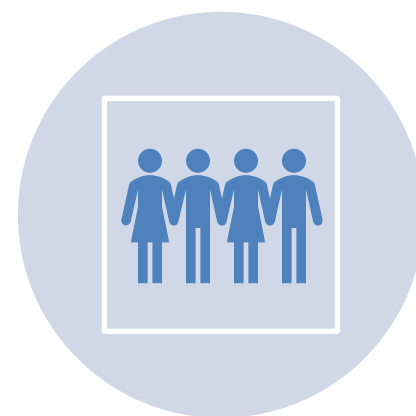
TITLE VI COMPLAINT PROCESS AND
PROCEDURES



TITLE VI COMPLAINT FORM



TITLE VI COMPLAINT LOG



PUBLIC PARTICIPATION PLAN



LANGUAGE ASSISTANCE PLAN
(INCLUDING FOUR FACTOR ANALYSIS)



TABLE DEPICTING MEMBERSHIP OF
NON-ELECTED COMMITTEES AND
COUNCILS

Title VI Notice Requirements

- Every Title VI Program must :
 - Include a copy of the recipient's Title VI notice to the public that indicates that the recipient complies with Title VI and informs individuals of the protections afforded to them by Title VI. It is also a requirement to include a list of locations where the notice is posted.
 - Must be available and accessible.
- See Appendix B in the Title VI Circular

Title VI Notice Requirements

- Must include:
 - A statement that the recipient operates its programs without regard to race, color, or national origin;
 - A description of the procedures to request additional information on the recipients Title VI obligations; and
 - A description of the recipient's complaint Title VI complaint procedures.

Title VI Complaint Process Requirements

- A recipient's complaint process must provide instructions to the public explaining how to file a Title VI discrimination complaint, including a copy of the complaint form and complaint procedures.
- Recipient must maintain a list of any public transportation related Title VI investigations, complaints, or lawsuits filed with the recipient.

Title VI Complaint Process Requirements

- A recipient's complaint process must provide instructions to the public explaining how to file a Title VI discrimination complaint, including a copy of the complaint form and complaint procedures.
- Should be included on recipient's website

Title VI Complaint Log Requirements

- Recipient must maintain a list of any public transportation related Title VI investigations, complaints, or lawsuits filed with or against the recipient alleging discrimination based on race, color, or national origin.
- List should include active investigation by entities other than the Federal Transit Administration.

Title VI Public Participation Plan Requirement

- Recipients must have a public participation plan or process that includes a plan for involving minority and LEP populations and contains proactive strategies, procedures and desired outcomes.

Title VI LEP Plan Requirements

- Recipients must have a plan for providing language meaningful access to benefits, services, information, and other importations portions of their programs and activities to LEP populations.
- Vital Documents
 - Consent and complaint forms
 - Intake and application forms
 - Witten notices of rights
 - Notice of denials, losses, or decreases in benefits or services

Title VI LEP: Four Factor Analysis

- Four Factor Analysis
 - Number or proportion – LEP person eligible to be served or likely to be served
 - Frequency
 - Nature and importance of program, activity or service
 - Available resources

Requires for Subrecipients with Advisory Boards

Recipients that have transit-related, non-elected planning boards, advisory councils, committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.



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Demand Response Service

Subrecipients that only operate demand response service are only responsible for the requirements of Chapter III of the Title VI Circular.

Demand responses include general public paratransit, Americans with Disabilities Act complementary paratransit, vanpools, and Section 5310 non-profits that service only their own clientele (closed door service).

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Additional Requirements for Fixed Route Transit Providers

- Services Standards for each mode
 - Vehicle load
 - Vehicle headway
 - On-time performance
 - Service availability
- Services Policies for each mode
 - Transit amenities
 - Vehicle assignment

Additional Requirements for MPO's and Other Planning Entities

- Demographic profile of the metropolitan area.
- Description of procedures by which the mobility needs of minority populations are identified and considered in the planning process.
- Demographic maps that show the impacts of the distribute of State and Federal funds in the aggregate for public transportation projects.

Additional Requirements for MPO's and Other Planning Entities

- Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts.
- Description of procedures used to ensure non-discriminatory pass through of FTA funds.
- Description of procedures used to provide assistance to potential subrecipients in a non-discriminatory manner.

Compliance Reviews

- Visit site to see notices posted on vehicles and onsite; includes website review
- Examination of subrecipient's complaint process and complaint log
- Review of requirements for compliance

Resources

- FTA Circular 4702.1B (October 2012 or as updated):
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf
- FTA's Title VI homepage:
<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-guidance>
- FTA's Civil Rights Training Materials:
<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-training>

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THANK
YOU
QUESTIONS?

