

Agency Requirements for Title VI of the Civil Rights Act of 1964

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Discussion Overview

- ▶ What is Title VI?
- ▶ How does it apply to STA?
- ▶ Required Title VI elements
- ▶ Commitment
- ▶ Necessary Board Actions

What is Title VI?

- ▶ Title VI of the Civil Rights Act of 1964 addressed discrimination in most areas of public life in the U.S.
- ▶ Title VI 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.”

Why is Title VI Important?

❖ Title VI:

- Ensures that public services provided through federal funds are provided in a non-discriminatory basis
- Requires opportunities for public participation in decision making without regard to race, color or national origin, including populations with Limited English Proficiency (LEP)
- Provides access to public services by LEP Populations
- Is the subject of renewed focus and recent guidance at the federal level

How does Title VI Apply to STA?

- ❖ If agency receives federal funds as a direct recipient, Title VI reporting submitted to FTA or FHWA
- ❖ If agency receives federal funds as a sub-recipient, Title VI reporting submitted to Caltrans
- ❖ STA receives funds as sub-recipient, so will submit Title VI program to Caltrans.
- ❖ ***Non-compliance with Title VI can cause federal funds to be withheld***

Which STA programs apply?

- ▶ STA Ops and Admin—receives STP (OBAG), CMAQ
- ▶ SNCI—receives CMAQ, OBAG
- ▶ SR2S—receives CMAQ, OBAG
- ▶ Mobility Management—JARC, New Freedom, OBAG

- ▶ *Project Management of projects in Caltrans or local ROW is not included as STA is “implementing agency” not “project sponsor”*

Required Title VI Elements

- ▶ Agency must submit “Title VI Program” every 3 years
- ▶ Includes documentation showing compliance that is adopted by the board, with the following:

Element	Status
Title VI Notice to the Public	Included in Title VI Program
Title VI Complaint Policy and Form	Included in Title VI Program
<i>List of Title VI Complaints, investigations and lawsuits</i>	<i>To be completed prior to submittal, if any</i>
<i>Racial breakdown of members of STA appointed advisory committees (does not include groups that are exclusively composed of volunteers, elected officials or agency staff)</i>	<i>To be completed upon board adoption</i>

Required Title VI Elements

▶ Continued...

Element	Status
Language Assistance Plan (LAP) for Limited English Proficient populations (LEP)	Included in Title VI Program
Public Participation Plan	Included in Title VI Program
Facility Equity Analysis if contemplating building a new facility	N/A
<i>Board minutes that documents board adoption</i>	<i>To be completed upon board adoption</i>

Language Assistance Plan

- ▶ “Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin; and ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.” FTA circular 4702.1B
- ▶ Agencies must conduct a 4 factor analysis to comply with federal guidance
- ▶ Ability to speak English should not be a barrier to being able to take advantage of STA programs, services and benefits

LEP 4 Factor Analysis

- ▶ Factor 1: The number and proportion of LEP persons to be served or likely to encounter a program, activity or service of STA
- ▶ Factor 2: The frequency with which LEP individuals come into contact with STA programs
- ▶ Factor 3: The nature and importance of the program, activity, or service provided by STA to people's lives; and
- ▶ Factor 4: The resources available to STA and costs for translation services
 - Language assistance also needs to address "Safe Harbor Provisions" that state that if any language group constitutes 5% or 1,000 persons (which ever is less) then translation of vital documents will be required

STA 4 Factor Results

- ▶ 4 “Safe Harbor” Languages:
 - Spanish
 - Tagalog
 - Chinese
 - Vietnamese
- ▶ Translations required for forms or other materials that would preclude participation if customer did not speak English
- ▶ Translations recommended on website and written documentation for “Vital Documents”
 - Public Hearing Notices
 - Complaint Forms
 - Notice of Language Assistance
 - “Participation” or “Intake” forms

Public Participation Plan

- ▶ Describes proactive strategies or procedures that underpin STA's public participation activities
- ▶ Considers demographics and language
- ▶ Provides opportunities for public to provide input on programs and projects
- ▶ Reviews methods of outreach, including:
 - Meetings (location, time, format)
 - How meetings are noticed (in paper, at community events)
 - Innovative outreach (social media, partnership with community groups, direct mail, email "blasts")

What does this all mean?

- ▶ Accepting federal grant funds comes with obligations (i.e. Title VI, DBE, EEO)
- ▶ STA must “adopt and embed” Title VI
- ▶ Title VI Program commits STA to codifying and tracking several key elements
 - Language Assistance Measures
 - Public Participation Plan
 - Complaints, Investigations and Lawsuits

Recommendation and Deadlines

Recommendation:

- 1) Adopt the STA 2014 Title VI Program; and*
- 2) Authorize the Executive Director to submit the Title VI Program to Caltrans*

Next Steps

- ▶ Update document with Board Minutes
- ▶ Update document with status of complaints or lawsuits (currently none received)
- ▶ Update document if additional responses are returned from advisory committees
- ▶ Submit to Caltrans by June 27, 2014