

# 11. TITLE VI

## PURPOSE OF THIS REVIEW AREA

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

## QUESTIONS TO BE EXAMINED

1. Did the recipient prepare and submit a Title VI Program?
2. Does the recipient provide meaningful access to Limited English Proficient (LEP) persons?
3. Does the recipient notify the public of its rights under Title VI?
4. Does the recipient implement complaint procedures as described in its Title VI Program?
5. Has the recipient implemented the public participation plan from its Title VI Program in its public participation activities?
6. Does the recipient monitor its subrecipients for compliance with Title VI requirements?
7. Has the recipient conducted the required equity analysis for any new transit facilities sited since the last Comprehensive Review?
8. Has the recipient evaluated fare and major service changes and monitored transit service?
9. Does the recipient identify the needs of minority populations in planning activities; document that it passes Federal Transit Administration (FTA) funds through to subrecipients without regard to race, color, or national origin; and assure that minority populations are not being denied the benefits of or excluded from participation in FTA-funded programs?
10. Does the recipient monitor service provided under contract or other arrangement or relationship, or service provided by another entity on the recipient's behalf, for compliance with Title VI requirements?

## INFORMATION NEEDED FROM RECIPIENT

### Recipient Information Request

- Most recent Title VI Program, if not uploaded to the FTA's Transit Award Management System (TrAMS)
- Listing of Title VI investigations, complaints, and lawsuits that have occurred since the last Title VI Program submission
- List of language assistance training for staff
- Examples of public participation activities performed since the last Comprehensive Review that align with the Title VI Program
- List of transit facilities sited since the last Comprehensive Review and copies of corresponding equity analyses

- List of transit facilities to be constructed/leased in the upcoming three Federal fiscal years and copies of equity analysis completed or schedule for equity analysis completion
- Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population
  - List of any fare increases or major service changes since the last Title VI Program submission; date of change; and a brief description of the change
  - Any service equity or fare equity analyses conducted since submission of the last Title VI program for major service changes or any fare changes
  - Any service equity or fare equity analyses conducted since submission of the last Title VI Program for new fixed guideway service, New Starts or Small Starts projects
- States and non-state direct recipients of Section 5310 or Section 5311 funds with subrecipients:
  - Competitive selection or annual program of projects process
  - List of all subrecipient applications received during the review period and identify those:
    1. accepted or rejected
    2. applicants that are minority organizations or that serve minority communities
    3. amount of funds allocated
- Any procedures or documentation for monitoring Title VI compliance of contracted service, partnerships, or other service arrangements, including any contracts, agreements, oversight materials, or records of monitoring activities

### **Recipient Follow-up**

- Title VI equity analysis for any new transit facilities planned for the next three fiscal years
- Process for monitoring subrecipients and reviewing subrecipients' Title VI Programs, if not included in the Title VI Program
- Title VI Programs of subrecipients to be visited during onsite portion of the review
- For Large Urban Fixed Route Recipients:
  - Results of monitoring activities that have occurred since the latest Title VI Program submission
  - Approval from the recipient's policy-making officials of monitoring results that has occurred since the last Title VI Program submission
- For State DOTs/MPOs:
  - Efforts within the review period to engage in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
  - Record of accepted and rejected applications identifying applicants that are minority organizations or that provide assistance to minority communities for the current review period
  - Documentation of how the state identified the needs of minority communities in the Statewide Transportation Planning process
  - Documentation of how the state has included minority communities in the planning process that has occurred since the last Title VI Program submission
  - Documentation of how the metropolitan planning organization (MPO) identified the needs of minority communities in the transportation planning process
  - Documentation of how the MPO has included minority communities in the planning process that has occurred since the last Title VI Program submission

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### **TVI1. Did the recipient prepare and submit a Title VI Program?**

#### **BASIC REQUIREMENT**

A recipient is required to prepare and submit a Title VI Program based on the recipient's transit-related characteristics.

## **APPLICABILITY**

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

## **DETAILED EXPLANATION FOR REVIEWER**

Every three years, all direct recipients must submit a Title VI program that documents their compliance with Title VI requirements. Under FTA Circular 4702.1B, certain requirements apply to all fixed-route transit providers. FTA requires that all civil rights programs be uploaded in TrAMS at least 60 days prior to the expiration date of the program. FTA will review plan submissions and recipients must make any revisions required by the FTA's Office of Civil Rights.

