

# Title VI Program Development Resource

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## BACKGROUND

A Title VI Program is a document that displays an agency's commitment to equal treatment under the law and the actions an agency has taken to promote nondiscrimination. Transit agencies who are direct or sub-recipients of federal funds must develop a Title VI program to be in adherence with the law. This includes but is not limited to 5310 and 5311 recipients. A Title VI program is required to be updated and renewed every three years, and a Title VI program must be reaffirmed with a every year with an agency's governing body to apply for state grant applications.

The Title VI of the Civil Rights Act of 1964 is a federal law that protects individuals and groups from discrimination on the basis of race, color and national origin in programs and activities that receive federal financial assistance. Specifically, 42 USC 2000d states:

*"No person in the United States shall, on the ground 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."*

# CHAPTER 1: COMPLAINT PROCEDURE AND MONITORING

The Title VI complaint process is composed of three parts:

- Notice to the public, informing them of their rights under Title VI
- Complaint Procedure
- Complaint Monitoring

A Title VI program must contain all three parts and ultimately provide the public with an easy and clear process in which to file a complaint if necessary.

## *Notice to the Public*

An agency must inform the public of their right to submit a complaint if they feel their civil rights have been infringed upon. This is provided in a notice which must be posted on the agency's website, and within public areas of the agency's office. The notice must include:



A statement of non-discrimination.



The location of the complaint form.



Information on how to file a complaint.



Information on how to request Title VI/ADA information in another language.

*Note: List courtesy of the Federal Transit Administration*

A sample notice is available in Appendix A.

## COMPLAINT PROCEDURE

Subrecipients must have a procedure in place for responding to complaints. This procedure must be available upon request and available in hard copy in the agency's office. It is good practice for the procedure to be available in the Title VI Program and on an agency's website with the following included;

- ✓ How language access will be provided to LEP populations, meeting the Safe Harbor Threshold.
- ✓ A statement of what specific issues are covered by the procedure.
- ✓ How to file the complaint including timelines, access to a complaint form, and information of where to submit the complaint (*Sample Complaint Form available in Appendix B*).
- ✓ How the agency will respond to the complaint, including timelines.
- ✓ If an investigation of the complaint is conducted, how the complainant will be informed of the outcome of the investigation, and subsequent processes.
- ✓ A notice that the customer may file a complaint directly with FTA, including FTA contact information.

*Note: List courtesy of the Federal Transit Administration*

See Appendix C for a sample complaint procedure.

## What is the Safe Harbor Threshold?

The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations.

*(FTA C4702.1B, Chap III-9)*

## COMPLAINT MONITORING

An agency must also maintain a list of complaints submitted that allege discrimination on the basis of race, color, or national origin including;

- Active investigations conducted by entities other than the FTA,
- Lawsuits,
- Complaints naming the agency

The complaint record should not only include what type of complaint was submitted but also the following information;

- Date the complaint, lawsuit, or investigation was filed.
- Summary of allegations.
- Status of complaint, lawsuit, or investigation.
- Subsequent actions taken by the agency.
- Final findings of complaint, lawsuit or investigation.

*Note: List courtesy of the Federal Transit Administration*

An agency must maintain a complaint monitoring process consistently because an updated tracking list is required in the Title VI Program during triennial review process.

See Appendix D for an example of a complaint monitoring tracker.

The complaint procedure and monitoring process established for the agencies' Title VI program can also fulfill the LEP complaint process as well, as long as efforts are taken to provide language assistance to LEP populations identified during the four-factor analysis.

## **Chapter 2: Public Involvement Plan (PIP) or Public Participation Plan (PPP)**

A public involvement plan also known as public participation plan is an imperative aspect of any transportation planning effort that an agency partakes in, as a PIP helps to set the foundation for public engagement efforts and provide agencies with proactive and effective procedures and strategies for public engagement. The PIP should guide an agency's engagement activities and define the desired outcomes of the engagement process.

An agency has discretion in deciding how, when, and how often public participation activities should take place and which measures would be most appropriate for their communities. However, agencies should make these determinations based on an informed approach about the demographic makeup of the population, the type of service under consideration, and the resources available to the agency. An agency's PIP should also emphasize the importance of engaging and involving minority and LEP populations. To do this, an agency should address barriers that prevent disadvantaged populations from being able to participate in the decision-making process by providing measures to combat linguistic, cultural, economic, and historical barriers. The FTA has developed Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," that includes many examples of effective strategies for engaging minority and low-income populations. FTA C 4702.1B encourages recipients to review that Circular for ideas when developing their public engagement strategy.

