

# APPENDIX P

## **WORKSHOP FOR NON-TRANSIT AGENCY RECIPIENTS OF JARC & NEW FREEDOM GRANTS**

### **Introductions:**

Catalina Alvarado, Public Information Officer  
Denise Rodrigues, Contract Compliance Manager  
Ellen Griffin, Manager, Public Participation Programs  
Jennifer Yeamans, Lifeline and Equity Planner  
Kristen Mazur, Transit Program Manager

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## **OVERVIEW OF RECIPIENT RESPONSIBILITIES**

- Adhere to all requirements included in the funding agreement
- As per funding agreement Recipients agree to comply with, and have all subcontractors comply with the provisions of 49 U.S.C.

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## **PROGRAM MANAGEMENT PLAN (PMP)**

The PMP:

1. Serves as the basis for Federal Transit Administration (FTA) to perform management review of MTC's administration of the program;
2. Provides public information on MTC's administration of the program; and
3. Provides program guidance to local project applicants.

NOTE: Additional guidance may be provided in application materials for each cycle.

3

## **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

- No person is to be excluded from participation in, denied the benefits of, or discriminated against under projects, programs or activities on the basis of race, color, creed, national origin, sex or age, as provided in Title VI of the Civil Rights Act and 49 Code of Federal Regulations Section 5332.
- FTA Title VI Circular 4702.1A, ["Title VI and Title VI-Dependent Guidelines to Federal Transit Recipients"](#)

4

## **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with all the requirements imposed by Title VI of the Civil Rights Act of 1964, as amended, (47 U.S.C. § 2000d *et seq.*) and the Title VI regulations of the Department of Transportation.

Recipients must:

- a) Provide meaningful access to persons with Limited English Proficiency;
- b) Provide a Notice to the Public; and
- c) Develop complaint procedures and prepare and maintain a list of active investigations.

5

## **MEANINGFUL ACCESS TO PERSONS WITH LIMITED ENGLISH PROFICIENCY**

Recipient shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).

- LEP Persons are persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English.
- Examples of assistance:
  - a) Translation of vital documents
  - b) Review prior experiences with LEP populations to determine the types of language services that are needed.
  - c) Contract with a language translation firm for on-call assistance (for example, interpreters for public meetings or translating documents).

6

## **TITLE VI COMPLAINT PROCEDURES, NOTICE TO PUBLIC & INVESTIGATION**

- Recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make these procedures available to members of the public. In order to reduce the administrative burden associated with this requirement, Recipients may adopt the Title VI complaint investigation and tracking procedures developed by MTC.
- Recipients shall Provide a Notice to the Public of their rights under Title VI, and how to file a complaint.
- Recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include:
  - a) the date of the investigation, lawsuit, or complaint was filed;
  - b) a summary of the allegation(s);
  - c) the status of the investigation, lawsuit, or complaint; and
  - d) actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint.

NOTE: Recipients should submit to MTC in writing notice of any Title VI complaints received, as soon as possible after receipt.

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## **See Recipient Agreement for additional Federal Requirements:**

- Equal Employment Opportunity
- Compliance with Laws
- Disadvantaged Business Enterprise
- Access Requirements for Individuals with Disabilities

## **Other Non Federal Requirements included in Recipient Agreements:**

- Insurance

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## MONITORING

MTC will monitor Recipients for compliance with Title VI, other federal and Insurance requirements. MTC requires the following be submitted on an annual basis:

1. A summary of public outreach and involvement activities undertaken and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
2. Recipient's plan for providing language assistance for persons with LEP that was based on the DOT LEP Guidance, or Recipient's alternative framework for providing language assistance.
3. Recipient procedures for tracking and investigating Title VI complaints.
4. A list of any Title VI investigations, complaints, or lawsuits filed with the Recipient.
5. A copy of the Recipient's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.

Failure of to carry out all Title VI requirements included in Recipient Agreements is a material breach of Agreement which may result in:

- a) The withholding of payments to Recipient under the Agreement until Recipient complies;
- b) The termination of the Agreement; or
- c) Such other remedy as MTC deems appropriate.