## **INDICATORS OF COMPLIANCE**

- a. *Did the recipient develop and submit a Title VI Program in FTA's TrAMS?*
- b. *If the recipient submitted a Title VI Program and FTA has issued correspondence indicating required revisions, has the recipient made those revisions?*

## **INSTRUCTIONS FOR REVIEWER**

Review the Civil Rights Status screen in TrAMS to determine if the recipient has submitted a Title VI Program. Review the date of the latest plan submission to determine if it was uploaded in TrAMS 60 days prior to the previous program's expiration date. If the program has expired or was not uploaded to TrAMS 60 days prior to the previous program's expiration, request documentation from the recipient and/or FTA on requested and/or approved extensions.

Request and review any correspondence from FTA to the recipient on its submission. This includes revision requests and concurrence letters. Even if the program's status in TrAMS is "Concur," the concurrence letter could indicate issues within the plan that require revision and that reviewers will follow up on during the Comprehensive Review. If FTA provided the recipient with comments on the submission, review the recipient's current program to verify that it made the noted revisions or additions.

## **POTENTIAL DEFICIENCY DETERMINATIONS**

The recipient is deficient if it has not submitted a Title VI Program or program update. The recipient is deficient if the current Title VI Program has expired and it has not properly submitted a program update or requested and received an extension for its program submission.

**NOTE TO REVIEWER:** If the recipient's Title VI Program was late (i.e., they failed to submit an updated program 60 days prior to the previous program's expiration date), and/or if they transmitted it to FTA in a manner other than uploading it to TrAMS, do not make a deficiency, but record this information in the appropriate question in the Issues/Concerns for FTA Awareness section. If it does not appear that the recipient developed a complete plan because it could be categorized as more than one type of recipient per the Title VI Circular, do not make a deficiency, but record this information in the appropriate question in the Issues/Concerns for FTA Awareness section.

DEFICIENCY CODE TVI1-1: Title VI program not submitted

SUGGESTED CORRECTIVE ACTION: First, the recipient must submit a request for extension email to [FTACivilRightsSupport@dot.gov](mailto:FTACivilRightsSupport@dot.gov), using the preapproved template. Then, the recipient must develop and submit a Title VI Program in TrAMS and OTRAK.

The recipient is deficient if it received comments from FTA on its Title VI program submission but has not made revisions. (If the recipient revised its program, but it does not appear that those revisions met the intent of FTA's comments, do not make a deficiency, but make FTA aware of this for FTA's follow-up).

DEFICIENCY CODE TVI1-2: Revisions to Title VI program not made

SUGGESTED CORRECTIVE ACTION: The recipient must revise and submit its Title VI program in TrAMS and OTRAK.

## **GOVERNING DIRECTIVE**

### FTA Circular 4702.1B Chapter II 5. Reporting Requirements

Title 49 CFR Section 21.9(b) requires recipients to 'keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule].' FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. The Title VI Program must be approved by the direct or primary recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA.

### FTA Circular 4702.1B Chapter III 4.b. Upload Title VI Program to TEAM [currently TrAMS]

Direct and primary recipients must upload their Title VI Program into FTA's Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program shall be attached via the paper clip function on the Civil Rights screen, and not attached to a particular award. Recipients must also notify their FTA Regional Civil Rights Officer via email that they have uploaded their Title VI Program to TEAM. The Title VI Program must be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program.

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## **TVI2. Does the recipient provide meaningful access to Limited English Proficient (LEP) persons?**

### **BASIC REQUIREMENT**

A recipient serving a population with a significant number or proportion of LEP persons must take reasonable steps to provide information in appropriate languages.

### **APPLICABILITY**

All recipients

### **DETAILED EXPLANATION FOR REVIEWER**

Recipients are required to ensure meaningful access to LEP persons. FTA recipients may meet this requirement by complying with the Department of Justice (DOJ) LEP regulation at 28 CFR 42.405(d)(1) and applicable DOJ guidance, as described in FTA Circular 4702.1B, Title VI Requirements and Guidelines for FTA Recipients.

Circular 4702.1B Chapter III.9.c provides that recipients which "provide[] written translations of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered" have likely met their written translation obligations.

that the recipient is not engaging in discrimination on the basis of national origin.