**A PIP must be comprised of the following;**

- 1.The activities and services the agency provides.
2. A description of activities that would warrant public participation.
- 3.Proactive public participation strategies to be employed by the agency.
- 4.Outreach methods to engage minority and Limited English Proficiency (LEP) individuals.
5. Define the desired outcomes of the agency’s public participation efforts.
- 6.Summary of outreach efforts performed over the past three years.

**The activities and services the agency provides:**

A description of the provider’s activities and services which includes but is not limited to;

- Services the agency provides
- Service area covered
- Relevant activities the agency is involved in
- Any other information about the agency which is relevant (ex. service hours)

*Note: List courtesy of the Federal Transit Administration*

**A description of activities that would warrant public participation:**

An agency must identify situations where it is relevant for the agency to involve the public in the decision making and planning process. This section should outline how, when, and the frequency at which input from the public will be considered. Examples include changes to fare, service hours, routes, and service area.

**Proactive public participation strategies to be employed by the agency:**

Agencies must identify and describe strategies to inform and involve public transit riders, stakeholders, and the general public in the decision-making process. These strategies can include any number of things. Provided below is a list of strategies utilized by other agencies that have been shown to be affective in engaging the public in decision making. A menu of public participation strategies identified by KDOT are provided.



# PUBLIC PARTICIPATION STRATEGIES

## MENU OF OPTIONS PROVIDED BY KDOT

*Public hearings/meetings/workshops where meetings are held at convenient times and at accessible locations.*

.....  
*Utilize different meeting sizes and formats.*

.....  
*Utilize a variety of advertising platforms (i.e. newspaper, notices on board vehicles, social media, website, local cable television).*

.....  
*Maintaining a database of contacts to include at a minimum the following: members of the public, elected officials, local government staff, KDOT Public Transit staff, local media.*

.....  
*When feasible, electronically send and/or mail meeting announcements (invitations) to groups likely to be interested in the agency's activities as well as those included in the database.*

.....  
*Employ visualization techniques when possible to depict the agency's activities/materials to the public (i.e. charts, graphs, photo interpretation, maps, use of GIS, artist's renderings, physical models).*

.....  
*Post relevant information on agency website including where public comments may be submitted if necessary.*

.....  
*Display ads, brochures and fact sheets.*

.....  
*Neighborhood meetings and newsletters.*

.....  
*Direct mailings and or emails are used to announce upcoming meetings or activities or to provide information to specifically targeted areas, groups of people, and advocacy groups.*

.....  
*Local newspaper articles, advertisements, and public notices.*

.....  
*Avoidance of technical jargon in presentations and information displayed.*

.....  
*Public opinion surveys to assess widespread public opinion.*

*Note: List courtesy of the Kansas Department of Transportation*

**Outreach methods to engage minority and limited English proficiency (LEP) persons:**

This section is intended to describe the specific outreach methods that the agency will employ to meaningfully engage minorities and LEP individuals in the public participation process. These outreach methods can look like a translation of public meeting materials, providing translation services, targeted media messaging in low-income neighborhoods within the service area, or working with existing neighborhood and advocacy organizations. These outreach methods should closely coordinate with the Language Assistance Plan developed in the agencies LEP Plan (see Chapter 3 for more information on LEP Plans).

**Define desired outcomes of the agency's public participation efforts:**

This section is intended to describe the evaluation methods of the public participation process. This describes what the agency hopes to achieve from the implemented efforts. Like with any good plan, a public participation plan must have defined goals that the agency would like to achieve with the implementation of the plan and a measure of how to achieve them. For example, if an agency has defined that a goal of theirs is to "provide a timely response to public comments left on the website submission feature," the agency must also specify how this will be achieved and what the measure for success is. All aspects defining a goal and its implementation efforts should be defined in this section.

In general, desired outcomes could include, but are not limited to, the following:

- The agency desires to have actively engaged transit riders, stakeholders and members of the general public in the decision-making process.
- The agency strives to give adequate public notice of public participation activities and allows proper time for public review and comments on key decision points.
- The agency desires to provide timely information about transportation issues and processes to transit riders, stakeholders and members of the general public.
- The agency will provide responses to all public input as appropriate.
- The agency has facilitated effective communication among a diverse group of stakeholders.
- The agency has established a timetable for review of the Public Participation Process to ensure it provides full and open access to all.

