

TITLE VI TEMPLATE

Note: Throughout this document **Yellow highlighted** text represents instruction for the agency.

Note: Throughout this document **Red highlighted** text represents actual sample documents and/or material to be provided by the agency.

Note: There are options as to how an agency can meet certain of the requirements in this document. An agency's finalized document must reflect what they will actually be doing with regard to compliance and not just taken verbatim from the template.

Title VI of the Civil Rights Act of 1964

2017 - 2020 Implementation Plan

Name of AGENCY

[Insert Agency brand, logo here or put this cover page on agency letterhead]

Adopted date

February __, 2018

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The following additional requirements apply to providers of fixed route public transit that operate 50 or more vehicles. If not applicable, delete it.

Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:

- Demographic and service profile maps and charts.
- Demographic ridership and travel patterns, collected by surveys.
- A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy.
- Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) approved the results of the analysis.

I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the grounds 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." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

During the Obama Administration, the Federal Transit Administration ("FTA") placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency ("LEP").

Recipients of public transportation funding from FTA and the Metropolitan Washington Council of Governments ("COG") are required to develop policies, programs, and practices that ensure federal transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how **[Insert Agency Name]** incorporates nondiscrimination policies and practices in providing services to the public.

II. OVERVIEW OF SERVICES

[Insert brief description about your organization and the transportation services you provide. Please be mindful to describe your overall agency and mission with emphasis on how your federally-funded transportation component(s) serve(s) your customers (e.g. fixed-route public transit, para-transit, human service transportation, transportation for specific clientele).]

III. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

[Insert Agency Name] is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

[Insert Agency Name]'s Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (“CFR”) Part 200, and Title 49 CFR Part 21.

Signature of Authorizing Official

Date

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted);

U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

IV. NONDISCRIMINATION ASSURANCES TO COG

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations. This requirement is fulfilled when COG submits its annual certifications and assurances to FTA. COG shall collect Title VI assurances from sub recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to COG at the time of grant application and award, **[Insert Agency Name]** submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (“EEO”) and contracting (“DBE”), and nondiscrimination because of a disability (“ADA”).

In signing and submitting the assurance, **[Insert Agency Name]** confirms to COG our commitment to nondiscrimination and compliance with federal and state requirements.

V. PLAN APPROVAL DOCUMENT

[The agency's Title VI Plan must be approved by the agency's governing body. Below is sample approval language the agency may use to do so.]

I hereby acknowledge the receipt of the [Insert Agency Name] Title VI Implementation Plan 2017-2020 (this date should cover three (3) years from whenever the template is executed) I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of [Insert Agency Name] transportation services on the basis of race, color, or national origin, as protected by Title VI according to FTA Circular 4702.1B, Title VI requirements and guidelines for Federal Transit Administration sub-recipients.

Signature of Authorizing Official

DATE

NAME, TITLE

AGENCY NAME

NOTE: **Insert here a copy of meeting minutes, resolution, or other appropriate documentation showing that the board of directors or appropriate governing entity of official(s) responsible for policy decisions has reviewed and approved the Title VI Program.**

VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

Under the authority of [Insert Agency Name] the [Agency Authorizing Official's Title] will serve as the Title VI Manager and be responsible for ensuring implementation of the agency's Title VI program (Note, more than one official may be designated to serve as the responsible Title VI official for each area listed below). The specific areas of responsibility are described below.

Overall Organization for Title VI

The Title VI Manager and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Title VI Manager Responsibilities (this section should reflect your agency's structure and policy)

The Title VI Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

General Title VI responsibilities of the agency

The Title VI Manager is responsible for ensuring the aforementioned elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

1. Data collection

To ensure that Title VI reporting requirements are met, **[Insert Agency Name]** will maintain:

- A database or log of Title VI complaints received that tracks the investigation of and response to each complaint.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

2. Annual Report and Updates

As a subrecipient of FTA funds, **[Insert Agency Name]** is required to submit a log, as part of its Quarterly Report to COG, that documents any Title VI complaints received during the preceding quarter and for each year. **[Insert Agency Name]** will also maintain and provide to COG, on an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income individuals have meaningful access to these activities.

Furthermore, **[Insert Agency Name]** will submit to COG updates to any of the following items subsequent to its previous submission, or a statement to the effect that these items have not been changed since the previous submission:

- A copy of any compliance review report for reviews conducted in the last three (3) years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations;
- Limited English Proficiency (“LEP”) plan;
- Procedures for tracking and investigating Title VI complaints;
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission; and
- A copy of the agency’s notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint.