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## Contact Information

<p>Catalina Alvarado Public Information Officer Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607 Phone: 510-817-5783 Fax: 510-817-5848 E-mail: <a href="mailto:calvarado@mtc.ca.gov">calvarado@mtc.ca.gov</a></p>	<p>Denise Rodrigues Contract Compliance Manager Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607-4700 Phone: 510-817-5897 Fax: 510-817-5848 Email: <a href="mailto:drodri@mtc.ca.gov">drodri@mtc.ca.gov</a></p>	<p>Ellen Griffin Manager, Public Participation Programs Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607 Phone: 510-817-5854 Fax: 510-817-5848 Email: <a href="mailto:egriffin@mtc.ca.gov">egriffin@mtc.ca.gov</a></p>
<p>Jennifer Yeamans Lifeline and Equity Planner Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607 Email: <a href="mailto:jyeamans@mtc.ca.gov">jyeamans@mtc.ca.gov</a> Phone: 510-817-5764 Fax: 510-817-5848</p>	<p>Kristen Mazur Transit Program Manager Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607 Phone: 510.817.5789 Fax: 510.817.5848 Email: <a href="mailto:kmazur@mtc.ca.gov">kmazur@mtc.ca.gov</a></p>	<p>Derrin J. Jourdan Civil Rights Officer FTA, Office of Civil Rights 201 Mission, Suite 1650 San Francisco, CA 94105 Phone: 415-744-2729 Fax: 415-744-2726 Email: <a href="mailto:Derrin.Jourdan@dot.gov">Derrin.Jourdan@dot.gov</a></p>

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METROPOLITAN  
TRANSPORTATION  
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E-MAIL [info@mtc.ca.gov](mailto:info@mtc.ca.gov)  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

## **WORKSHOP FOR NON-TRANSIT OPERATORS RECEIVING JARC & NEW FREEDOM FUNDS**

**on April 12, 2011, from 2:00 p.m. – 3:30 p.m.**

**at the Metropolitan Transportation Commission in the Joseph P. Bort Auditorium  
located at 101 8th Street, Oakland, CA 94607**

On December 15, 2010, the Metropolitan Transportation Commission (MTC) revised the Job Access and Reverse Commute (JARC) and New Freedom Program Management Plan (PMP) for the large urbanized areas of the Bay Area. The PMP outlines key requirements and processes for how MTC manages the JARC and New Freedom programs.

The purpose of this workshop is to provide information on the updated PMP, including:

- Federal requirements, including Title VI\* reporting;
- Title VI complaint procedures and investigation that subrecipients must comply with;
- Limited English Proficient (LEP) requirements;
- MTC monitoring of Title VI\*; consequences of failure to comply with Title VI\*; and
- MTC's proposed frequency and manner of monitoring.

\*Title VI of the Civil Rights Act of 1964.

To RSVP for the workshop, please complete this form and return it no later than April 8th, 2011, to [drodri@mtc.ca.gov](mailto:drodri@mtc.ca.gov).

Attendee Name & Title:

Company:

Address:

City, State & Zip Code:

Phone Number:

Email:

**NOTE: Attendance at this workshop is not mandatory, but highly recommended.**

## **WORKSHOP FOR NON-TRANSIT AGENCY RECIPIENTS OF JARC & NEW FREEDOM GRANTS**

### **Introductions:**

Denise Rodrigues, Contract Compliance Manager

Ellen Griffin, Manager, Public Participation Programs

Drennen Shelton, Transportation Human Services Program Coordinator

Kristen Mazur, Transit Program Manager

1

### **THIS WORKSHOP WILL:**

- Provide an overview of the MTC Program Management Plan (PMP), Title VI and FTA Circular 4702.1B;
- Discuss Subrecipient responsibilities to assure effective Title VI implementation and enforcement;
- Outline requirements for public participation, and to provide meaningful access to persons with Limited English Proficiency (LEP.)