*Note: List courtesy of the Kansas Department of Transportation*

**Outreach efforts performed over the past three years:**

Agencies must keep a record of their public participation efforts performed over the past three years and how they have utilized the public participation plan they have developed to engage their community. While agencies have discretion on how to report this information, below a table is provided which allows an agency to record relevant outreach efforts performed.

<b>Public Participation Effort</b>	<b>Date of Activity</b>	<b>Description of Activity</b>	<b>Purpose of Activity</b>

## Chapter 3: LEP Plan

This section covers the necessary requirements of an agency in recognizing, serving, and involving Limited English Proficiency (LEP) persons in transit planning and servicing efforts.

- Recognizing: Analyzing the demographic makeup within a service area.
- Serving: Recognizing how an agency can better service their community, through developing a language access plan or LEP that improves service for LEP individuals.
- Involving: Including LEP persons in the transit planning process.

### Recognizing

For transit agencies to be compliant with Title VI and Executive Order 13116, they must provide meaningful access to their programs and services to persons with limited English proficiency. To adequately provide meaningful access, agencies must first identify LEP populations within the extent of the agency's service area and then develop a plan in which the agency can work to reduce or eliminate barriers to LEP individuals. This plan, to identify and address the barriers that inhibit LEP individuals' equal access to the services provided by a transit agency, is one part of a greater Title VI plan. The first step in developing a LEP plan is to perform the following four-factor analysis.

**LEP Four-Factor Analysis:** The four-factor analysis is a tool used to identify LEP individuals within a service area, what the individual needs of the population are, and how the agency is meeting those needs.

**Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.**

Federally funded agencies must identify the number or proportions of LEP individuals in a service area. Agencies can determine the linguistic characteristics of an LEP population through available data, most commonly through the American Community Survey provided by the U.S. Census Bureau. This assessment should identify any language group that makes more than 5% of the population or more than 50 individuals that speak English less than very well. Accordingly, resources such as written translation should be made available for the persons within the population. This will be further expanded upon in factor 4. If no demographic fits this criterion, briefly explain the demographic of the area.

This data can be found through the U.S. Census Bureau, and *Figure 1* details how to access demographic data through the online Census Data Tool. However, Kansas RTAP also releases demographic data for the state of Kansas by county on its website annually, which will have the relevant data available in order for a transit agency in the state of Kansas to perform the four-factor analysis.

### 1. CENSUS BUREAU DATA

American Community Survey data can be accessed through the U.S. Census Bureau Data website found at - <https://data.census.gov>

Explore Census Data

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Try searching for **commute** in **all counties in Delaware** in **2017**

**find tables**

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Explore Tables

### Explore Census Data

Learn about America's People, Places, and Economy

DP02

- DP02: SELECTED SOCIAL CHARACTERISTICS IN THE UNITED STATES
- DP02PR: SELECTED SOCIAL CHARACTERISTICS IN PUERTO RICO

Use Advanced Search...

### 2. LEP DEMOGRAPHIC

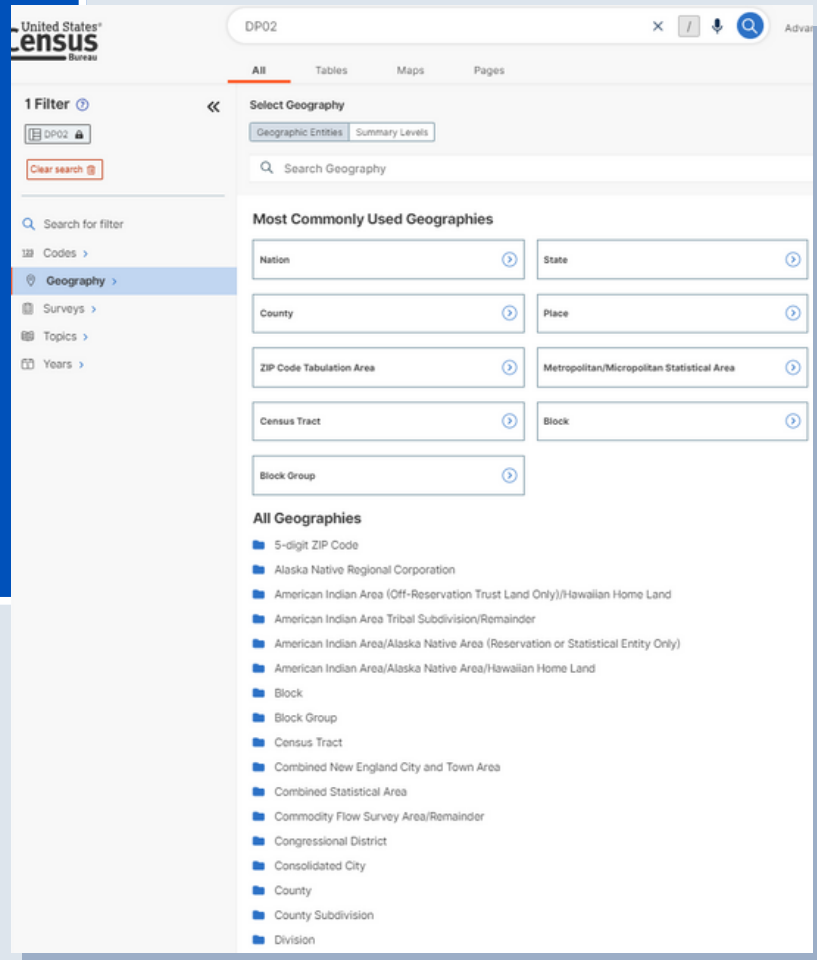
Limited English Proficiency can be determined using the census data category, "speaks English less than very well." This is under characterization DP02 or selected social characteristics in the United States. Once the census data website has been accessed, DP02 can be entered into the search bar to begin the data collection process.