## **INDICATOR OF COMPLIANCE**

- a. *Has the recipient assessed whether the population of its service area includes a significant number or proportion of LEP persons?*
- b. *Has the recipient translated vital documents for all LEP language groups consisting of over 1000 persons or over 5% of the population served, whichever is less?*

## **INSTRUCTIONS FOR REVIEWER**

Request evidence that the recipient has assessed whether the population of its service area includes a significant number or proportion of LEP persons. Request and review examples of language assistance measures that have been implemented, such as the translation of vital documents, in conjunction with language demographics of the population served by the recipient. Verify that the recipient has translated vital documents into languages spoken by LEP language groups of 5% or 1000 persons (whichever is less) of the population served.

## **POTENTIAL DEFICIENCY DETERMINATION**

The recipient is deficient if it has not implemented its LAP as indicated in its Title VI Program.

DEFICIENCY CODE TVI2-1: Removed in FY2025

SUGGESTED CORRECTIVE ACTION: Removed in FY2025

DEFICIENCY CODE TVI2-2: Limited English Proficiency meaningful access deficiencies

SUGGESTED CORRECTIVE ACTION: The recipient must submit evidence that it has made available translations of vital documents for LEP language groups of over 1000 persons or over 5% of the population, whichever is less.

## **GOVERNING DIRECTIVE**

*FTA Circular 4702.1B Chapter III.9.c 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.

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### **TVI3. Does the recipient notify the public of its rights under Title VI?**

#### **BASIC REQUIREMENT**

A recipient must provide information regarding its Title VI obligations to the public and notify members of the public of the protections against discrimination afforded to them by Title VI.

#### **APPLICABILITY**

All recipients

#### **DETAILED EXPLANATION FOR REVIEWER**

Recipients and subrecipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients and subrecipients shall at a minimum, disseminate information by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles.

FTA Circular 4702.1B, Chapter III, Section 5b(1) also includes additional effective practices for notice dissemination for recipients to consider.

The notice shall include the following three elements:

- A statement that the agency operates programs without regard to race, color, or national origin,
- 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, and
- A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

#### **INDICATORS OF COMPLIANCE**

- a. *Does the recipient disseminate the required Title VI Notice to the public as described in its Title VI Program?*
  
- b. *Does the published and posted Title VI Notice include all three of the required elements?*

#### **INSTRUCTIONS FOR REVIEWER**

Prior to the site visit, review the recipient's Title VI Program in TrAMS to identify the notice provided in the plan and how the recipient describes providing the required notification to the public. Review the recipient's website to verify the contents of the notice and that the Title VI Notice has been posted. Onsite, confirm the Title VI Notice is posted in public areas as described in the recipient's Title VI Program.

#### **POTENTIAL DEFICIENCY DETERMINATIONS**

The recipient is deficient if it has not disseminated a Title VI Notice on its website, in public areas of the agency's office, and in other areas as described in its Title VI Program.

DEFICIENCY CODE TVI3-1: Title VI public notification not disseminated

**SUGGESTED CORRECTIVE ACTION:** The recipient must prepare and submit documentation of having notified the public of its rights under Title VI as described in its Title VI Program.

The recipient is deficient if it does not provide translation of the Title VI Notice consistent with its Language Assistance Plan.

**DEFICIENCY CODE TVI3-2:** Title VI public notification translation not provided

**SUGGESTED CORRECTIVE ACTION:** The recipient must prepare and submit translated Title VI notification(s) along with verification that the translated document has been disseminated.

The recipient is deficient if its Title VI public notification does not include all three of the required elements.

**DEFICIENCY CODE TVI3-3:** Title VI public notification lacking required elements

**SUGGESTED CORRECTIVE ACTION:** The recipient must prepare and submit a revised Title VI notification(s) that include all three of the required elements.

## **GOVERNING DIRECTIVE**

### *FTA Circular 4702.1B Chapter III.5. Requirement to Notify Beneficiaries of Protection Under Title VI*

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients shall at a minimum, disseminate information by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles.

*b. Contents.* 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.

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## **TVI4. Does the recipient implement complaint procedures as described in its Title VI Program?**

### **BASIC REQUIREMENT**

A recipient must make its procedures for filing a complaint available to the public, and investigate, and track Title VI complaints filed against it.