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## **JARC & NEW FREEDOM PROGRAM MANAGEMENT PLAN (PMP)**

The PMP:

1. Provides public information on MTC's administration of the program;
2. Provides program guidance to local project applicants; and
3. Serves as the basis for Federal Transit Administration (FTA) to perform management review of MTC's administration of the program.

**NOTE:** The MTC PMP can be found at: [http://www.mtc.ca.gov/funding/JARC-New\\_Freedom/JARC-NF\\_PMP.htm](http://www.mtc.ca.gov/funding/JARC-New_Freedom/JARC-NF_PMP.htm); additional guidance may be provided in application materials for each funding cycle.

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## **Program Management Plan (PMP) Revisions Adopted on December 19, 2012**

Major changes that have been incorporated into the PMP are related to the subrecipients' Title VI Programs:

- Subrecipients' programs must now address nine components instead of five.
- Subrecipients' language assistance plans must be based on the U.S. Department of Transportation's Limited English Proficient (DOT LEP) guidance; use of "alternative frameworks" is no longer allowed.
- Subrecipients are required to have a public participation plan, including an outreach plan to engage minority and limited English proficient (LEP) populations, whereas the previous Title VI Circular only required a summary of public outreach and involvement activities undertaken in the past.

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## **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

- No person is to be excluded from participation in, denied the benefits of, or discriminated against under projects, programs or activities on the basis of race, color, creed, national origin, sex or age, as provided in Title VI of the Civil Rights Act and 49 Code of Federal Regulations Section 5332
- FTA Title VI Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients

5

## **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with all the requirements imposed by Title VI of the Civil Rights Act of 1964, as amended, (47 U.S.C. § 2000d *et seq.*) and the Title VI regulations of the Department of Transportation.

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**To comply with PMP requirements all Subrecipients must submit the following to MTC on an annual basis:**

Item:	Due Date:
<ul style="list-style-type: none"> <li>Annual FTA certifications and assurances</li> </ul>	<ul style="list-style-type: none"> <li>To Be Determined</li> </ul>
<ul style="list-style-type: none"> <li>Items 1 through 5 listed on page 13 of the MTC PMP</li> </ul>	<ul style="list-style-type: none"> <li>Due May 1, 2013</li> </ul>

Note: The MTC PMP can be found at <http://www.mtc.ca.gov/funding/JARC-New Freedom/JARC-NF PMP.htm>; see FTA Circular 4702.1B, Chapter III-2 through III-12 at [http://www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html) for detailed instructions on the Title VI requirements.

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**If applicable, Subrecipients must also submit the following to MTC on an annual basis:**

Item:	Due Date:
<ul style="list-style-type: none"> <li>Items 6 through 9 listed on page 13 and 14 of the MTC PMP</li> </ul>	<ul style="list-style-type: none"> <li>Due May 1, 2013</li> </ul>

Note: The MTC PMP can be found at <http://www.mtc.ca.gov/funding/JARC-New Freedom/JARC-NF PMP.htm>; see FTA Circular 4702.1B Chapter III-2 through III-12 at [http://www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html) for detailed instructions on the Title VI requirements.

8

## MEANINGFUL ACCESS TO PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Recipient shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).

- LEP Persons are persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English.
- Recipient must take sound measures/reasonable steps for meaningful access to programs and activities by LEPs:
  - Four Factors Analysis
  - Plan of action
- Examples of assistance:
  - Translation of vital documents
  - Contract with a language translation firm for on-call assistance (for example, interpreters for public meetings or translating documents)

**NOTE-FTA Circular 4702.1B, Chapter III-6 at [http://www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html) for detailed instructions on the LEP requirements.**

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## TITLE VI COMPLAINT PROCEDURES & NOTICE TO PUBLIC

Subrecipients shall develop and provide a Notice to the Public of their rights under Title VI, instructions on how to file a Title VI complaint, and a Title VI complaint form. Subrecipients may adopt the complaint form developed by MTC see [http://www.mtc.ca.gov/get\\_involved/rights/Title\\_VI\\_Complaint\\_Form.pdf](http://www.mtc.ca.gov/get_involved/rights/Title_VI_Complaint_Form.pdf) for an example.

