

TITLE VI COMPLIANCE PROGRAM
FOR
FEDERAL TRANSIT
ADMINISTRATION PROGRAMS



Prepared By:

Mississippi Department of Transportation

Public Transit Division

December, 2008

Revised 3/2012

**TITLE VI COMPLIANCE PROGRAM
TABLE OF CONTENTS**

Background	
Policy Statement	
PART I	GENERAL PROVISIONS
	Purpose 2
	Objectives 3
	Definitions 3
	State Program Requirements..... 7
PART II	COORDINATION AND PLANNING
	Background..... 8
	Coordinated Human Service Transportation Plan 8
	Long Range Planning 9
	Other Planning Requirements 9
PART III	DATA COLLECTION/REPORTING
	General Reporting Requirements..... 10
PART IV	TRANSPORTATION PROGRAM ASSURANCES 12
PART V	PROGRAM SPECIFIC REQUIREMENTS
	Program Specific Requirements 12
	Project Selection Process and Criteria.. 12
	Quality and Quantity of Service Measures..... 14
	Monitoring Compliance 15
PART VI	COMPLIANCE REVIEWS
	Application Reviews 16
	Compliance Determinations..... 16
	Remedial Actions 17
PART VII	DISCRIMINATION COMPLAINT PROCEDURES
	General..... 19
	Complaint Filing Procedures..... 19
PART VIII	TYPES OF DISCRIMINATION PROHIBITED 20
PART IX	PUBLIC INFORMATION
	General - Access 22
	Contractors, Applicants, etc. 23
PART X	PUBLIC INVOLVEMENT..... 23

APPENDICES

Appendix A-1 Standard Assurances.....24

Appendix A-2 Letter 09-01-00-000-01.....26

Appendix A-3 Letter 09-01-00-000-02..... 27

Appendix A-4 Letter 09-01-00-000-04.....28

Appendix A-5 Complaint Form.....29

Appendix B-1 Standard DOT Title VI Assurances.....31

Appendix B-2 Appendix38

Appendix B-3 Appendix40

Appendix B-4 Appendix42

Appendix B-5 Addendum to Standard DOT Title VI Assurances44

Appendix C Directory..... 46

Appendix D Complaint Review Report.....47

Appendix E Applications of Title VI Requirements.....48

Appendix F Limited English Proficiency Implementation Plan.....49

Appendix G Public Involvement Process and Plan.....50

Appendix H Monitoring Documents51

Background

The primary purpose of Title VI of the Civil Rights Act of 1964 is to ensure that no person, on the grounds of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by recipients under Federal financial assistance programs. Title VI is that part of the Civil Rights Act of 1964, which is primarily concerned with the allocation of the benefits or services of federally-assisted programs. Title VI and its requirement of nondiscrimination apply to activities in connection with Federal financial assistance from the United States Department of Transportation.

Since 1972, the Federal Transit Administration (FTA) has required applicants and recipients and subrecipients for Federal assistance to certify compliance with the requirements of Title VI as a part of the grant approval process. This is accomplished by the certifications and assurances each applicant and the Department signs as a part of the application process and other oversight activities by the MDOT Public Transit Division. In 1977, Title VI Compliance Requirements were issued by the United States Department of Justice (DOJ), which was updated in May, 1988 as Circular 4702.1. The most recent update in May of 2007, Circular 4702.1A was issued to up-date the federal responsibilities and to clarify the role of State's in assuring compliance with Title VI requirements. The Circular 4702.1A "Title VI and Title VI Dependent Guidance for Federal Transit Administration Recipients", was intended to be more responsive to the needs of minorities through the distribution of FTA funded transportation resources. The FTA circular guidance will also assist our grant recipients in integrating into their existing programs policies, activities and principals of environmental justice (as embodied in Executive Order 12898), and access to services for persons with limited English proficiency, (as embodied in Executive Order 13166).

All recipients of FTA funds that are involved in service provision, program administration, planning, research and training are required to demonstrate compliance with applicable portions of Circular 4702.1A. This compliance is intended to demonstrate to the FTA that Title VI provisions will be satisfied as required by the legislative mandates reference in the preceding paragraph.

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

TITLE VI POLICY STATEMENT

It is the policy of the Mississippi Department of Transportation, to assure full compliance with Title VI of the Civil Rights Act of 1964, and related statutes. This policy has been incorporated into the Title VI assurances, contracts and agreements executed by the Department and its recipients, sub-recipients and contractors in connection with Federal Transit Administration funded projects and programs.

It is the policy of the Mississippi Department of Transportation to afford equal employment opportunity to all qualified persons without regard to race, color, creed, religion, national origin, sex, age, disability or veteran status.

Employment, placement, transfer, promotion, or demotion will be based solely on the skill, experience, aptitude, initiative, and attitude of the individual and upon the needs and requirements of the Department of Transportation. We will in every case seek out and judge applicants for employment on the attributes previously mentioned.

Each person will have equal opportunity to increase wages and will be limited only by education, background, experience, and skill.

Selection for all training programs is made without regard to race, color, creed, religion, national origin, sex, age, disability or veteran status. The Department is continually expanding its efforts to provide training in all areas of employment.

The Department of Transportation intends to cooperate fully with the applicable regulations of the Civil Rights Act of 1964, Federal Aid Highway Act of 1968 and Americans with Disabilities Act of 1990. All managers and supervisors are herewith notified that they are fully obligated to see that this policy is adhered to in all their transactions involving employees or potential employees.

I. GENERAL PROVISIONS AND REQUIREMENT

A. GENERAL PROGRAM APPLICABILITY

1. PURPOSE

The purpose of the Title VI Program described herein is to demonstrate compliance with requirements listed in Circular 4702.1A "Title VI Program Guidelines For Urban Mass Transportation Administration Recipients"; Circular 9040.1F "Section 5311 Program Guidance and Grant Application Instructions"; and Circular 9070.1F "Section 5310(b)(2) Capital Assistance Program Guidance"; Circular 9050.1 Job Access and Reverse Commute; Circular 9045.1 New Freedom and 49 CFR Part 42, Nondiscrimination in Federally Assisted Programs of the Department of Transportation.

This program was developed on behalf of the Mississippi Department of Transportation, through the Public Transit Division, as a recipient of FTA funds, to comply as appropriate with Section 601 of Title VI of the Civil Rights Act of 1964; Executive Order 11246; The American with Disability Act; Sections 504 and 503 of the Rehabilitation Act of 1973; and the Age Discrimination in Employment Act of 1967.