3. Annual review of Title VI program

Each year the Title VI Manager will review the agency's Title VI program to ensure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of information related to the Title VI program

Information on **[Insert Agency Name]**'s Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "public outreach and involvement" section of this document and according to federal and state laws/regulations. The Title VI program will be available in other languages when needed according to the LEP plan.

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. **[Insert Agency Name]** will report the complaint to COG within three (3) business days (per COG requirements), and make a concerted effort to resolve complaints locally using the agency's Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Section 1. Data collection and reported to COG in the Quarterly Report (in addition to immediately).

6. Written policies and procedures

[Insert Agency Name]'s Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of the Annual Title VI Program Review (item 3 above), the Title VI Manager will determine whether or not an update is needed.

7. Internal education (this section is dependent upon your agency's policy, but is a good practice)

[Insert Agency Name]'s employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, **[Insert Agency Name]**'s obligations under Title VI (LEP requirements included), required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

Title VI training is the responsibility of [title of responsible individual(s)].

8. Title VI clauses in contracts

In all federal procurements requiring a written contract or Purchase Order (PO), **[Insert Agency Name]**'s contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the **[title of individual(s)]** who is/are responsible for procurement contracts and PO's to ensure appropriate non-discrimination clauses are included.

VII. GENERAL REPORTING REQUIREMENTS

REQUIREMENT TO PROVIDE A TITLE VI PUBLIC NOTICE (for agencies providing fixed route service to the general public, notice should be posted on the vehicles).

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. At a minimum, **[Insert Agency Name]** shall disseminate this information to the public by: (the following is a sample of options for Title VI notice and should be updated to reflect your agency's practice)

- posting a Title VI notice on the agency's website
- posting a Title VI notice in public areas of the agency's office(s), including the reception desk, meeting rooms
- posting a Title VI notice in federally-funded vehicles
- etc.

SAMPLE – PUBLIC NOTICE

(should be displayed in your vehicles (if applicable) and facilities. Place Notice on agency letterhead:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

[Insert Agency Name] is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you need further information or feel you are being denied participation in or being denied benefits of the transit services provided by **[Insert Agency Name]**, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, please contact:

Name

Title

Agency Name

Address

City, State Zip code

Telephone Number

Email address

As part of Title VI requirements, sub-recipients are also required to maintain a list of locations where their Title VI Notices have been posted or displayed.

A copy of [Name of Agency's] TITLE VI NOTICE TO THE PUBLIC; LIST OF LOCATIONS is attached as APPENDIX A.

TITLE VI COMPLAINT PROCEDURES

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. The form and procedure for filing a complaint shall be available on the recipient's website and at their facilities.

Sample of Narrative (items in black must be included. Items in red should be updated to reflect your agency's preferred language and procedures)

Any individual may exercise his or her right to file a complaint with [Insert Agency Name] if that person believes that he or she have been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to COG within three (3) business days (per COG requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported to COG in the Quarterly Report (in addition to immediately).

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

[Insert Agency Name] includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

[Insert Agency Name] is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color or national origin, as protected by Title VI in the Federal Transit Administration (FTA) Circular 4702.1B. For additional information on [Insert Agency Name]'s nondiscrimination policies and procedures, or to file a complaint, please visit the website at _____ or contact (name, title and mailing address of the Title VI Manager).

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service and agency's facilities, and are also included within **[Insert Agency Name]'s [passenger policies/ride guide/Other]** brochure.

A copy of [Insert Agency Name]'s TITLE VI COMPLAINT FORM is attached as APPENDIX B.

SAMPLE – COMPLAINT FORM

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print	Audio Tape	
	TDD	Other	
Section II:			
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
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin			
Date of Alleged Discrimination (Month, Day, Year): _____			
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 use the back of this 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:

Procedures for Handling and Reporting Investigations/Complaints and Lawsuits (this section should be updated to reflect your agency's preferred language and procedures)

Should any Title VI investigations be initiated by FTA or COG, or if any Title VI lawsuits are filed against [Insert Agency Name], the agency will follow these procedures:

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager.