The Title VI notice shall include:

- (1) A statement that the agency operates programs without regard to race, color, or national origin.
- (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.
- (3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

**NOTE: See FTA Circular 4702.1B, Chapter III-4 at [http://www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html) for detailed instructions on the requirements listed above; see Appendix B, of the Circular for a sample Title VI notice to the public.**

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## TITLE VI COMPLAINT PROCEDURES & INVESTIGATION

Subrecipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make these procedures available to members of the public. Subrecipients may adopt the Title VI complaint investigation and tracking procedures developed by MTC, See [http://www.mtc.ca.gov/get\\_involved/rights/title\\_VI.htm](http://www.mtc.ca.gov/get_involved/rights/title_VI.htm).

Subrecipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include:

- a) the date of the investigation, lawsuit, or complaint was filed;
- b) a summary of the allegation(s);
- c) the status of the investigation, lawsuit, or complaint; and
- d) actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint.

**NOTE: See FTA Circular 4702.1B, Chapter III-4 at [http://www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html) for detailed instructions on the requirements listed above; subrecipients should submit to MTC in writing notice of any Title VI complaints received, as soon as possible after receipt.**

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## Public Participation

- Document activities taken to involve interested and affected individuals in your decision making process
- An inclusive Public Involvement process
  - Allows for timely and relevant information dissemination
  - Supports an honest and open exchange of ideas
  - Includes a collaborative engagement with stakeholders

**NOTE: See FTA Circular 4702.1B, Chapter III-5 at [http://www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html) for detailed instructions on the requirements listed above.**

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## **Additional Federal Requirements:**

- Equal Employment Opportunity
- Compliance with Laws
- Disadvantaged Business Enterprise
- Access Requirements for Individuals with Disabilities
- Environmental Protection
- Buy America, Pre-Award and Post-Delivery Reviews
- Restrictions on Lobbying
- Prohibition on Exclusive School Transportation
- Drug and Alcohol Testing

Other Non Federal Requirements included in Recipient Agreements:

- Insurance

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## **MONITORING**

MTC will monitor Recipients for compliance with the MTC Program Management Plan (PMP), Title VI, other federal and Insurance requirements.

Failure to carry out all Title VI requirements included in Recipient Agreements is a material breach of Agreement which may result in:

- a) The withholding of payments to Recipient under the Agreement until Recipient complies;
- b) The termination of the Agreement; or
- c) Such other remedy as MTC deems appropriate.

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## Contact Information

<p>Denise Rodrigues Contract Compliance Manager Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607-4700 Phone: 510-817-5897 Fax: 510-817-5848 Email: <a href="mailto:drodri@mtc.ca.gov">drodri@mtc.ca.gov</a></p>	<p>Ellen Griffin Manager, Public Participation Programs Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607 Phone: 510-817-5854 Fax: 510-817-5848 Email: <a href="mailto:egriffin@mtc.ca.gov">egriffin@mtc.ca.gov</a></p>
<p>Drennen Shelton Transportation Human Services Program Coordinator Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607 Phone: 510-817-5909 Fax: 510-817-5848 Email: <a href="mailto:dshelton@mtc.ca.gov">dshelton@mtc.ca.gov</a></p>	<p>Kristen Mazur Transit Program Manager Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607 Phone: 510.817.5789 Fax: 510.817.5848 Email: <a href="mailto:kmazur@mtc.ca.gov">kmazur@mtc.ca.gov</a></p>



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FAX 510.817.5848  
E-MAIL [info@mtc.ca.gov](mailto:info@mtc.ca.gov)  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

## **WORKSHOP FOR NON-TRANSIT OPERATORS RECEIVING JARC & NEW FREEDOM FUNDS**

**on January 16, 2013, from 9:30 a.m. – Noon  
at the Metropolitan Transportation Commission in the Joseph P. Bort Auditorium  
located at 101 8th Street, Oakland, CA 94607**

On December 19, 2012, the Metropolitan Transportation Commission (MTC) revised the Job Access and Reverse Commute (JARC) and New Freedom Program Management Plan (PMP) for the large urbanized areas of the Bay Area. The PMP outlines key requirements and processes for how MTC manages the JARC and New Freedom programs.