"No person in the United States shall, on the grounds of race, color, creed, religion, national origin, sex, age, disability or veteran status be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In this regard, the responsibility of the Division on behalf of the Department is to ensure that federally supported transit services and related benefits are distributed to applicants, recipients, and subrecipients of FTA assistance in a manner consistent with Title VI. This program describes how the MDOT with FTA concurrence, will enforce Title VI in accordance with responsibilities as set forth by the Title VI regulations issued by the United States Department of Justice (DOJ) (28 CFR Part 42) and the United States Department of Transportation (DOT) (49 CFR Part 21).

2. OBJECTIVES

The objectives of this Title VI Program are as follows:

- (1) Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- (2) Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- (3) Promote the full and fair participation of all affected populations in transportation decision making;
- (4) Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- (5) Ensure meaningful access to programs and activities by persons with limited English proficiency.

These objectives are the basis for the Title VI program. Applicants, recipients, and subrecipients of FTA financial assistance through the Division, must also certify Title VI compliance.

3. DEFINITIONS

For purposes of this program, the following definitions will be used:

- a. Adverse Effect means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.
- b. Alternative "Clean" Fuels mean fuels that reduce vehicle emissions. These fuels can include natural gas, ethanol, methanol, electricity, and liquefied propane gas.

- c. Applicant means an eligible public entity or organization that submits an application for financial assistance under an FTA program administered on behalf of the State.
- d. Compliance refers to a condition in which FTA or the Division has found that the applicant, recipient, or subrecipient has met the requirements in this program. There is no indication or evidence of discrimination on the basis of race, color, or national origin.
- e. Contractor means any entity or organization which has entered into a contract with the Division relating to transit service delivery.
- f. Disparate Treatment refers to actions that result in circumstances where similarly situated persons are treated differently (i.e., less favorably) than others because of their race, color, or national origin.
- g. Disproportionately High and Adverse Effect on Minority and Low-income Populations means an adverse effect that:
 - (1) is predominately borne by a minority population and/or a low-income population, or
 - (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.
- h. Deficient refers to a condition where, after a review of a recipient's or subrecipient's practices, and barring an adequate justification from the recipient or subrecipient, FTA determines that the entity has not followed specific provisions of this circular's required guidance and procedures.
- i. Discrimination refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.
- j. Environmental Justice Activity means an action taken by DOT, FTA, or a recipient or subrecipient of FTA funding to identify and address adverse and disproportionate effects of its policies, programs, or activities on minority and/or low-income populations, consistent with Executive Order 12898 and the DOT Order 5610.2 on Environmental Justice.
- k. Federal financial assistance means:
 - (1) grants and loans of Federal funds;

- (2) the grant or donation of Federal property and interests in property;
- (3) the detail of Federal personnel;
- (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
- (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

l. Minority Persons include the following:

- (a) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
 - (b) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
 - (c) Black or African American Populations, which refers to peoples having origins in any of the Black racial groups of Africa.
 - (d) Hispanic or Latino Populations, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
 - (e) Native Hawaiian and Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- m. Minority Population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- n. National Origin means the particular Nation where a person was born, or where the person's parents or ancestors were born.
- o. Noncompliance refers to an FTA determination that the recipient or subrecipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity.

- p. Predominantly Minority Area means a geographic area, such as a neighborhood, Census tract, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.
- q. Predominantly Low-Income Area means a geographic area, such as a neighborhood, Census tract, or traffic analysis zone, where the proportion of low-income persons residing in that area exceeds the average proportion of low-income persons in the recipient's service area.
- r. Recipient refers to the MDOT or any department, division or bureau that is authorized to request Federal assistance on behalf of subrecipients, and distributes such financial assistance to subrecipients contracts for the purpose of carrying out a program.
- s. Subrecipient means any entity that receives FTA financial assistance through a primary recipient.
- t. Subcontractor means any entity or organization which has entered into a subcontract relating to transit service delivery with a contractor to provide a service in connection with a program or activity initiated by an applicant, recipient, or subrecipient.
- u. Probable Noncompliance refers to a condition in which FTA has found that the applicant, recipient, or subrecipient does not fully satisfy these requirements and has requested the applicant, recipient, or subrecipient to take remedial or corrective actions to achieve compliance; or has initiated an enforcement action against the applicant, recipient, or subrecipient.
- v. Secretary means the Secretary of the United States Department of Transportation.
- w. Service Standard/Policy means an established policy or service performance measure used by a transit provider or other applicant, recipient, or subrecipient as a means to plan, program, or distribute services and benefits within its service area.
- x. FTA Activity means any program of assistance authorized by the Federal Transit Laws at 49 U.S.C. Chapter 53 or the Federal Highway Laws at Title 23 United States Code that are administered by FTA.
- y. Title VI Program means the system of requirements, procedures, action and sanctions adopted by Federal, State, and Local agencies and other applicants, recipients, and subrecipients which are deemed necessary and appropriate to comply with Title VI of the Civil Rights Act of 1964 and the implementing regulations issued by the United States Department of Justice and the United States Department of Transportation.
- z. Limited English Proficient (LEP) Persons are persons for whom English is not their primary language and who have a limited ability to speak, understand, read,

or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.

- aa. Low-Income means a person whose median household income is at or below the Department of Health and Human Services' poverty guidelines.
- bb. Low-Income Population means any readily identifiable groups of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

4. **STATE-ADMINISTERED PROGRAM**

- a. For the MDOT, the FTA Title VI requirements apply to all FTA funded programs administered by the Public Transit Division. These programs include, but are not limited to the Elderly and Disabled Transportation Program – Section 5310; New Freedom Program – Section 5317; Rural General Public Transportation Program – Section 5311 and Job Access and Reverse Commute Program – Section 5316.
- b. For these programs, Title VI shall be enforced by the MDOT in the following manner:
 - 1. Ensuring that subrecipients are in compliance with the requirements and conduct Title VI assessments of subrecipients in accordance with C4702.1A, Chapter III # 1, 2 (a-d), and IV # 1-9, as appropriate.
 - 2. Maintaining and providing data and other relevant information to FTA as required in C4702.1A, including pertinent data obtained from subrecipients;
 - 3. Subrecipients shall be responsible for complying with these requirements and shall submit all pertinent data to the MDOT;
 - 4. At its discretion, FTA may collect data from the MDOT necessary to determine Title VI compliance. FTA may, as appropriate, conduct compliance reviews of the Division and subrecipients; and
 - 5. It is also acknowledged that, at the discretion of FTA, information other than that required by Circular 4702.1A may be requested from MDOT or subrecipients to resolve questions concerning compliance with Title VI. In such cases, the request for additional information will be made in writing.
 - 6. It is our commitment to afford individuals affected by MDOT and subrecipient activity(s) with meaningful access to programs and services by:

- a. advertising meetings, hearings, conferences, etc., in appropriate languages as necessary;
 - b. requesting the participants to inform us of needed accommodations in order to meet reasonable needs.
 - c. Having written materials printed in languages that meet LEP requirements.
 - d. Providing interpreters to verbally translate and perform sign language when necessary
7. PTD will collaborate with MDOT's Civil Right Division in the implementation of the agency's LEP plan (Appendix F).
 8. Technical assistance will be provided to subrecipients in the development of LEP implementation plans as necessary. Subrecipients electing not to prepare a written language implementation plan will be assisted in their consideration of other ways to reasonably provide meaningful access to programs or activities.

II. COORDINATION AND PLANNING

A. Background

Coordination of transportation services is an integral part of the State's policies and goals for administration of the Section 5311, Section 5316, Section 5317 and Section 5310 Programs and our effort to ensure that all citizens have an equal opportunity to participate in FTA funded programs or activities. The Department proposes to make every reasonable effort to implement coordination between state, regional and local agencies involved in providing transportation services. In order to accomplish this, the MDOT fully supports implementation of the local coordinated planning provisions of the FTA formula grant programs and has taken the lead in state and regional United We Ride coordination initiatives. In the absence of legislative mandates or mechanisms, we rely on local transportation planning organizations, the Interagency Transportation Advisory Committee and incorporation of coordination requirements in the project selection criteria and monitoring of projects funded through the programs identified above. The MDOT will also take advantage of input from the Planning and Development Districts (PDD's), and Metropolitan Planning Organizations (MPO's). In addition, the MDOT will include coordination of resources as a part of the application for and monitoring of all FTA funded formula programs.

B. Coordinated Human Service Transportation Plan (CHTP)

It is the intention of the MDOT to fully support implementation of the local coordinated planning requirements of SAFETEA-LU and the subsequent guidance. To be eligible for

funding MDOT, requires that Section 5310, Job Access and Reverse Commute (JARC), and New Freedom projects must be “derived from a locally developed, coordinated public transit-human services transportation plan”. The plan must be developed through a process that includes representatives of public, private, and non-profit transportation as well as and human service providers and participation by members of the public. Local Coordinated Human Services Transportation Plans have been developed by several regional groups. Each CHTP should be based on the existing United We Ride Regional Action Plan. The CHTP is designed to better identify unmet needs and include more detailed alternatives for meeting these needs, either through strategies or specific projects.

C. Long Range Planning

MDOT’s long-range transportation planning process has historically focused on multimodal systems independent of one another. With an increased emphasis on intermodality the MDOT has initiated the development of the Mississippi Unified Long Range Transportation Infrastructure Plan (MULTIPLAN). The MULTIPLAN is intended to provide a comprehensive analysis of transportation needs throughout the state. It articulates the current status of transportation in Mississippi, reviews the status and progress in comparison to goals established in the Long Range Transportation Plan (LRTP), assesses modal deficiencies, and integrates Metropolitan Planning Organization (MPO) Plans. The MULTIPLAN has a horizon year of 2030. The MULTIPLAN will be re-evaluated on an approximate 5-year interval to extend the horizon year.

MDOT developed a public involvement plan as a part of the Multiplan development process (see Appendix F). This information is also made available to the public on our website www.gomdot.com. Web-based comments can be made online. The plan outlines the public strategies for the MULTIPLAN, providing a framework for reaching both Public and private sector individuals and entities involved in and affected by transportation-related activities within the state. In doing so, a large and diverse cross-section of those impacted are able to contribute to the development, implementation and ultimate success of Mississippi’s long-range transportation planning efforts.

D. Other Planning Requirements

The MDOT will routinely include all federally funded transit and specialized transportation projects in the Department's Statewide Transportation Improvement Program (STIP). To accomplish this, the Public Transit Division, through the Office of Intermodal Planning, will participate in the STIP-STP Work Group or other internal mechanisms that are established for the purpose of implementing the appropriate statewide planning requirements. At a minimum, the PTD will provide STIP update information in the format and at such time requested by the Planning Division. MDOT developed a public involvement plan as a part of the STIP planning process (see Appendix F). This information is also made available to the public on our website www.gomdot.com. Web-based comments can be made online.

III. DATA COLLECTION AND REPORTING REQUIREMENTS

A. GENERAL REPORTING REQUIREMENTS

The Public Transit Division and subrecipients are required to maintain and provide the information outlined in this section. This information is required under the Department of Justice and the Department of Transportation regulations and must be certified to FTA as a condition of approval of grant applications. Subrecipients must provide updated information to the Division as conditions warrant. Updates must at a minimum be provided every 3 years.

1. All applicants, and contractors/subrecipients of FTA assistance through the Division, as well as the Division shall maintain and submit information to meet the following general requirements:
 - a. A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
 - b. A copy of the agency's plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance.
 - c. A copy of the agency procedures for tracking and investigating Title VI complaints.
 - d. A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part.
 - e. A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.
 - f. A signed FTA Civil Rights Assurance that all records and other information required under this program have been or will be compiled, as appropriate, and maintained by the MDOT, and the subrecipient.
 - g. A signed standard DOT Title VI Assurance.
 - h. A list of Board Members and their racial profile.
2. For construction projects, a fixed-facility impact analysis may be performed if required by FTA directives. We will to the greatest extent possible work with MDOT's internal divisions for construction or renovation activity which involves the acquisition of land or the displacement of any persons, firms or businesses. Also in accordance with FTA directives 4702.1A:

- A. For any project that is not found to be a Categorical Exclusion (CE) the preparation of an environmental assessment (EA) or environmental impact statement (EIS) may be necessary for public comment.
- B. Contractor's preparing documentation for a categorical exclusion (CE) will be advised to complete and submit FTA's standard CE checklist, which includes a section on community disruption and environmental justice. MDOT will recommend that contractor's preparing an environmental assessment (EA) or environmental impact statement (EIS) integrate into their documents the following components:
 - (a) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population (e.g., analysis of Census data, minority business directories, direct observation, or a public involvement process).
 - (b) A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population.
 - (c) A discussion of all positive effects that would affect the identified minority and low-income population, such as an improvement in transit service, mobility, or accessibility.
 - (d) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project.
 - (e) A discussion of the remaining effects, if any, and why further mitigation is not proposed.
 - (f) For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas. Recipients and subrecipients that determine there is no basis for such a comparison should describe why that is so.
- C. Efforts shall be made to ensure that the public is afforded early and continuous opportunities to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

IV. TRANSPORTATION PROGRAM ASSURANCES

It is the responsibility of MDOT on behalf of the State to ensure that recipients of FTA funds are in compliance with the following civil rights requirements applicable to transit related projects: Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity (EEO), Elderly and Disabled (Section 504) Regulations, Disadvantaged Business Enterprise (DBE) Program (Section 105(f)) and the requirements of the Americans with Disabilities Act. These required program assurances are intended to establish, publish and/or transmit the MDOT's commitment to ensuring that the provisions of Title VI are complied with in the Division's administration of and sub-recipients operation of transit programs funded in whole or in part from FTA funds. The assurances are submitted routinely as a part of the application process, as appropriate, by either the Division (to FTA) or applicants (to the Division) as a part of requests for funding. In addition, Title VI Compliance and Assurances are published in the State Management Plan.

V. PROGRAM SPECIFIC REQUIREMENTS

- A. Program-Specific Requirements for the FTA Transit Programs The MDOT has been designated by the Governor to administer the Section 5311, Section 5316, Section 5310 and the Section 5317 Programs through the Public Transit Division. The Division maintains records of all funding requests received from private and public non-profit organizations; records of the application review process; and the manner in which applicants are selected for funding under the programs. Additionally, during the application cycle for the four transportation programs, it is the policy of the Division to provide an equal opportunity for affected citizens, users, and providers to participate in the development of these federally funded programs. Program specific information requested in the FTA Circular 4702.1A, Chapter III, Requirements for Applicants and Chapter IV, General Requirements and Guidelines are included in the Division's State Management Plan. The Division's program specific information and compliance requirements do not substantially differ. Therefore, it will continue to be the practice of the Division to require such information as may be requested in the State Management Plan and the compliance monitoring procedures to assist in documenting Title VI compliance.
- B. Project Selection Process and Criteria
1. Each year the Division announces the availability of funds for the Rural General Public, Job Access and Reverse Commute, Elderly and Disabled and New Freedom transportation programs. The announcement is advertised in newspapers that have local and statewide circulation. The announcements are also sent to existing contractors and others that have requested to be entered on the Division's mailing list. All applicants are provided copies of the appropriate application documents, which contain references, explanations and applicable assurances relating to Title VI requirements. An application workshop is provided for all potential sub-recipients. The workshop is advertised via minority and non-minority newspapers. The areas of distribution include predominately minority and low income populations. The application process is explained during the workshop and

individualized technical assistance is provided as needed to all potential applicants. Further technical assistance is provided via meetings and telephone contact.

The announcement of the availability of funds may be mailed to organizations such as (1) human service agencies, (2) community health centers, (3) private sector transportation, including taxi cab operators and Intercity bus companies, (4) representatives of county government, (5) other elected or appointed municipal officials who have expressed an interest, (6) other individuals with an interest in transportation for rural and small urban areas, (7) Planning and Development District offices, and (8) Metropolitan Planning Organizations. The notice of availability will be routinely made available through published legal notice in minority owned media outlets. Technical assistance is offered as a part of the application process.

2. Application and/or pre-applications are reviewed and evaluated by staff and an Inter-Agency Transportation Committee (ITC). The ITC is made up of representatives who have an interest in transportation resource allocation throughout the State. Consequently, the ITC members represent constituent or client populations that represent a significant portion of the minority citizens who use the traditional rural and specialized transportation services.
3. In addition to the Title VI assurances required by all applicants; new applicants are required to provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the last three years. The summary will include:
 - a. The purpose or reason for the review.
 - b. The name of the agency or organization that performed the review.
 - c. A summary of the findings and recommendations of the review.
 - d. A report on the status and/or disposition of such findings and recommendations. This information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.
4. Application review and selection criteria include measures of projected service accessibility and coordination with social service transportation systems. Coordination of services with non-profit groups or organizations that serve minority populations is strongly encouraged. Documentation of actual and proposed coordination is required in the application(s).
5. The Division has and will continue to work with private and public non-profit minority and non-minority organizations through technical assistance and monitoring activities as needed in planning for and providing services for minority and low-income populations.

C. Quality and Quantity of Service Measures

To the greatest extent possible MDOT will review transit quantity and quality service measures based on standard performance information.

To allow MDOT to make these compliance determinations each local recipient must file the following information with the MDOT as part of the application for federal assistance on a one time basis and update it as necessary when changes occur:

1. A concise description if applicable, of any lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against the applicant within the past year together with a statement of status of outcome of each such complaint or law suit;
2. In response to complaints or allegations of discrimination, the MDOT and/or affected subrecipients as appropriate may also collect or prepare and review the following data.
 - a. documentation of total population of the service area and the percentage that are Black (not of Hispanic origin), Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander;
 - b. map(s) of the service area showing local recipient's transit routes, and distribution of minority groups; if demand responsive service, show the estimation of beneficiaries served, by the population categories described in a. above; in addition, minority/low income concentration areas within the served area must be shaded; areas to be shaded consist of any area where the minority population is equal to or greater than the average minority/low income population for the entire service area.
 - c. documentation of requests for funding that will allow for identification of applicant and contractors as minority organizations or that provide services to minority communities.
3. MDOT will rely on routine monitoring to review quality and quantity of service indicators. Quality and quantity assurance indicators that may be given particular attention during monitoring visits includes, but are not limited to the following:
 - a. Public hearings/meeting results
 - b. Efforts used to ensure citizens participation in public meetings and hearings, particular minorities, women, elderly, disabled and low-income persons
 - c. Whether there was a need to utilize bilingual or non-English advertising, announcements, notices, etc. to meet Limited English Proficiency (LEP) needs

- d. Whether interpreters were present when needed to assist with LEP needs
- e. Complaints received from local groups or passengers representing minority population groups
- f. Transit amenities (i.e. bus shelters, park-and ride facilities), as applicable
- g. Performance information
- h. Route changes/deletions, the notification process to the general public and how these changes impact minority communities
- i. Consideration of the number of and the distribution of routes that could impact services to minority communities
- j. Major accomplishments made regarding Title VI during the year. Including instances where Title VI issues were identified and discrimination was prevented.