### **APPLICABILITY**

All recipients

### **DETAILED EXPLANATION FOR REVIEWER**

Recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their complaint procedures available to the public. Recipients must also develop a Title VI complaint form, and the form and procedures for filing a complaint shall be available on the recipient's website. FTA requires direct and primary recipients to report complaints and complaint procedures in their

Title VI Programs in order to comply with DOT's Title VI regulations. A recipient can use a common process and forms for accepting and investigating civil rights, nondiscrimination, and other complaints; however, Title VI complaints must be categorized distinctly in this process and within internal and external communications.

## **INDICATORS OF COMPLIANCE**

- a. Does the recipient use the complaint form(s) and instructions for filing complaints identified in its Title VI Program?*
- b. Are the complaint form and instructions available on the recipient's website and at other locations described in its Title VI Program?*
- c. Is the recipient processing complaints as described in its Title VI Program and its complaint instruction forms?*

## **INSTRUCTIONS FOR REVIEWER**

Prior to the site visit, review the recipient's complaint process in its Title VI Program and the complaint form and instructions for use by the public that were included as part of that process.

Request and review the complaint form and instructions the recipient is currently using. Review the recipient's website and verify that Title VI complaint forms and instructions are on the website and currently being used as provided in its Title VI Program.

Review the recipient's complaint process in its Title VI Program for a description of dissemination of the complaint form and instructions for use by the public. Onsite, verify that the recipient has additionally disseminated the complaint form as described in its Title VI Program.

Review Title VI complaints received since the last Comprehensive Review to determine if procedures described in its Title VI Program were implemented for these complaints.

## **POTENTIAL DEFICIENCY DETERMINATION**

The recipient is deficient if it is not implementing its complaint process in accordance with its Title VI Program.

DEFICIENCY CODE TVI4-1: Title VI complaint process not implemented in accordance with Title VI Program

SUGGESTED CORRECTIVE ACTION: The recipient must prepare and submit evidence that it is using a complaint form, disseminates complaint information, provides translation of the complaint form and instructions, and/or processes complaints as detailed in its Title VI Program. If applicable, provide evidence of staff training to ensure that the process continues to be implemented in accordance with the Title VI Program.



## **GOVERNING DIRECTIVE**

### **FTA Circular 4702.1B Chapter III 6. Requirement to Develop Title VI Complaint Procedures and Complaint Form**

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedures for filing a complaint shall be available on the recipient's website. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations.

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#### **TVI5. Has the recipient implemented the public participation plan from its Title VI Program in its public participation activities?**

##### **BASIC REQUIREMENT**

A recipient's public participation plan shall offer early and continuous opportunities for the public, including minority populations, to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

##### **APPLICABILITY**

All recipients

##### **DETAILED EXPLANATION FOR REVIEWER**

Recipients are required to incorporate Title VI considerations into the recipient's established public participation plan or process. The plan shall explicitly describe the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities. Efforts to involve minority populations in effective participation in the recipient's decision-making process shall be included in the plan. While not a requirement FTA Circular 4702.1B provides effective practices that recipients may have incorporated into their Title VI Program, such as:

- Scheduling meetings at times and locations that are convenient and accessible for minority communities
- Employing different meeting sizes and formats
- Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority communities
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments

Recipients engaged in planning and other decision-making activities at the local level should consider the principles embodied in the planning regulations and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

## INDICATOR OF COMPLIANCE

- a. *Have Title VI considerations identified in the Title VI Program's Public Participation Plan been integrated into the recipient's public participation or outreach activities?*

## INSTRUCTIONS FOR REVIEWER

Prior to the site visit, review the recipient's Public Participation Plan submitted as part of its Title VI Program. Request and review the list of public involvement activities conducted since the last Comprehensive Review and a description of the methods used to seek out and consider the viewpoints of minority populations in the course of conducting these public outreach and involvement activities. Review any public participation documents provided in response to the Section Technical Capacity-Program Management and 5307 Program Requirements areas of the review. Onsite, discuss with the recipient any other public participation and outreach plans and processes the agency has documented. Request and review records of activities such as public hearings, planning meetings, and program of projects meetings.

Determine if the recipient incorporated the measures it detailed in its Title VI Program into public involvement events reviewed. Review any actions the recipient described in its Language Assistance Plan relating to public participation and outreach for implementation.

## POTENTIAL DEFICIENCY DETERMINATION

The recipient is deficient if it has conducted public outreach activities since the last review but cannot demonstrate that it implemented the public involvement strategies described in its Title VI Program Public Participation Plan.