The purpose of this workshop is to provide information on the updated PMP, including:

- Federal requirements, including Title VI\* reporting;
- Title VI complaint procedures and investigation that subrecipients must comply with;
- Limited English Proficient (LEP) and Public Participation requirements;
- MTC monitoring of Title VI\*; consequences of failure to comply with Title VI\*; and
- MTC's proposed frequency and manner of monitoring.

\*Title VI of the Civil Rights Act of 1964.

To RSVP for the workshop, please complete this form and return it no later than January 14th, 2013, to [drodri@mtc.ca.gov](mailto:drodri@mtc.ca.gov).

**NOTE: Attendance at this workshop is not mandatory, but highly recommended.**

Attendee Name & Title:	
Company:	
Address:	
City, State & Zip Code:	
Phone Number:	
Email:	





## New Freedom (Large UA) Cycle 4 Subrecipient Workshop

April 24, 2012, 2:00 - 3:00 p.m.

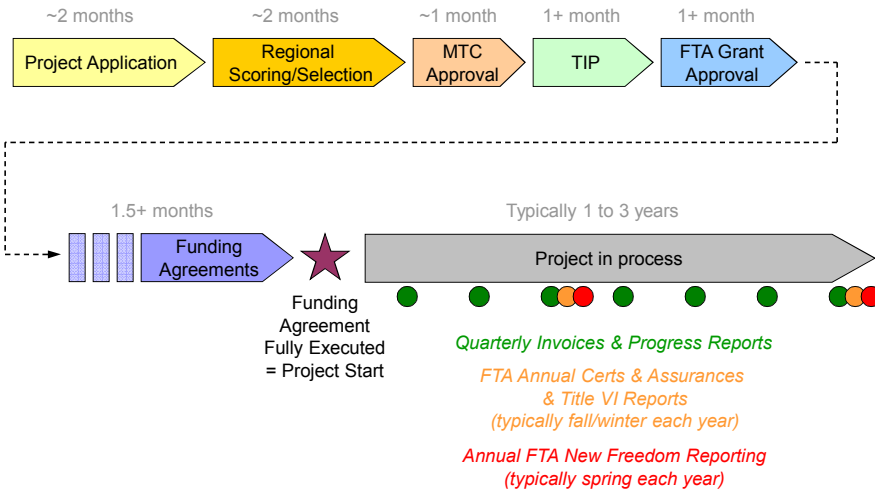
Kristen Mazur, MTC Staff  
(510) 817-5789 or  
kmazur@mtc.ca.gov



### Agenda

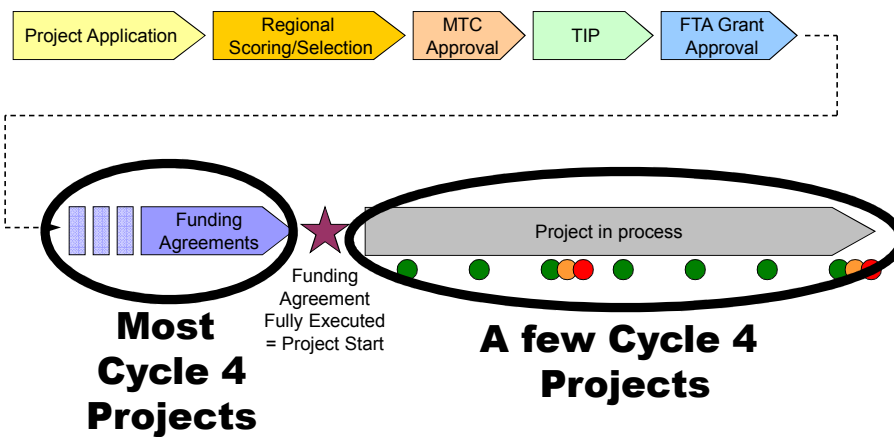
- New Freedom Large UA Grant Process
- Funding Agreements
- Quarterly Invoices
- Quarterly Progress Reports
- Title VI Requirements
- Annual FTA New Freedom Program Reporting
- Future New Freedom Grant Cycles

