

Summary Sheet

Title VI of the Civil Rights Act of 1964 (Title VI)

This Summary Sheet is provided for use by Massachusetts Department of Transportation (MassDOT) Rail & Transit Division (RTD) potential and current grant recipients. It is meant to be used as a guide to assist grantees with understanding federal and state requirements in order to receive funding and is meant only as a summary and not an all-inclusive guidance document. For more information on Federal Transit Administration (FTA) requirements related to Title VI, refer to [FTA Circular 4702.1B¹](#), the Additional Terms & Conditions in your contract, or other documentation provided by MassDOT or FTA. Grantees receiving **only** state funds must comply with the State Nondiscrimination Protections in the Additional Terms & Conditions.

Requirements

All Grantees

Title VI Programs – All grantees are required to develop and submit to MassDOT a Title VI program every three years for the duration of a grantee’s status as a subrecipient of federal financial assistance through MassDOT. Grantees that receive funds directly from FTA are not required to submit programs to MassDOT as FTA reviews and approves the Title VI programs. The contents and requirements of the Title VI program are discussed below.

Civil Rights Reporting - All Grantees, both direct and indirect recipients of FTA funds are required to inform MassDOT’s Rail and Transit Division in writing of any significant civil rights compliance issues occurring during the year. Such civil rights issues include complaints filed against Grantee involving Title VI.

Annual Nondiscrimination Assurance – Grantees are required to annually sign the nondiscrimination assurance included in the annual Certifications, Assurances and Agreements.

Title VI Notice – Grantees must post a Title VI notice that includes:

- A statement that the grantee 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 grantee’s Title VI obligations
- A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the grantee

A copy of MassDOT’s Title VI notice is available on MassDOT’s Office of Diversity and Civil Rights (ODCR’s) [Title VI webpage²](#). Grantees may adopt this notice; however, it should be revised to refer to the grantee as opposed to MassDOT, where appropriate. In addition, the public must be notified that complaints may be filed directly with the grantee as well as with MassDOT. At a minimum, grantees shall post the notice on their website and in the public areas of their office(s), including the reception desk and meeting rooms. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles.

Complaint Procedures and Form – Grantees must have procedures for investigating and tracking Title VI complaints filed against the grantee that is available to the public and a form for the public to use to file a complaint. A copy of MassDOT’s Title VI complaint procedures and form is available on ODCR’s [Title VI webpage³](#). Grantees may adopt these procedures. While FTA delegates the authority to conduct Title VI investigations to subrecipients, all grantees are encouraged to refer complaints to ODCR’s Investigations Unit for processing. Please note, FTA’s delegation of authority to subrecipients to conduct Title VI investigations. The public must be notified that complaints may be filed directly with the grantee.

¹ http://www.fta.dot.gov/legislation_law/12349_14792.html

² <http://www.massdot.state.ma.us/OfficeofCivilRights/TitleVI/NoticetothePublic.aspx>

³ <http://www.massdot.state.ma.us/OfficeofCivilRights/TitleVI/MassDOTTitleVIPrograms.aspx>

Requirements

Limited English Proficiency (LEP) Plan – Grantees must develop an LEP plan that:

- Includes the results of the analysis conducted to implement the [USDOT LEP Guidance](#)⁴ on the basis of the following four factors:
 - the number and proportion of LEP persons served or encountered in the eligible service population
 - the frequency with which LEP individuals come into contact with the program
 - the nature and importance to people’s lives of the program, activity, or service provided
 - the resources available to the subrecipient for LEP outreach and the associated costs
- Describes how the grantee provides language assistance services by language
- Describes how LEP persons are notified about the availability of language assistance
- Describes how the grantee monitors, evaluates and updates the language access plan
- Describes how the grantee trains employees to provide timely and reasonable language assistance

More information regarding LEP responsibilities is located in the MassDOT Language Access Plan, through the [USDOT LEP Guidance](#)⁵ document, via the [FTA’s Language Assistance Plan Guidance](#)⁶, or by contacting the ODCR Title VI Specialist. The MassDOT Language Access Plan also includes up-to-date data on LEP and minority populations that grantees can use to develop their LEP plan.

Public Participation Plan – Grantees must develop a public participation plan that includes an outreach plan to engage minority and LEP populations, as well as a summary of outreach efforts made since the last Title VI Program submission. MassDOT’s Public Participation Plan is available on the [ODCR Title VI Webpage](#)⁷. Chapter 3 of the plan describes protocols and resources for conducting Title VI compliant outreach and engagement with the public. This includes resources for overcoming language barriers and accessibility considerations in public events.