Note: Courtesy of United States Census Bureau Explore Census Data Tool

Figure 1

### 3. FILTERING THROUGH THE DATA

From there, different filters can be applied to this demographic characterization to get the information most applicable to your service area. For collecting LEP data, geography characterizations are most helpful, with DP02 data being available by state, county, place, ZIP code, metro/micropolitan statistical area, and census tract. Once the proper designation has been selected, for example by county within Kansas, next how the data can be received can be determined.



Note: Courtesy of United States Census Bureau Explore Census Data Tool

Figure 1

## 4. DATA DOWNLOAD

Once the correct designation is chosen, then the data can be presented in two ways, a map or a table. The table will be most helpful for the purpose of the four-factor analysis and can be directly inserted into a LEP plan. Select the table with the most recent 5-Year Estimates, The "LANGUAGE SPOKEN AT HOME" portion of the table, where the applicable data is, is located towards the end of the table. From there, the appropriate data can be downloaded and used for the LEP Plan four-factor analysis.

The image shows a three-step process for navigating to a data table in the American Community Survey tool:

- Search Results:** The top screenshot shows a search for "DP02" with filters for Geography, Surveys, Topics, and Years. It displays "Tables" and "Maps" sections, each with a "VIEW ALL" button. A blue arrow points to the "Tables" section.
- Table List:** The middle screenshot shows a list of 13 data products for "DP02 | SELECTED SOCIAL CHARACTERISTICS IN THE UNITED STATES". The products are listed by year from 2021 down to 2010. A blue arrow points to the 2021 entry.
- Data Table:** The bottom screenshot shows the detailed view for the 2021 data. It includes a toolbar with options like Geos, Topics, Codes, Dataset, Year, Hide, Transpose, Margin of Error, Restore, Excel, CSV, ZIP, Share, Print, and Map. Below the toolbar, the location is identified as "Census Tract 9696, Edwards County, Kansas". A table structure is visible with columns for "Label", "Estimate", and "Margin of Error". A blue arrow points to the "Margin of Error" button in the toolbar.

Note: Courtesy of United States Census Bureau Explore Census Data Tool

Figure 1

**Factor 2: The frequency with which LEP individuals come in contact with the program.**

Agencies must explain the frequency with which LEP individuals come in contact with the service. This can be done through a self-assessment provided below by the Department of Justice’s Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (*Figure 2*).

After addressing the questions from the self-assessment, this information can be used to inform your explanation for Factor 2.

**Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people’s lives.**

Briefly explain the importance of the service you provide and how it impacts the lives of people within the service area. This narrative can include information regarding the importance of public transportation to underserved populations, including LEP (*Figure 3*).

### Example 1

***Factor 3: The nature and importance of programs and services to LEP persons***

The FHATA has been providing public transportation services since 1976. The FHATA is a §5307 and §5311 service provider. The FHATA does not provide any direct services that require vital, immediate, or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Citizens are encouraged to become involved in the FHATA’s planning activities and processes as the transportation goals and improvements resulting from its planning activities have an impact on all residents. The FHATA recognizes the importance of involving all segments of the population and evaluates the impact of public transportation decisions on traditionally underserved or underrepresented groups, including LEP persons.