D. Monitoring Compliance

1. The staff of the Public Transit Division shall monitor compliance with Title VI requirements as a part of the routine monitoring of local Elderly and Disabled, New Freedom, Rural Public Transportation and Job Access and Reverse Commute projects. To the greatest extent practical, these visits are conducted no less than annually for all projects under contract. Variations from this requirement must be approved by Public Transit Division Administrator. On-site monitoring will be conducted using a comprehensive inspection/monitoring format (see Appendix H). Additional specific monitoring may be done at any time based on a request from the local project or evidence of possible non-compliance. PTD staff may also include Civil Rights Compliance issues as a part of the desk-top monitoring as appropriate.
2. On-site monitoring is intended to be a comprehensive review of the project's activities to ensure that the contractor is complying with applicable federal and state regulations, policies and procedures. To accomplish the on-site monitoring function, staff must conduct at least one comprehensive review of all phases of project compliance. Other on-site visits may be designed to review for continued compliance, but should also focus on the provision of technical assistance.
3. The Division's Title VI Coordinator will forward all complaints to the MDOT Civil Rights Director for resolution/instructions consistent with this Program.
4. As a part of the application process applicants are requested to describe their Title VI outreach efforts, compliance policies and activities in accordance with 4702.1A; Chapter IV 7a; 1-5. Applicants may also be required to submit the appropriate supporting documentation upon request.

VI. COMPLIANCE REVIEWS

A. General

This section outlines the procedures and general criteria to be used by the Division to monitor compliance of Rural Public; Job Access and Reverse Commute, Elderly and Disabled and New Freedom contractors and/or their sub-contractors. Through the Civil Rights Director, Public Transit Division and the Human Resources Division the Department of Transportation shall cooperate in the appropriate review procedures prescribed in Chapter VIII, Compliance Reviews contained in Circular 4702.1A. Pertinent information requested by FTA will be made available as requested in writing. Such requests are to be directed to the Executive Director of the Department of Transportation.

B. Application Reviews

Guidance referenced in Section IV Program Specific Requirements, Sub-part C & D, will be used as the primary basis for compliance reviews or assessments. Application reviews will involve examination of Title VI Assurances submitted; service narratives detailing the population to be served; any previous Title VI reviews, as well as consideration or any other information submitted in support of the application. The primary purposes of this type of review are:

- a. To determine if the contractor (i.e. provider of service and sponsoring entity, if appropriate) has complied with the required submissions documenting Title VI Compliance; and
- b. To determine if the benefits or resources of the proposed transit project or system are to be distributed in a nondiscriminatory manner (see types of discrimination prohibited in Section VII of this document as an example).
- c. The review described above is intended to assess whether the contractor and any appropriate sub-contractors are:
 - (1) complying with the previously submitted assurances;
 - (2) being responsive to specific allegations of discrimination, and
 - (3) maintaining information necessary to allow determination of compliance, as appropriate.

C. Compliance Determinations

1. A presumption of compliance will exist based on the monitoring efforts described in the Program Specific Requirements Section of this document and/or the performance of

application reviews. Formal written compliance determinations are to be made only in the instances of specific allegations of discrimination.

2. Determinations of non-compliance shall be developed for review by the Executive Director or his/her designated representative. The MDOT shall inform FTA, in writing, of all determinations of non-compliance and any remedial or corrective action agreed to by the parties involved.

D. Remedial Actions

1. **Enforcement.** The MDOT recognizes that Title VI requirements are a responsibility of the Federal Transit Administration. The Mississippi Department of Transportation, through the Public Transit Division in conjunction with the Director of Civil Rights will work with local contractors and or sub-contractors to develop voluntary remedial action plans. These remedial plans will be developed when the Division's procedures have resulted in a non-compliance determination.
2. Remedial action plans will be developed to include specific steps which will be taken by the contractor, applicant or subcontractor. These steps, if completed, would result in a subsequent determination of compliance. All remedial action plans are to be developed in consultation with the Director of Civil Rights and the Human Resource Division.
3. In situations where it has been determined that remedial steps are necessary, the following procedures will be used:
 - a. **Letter of Finding.** When a review, audit or complaint has resulted in a finding of non-compliance, the Public Transit Division in conjunction with the MDOT Director of Civil Rights, will notify the applicant or contractor via a letter of finding. This letter will identify the deficiencies and/or basis for the determination, and request a written remedial action plan to be submitted within forty-five (45) days. Technical assistance will be available from the Division.
 - b. The applicant or contractor will subsequently submit the requested remedial plan to the Executive Director. Copies of the letter of findings and response will become a part of the applicant's contractor file, as well as the Title VI Compliance File which will be maintained by the Division. This information will be reviewed by the Public Transit and Legal Divisions and submitted to the Director of Civil Rights and the Human Resources Division for concurrence.

The remedial plan is to contain the following information necessary for an evaluation of its appropriateness by staff:

1. List all allegations requiring corrective actions that are accepted by the applicant, recipient, or sub-recipient;

2. Describe how the corrective actions will be implemented; and
 3. Include a written assurance that the applicant or contractor will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan.
- c. Where the applicant or contractor takes exception with the finding of non-compliance, a written request for reconsideration may be submitted. Requests for reconsideration must be made within 30 days of receipt of a finding of non-compliance (i.e. letter of finding). All requests for reconsideration must be directed to the Executive Director of the Department of Transportation and/or his designated representatives and must include:
1. Statement of specific findings or recommendations the applicants, corrections or contractor request to be reconsidered;
 2. A justification for the request to reconsider, including any evidence of information supporting such a request; and
 3. A written assurance that on the basis of the requested reconsideration, the applicant, contractor or subcontractor is or otherwise will come into in compliance with Title VI.
- d. Final Remedial Plan. Within 45 days after receiving the response, the MDOT shall review the submitted Remedial Action Plan and/or request for reconsideration including staff comments. If necessary, before making a decision, a site visit to substantiate information or statements contained in the response may be made.