Investigations, Lawsuits and Complaints Grantees must provide a list of investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs.

Racial Composition of Non-elected Bodies – Grantees that have transit-related bodies, such as planning boards, advisory councils, or committees, the membership of which is selected by the grantee, must provide:

- A table depicting the racial breakdown of the membership of those committees
- A description of efforts made to encourage the participation of minorities on such committees

Fixed Facility Equity Analysis – Grantees are required to complete a Title VI equity analysis that compares the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site. For purposes of this requirement, facilities do not include bus shelters and transit stations. Facilities include but are not limited to storage facilities, maintenance facilities and operations centers. The analysis should demonstrate that:

- The grantee gave attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result.
- The analysis was done at the census tract or block group, where appropriate, to ensure that proper perspective is given to localized impacts.

If the grantee determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the grantee may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The grantee must show how both elements are met. In order to make this showing, the grantee must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

⁴ <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/html/05-23972.htm>

⁵ <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/html/05-23972.htm>

⁶ http://www.fta.dot.gov/documents/LEP_Handbook.doc

⁷ <https://www.massdot.state.ma.us/Portals/0/docs/CivilRights/TitleVI/Item1/PublicParticipationPlan.pdf>

Requirements

Board Consideration and Approval – The Title VI Program must be approved by the grantee’s Board of Directors or appropriate governing body. The Title VI Program submitted to MassDOT by the grantee should include documentation demonstrating that the Board or appropriate governing body was briefed on the program and had an opportunity to consider its contents prior to approval.

Operators of Fixed Route Service

System-wide Standards and Policies – Grantees that operate fixed route service must develop system-wide service standards that include measures for:

- Vehicle load – can be expressed as the ratio of passengers to the total number of seats on a vehicle
- Vehicle headway – amount of time between two vehicles traveling in the same direction on a given line or combination of lines
- On-time performance – a measure of runs completed as scheduled
- Service availability – a general measure of the distribution of routes within a transit provider’s service area.

Grantees that operate fixed route service must set system-wide policies for:

- The equitable distribution of transit amenities in the community – Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public
- Vehicle assignments for each mode - Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider’s system

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

For grantees that meet the threshold, the following items must be completed in addition to those above:

- **Collect and report data regarding customer demographics and travel patterns**
 - *Demographic and Service Profile Maps and Charts* – Grantees shall prepare demographic and service profile maps and charts after each decennial census and prior to proposed service reductions or eliminations.
 - *Demographic Ridership and Travel Patterns* – Grantees shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys.
- **Conduct service and fare equity analysis**
 - *Service Equity Analysis* – Grantees shall evaluate the impacts of proposed service changes on minority and low-income populations through developing a major service change policy, defining and analyzing adverse effects of major changes, developing a policy for and measuring disparate impacts on the minority population and the disproportionate burden on the low-income population, engaging the public in the policy development, selecting a comparison of population for the low income equity analysis, describing the dataset(s) used in the analyses, and assessing the service impacts.
 - *Fare Equity Analysis* – Grantees are required to evaluate the effects of all fare changes on minority and low-income populations through data analysis, developing a minority disparate impact and low-income disproportional burden policy, engaging the public, reanalyzing any modifications to the proposed changes and examining alternatives.
 - *Service and Fare Equity Analysis for New Starts and Other New Fixed Guideway Systems* – Grantees that have implemented or will implement a New Start, Small Start, or other new fixed guideway capital project shall conduct a service and fare equity analysis six months prior to the beginning of revenue operations whether or not the proposed changes rise to the level of “major service change”
- **Monitor Transit Service (Threshold based)** – Grantees shall monitor the performance of their transit system relative to their system-wide service standards and service policies at least every three years and submit the results of the monitoring program to MassDOT.
 - Grantees shall select a sample of minority and nonminority routes from all modes of service provided, *e.g.*, local bus, bus rapid transit, light rail, *etc.*
 - Grantees shall assess the performance of each minority and non-minority route in the sample for each of the transit provider’s service standards and service policies.

Requirements

- Grantees shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.
- For cases in which the observed service for any route exceeds or fails to meet the standard or policy, depending on the metric measured, grantees shall analyze why the discrepancies exist, and take steps to reduce the potential effects.
- Grantees shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.
- Grantees shall develop a policy or procedure to determine whether disparate impacts exist on the basis of race, color, or national origin, and apply that policy or procedure to the results of the monitoring activities.
- Grantees shall brief and obtain approval from the transit providers' policymaking officials, generally the board of directors or appropriate governing entity responsible for policy decisions regarding the results of the monitoring program.