DEFICIENCY CODE TVI5-1: Title VI Public Participation Plan not implemented

**SUGGESTED CORRECTIVE ACTION:** The recipient must submit a list of public engagement activities anticipated within the next year. The recipient must submit a process for implementing inclusive public participation for upcoming activities in accordance with the Public Participation Plan in its Title VI Program.

**NOTE TO REVIEWER:** Reviewers should consult with FTA to determine if the documentation of implementation should be either a number of public engagement activities or all activities within a defined timeframe.

## GOVERNING DIRECTIVE

FTA Circular 4702.1B Chapter III. 8. Promoting Inclusive Public Participation

The content and considerations of Title VI shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities) ... Recipients engaged in planning and other decision-making activities at the local level should consider the principles embodied in the planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

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**TVI6. Does the recipient monitor its subrecipients for compliance with Title VI requirements?****BASIC REQUIREMENT**

A recipient is responsible for ensuring that its subrecipients comply with Title VI requirements.

**APPLICABILITY**

Recipients with subrecipients

**DETAILED EXPLANATION FOR REVIEWER**

The recipient is responsible for ensuring that all subrecipients comply with the Title VI requirements. If the subrecipients are not in compliance with all Title VI requirements, then the primary recipient is not in compliance with Title VI. In order to ensure the primary recipient and subrecipient are in compliance with the Title VI requirements, the primary recipient shall undertake the following activities:

- Document its process for ensuring that all subrecipients are complying with the general reporting requirements, as well as other requirements that apply to the subrecipient, based on the type of entity and the number of fixed-route vehicles it operates in peak service.
- Establish a timeframe to collect Title VI programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI programs may be electronic, at the option of the primary recipient.
- Compile and provide, upon request, a list of all subrecipients.

When a subrecipient is also a direct recipient of FTA funds, the entity reports directly to FTA and the primary recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility, with a special caveat for MPOs receiving planning funds through State DOTs.

**INDICATORS OF COMPLIANCE**

- a. *Has the recipient collected and reviewed subrecipient Title VI Programs?*
- b. *How does the recipient monitor subrecipients to ensure that they are complying with Title VI requirements?*

**INSTRUCTIONS FOR REVIEWER**

Determine if a recipient has subrecipients by reviewing past Comprehensive Review reports (Description of the Recipient section), information provided in the RIR, and inquiring of the FTA regional office. Request and review a list of subrecipients and contractors and evaluate to ensure that both have been properly designated as such.

Review the recipient's Title VI Program in TrAMS for subrecipient monitoring procedures and tools. Request and review documentation of monitoring activities that the recipient has conducted since the last Comprehensive Review. Determine if the recipient is following its described processes (frequency and

type of monitoring) to ensure that subrecipients are complying with the general reporting requirements of FTA's Title VI Circular, as well as other requirements that apply to the subrecipient, based on the type of entity and the number of fixed-route vehicles it operates in peak service, if a transit provider.

For each subrecipient selected for a site visit, review the recipient's records of past plan reviews to determine if the review addressed the required elements. Review the oversight files to ensure that the recipient monitors the subrecipient for implementation of its Title VI Program.

## **POTENTIAL DEFICIENCY DETERMINATIONS**

The recipient is deficient if it does not have documentation that it reviewed the Title VI Programs of subrecipients that are not also direct recipients of FTA funds.

DEFICIENCY CODE TVI6-1: Subrecipient Title VI Programs not reviewed or not reviewed for required elements

SUGGESTED CORRECTIVE ACTION: The recipient must prepare and submit a schedule for reviewing subrecipients' Title VI Programs along with evidence of its implementation.

The recipient is deficient if it is not conducting oversight of subrecipients' Title VI program requirements (for subrecipients that are not also direct recipients of FTA funds) as described in its Title VI Program.

DEFICIENCY CODE TVI6-2: Insufficient oversight of subrecipients' Title VI programs

SUGGESTED CORRECTIVE ACTION: The recipient must prepare and submit a schedule for, and description of, oversight monitoring for subrecipients' implementation of Title VI requirements along with evidence of its implementation.

## **GOVERNING DIRECTIVE**

### **FTA Circular 4702.1B Chapter III 12. Monitoring Subrecipients**

In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance. a. In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities: (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider. (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient. b. When a subrecipient is also a direct recipient of FTA funds, the entity reports directly to FTA and the primary recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility [with a special caveat for MPOs receiving planning funds through State DOTs as discussed in Chapter VI.3].

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