The complaint is to be filed in the following manner:

- a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint should include:
 - the complainant's name, address, and contact information (i.e., telephone number, email address, etc.);
 - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance);
 - a description of the alleged act of discrimination;
 - the location(s) of the alleged act of discrimination (include vehicle number if appropriate);
 - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin;
 - if known, the names and/or job titles of those individuals perceived as parties in the incident;
 - contact information for any witnesses; and
 - indication of any related complaint activity (i.e., was the complaint also submitted to COG or FTA?).
 - c. The complaint shall be submitted to the Title VI Manager at [insert mailing address] and or [email address].
 - d. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager.
2. Upon receipt of the complaint, the Title VI Manager will immediately:
 - a. notify COG (no later than three (3) business days from receipt);
 - b. notify [Insert Agency Name] Authorizing Official; and
 - c. ensure that the complaint is entered in the complaint database.
 3. Within three (3) business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.

4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If COG has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. investigating contractor operating records, policies or procedures;
 - b. reviewing routes, schedules, and fare policies;
 - c. reviewing operating policies and procedures;
 - d. reviewing scheduling and dispatch records; and
 - e. observing behavior of the individual whose actions were cited in the complaint.
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Manager will contact the complainant at the conclusion of the investigation (but prior to writing the final report) and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager shall prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, COG, and if appropriate our legal counsel.
12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to COG in the event the complainant wishes to appeal the determination. This letter will be copied to COG.
13. A complaint may be dismissed for the following reasons:
 - a. the complainant requests the withdrawal of the complaint;
 - b. an interview cannot be scheduled with the complainant after reasonable attempts; and
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.

TRANSPORTATION-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

Background

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to COG every three years (3) and new information regarding complaints, lawsuits, or investigations shall be provided to COG with the Quarterly Report.

The sample below is provided for the purposes of tracking and documenting your civil rights (Title VI, EEO and ADA) investigations, lawsuits and/or complaints. It may be modified but must include all essential elements contained in the sample, and it may not be used to replace the agency's Complaint Form.

SAMPLE - COMBINED TITLE VI, ADA, EEO COMPLAINT STATUS REPORT

1. List of active investigations, lawsuits or complaints alleging discrimination with respect to service or other transit benefits.

	DATE	SUMMARY (Include basis, i.e. race, age, etc.)	STATUS	ACTION(S) TAKEN
INVESTIGATIONS				
1.				
2.				
3.				
LAWSUITS				
1.				
2.				

3.				
COMPLAINTS				
1.				
2.				
3.				

2. Description of all pending applications for financial assistance and all financial assistance currently provided by other Federal agencies to the grantee.

- [INSERT DATE FILED OR AWARDED, FUNDING AGENCY, AND DESCRIPTION]
- [INSERT DATE FILED OR AWARDED, FUNDING AGENCY, AND DESCRIPTION]

3. Summary of all **civil rights compliance reviews** conducted by other local, state or Federal agencies in the last three (3) years.

	YEAR	AGENCY CONDUCTING REVIEW	RESULT	ACTION(S) TAKEN
REVIEW TYPE				
1.				
2.				
3.				

OR STATEMENT:

There has been no civil rights compliance review conducted of [Insert Agency Name] in the last three (3) years.

[NAME OF AUTHORIZING OFFICIAL],

DATE:

[TITLE]

[NAME OF AGENCY]

A copy of [Insert Agency Name]'s INVESTIGATIONS, LAWSUITS AND COMPLAINTS DOCUMENT is attached as APPENDIX C

PUBLIC OUTREACH AND INVOLVEMENT - Public Participation Plan

This section applies to agencies that provide fixed route public transit. Agencies receiving Federal Transit Administration dollars that do not provide fixed route public transit must still have a document describing their public outreach practices that addresses how they are reaching disadvantaged communities.

Introduction

The Public Participation Plan (“PPP”) is a guide for ongoing public participation endeavors. Its purpose is to ensure that **[Insert Agency Name]** utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (“LEP”) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, transit operators must take reasonable steps to ensure that LEP persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

[Insert Agency Name] established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

[Insert Agency Name] will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

NOTE: 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 Chap. III-6 FTA C 4702.1B encourages recipients to review that Circular for ideas when developing their public engagement strategy.

A sample of effective public outreach practices follows. However, please ensure you list the LEP public outreach activities on Appendix D that your agency actually performs or will perform. Do not merely repeat the samples.

SAMPLE - EFFECTIVE PUBLIC OUTREACH PRACTICES:

- a. Determining and identifying what meetings and program activities lend themselves to client public participation.
- b. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- c. Employing different meeting sizes and formats.
- d. 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 and/or LEP communities.
- e. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- f. 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.