*Note: Adapted from Flint Hills Area Transportation Agency Inc Title VI Program Limited English Proficiency Plan and Public Participation Plan*

Factor 3 analysis of the importance of the FHATA to the LEP community within the Flint Hills service area. Provided by Flint Hills Area Transportation Agency INC.

### Example 2

**(3) Identify the importance of the service to the LEP community:**

Reno County Area Transportation fills a critical need within the community by providing transportation for employment, educational, social, shopping, medical, and business needs for residents of all ages. Reno County Area Transportation is the only method of transportation for many individuals.

*Note: Adapted from Reno County Area Transit Title VI Program*

Factor 3 analysis of the importance of RCAT to the Reno County service area LEP community. Provided by Reno County Area Transportation.

*Figure 3*



Question	Response	
1. How does your agency identify LEP individuals? (Circle all that apply)	Assume limited English proficiency if communication seems impaired	
	Respond to individual requests for language assistance services	
	Self-identification by the non-English speaker or LEP individual	
	Ask open-ended questions to determine language proficiency on the telephone or in person	
	Use of "I Speak" language identification cards or posters	
	Based on written material submitted to the agency (e.g. complaints)	
	We have not identified non-English speakers or LEP individuals	
	Other (Please specify):	
2. Does your program have a process to collect data on:	Circle Yes or No Below	
a. The number of LEP individuals that you serve?	a. Yes	No
b. The number of LEP individuals in your service area?	b. Yes	No
c. The number and prevalence of languages spoken by LEP individuals in your service area?	c. Yes	No
4. What data does your agency use to determine the LEP communities in your service area? (Circle all that apply)	Census	
	US Dept. of Education	
	US Dept. of Labor	
	State Agencies	
	Community Organizations	
	Intake Information	
	Other (Please specify):	

Note: Sample Self-Assessment courtesy of the Department of Justice's Language Access Assessment and Planning Tool

Figure 2

5. Do you collect and record primary language data from individuals when they first contact your programs and activities?	Circle Yes or No Below	
	Yes	No
6. If you collect and record primary language data, where is the information stored?		
7. What is the total number of LEP individuals who use or receive services from your program each year?		
8. How many LEP individuals attempt to access your programs or services each month?		
9. How many LEP individuals use your programs or services each month?		
10. Specify the most frequently encountered non-English languages by your program and how often these encounters occur (e.g., 2-3 times a year, once a month, once a week, daily, constantly).	Language	Frequency of Encounters
	1	1
	2	2
	3	3
	4	4
	5	5

*Note: Sample Self-Assessment courtesy of the Department of Justice's Language Access Assessment and Planning Tool*

**Figure 2**

#### **Factor 4: The resources available to the recipient and costs.**

Identify and briefly describe the resources available for assisting LEP individuals in utilizing the service and the associated costs. Language assistance resources can be provided in oral interpretation and written translation, both outlined below. The resources available can be justified using the conclusions from Factor 2, with service providers with a higher frequency of encounters with LEP individuals providing more resources, and vice versa. More information regarding explicit resources available should be outlined in the provider's LEP Implementation Plan.

Language Assistance Measures are as provided but not limited to:

##### Oral Interpretation-

- In-house interpretation
- Online translation
- Telephone interpreter service language line
- Hiring bilingual staff

##### Written Translation

- Printed materials in multiple languages
- Online materials in multiple languages
- Language identification cards

## **Serving**

Once an agency has identified LEP populations within its service area, a Limited English Proficiency (LEP) plan must be developed. The purpose of the plan is to be intentional about measures taken to adequately service Limited English Persons within a geographical area. A LEP plan at the minimum should include the following:

1. Include the results of the Four Factor Analysis, including a description of the LEP population(s) served;
2. Describe how the recipient provides language assistance services by language;
3. Describe how the recipient provides notice to LEP persons about the availability of language assistance;
4. Describe how the recipient monitors, evaluates, and updates the language access plan; and
5. Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

## **Implementation Actions**

### **Identifying LEP Persons**

This section should consist of the results of the Four Factor analysis detailed in the previous section. This can take the form of a summary of each factor analysis, with an emphasis on describing the LEP populations being served within the agencies' service area.