The MDOT shall issue a decision, including its findings and recommendations, as part of a Final Remedial Action Plan. The Final Remedial Plan will be sent to the applicant or contractor for review and consent. Consent infers that the applicant, contractor or contractors agrees to initiate action(s) specified in the plan. The applicant or contractor will have 15 working days from the date of recipient to agree or disagree with the Final Remedial Action Plan. If the applicant or contractor agrees, the Division will amend its Title VI finding to a probable compliance determination. A letter stating the amended compliance determination will be sent, with a final determination issued in writing only after all specific steps identified in the (final) remedial plan have been completed.

- e. The MDOT's Executive Director shall inform the FTA Regional Administrator and the appropriate Civil Rights Office of the results from the determination of non-

compliance, reconsideration and final remedial action as a part of the routine progress reports required or requested by FTA.

VII. DISCRIMINATION COMPLAINT PROCEDURES

A. General

The MDOT Public Transit Division will refer and consult with the Director of Civil Rights, Legal and Human Resources Divisions to review complaints alleging discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability or veteran status involving applicants and grantee(s) that provide a plan to provide transit services.

1. As a matter of policy, the MDOT allows any person to file a complaint who believes that, individually, or as a part of a specific class of citizens, they have been subjected to discrimination covered by Title VI. All complaints must be filed with the Executive Director of the Mississippi Department of Transportation, through the Public Transit Division. All complaints must be filed within ninety (90) days of the alleged discrimination. Unless unusual or extenuating circumstances intervene, all complaints must be filed in writing before any action is taken on behalf of the Division. Recognition of such circumstances must be given by the MDOT Executive Director and/or his representative, in writing.

B. Complaint Filing Procedures

Complaints may be submitted in writing to the affected transit provider, applicant or contractor prior to the complainant submitting a formal complaint to the Mississippi Department of Transportation Public Transit Division (hereinafter referred to as “the Division”). (See Appendix A-5)

1. Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Division may file a Title VI complaint by completing and submitting the agency’s Title VI Complaint Form. The Division investigates complaints received no more than 180 days after the alleged incident. The Division will process complaints that are complete.
2. Once the complaint is received, the Division will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.
3. The Division has 30 days to investigate the complaint. If more information is needed to resolve the case, the Division may contact the complainant. The complainant has 15 business days from the date of the letter to send requested information to the investigator assigned to

the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business days, the Division can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

4. Complaint Review Report. After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.
5. A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

VIII. DISCRIMINATION PROHIBITED BY THE REGULATIONS

- A. For purposes of this Title VI Compliance Program, the following types of discrimination that is prohibited as defined by the Department of Justice and Department of Transportation Regulations. This listing is not intended to be all inclusive nor exhaustive in its coverage, but rather as a measure of/or standard for illustration.
 1. Some of the specific discriminatory actions that are prohibited by the regulations are as follows:

A recipient under any program to which this Program applies may not directly or through contractual or other arrangements, on the grounds of race, color, or national origin:

- a. Deny a person any service, or other benefit provided under the Transportation Program;
- b. Provide any service or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the Transportation Program;
- c. Subject a person to segregation or separate treatment in any manner related to his receipt of any service, or other benefit under the Program;
- d. Restrict a person in any way in the enjoyment of any advantages or privilege enjoyed by others receiving any service, or other benefit under the Program;
- e. Treat a person differently from others in determining whether he/she satisfies any eligibility, or other requirement or condition which persons must meet in order to be provided any service, or other benefit provided under the Program; or

- f. Deny a person an opportunity to participate in the programs through the provision of service or otherwise afford him an opportunity to do so which is different from that afforded others under the Programs.
2. A contractor, in determining the types of services, benefit, or facilities which will be provided under any transit programs, or the class of persons to whom, or the situations in which, such services, financial aid, or other benefits, or facilities will be provided under any such programs, or the class of persons to be afforded an opportunity to participate in any such programs; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the programs with respect to individuals of a particular race, color, creed, religion, national origin, sex, age, disability or veteran status.
3. In determining the site or location of facilities, a contractor or applicant may not make selections with the purpose of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which the Title VI regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the FTA Transportation Acts or parts thereof.
4. This Program does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or pediments which have restricted the availability of, or participation in, the programs or activity receiving Federal assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage trends, on the grounds of race, color, or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.
5. Where the primary objective of a program of Federal financial assistance to which this Program applies is to provide employment, a contractor or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices. Such contractors shall take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin.

IX. PUBLIC INFORMATION ACCESS/DISSEMINATION

A. General

The Mississippi Department of Transportation, Public Transit Division, shall as a matter of policy, provide information to any interested person, concerning the Title VI requirements and procedures contained in the regulations, Circular 4702.1A, and the MDOT's Title VI Compliance Program.

The general public will be advised that the Public Transit Division administers programs subject to the nondiscrimination provision of Title IV by the following:

1. Advertising at least annually, that transportation services made available in part or in whole from FTA funds are subject to Title VI requirements.
2. Requesting that all contractors display or otherwise publish a notice similar to Appendix E.
3. Display a notice similar to Appendix E in a location accessible to the employees and the general public.
4. Notices Title VI obligations and complaint procedures will be translated into languages other than English, as needed and consistent with the DOT LEP Guidance.

B. Contractors, Applicants and Other Interested Parties.

1. A copy of this Title VI Program shall be made available to any contractor, grantee, sub-contractor or other interested individual or entity, upon request.
2. Appropriate references to the Title VI requirements, complaint procedures and this Compliance Program shall be included in contracts, the State Plans and other materials.
3. Rural Public, Job Access and Reverse Commute, Elderly and Disabled and New Freedom transportation contractors will also receive information about the availability, applicability and requirements of the Compliance Program, as a part of routine training efforts.

X. PUBLIC INVOLVEMENT

A. General

MDOT and subrecipients will utilize a wide variety of public involvement measures to afford the opportunity for minority and low income individuals to participate in program services and transit related activities. Effective public involvement practices may include:

1. Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
2. 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.
3. Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
6. Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population.
7. Implementing FTA's policy guidance concerning recipients and subrecipients responsibilities to LEP persons to overcome barriers to public participation.