PLEASE ADD ADDITIONAL OUTREACH METHODS SPECIFIC TO YOUR AGENCY TO ENGAGE MINORITY AND LEP POPULATIONS. LIST ALL ON APPENDIX D.

A copy of [Insert Agency Name]'s SUMMARY OF OUTREACH EFFORTS is attached as APPENDIX D.

ACCESS FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS

This section applies to agencies that provide fixed route public transit who must have a formal plan. Agencies that do not, must still have a document describing how they communicate with people who speak another language. All subrecipients are required to complete Factor 1, which then determines if they are required to complete Factor 2-4.

LANGUAGE ASSISTANCE PLAN TEMPLATE

AGENCY NAME

LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (“LEP”)

[If you are part of a city or county government, you may have general procedures in place for serving LEP persons. The model provided below is designed to address FTA-specific requirements.]

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program must meet the objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by **[Insert Agency Name]** is based on FTA guidelines.

As required, **[Insert Agency Name]** developed a written LEP Plan (below). Using 2010 and American Community Survey (ACS) Census data, **[Insert Agency Name]** has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

NOTE: You need to address each of the four factors listed below with data and analysis specific to your agency and service area.

Assessment of Needs and Resources

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population (all subrecipients are required to do this)

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

U.S. Census Data – American Community Survey (2008-2012) – (STEPS: Define service area, then look up population for that area. Determine languages spoken. If over 5% or total of 1,000 people, then must also complete Factors 2-4)

Data from the U.S. Census Bureau’s American Community Survey (ACS) were obtained through www.census.gov for [Insert Agency Name]’s service area. The agency’s service area includes a total of [insert number and percent of total population] persons with Limited English Proficiency (those persons who indicated that they spoke English “not well,” and “not at all” in the 2008-2012 ACS Census).

Information from the 2008-2012 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

• Spanish	[Number]	[Percent]
• Other Indo-European languages	[Number]	[Percent]
• Asian and Pacific Island languages	[Number]	[Percent]
• All Other languages	[Number]	[Percent]

[Note: if any of these categories represents over 5% or 1,000 persons, whichever is less, you should explore the individual languages in the category to determine whether any specific language meets this threshold]

If no language meets the thresholds listed above, you do not have to complete Factors 2-4 and you may insert the following language: “It is noted that there are relatively low number of LEP persons in the service area - no language is spoken by over 5% or a total of 1,000 persons in the LEP population.”

Factor 2: Assessment of Frequency LEP Individuals Come into Contact with the Transit Services or System (*applicable if Factor 1 identifies any languages that meet the threshold*)

[Insert Agency Name] reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have encountered these functions through [**one or more of**] the following channels: (this section should be updated to reflect your agency's preferred language and procedures)

- Contact with transit vehicle operators;
- Contact with transit station managers;
- Calls to **[Insert Agency Name]**'s customer service telephone line;
- Visits to the agency's headquarters;
- Access to the agency's website;
- Attendance at community meetings or public hearings hosted by **[Insert Agency Name]**; and
- Contact with the agency's ADA complementary para-transit system (including applying for eligibility, making reservations, and communicating with drivers).

[Provide a summary of findings based on relevant (if anecdotal) information from agency staff, including the LEP persons' native language, how successful the agency has been in communicating with LEP persons, and common questions directed to the agency by LEP persons. Also, review any available records on the number of hits it receives on its non-English web pages or requests for interpreters at public meetings or results of ridership surveys that capture the experiences of LEP persons.]

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact.

To assist in language identification, we use a language identification flashcard based what was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>)

Information from Community Organizations that Serve LEP Persons (this is a requirement for agencies providing fixed route public transportation. For other agencies, it not a requirement to seek this information, but if it is something your agency does anyway, please include it. Otherwise, you may delete it).

To supplement the Census, education, and labor department data, **[Insert Agency Name]** conducted community outreach to the following organizations that work with LEP populations.

[List those contacted, which may include any of the following: School systems; Community organizations; State and local governments; Religious organizations; Legal aid entities.]

Note: Describe method of contact (telephone interviews, written or online surveys, outreach presentation at the organization, community meetings, etc.) and information obtained.

Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population (applicable if Factor 1 identifies any languages that meet the threshold)

[Insert Agency Name] provides the following programs, activities and services:

[List and describe.]