### **Providing Language Assistance Services by Language**

During the Four Factor analysis, an agency should have identified the language assistance measures available and their associated costs. In this section the language assistance services the agency has chosen to deploy should be detailed. As discussed earlier, there are two methods for providing language assistance, oral and written. Oral language services include interpretation. Interpretation can be helpful and meaningful in communicating information to LEP populations given it is provided in a timely and quality manner. However, it is within the discretion of the agency to determine if they are capable in providing interpretation services in a meaningful capacity. Written language services are the translation of documents into languages that are frequently encountered - identified during the Four Factor analysis. Just like with oral language assistance, written language services are most meaningful if they're provided in a timely and quality manner. Agencies are obligated to translate documents deemed vital into languages identified as frequently encountered during the analysis process. However, agencies have some discretion in determining whether or not a document is vital. Recipients are encouraged to create a guide for consistently determining when a document is vital, while keeping in mind that the goal is providing meaningful access to LEP persons and what resources are necessary for that to be true. Failure to translate these vital documents could result in a recipient denying an eligible LEP person access to services and discrimination on the basis of national origin.

Examples of vital documents include but are not limited to:

- Emergency transportation information
- ADA complementary paratransit eligibility applications
- Title VI complaint form
- Markings, signs, and packaging for hazardous materials and substances
- Notices of public hearings regarding recipients' proposed transportation plans, projects, or changes, and reduction, denial, or termination of services or benefits
- Signs in bus and train stations
- Signs in waiting rooms, reception areas, and other initial points of entry
- Notices advising LEP persons of free language assistance and language identification cards for staff
- Statements about the services available and the right to free language assistance services

## Safe Harbor Threshold

Safe Harbor Provision. DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost. These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program.

*(FTA C4702.1B, Chap III-9)*

## Notifying LEP persons about the availability of language assistance

Once an agency has determined that it will provide language services, it must notify LEP people of their availability. This notice can take many different forms, but it must be available in the languages identified during the Four-Factor analysis and notify that language assistance services are available free of charge.

## Employee training for language assistance

Agencies have discrepancy in deciding what staff training is appropriate in regard to language assistance services. However, staff members should be aware of their obligation to provide meaningful access to information and services to LEP people. Depending on an agency's interaction frequency with LEP population, this might mean that training is required for new hires, or that staff are aware of the policies and procedures within the Language Access Plan. At the very least, management staff should be very familiar with the expectations set by the Language Access Plan so they can enforce them.

## **Monitoring, Evaluating, and Updating the Language Access Plan**

### **Complaint Process**

As a part of a Language Access Plan, an agency is required to develop a complaint process for riders who feel as though they are not being provided meaningful access to information and services. This complaint process and monitoring can be the same one as was previously developed for an agency's Title VI Program.

An agency's Language Access Plan should be evaluated periodically on its effectiveness and relevance. This requires an agency to consider whether their LEP population information is still reflective of the current LEP population within the service area and if new documents, programs, services, or activities can be added to the plan.

### **Updating Demographic Information**

To update demographic information, agencies can perform the Four-Factor analysis. Performing the Four-Factor analysis when LEP population information needs to be updated not only provides information on how often LEP persons interact with the agency's services but can also give agencies the opportunity to reevaluate the resources available to better serve LEP populations.

### **Updating the Language Access Plan**

Once an agency has determined if the LEP populations within the service area have changed, they can update the plan to reflect the new information. Whether this means current resources need to come in different languages or perhaps additional language assistance services need to be added to the plan. Updating the plan is also an opportunity for agencies to reevaluate if the plan is serving the needs of LEP individuals or if other strategies should be employed. Keep in mind, effective plans set clear goals, manage accountability, and provide opportunity for input from the public.

## Chapter 4: Demographic Representation Information

Agencies that have transit-related, non-elected planning boards, advisory councils or committees, or anything of the like, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees. It is helpful to include a demographic breakdown of the population within the service area within the table as well so agencies can be sure the governing entity accurately reflects the demographic of the area. An example of a demographic representation table is available below.

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin,

*“deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”*

Agencies are also required to provide a description of efforts made to encourage the participation of minorities on such committees.

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Population within service area	46%	28%	14%	8%	4%	2%
Agency Board of Directors	60%	23%	10%	7%	0%	0%
Citizens Advisory Council	40%	25%	20%	10%	5%	1%
Finance Committee	45%	30%	15%	5%	5%	0%

*Note: Table courtesy of the Kansas Department of Transportation*

## Chapter 5: Plan Approval

Once a Title VI program has been developed, an agency submitting their Title VI for the first time and an agency resubmitting their Title VI plan must receive plan approval from the appropriate governing entity. When applying for state grant applications Title VI programs must be reaffirmed by an agency's governing entity. For subrecipients, this will be the local transit-related planning board, such as a board of directors. Examples of plan approval include;

- A copy of a signed policy statement
- Board meeting minutes stating a verbal confirmation of the plan's approval
- A copy of the board's resolution
- Other similar documentation

The documentation of plan approval must be included with the Title VI program during the submittal process. Title VI programs must be updated and renewed every three years.