APPENDIX A-1

STANDARD ASSURANCES

The applicant organization assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal and state administrative requirements in carrying out any project supported by the FTA funds. The applicant organization further agrees that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its projects with FTA. The applicant recognizes that Federal laws, regulations, policies, and administrative practices might be modified from time to time and those modifications may affect project implementation. The Applicant agrees that the most recent Federal and state requirements will apply to the project, unless FTA issues a written determination otherwise. Also, the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, that a resolution, motion or similar action has been duly adopted or passed by an official act of the applicant's governing body endorsing the proposed projects and identifying the official representative of the applicant.
2. It has the requisite fiscal, managerial, and legal capacity to carry out the FTA administered programs and to receive and disburse federal funds.
3. It will identify all sources of state, local, unrestricted federal funds and private funds which will be committed to provide the required local share.
4. It has or will have by the time of delivery sufficient funds to operate the vehicle and/or equipment purchased under this project, as applicable.
5. The applicant assures affirmative compliance with Title VI of the Civil Rights Acts of 1964 and related statutes and Disadvantaged Business Enterprises provisions.
6. Private transit and paratransit operators have been afforded a timely and fair opportunity to participate to the maximum extent feasible in the provision of the proposed transportation services by the applicant. Any differences between the applicant and private operator(s) will be resolved by either mutual agreement or by a Public Service Commission ruling.
7. The applicant will certify that the elderly and disabled persons will be identified and provided reasonable transportation service.
8. It has demonstrated and documented efforts to achieve coordination among other transportation providers and users, including social service agencies capable of purchasing services.
9. It will comply as applicable with the labor protection provisions identified in 5333 (b) of the Urban Mass Transportation Act of 1964 and the Federal Transit Act of 1992 as amended.

10. It has and will comply with applicable provisions of the regulations relative to charter bus and school bus operation.

11. It will work to ensure the continuation of existing transportation revenues to compliment Job Access and Reverse Commute, Elderly and Disabled, New Freedom and Rural General Public Transportation funds.

12. It will comply with the Americans with Disabilities Act to assure that the proposed project will be accessible to the disabled and that transportation for the disabled has and will be provided.

13. It will place into the account of the Public Transit Division the required local cash match for capital purchases in advance of the Notice to Proceed with the project.

14. Will hold public hearing on the proposed project(s) and consider the views and comments in the final development of the project.

15. It will submit a Standard Form 424 to the regional and State A-95 Clearinghouse for review and comments.

16. It will permit the MDOT to conduct a pre-audit and post audit of the financial system, confirm or recommend proper accounting procedures, and establish eligible costs.

17. Execute a project agreement with the MDOT assuring all federal and state requirements will be fulfilled and it acknowledges that it is under a continuous obligation to comply with the terms and conditions of the agreement.

18. It will comply with the Americans with Disabilities Act paratransit plan requirements as applicable.

19. The applicant understands that Federal and State laws, regulations, policies and administrative practices may change from time to time. The applicant agrees that the most recent requirements will apply to the projects, unless FTA issues a written determination otherwise.

Signature

Title

Date

APPENDIX A-2

(MDOT LETTERHEAD)

Title VI Complaint Form Letter 09-01-00-000-01

Month/date/, 20__

(Complainant)

MAILED CERTIFIED RETURN RECEIPT

(Address)

RE: (Identity of Person(s) or Entity Complaint
filed against)

(City, State, Zip)

Dear _____:

Your correspondence concerning allegations of discrimination under Title VI of the Civil Rights Act of 1964 has been received. Additional information is needed in order to pursue this matter further.

Please contact the office identified below.

Evelyn Chaffin, Title VI Coordinator
(Name)

P. O. BOX 1850; Mail Code 61-01
(Address)

Jackson, MS 39215-1850
(Address)

(601) 359-7800
(Telephone number)

Sincerely,

Title VI Coordinator

APPENDIX A-3

(MDOT LETTERHEAD)

Title VI Complaint Form Letter 09-01-00-000-02

Month/Date, 20__

(Complaint)

MAILED CERTIFIED RETURN RECEIPT

(Address)

RE: (Identity of Person(s) or Entity
Complaint filed against)

(City, State, Zip)

Dear _____:

This is to acknowledge receipt of your complaint of Title VI discrimination against (above named respondent).

The respondent, (above named respondent) will be provided notification of this agency's intent to process the complaint in accordance with established procedures. The undersigned or other authorized representative will contact you should the need arises for additional information.

In this connection please notify the undersigned of any change in your address or telephone number and inform this agency if you are absence from your current address for an extended period of time. Your complaint may be dismissed if you fail to cooperate in this regard.

Please be advised that you may also file your complaint with the U. S. Department of Transportation at one or both of the following addresses:

Federal Transit Administration, Region IV
230 Peachtree St. N.W.
Suite 800
Atlanta, Georgia 30303

U. S. Department of Transportation
Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Sincerely,

Title VI Coordinator

APPENDIX A-4
(MDOTLETTERHEAD)

Complaint Form Letter 09-01-00-000-04

DATE

(Respondent)

(Address)

(City, State, Zip)

MAILED CERTIFIED RETURN RECEIPT

RE: Charge of Title VI Discrimination
(Identity of Complaint)

Dear _____:

You are hereby notified that a complaint of unlawful discrimination has been filed against your organization under Title VI of the Civil Rights Act of 1964. A copy of the complaint is enclosed herewith for your review.

The U.S. Department of Transportation regulations (49 CFR 21) effectuating the provision of Title VI of the Civil Rights Act of 1964, as amended, are applicable to your Federal-aid contract and are controlling in this matter (See contract provisions). Section 21.5 of these regulations, as amended, provides that no person in the United States shall, on the grounds of race, color, national origin, sex, age or disability, 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 from the Department of Transportation and nothing should be done which would have the effect of defeating or substantially impairing accomplishment of the objectives of the federally assisted program with respect to individuals of a particular race, color, national origin, sex, age or disability.

Please submit a response to the allegations contained in the complaint including documentary materials to support your position. Your full response should be submitted by (month/day/year).

(Title VI CRD or Coordinator)

(Address)

(Telephone Number)

If you have any questions, please contact me at telephone number (601) 359-7800.

Sincerely,

(CRD or Title VI Coordinator)

(A respondent should generally be given 10 calendar days to respond.)