Based on past experience serving and communicating with LEP persons and interviews with community agencies, **[as well as questionnaires or direct consultations with LEP persons (if applicable, e.g. through focus groups or individual interviews facilitated/interpreted by a community agency)]**, we learned that the following services/routes/programs are currently of particular importance LEP persons in the community.

[List these; identify particular routes or modes.]

The following are the most critical services provided by **[Insert Agency Name]** for all customers, including LEP persons. **(this section should be updated to reflect your agency's preferred language and procedures)**

- Safety and security awareness instructions;
- Emergency evacuation procedures;
- Public transit services, including reduced fare application process;
- ADA paratransit services (if your agency operates fixed-route), including eligibility certification process;
- Other paratransit services;
- Services targeted at low income persons; and
- **[any other critical services].**

Factor 4: Assessment of the Resources Available to the Agency and Costs (applicable if Factor 1 identifies any languages that meet the threshold. Establishes what resources the subrecipient is making available based on Factors 1-3)

Costs (this section should be updated to reflect your agency's preferred language and procedures)

The following language assistance measures are currently being provided by **[Insert Agency Name]**

- *[List these along with associated costs. Include costs associated with translating documents, contracting with language interpreters, producing pictographs, installing multilingual technology, and other language assistance measures your agency is taking or plans to implement.*
- *Also, estimate the number of staff and percentage of staff time that is associated with providing language assistance.]*

We anticipate that these activities and costs may increase as follows:

[Describe.]

Based on the analysis of demographic data and contact with community organizations and LEP persons, **[Insert Agency Name]** has determined that additional services may be needed to provide meaningful access.

Resources (this section should be updated to reflect your agency's preferred language and procedures, but must address the need identified).

The available budget that could be devoted to additional language assistance expenses is **[actual dollars and/or percentage]**. This amount is likely to **[be stable/decrease/increase]** over time.

[Insert Agency Name] has also requested the following additional grant funding for language assistance:

[Describe if applicable.]

In addition, in-kind assistance may be available through **[community organizations, other city or county departments, other transit agencies who may be able to partner for language assistance services]**.

Your agency may have access to language assistance products that have been developed and paid for by local, regional, or state government agencies and may also have bilingual staff that could provide language assistance on an ad hoc or regular basis. These resources should be inventoried and taken into consideration as part of your assessment of total resources available.

Your agency may already have, or be able to establish arrangements with qualified community volunteers to provide written or oral language translation. Although these volunteers may be willing to provide their services free of charge, your agency

will need to verify that they can provide competent interpretation service and train them on their role within the agency. These should be inventoried as potential or confirmed resources.

Other potential cost saving measures includes telephonic and video conferencing interpretation services, translating vital documents posted on Web sites, pooling resources and standardizing documents to reduce translation needs, centralizing interpreter and translator services to achieve economies of scale.]

Feasible and Appropriate Language Assistance Measures

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time: (this section should be updated to reflect your agency's preferred language and procedures)

- [List.]

LEP Implementation Plan (result of and based on the four-factor analysis)

Through the four-factor analysis, [Insert Agency Name] has determined that the following types of language assistance are most needed and feasible: (this section should be updated to reflect your agency's preferred language and procedures)

[List types of assistance. For example:

- *Translation of vital documents into Spanish. These documents include:*
 - *System Map and Ride Guide*
 - *Application for reduced fare*
 - *All printed materials on ADA Paratransit, including brochure, eligibility application package, and passenger policies and procedures*
 - *Emergency preparedness brochure*
- *Attempt to hire bilingual staff with competency in spoken and written (Spanish, Vietnamese, etc. as appropriate for your service area).*
- *Language Line Translation Services for telephone contacts.*
- *In-person translation for ADA eligibility assessments.*

Staff Access to Language Assistance Services: (this section should be updated to reflect your agency's preferred language and procedures)

Agency staff who come into contact with LEP persons can access language services by [describe procedures, such as offering the individual a language identification flashcard,

having a supply of translated documents on hand, transferring a call to bilingual staff, having a telephone menu allowing the customer to pre-select their language].

All staff will be provided with a list of available language assistance services and additional information and referral resources (such as community organizations which can assist LEP persons). This list will be updated at least annually.

Responding to LEP Callers (this section should be updated to reflect your agency's preferred language and procedures)

Staff who answer calls from the public respond to LEP customers as follows:

[describe, indicate language translation line if used, availability of bilingual staff. Include trip scheduling procedures for LEP persons].

