

Chapter 17

Civil Rights Compliance

NOTES

CHAPTER 17 OVERVIEW

- ✓ Describes **Title VI of the Civil Rights Act**.
- ✓ Details the assurances and certifications necessary to show compliance with provisions regarding **Equal Employment Opportunity and Disadvantaged Business Enterprises**.
- ✓ Explains the manner in which CTDs and KDOT make decisions regarding the **distribution of funding** to transit agencies.

A. Compliance with Title VI of the Civil Rights Act

Title VI of the 1964 Civil Rights Act, Section 601, states:

“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.

The FTA specifies both general and program specific requirements for Title VI compliance by the state. These requirements include:

1. The state submits its assurances to the FTA and retains those from subrecipients. While these are one-time assurances, the requirement may also be satisfied by signing a nondiscrimination assurance included in the FTA’s annual notice of certifications and assurances.
2. The state shall maintain for itself and its subrecipients a description of any complaints alleging discrimination in service delivery filed within the past year, together with a statement of status or outcome of each complaint.

Chapter 17

Civil Rights Compliance

3. The state must also keep on file a record of approved and rejected funding requests that identifies applicants that are minority organizations or that provide assistance to minority communities.

Each CTD and transportation provider must sign an assurance that they will not on the grounds of race, color, or national origin, exclude from participation in, deny the benefits of, or subject to discrimination any persons under any program or activity receiving federal financial assistance. This assurance is found in the 49 U.S.C. 5310 and 49 U.S.C. 5311 application packet and is part of the signed agreement between KDOT, the CTD and the transportation provider. The Office of Public Transportation requires all applicants to provide information as described in FTA Circular 4702.1. In addition to requirements outlined in the circular, applicants for federal funds must report to KDOT on compliance at least once every three years of operation.

B. Equal Employment Opportunity (EEO)

The state is responsible for both its own compliance and for assuring the FTA that all subrecipients of funds are in compliance with the FTA's EEO objectives. If the state or any subrecipient meets the threshold established by FTA (receipt of \$1,000,000 or more in the previous Federal fiscal year, and 50 or more mass transit related employees), it must submit an EEO program. The state may require any documentation it deems necessary from subrecipients to ensure that they do not discriminate in employment on the basis of race, color, creed, national origin, sex, age or disability. DOT has designated FHWA to receive all state EEO programs. Subrecipients are required to submit an EEO program to the state. The FTA will review subrecipient programs during state management or other compliance reviews.

Pursuant to KDOT's policies regarding EEO's, each CTD and transportation provider must sign an assurance that they will follow federal and state guidelines, including but not limited to Title VI. This assurance is found in the 49 U.S.C. 5310 and 49 U.S.C. 5311 application packet, and is part of the signed agreement between KDOT and the transportation provider. The Office of Public

Chapter 17

Civil Rights Compliance

Transportation requires all applicants and/or subrecipients to provide information as described in FTA Circular 4704.1. KDOT provides an EEO coordinator that is able to provide technical assistance for subrecipients. The EEO coordinator is responsible for monitoring subrecipient compliance with EEO requirements through individual certifications filed with KDOT as well as annual monitoring and site visits.

C. Disadvantaged Business Enterprise (DBE)

KDOT and transit providers must take all necessary measures to ensure that disadvantaged business enterprises have the maximum opportunity to compete for federal contracts. KDOT submits a yearly DBE plan to FTA, which sets out the agencies' DBE goal. If the 5310 and 5311 providers do not exceed the funding thresholds established by FTA, only an annual DBE report is submitted as described in Circular 4716.1A. Any applicant that meets either of the following requirements must submit a DBE program and transit goals for DBE participation. The requirements are: (1) applying for funds in excess of \$250,000 exclusive of transit purchases under Section 5309, 5307, 5310, and 5311; or (2) applying for funds that are in excess of \$100,000 under Sections 5303, 5313, or 5307. Transit vehicle manufacturers must certify to FTA that they are in compliance with the requirements of Section 23.67 of 49 CFR Part 12, by submitting a current annual DBE goal to FTA. In addition, the Office of Public Transportation requires each vehicle vendor to submit with their bid, a Transit Vehicle Manufacturer Certification that they meet the requirements set out by the U.S. Department of Transportation that they comply with Section 23.67.

D. Fair and Equitable Distribution

All cities, counties, and tribal governments are notified of fund availability and are encouraged to apply for funds. Notices are disseminated through annual letters with information concerning funds available and specific procedures for applying for grants. Within each CTD, priorities for funding are established and forwarded to KDOT for review. KDOT allocates funds to the CTDs based on established transit demand and allocation to meet the needs throughout the entire state, to the extent possible,

Chapter 17

Civil Rights Compliance

with available resources. Priority is given to those projects that demonstrate attempts to coordinate with other providers in the area to the extent possible.

E. Technical Support

KDOT provides technical support for subrecipients for assistance in complying with Civil Rights requirements. Potential applicants are also encouraged to participate in CTD meetings for additional information and technical assistance. KDOT encourages CTDs to identify transportation needs within their districts, including the needs of minority organizations.

CHECKLIST

- Has your CTD signed an assurance with KDOT that it will not violate Title VI of the Civil Rights Act, the Equal Employment Opportunity Act, and the Disadvantaged Business Enterprises Act? 17-1
- Have your reviewed your CTDs list of priorities regarding the fair and equitable distribution of funding? 17-3