# New Freedom Grant Process



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# New Freedom Grant Process



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## Funding Agreements

- FTA recently approved the New Freedom Cycle 4 Grant, therefore Cycle 4 funding agreements can now be executed
- A few Cycle 4 funding agreements are already fully-executed
- Remainder of Cycle 4 funding agreements will be executed soon

5

## Overview of Recipient Responsibilities

- Adhere to all requirements included in the funding agreement
- As per funding agreement, Recipients agree to comply with, and have all subcontractors comply with the provisions of 49 U.S.C.

6

## Funding Agreements

- Letter Agreement
- Attachment A – Scope of Work
- Attachment B – Project Budget & Schedule
  - Note: dollar amounts by task are estimates
- Attachment C – Quarterly Progress Reporting Requirements
- Attachment D – Terms & Conditions
  - Let MTC know about any concerns ASAP (e.g., insurance requirements)
- Attachment D1 – Additional Federal Clauses (*only for Construction or Equipment Purchases >\$100K*)

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## Funding Agreements (cont.)

- Attachment E – FFY12 FTA Certifications & Assurances
  - Let MTC know about any concerns ASAP
- Attachment E-2 – Certs & Assurances Signature Page
- Attachment F & F-1– DBE Info & UDBE Commitment (*nonprofit subrecipients only*)
- Attachment G – Final Report – Utilization of DBE First-Tier Subcontracts (*nonprofit subrecipients only*)
- Attachment H – Title VI Requirements
  - Let MTC know about any concerns ASAP

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## Cycle 4 Funding Agreements: Next Steps

*(For those who don't already have an executed agreement)*

1. Project Sponsor reviews draft agreement and provides comments on Attachments A & B (if any) to Drennen Shelton
2. The agreement is formally reviewed by MTC's contracts, legal, finance, and executive staff
3. The agreement is signed by MTC's Executive Director
4. Two copies of signed agreement are sent to Project Sponsor
5. Project Sponsor reviews final agreement (minor changes may have been made during MTC's formal review process)
6. Project Sponsor signs two copies of agreement and returns one to MTC

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## Quarterly Invoices

- Detailed invoicing instructions are on p.2 of the Funding Agreement
  - Due 15 days after the end of each quarter (Dec. 31, March 31, June 30 and Sept. 30)
  - Mailing Address:
    - Accounting Department
    - Metropolitan Transportation Commission
    - Joseph P. Bort MetroCenter
    - 101 -- 8th Street
    - Oakland, CA 94607-4700

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## Quarterly Invoices (cont.)

- To expedite the approval process, you can also email a copy of the invoice and quarterly report to [kmazur@mtc.ca.gov](mailto:kmazur@mtc.ca.gov)
- All invoices must be accompanied by a Quarterly Progress Report
- Invoices must be accompanied by back-up documentation to justify total costs

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## Quarterly Invoices (cont.)

- MTC will reimburse a certain % of your costs (as stipulated in your funding agreement)
  - You must include invoices for all work, including work that is paid for with “local match” (e.g., number of volunteer driver hours x hourly rate)
- Note the appropriate New Freedom Cycle on the invoice (Cycle 4, Cycle 3, etc.)

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## Quarterly Invoices (cont.)