Responding to Written Communications from LEP Persons (this section should be updated to reflect your agency's preferred language and procedures)

The following procedures are followed when responding to written communications from LEP persons:

[describe, indicate language translation services if used, availability of bilingual staff].

Responding to LEP Individuals in Person (this section should be updated to reflect your agency's preferred language and procedures)

The following procedures are followed when an LEP person visits our customer service and administrative office:

[describe, indicate use of language identification flashcard if needed, availability of bilingual staff, use of language translation services if appropriate].

The following procedures are followed by operators when an LEP person has a question on board a [Insert Agency Name] vehicle:

[describe, indicate use of language identification flashcard if needed, availability of bilingual operating staff, availability of translated information on board vehicles, referral to telephone assistance, volunteer translation assistance from fellow passengers, etc.].

Staff Training (this section should be updated to reflect your agency's preferred language and procedures)

As noted previously, all [Insert Agency Name] staff is provided with a list of available language assistance services and additional information and referral resources, updated annually.

All new hires receive training on assisting LEP persons as part of their sensitivity and customer service training. This includes:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely encounter customers, as well as their supervisors and all management staff, receive [annual] refresher training on policies and procedures related to assisting LEP persons.

[Describe additional training courses or resources provided to staff, such as tuition assistance for language courses at a local community college, training manuals/CDs/DVDs/online courses available to staff, instruction in basic phrases needed in the operating environment, etc.]

Providing Notice to LEP Persons (this section should be updated to reflect your agency's preferred language and procedures)

LEP persons are notified of the availability of language assistance through the following approaches:

- ***following our Title VI policy statement included on our vital documents;***
- ***on our website, with links to translations of vital documents in other languages;***
- ***through signs posted on our vehicles and in our customer service and administrative offices;***
- ***through ongoing outreach efforts to community organizations, schools, and religious organizations;***
- ***use of an automated telephone menu system in the most common languages encountered;***
- ***including the LOTS' language translation line on all materials;***
- ***staffing a table with bilingual staff at community service events of interest to LEP groups; and***

- *sending translated news releases and public service announcements about the availability of translated information to newspapers and broadcast media that target local LEP communities.*

LEP persons will also be included in all community outreach efforts related to service and fare changes.

Monitoring/updating the plan (this section should be updated to reflect your agency's preferred language and procedures)

This plan will be updated on a periodic basis (at least every three (3) years), based on feedback, updated demographic data, and resource availability.

As part of ongoing outreach to community organizations, **[Insert Agency Name]** will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct periodic *[surveys, focus groups, community meetings, internal meetings with staff who assist LEP persons, review of updated Census data, formal studies]* of the adequacy and quality of the language assistance provided, and determine changes to LEP needs.

Based on the feedback received from community members and agency employees, **[Insert Agency Name]** will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore **[Insert Agency Name]** will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, **[Insert Agency Name]** will strive to address the needs for additional language assistance.

A copy of **[Name of Agency's]** LAP is attached as APPENDIX E

MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES (this section should be updated to reflect your agency's preferred language and procedures)

This section applies to agencies providing fixed route, public transit or other agencies that have Boards or Committees. It is an FTA requirement that such committees or boards should be representative of the population served. If this doesn't apply to your agency, do not delete it but state the reason it is not applicable.

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."

[Insert Agency Name] has transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which we select.

1. Please provide a description of your selection process, including recruitment efforts made to encourage the participation of minorities on such committee(s).
2. Please provide a table(s) depicting the racial breakdown of the membership of those committees.

The Sample below is provided for the purposes of guidance only

Committee	Black or African American	White/ Caucasian	Latino/ Hispanic	American Indian or Alaska Native	Asian	Native Hawaiian or other Pacific Islander	Other *Note	Totals
Citizens Advisory Committee (CAC)	7	6	0	0	0	0	2	15
% of CAC Committee	46.6	40.0	0	0	0	0	13.3	99.9
Citizens Advisory Committee on Accessible Transportation (CACAT)	8	5	0	0	0	0	1	14
% of CACAT Committee	57.0	35.7	0	0	0	0	7.0	99.7

*Note – Other races reported: Lithuania, Ukrainian, and Polish

A copy of [Name of Agency's] TABLE OF MINORITY REPRESENTATION ON COMMITTEES is attached as APPENDIX F.

VIII. REQUIREMENTS OF TRANSIT PROVIDERS (if this section does not apply to your agency, delete it and update the numbering in the Table of Contents accordingly)

REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS

The requirements apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities.