## Chapter 6: Fixed Route Services Special Requirements

While fixed route service providers must also include everything that has been covered so far, they also have the obligation to set system wide service standards and policies. Title 49 of the Code of Federal Regulations has further stringent requirements on fixed route providers,

“[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin” (Appendix C to 49 CFR part 21 section 3).

Setting service-wide standards and policies addresses how a service is distributed across the system and ensures equal distribution of assets and that design and operation practices are not discriminatory. Agencies may have already established standards and policies that can be utilized for fulfilling this requirement if they meet the following standards.

### Standards

Quantitative standards regarding the manner of the distribution of services for all fixed route modes of operation must be developed utilizing the following indicators:

- Vehicle load for each mode
- Vehicle headway for each mode
- On-time performance for each mode
- Service availability for each mode

**Vehicle load for each mode:** For each mode, an agency must specify vehicle load standards for both peak and non-peak hours. Vehicle load is usually expressed as the ratio of passengers to the total number of seats on a vehicle.

**Vehicle headway for each mode:** For each mode, an agency must establish a standard for vehicle headways (the amount of time between two vehicles traveling in the same direction) for both peak and non-peak hours. Vehicle headways can also differ based on population density and vehicle load. For example, vehicle headways might be expected to be shorter in more dense areas or on routes that experience higher vehicle load.

**On-time performance for each mode:** On-time performance is a measure of runs completed as scheduled. This has several components that an agency must determine: defining on time, how on-time performance will be measured, and an acceptable level of performance. First, an agency must define what 'on time' means for them. This can mean right at the designated time, but oftentimes includes a +/- of five minutes to the scheduled timing. Then, an agency must determine how they will measure on-time performance. This can be just measured at origins and destinations or at specified points along the route as well. Finally, an acceptable level of performance must be defined and expressed in a percentage. This percentage must express the number of successful runs out of total runs performed. For some agencies, the standard might be 95% of all runs must be on-time. This number is used to evaluate the on-time performance of a system.

**Service availability for each mode:** Service availability is a measure of the distribution of routes within a transit provider's service area. These measures are related to coverage and stop or station distance but can differ based on the density of service area or mode being considered. "For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in less densely populated areas, and the percentage of the total population within a one-quarter mile walk of routes or lines might be higher in more densely populated areas than it would be in less densely populated areas" (FTA C 4702.1B Ch, IV-6).

## **Policies**

Agencies are required to develop a policy for the following service indicators:

- Distribution of transit amenities for each mode
- Vehicle assignment for each mode

**Distribution of transit amenities for each mode:** If an agency has sole discretion over the siting of transit amenities, this will include transit amenities that are installed under a contract between a transit provider and a private entity. Then, the agency must determine a policy that ensures the equal distribution of transit amenities across the system. This would not be applicable to amenities that are sited by a separate jurisdiction, such as a city, town, or county. Transit amenities refers to items of comfort, convenience, or safety, and agencies may have different policies regarding amenities for different modes of transportation.

Transit amenities that might be considered when developing policy include but are not limited to:

- Seating
- Bus shelters
- Provision of information, (printed signs, system maps, route maps, and schedules)
- Escalators
- Elevators
- Waste bins

**Vehicle assignment for each mode:** Developing policy regarding vehicle assignment for each mode refers to determining a process for how transit vehicles are placed within the system. Multiple factors can be considered to determine vehicle assignments including age and condition of vehicle, type of vehicle, and services provided. This policy serves as justification for why vehicles are assigned where. For example, higher capacity vehicles might be assigned to routes with higher ridership or deployed during peak hours.

# Appendices

*KUTC would like to thank KDOT for the sample documents provided in the appendices.*

# Appendix A

## Sample Title VI Notice 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 [title.vi.complaint@city.ca.us](mailto: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](http://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*

# Appendix B

## Sample Title VI Complaint Form

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				

<p>I believe the discrimination I experienced was based on (check all that apply):</p> <p><input type="checkbox"/> Race                      <input type="checkbox"/> Color                      <input type="checkbox"/> National Origin</p> <p>Date of Alleged Discrimination (Month, Day, Year):</p> <p>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.</p>
--

# Appendix B

## Sample Title VI Complaint Form

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency:		
<input type="checkbox"/> Federal Court <input type="checkbox"/> State Agency		
<input type="checkbox"/> State Court <input type="checkbox"/> Local Agency		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		
You may attach any written materials or other information that you think is relevant to your complaint.		
Signature and date required below:		
Signature _____ Date _____		
Please submit this form in person at the address below, or mail this form to ( <i>sample address</i> ):		
City of USA Title VI Coordinator 1234 Center Street City of USA, State 12345		

# Appendix C

## SAMPLE Title VI Complaint Procedure

### **Title VI Complaint Procedures**

The following pertains only to Title VI complaints regarding the services of *(agency name)*.