- Make sure math is correct
- Make sure dates are correct
  - Dates on invoice must match the dates on quarterly report & backup documentation
  - Dates cannot precede the project start date in the funding agreement (see p. 3)
- Invoice & Progress Report Checklist can be downloaded at:  
<http://www.mtc.ca.gov/funding/FTA/>

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## Quarterly Progress Reports

- Submit with each quarterly invoice
- Attachment C of Funding Agreement
  - Question #6 contains project-specific information (if applicable)
- MS Word version of Quarterly Report can be downloaded at:  
<http://www.mtc.ca.gov/funding/FTA/>

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## Title VI Requirements

- Attachment H of Funding Agreement
  - Annual Title VI Reporting
  - Annual FTA Certifications and Assurances

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## Title VI of the Civil Rights Act of 1964

- No person is to be excluded from participation in, denied the benefits of, or discriminated against under projects, programs or activities on the basis of race, color, creed, national origin, sex or age, as provided in Title VI of the Civil Rights Act and 49 Code of Federal Regulations Section 5332.
- FTA Title VI Circular 4702.1A, ["Title VI and Title VI-Dependent Guidelines to Federal Transit Recipients"](#)

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## Title VI of the Civil Rights Act of 1964

Recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with all the requirements imposed by Title VI of the Civil Rights Act of 1964, as amended, (47 U.S.C. § 2000d *et seq.*) and the Title VI regulations of the Department of Transportation.

Recipients must:

- a) Provide meaningful access to persons with Limited English Proficiency;
- b) Provide a Notice to the Public; and
- c) Develop complaint procedures and prepare and maintain a list of active investigations.

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## Meaningful Access to Persons with Limited English Proficiency

Recipient shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).

- LEP Persons are persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English.
- Examples of assistance:
  - a) Translation of vital documents
  - b) Review prior experiences with LEP populations to determine the types of language services that are needed.
  - c) Contract with a language translation firm for on-call assistance (for example, interpreters for public meetings or translating documents).

18

## Title VI Complaint Procedures, Notice to Public & Investigation

- Recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make these procedures available to members of the public. In order to reduce the administrative burden associated with this requirement, Recipients may adopt the Title VI complaint investigation and tracking procedures developed by MTC.
  
- Recipients shall Provide a Notice to the Public of their rights under Title VI, and how to file a complaint.

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## Title VI Complaint Procedures, Notice to Public & Investigation (cont.)

- Recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include:
  - a) the date of the investigation, lawsuit, or complaint was filed;
  - b) a summary of the allegation(s);
  - c) the status of the investigation, lawsuit, or complaint; and
  - d) actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint.

NOTE: Recipients should submit to MTC in writing notice of any Title VI complaints received, as soon as possible after receipt.

20

## Monitoring

MTC will monitor Recipients for compliance with Title VI, other federal and Insurance requirements.

### **Title VI Report (submitted annually with FTA certs & assurances):**

MTC requires the following be submitted on an annual basis:

1. A summary of public outreach and involvement activities undertaken and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
2. Recipient's plan for providing language assistance for persons with LEP that was based on the DOT LEP Guidance, or Recipient's alternative framework for providing language assistance.
3. Recipient procedures for tracking and investigating Title VI complaints.
4. A list of any Title VI investigations, complaints, or lawsuits filed with the Recipient.
5. A copy of the Recipient's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.

21

## Monitoring (Cont.)

Failure of to carry out all Title VI requirements included in Recipient Agreements is a material breach of Agreement which may result in:

- a) The withholding of payments to Recipient under the Agreement until Recipient complies;
- b) The termination of the Agreement; or
- c) Such other remedy as MTC deems appropriate.

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## Annual FTA New Freedom Program Reporting

- FFY 2011 Annual Reporting
  - For projects active during FFY 2011 (October 1, 2010 to Sept. 30, 2011)
  - Reporting open: typically ~2 month period each spring

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## Future New Freedom Grant Cycles

- Federal highway and public transportation authorization bill (SAFETEA-LU)
  - SAFETEA-LU extended through June 30, 2012 (*three quarters of FFY 2012*)
  - FY12/Cycle 5 timing TBD, likely start in Spring/Summer 2013
- Reauthorization Proposals:
  - Potential consolidation of senior, disabled, low-income grant programs
    - 5310 & New Freedom (JARC separate w/ 5307)
    - 5310, JARC, & New Freedom

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## Questions?

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MTC website for New Freedom and other FTA programs:  
<http://www.mtc.ca.gov/funding/FTA/>