Appendix A-5

TITLE VI 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

_____ Date _____

Please submit this form in person at the address below, or mail this form to:
 Mississippi Department of Transportation
 Public Transit Division
 ATTN: Evelyn Chaffin, Title VI Coordinator
 401 North West Street
 Jackson, MS 39215-1850

Appendix B-1

**Standard DOT Title VI Assurances
DOT 1050.2
Dated 8/24/71**

The Mississippi Transportation Commission (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C.2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, 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 otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its transportation program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations .
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all transportation projects and, in adapted form in all proposals for negotiated agreements:

The Mississippi Transportation Commission, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Recipient's transportation program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Recipient's transportation program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended

after the date hereof to the Recipient Department of Transportation under the transportation program of the Mississippi Transportation Commission and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the transportation program of the Mississippi Transportation Commission. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.*

Dated

Mississippi Transportation Commission

By: _____
Melinda L. McGrath
Executive Director
Mississippi Department of Transportation

Attestation: _____
Amy Hornback
Secretary to the Mississippi
Transportation Commission

* The Addendum to this Assurance is attached.

APPENDIX B-2

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** in all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Mississippi Transportation Commission or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Mississippi Transportation Commission, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** in the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Mississippi Transportation Commission shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

(a) withholding of payments to the contractor under the contract until the contractor complies, and/or

(b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the Mississippi Transportation Commission or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Mississippi Transportation Commission to enter into such litigation to protect the interests of the Mississippi Transportation Commission, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B-3

A. The following clauses shall be included in any and all deeds effecting or recording the transfer real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Mississippi Transportation Commission will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, and Public Law 102-240, the Regulations for the Administration of the federal aid transportation program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Mississippi Transportation Commission all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Mississippi Transportation Commission and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the transportation program of the Mississippi Transportation Commission, its successors and assigns.

The Mississippi Transportation Commission, in consideration for the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the Mississippi Transportation Commission shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of

breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX B-4

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Mississippi Transportation Commission pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permittee, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Mississippi Transportation Commission shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said licenses lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, Mississippi Transportation Commission shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Mississippi Transportation Commission and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Mississippi Transportation Commission pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does " hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded, from)

participation in, denied the benefits of, or be otherwise subjected to discrimination in the-use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

- Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Mississippi Transportation Commission shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, Mississippi Transportation Commission shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Mississippi Transportation Commission and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX B-5

ADDENDUM TO STANDARD DOT Title VI ASSURANCES DOT 1050.2 Dated 8/24/71

The Mississippi Transportation Commission recognizes that the requirements set forth in Standard DOT Title VI Assurances. DOT 1050.2. Dated 8/24/71 have been amended as follows:

1. The grounds of **sex, age, and handicap/disability** have been added to the provisions of Title VI of the Civil Rights Act of 1964 which states:

"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."

The ground of **sex** was added by the Federal-Aid Highway Act of 1973 [23 U.S.C. 324].

The ground of **age** was included as the result of the Age Discrimination Act of 1975 [42 U.S.C.6101].

The grounds of **handicap and disability** were added by Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 790] and the Americans with Disabilities Act of 1990 (ADA) [42 U.S.C.S. 12132] respectively.

Accordingly, the requisite notification set out in Assurance Number Two will be amended to state:

The Mississippi Transportation Commission, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, **sex, age, or handicap/disability** in consideration for an award.

Appendixes "A", "B", and "C" will be amended appropriately to include the grounds of **sex, age, and handicap/disability**.

It is understood that "minority business enterprises" means small business concerns, as defined in accordance with Section 3 of the Small Business Act, which are owned and controlled by one or more minorities or women.

The Mississippi Transportation Commission further recognizes that the Civil Rights Restoration Act of 1987 (P. L. 100-209] expanded the scope of the Civil Rights Act of 1964 to include all programs, activities, and facilities of a recipient and the recipient's contractors and subcontractors, whether the programs, activities or facilities are federally I assisted or not.

Therefore, the Mississippi Transportation Commission hereby considers the Standard DOT Title VI Assurances and its concomitant Appendixes amended in accordance with the Civil Rights Restoration Act of 1987.

APPENDIX C

DIRECTORY

DEPARTMENT OF TRANSPORTATION AND
FEDERAL TRANSIT ADMINISTRATION OFFICES

HEADQUARTERS

Director, Office of Civil Rights
Federal Transit Administration
400 Seventh Street, SW., Room 7412
Washington, D.C. 20590

FEDERAL TRANSIT OFFICE

SOUTHEASTERN AREA

(Region 4)

United States Department of Transportation
Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue, S.E.
Washington, DC 20590

REGIONAL FEDERAL OFFICE

AND

AREA CIVIL RIGHTS OFFICE
(SOUTHEASTERN AREA OFFICE)

230 Peachtree St. N.W.

Suite 800

Atlanta, Georgia 30303

APPENDIX D

COMPLAINT REVIEW REPORT

A written report will be prepared by the assigned staff person(s) within the Public Transit Division (PTD), at the conclusion of the review or investigation. The report will be reviewed by the PTD Administrator, appropriate Division legal counsel and the Civil Rights Division Director. The report will include, at a minimum, the following:

1. Summary of the complaint, including a statement of the issues raised by the complainant and the respondent's reply to each of the allegations;
2. Citations of relevant Federal, State, and local laws, rules, regulations, and guidelines, etc;
3. Description of the review/investigation, including a list of the persons contacted by the staff and a summary of the interviews conducted; and
4. A statement of the staff's findings and recommendations.

The report shall become a part of the Title VI records maintained by the Division. A copy will be placed in the appropriate project central file. Complaint review reports may also be included in the Division's progress reports to the Federal Transit Administration.

APPENDIX E

APPLICATION OF TITLE VI REQUIREMENTS TO FEDERAL FINANCIAL ASSISTANCE OF THE FEDERAL TRANSIT ADMINISTRATION

Examples: Non-discrimination of FTA Projects

The following examples, without being exhaustive, illustrate the application of the non-discrimination provisions of this part to projects receiving Federal financial assistance under the programs of certain Department of Transportation operating administrations.

1. Any person who is, or seeks to be, a patron of any public vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.
2. No person who is, or seeks to be an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.
3. No person group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to different routes, quality of stations serving different routes and location of routes may not be determined on the basis of race, color, or national origin.
4. The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.

APPENDIX F
LIMITED ENGLISH PROFICIENCY
IMPLEMENTATION PLAN

APPENDIX G
PUBLIC PARTICIPATION PROCESS AND PLAN

APPENDIX H
MONITORING DOCUMENTS