Title VI, 42 U.S.C. §2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement that:

*No person in the United States shall, on the ground 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 *(agency name)* has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III of the Federal Transit Administration Circular 4702.1B, dated October 1, 2012. If you believe that the *(agency name)*'s federally funded programs have discriminated your civil rights on the basis of race, color, or national origin you may file a written complaint by following the procedure outlined below:

#### **1. Submission of Complaint.**

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the *(agency name)*, may file a written complaint with the *(agency name)*'s (Title VI Coordinator/Director/CEO). A sample complaint form is available for download at [\(provide link to complaint form\)](#) and is available in hard copy at the offices of *(agency name)*. Upon request, the *(agency name)* will mail the complaint form. **Such complaints must be filed within 180 calendar days after the date the discrimination occurred.**

**Notes: Assistance in the preparation of any complaints will be provided to a person or persons upon request and as appropriate. If information is needed in another language, then contact (name and phone number).** (Please see 1 in footnote below.)

Complaints should be mailed to or submitted by hand to:

*Insert agency address*

#### **2. Referral to Review Officer**

Upon receipt of the complaint, the *(agency director or other appropriate title)* shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint. If



necessary, the Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the agency received the complaint. If more time is required, the (agency director or other appropriate title) shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the (agency)'s processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the, (agency director or other appropriate title) for concurrence. If the (agency director or other appropriate title) concurs, he or she shall issue the (agency)'s written response to the Complainant. This final report should include a summary of the investigation, all findings with recommendations, corrective measures where appropriate.

**Note: Upon receipt of a complaint, the (agency name) shall forward a copy of this complaint and the resulting written response to the appropriate KDOT and FTA-Region 7 contacts.**

### **3. Request for Reconsideration**

If the Complainant disagrees with the (*agency director or other appropriate title*)'s response, he or she may request reconsideration by submitting the request, in writing, to the (*agency director or other appropriate title*) within 10 calendar days after receipt of the (*agency director or other appropriate title*) response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the (*agency director or other appropriate title*). The (*agency director or other appropriate title*) will notify the Complainant of his or her decision in writing either to accept or reject the request for reconsideration within 10 calendar days. In cases where the agency (*agency director or other appropriate title*) agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

### **4. Appeal**

If the request for reconsideration is denied, the Complainant may appeal the (*agency director or other appropriate title*)'s response by submitting a written appeal to (*appropriate governing/oversight body*) no later than 10 calendar days after receipt of the (*agency director or other appropriate title*) 's written decision rejecting reconsideration. The (*appropriate governing/oversight body*) will then make a determination to either request re-evaluation by the staff review officer(s) or forward the complaint to KDOT for further investigation.

**5. Submission of Complaint to the State of Kansas Department of Transportation.**

If the Complainant is dissatisfied with the (*agency*)'s resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the State of Kansas Department of Transportation for further investigation.

KDOT Office of Civil Rights Compliance  
Eisenhower State Office Building  
700 Southwest Harrison  
3rd Floor West  
Topeka, KS 66603

*1 This note should be stated in English and in any other language(s) spoken by Limited English Proficiency (LEP) populations that meet the Safe Harbor threshold.*

# Appendix D

Sample List of Title VI Investigations, Lawsuits and Complaints

	<b>Date Submitted/Filed (Month, Day Year)</b>	<b>Summary of allegation (include basis of complaint: race, color or national origin)</b>	<b>Status</b>	<b>Resolution/Action Taken</b>
<b>Investigations</b>				
1				
2				
<b>Lawsuits</b>				
1				
2				
<b>Complaints</b>				
1				
2				

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- Kansas Department of Transportation. (2010). KDOT Guidance on Limited English Proficiency (LEP) Plan. [KDOT Guidance on Limited English Proficiency Policy.pdf \(adobe.com\)](#)
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- Reno County Area Transit. (2022). Title VI. Reno County Area Transit (RCAT) | Reno County, KS - Official Website ([renogov.org](#))
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