Transit providers that are sub recipients will submit the information to their primary recipient (the entity from whom they directly receive transit funds) every three (3) years on a schedule determined by the primary recipient. The requirements are scaled based on the size of the fixed route transit provider.

REQUIRED: Service Standards and Policies

- **Service Standards**
 - Vehicle load, Vehicle headway, On-time performance, Service availability
- **Service Policies**
 - Transit amenities, Vehicle assignment

[Insert Agency Name] is required to plan and deliver transportation services in an equitable manner. This means the distribution of service levels and quality is to be equitable between minority and low-income populations and the overall population. [Insert Agency Name] has reviewed its services and policies to ensure that those services and benefits are provided in an equitable manner to all persons.

Service Standards

The agency has set standards and policies that address how services are distributed across the transit system service area to ensure that that distribution affords users equitable access to these services. As shown in the following maps, the agency's routes [explain how routes service low income and minority areas]. The agency's demand responsive services are available to all callers on a first-come first service basis, without regard for race, color or national origin.

The following system-wide service standards are used to guard against service design or operations decisions from having disparate impacts [sample standards are presented below]. All of [Name of Agency]'s services meet the agency's established standards; thus, it is judged that services are provided equitably to all persons in the service area, regardless of race, color or national origin.

[Note, if your agency has completed service standards within the past two (2) years, please insert them here or as an Appendix instead of repeating the narrative below.]

- **Vehicle load** - Vehicle load is expressed as the ratio of passengers to the total number of seats on a vehicle at its maximum load point. The standard for maximum vehicle load is **[insert standard]**, all of **[Name of Agency's]** services meet this standard.
- **Vehicle headway** - Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given route. A shorter headway corresponds to more frequent service. The standard for vehicle headways is **[insert standard]**, all of **[Name of Agency's]** services meet this standard.
- **On-time performance** - On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be "on time." The standard for on-time performance is **[insert standard]**, all of **[Name of Agency's]** services meet this standard.
- **Service availability** - Service availability is a general measure of the distribution of routes within a transit provider's service area or the span of service. The standard for service availability is **[insert standard]** all of **[Name of Agency's]** services meet this standard.

Service and Operating Policies

The **[Name of Agency]**'s service and operating policies also ensure that operational practices do not result in discrimination on the basis of race, color, or national origin.

- **Distribution and Siting of Transit Amenities** - Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. **[Insert Agency Name]** has a policy to ensure the equitable distribution of transit amenities across the system. This policy applies to seating (i.e., benches, seats), bus shelters and canopies, (c) provision of information, Intelligent Transportation Systems (ITS), waste receptacles (including trash and recycling). Passenger amenities are sited based on **[insert process]**.
- **Distribution and Siting of Fixed Facilities** - **[Name of Agency]** shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Facilities include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. Facilities do not include bus shelters and transit stations, power substations, etc. are evaluated during project development of the NEPA process.
- **Vehicle assignment** **(this section should be updated to reflect your agency's preferred language and procedures)** - Vehicle assignment refers to the process by which transit vehicles are placed into service and on routes throughout the

system.) **[Insert Agency Name]** assigns vehicles with the goal of providing equitable benefits to minority and low-income populations. Vehicles are assigned with regard to service type (fixed-route, demand-response, or a hybrid type) and ridership demand patterns (routes with greater numbers of passengers need vehicles with larger capacities). For each type of assignment, newer vehicles are rotated to ensure that no single route or service always has the same vehicle. The **[title of individual(s) responsible for Title VI compliance in service delivery]** reviews vehicle assignments monthly to ensure that vehicles are indeed being rotated and that no single route or service always has the old or new vehicles.

[Insert your process]

Note: Policies for vehicle assignment could be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider may set a policy to assign vehicles to routes so that the age of the vehicles on each route does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area.

Monitoring Title VI Complaints (this section should be updated to reflect your agency's preferred language and procedures)

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the annual grant application (ATP) for submission to the COG.

Fare and Service Changes

[Insert Agency Name] follows its adopted written policy for the public comment process for major service reductions and fare increases. With each proposed service or fare change,

[Insert Agency Name] considers the relative impacts on, and benefits to, minority and low-income populations, including LEP populations. All planning efforts for changes to existing services or fares, as well as new services, have a goal of providing equitable service.

The next pages should be copies of the Appendices referenced throughout the document