

## **FMCSA APPLICANT TITLE VI PROGRAM COMPLIANCE PLAN**

### **CHECKLIST**

#### **Purpose**

Each U.S. Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) Grant Applicant is responsible for submitting an approved Title VI Program Compliance Plan to the FMCSA Office of Civil Rights (OCR) with the Grant application. All OCR comments must be addressed prior to the Grant application submission. The FMCSA Grant Applicant is required to annually update and submit the updated Title VI Program Compliance Plan to FMCSA OCR for review and approval.

#### **Title VI Program Compliance Plan: Elements**

- **Policy Statement** –

The Policy Statement shall include the following:

- Applicant's commitment to comply with 49 C.F.R. part 21 and 49 C.F.R. part 303;
- Identification of an Agency-wide Title VI Program Coordinator;
- A reference to the Title VI Program Assurance;
- Delegation of sufficient responsibility and authority to the Title VI Program Coordinator and Bureau/Division/Office Managers to effectively implement the Agency's Title VI Program; and
- Signature (and date) of the Applicant's CEO.

- **FMCSA Title VI Program Assurance** –

Insert the CEO-signed Title VI Program Assurance here or reference Assurance as Attachment A, Exhibit A, etc.

- **Description of Federal-Aid Programs** –

The Applicant will describe the Federal-Aid Program for which it is applying and will identify how this Program impacts members of the public. This will include the benefits or services to the public that are provided by the Program, emphasizing benefits to minority groups.

- **Notification to Beneficiaries/Participants** –

FMCSA has developed a template entitled "Public Notice of Title VI Program Rights" which it provides to all applicants. The Applicant will fill-in where prompted the requested contact information. The Applicant will then post the Public Notice of Title VI Program Rights in all public-accessed facilities and upload it to its website where

members of the Public may access it. The Applicant will include the weblink to the Public Notice of Title VI Program Rights in this section of the Plan.

- **Sub-Recipient Compliance Reports** –

If an Applicant intends to or is presently providing Federal funding to another entity, the Applicant is responsible for monitoring the entity's (i.e., Sub-Grantee of Federal funding) compliance with Title VI Program requirements. The Applicant will require of the FMCSA Sub-Grantee submission of a Title VI Program Compliance Plan using this Checklist as the format for the Plan. The Applicant is responsible for reviewing and accepting/approving the Sub-Grantee's Title VI Program Compliance Plan. The Sub-Grantee is required to update and submit its Title VI Program Compliance Plan to the Applicant for review and acceptance/approval annually.

- **Training** –

The Applicant shall describe its procedure for conducting periodic Title VI Program training to its personnel. Training should include using the Title VI Program Policy Statement and power-point presentation (in-person, web-based, etc.), how often, and by whom. The Applicant should provide the Title VI Program training to its personnel either annually or every-other-year. The Applicant shall maintain a training record of personnel receiving the Title VI Program training and will submit to FMCSA OCR upon request. If the Applicant updates the existing Title VI Program training, it shall submit to FMCSA OCR the updated Title VI Program material for review and comments.

- **Access to Records** –

An Applicant is responsible for ensuring that all records relating to the effective implementation of Title VI Program requirements are available for review by the FMCSA. The draft Plan should describe how these documents are made available to FMCSA staff either through periodic submission and/or upon request. A document request by FMCSA will generally occur when it is conducting a pre-award review (i.e., annually-updated Plan), post-award compliance review and/or complaint investigation.

- **Complaint Disposition Process** –

The Applicant is responsible for implementing timely and effective Title VI Program Complaint Disposition procedures.

- The Applicant shall define steps to be followed by Applicant staff and especially Applicant's Title VI Program Coordinator, including:
  - Complaint Disposition (including intake);
  - Investigation planning;
  - Conducting the Investigation;
  - Writing Investigation;
  - Ultimate disposition of the complaint.

This will include complaints filed against the Applicant and against Sub-Recipients of the Applicant. Sample documents should be included or referenced in this section.

- The Applicant shall maintain a Title VI Complaint Log to include the following information:

- name of complainant;
- identification by demography (i.e., race, color, national origin, etc.);
- allegation(s);
- complaint date;
- date of Report of Investigation;
- determination made and date;
- and any other relevant information as deemed appropriate.

The Applicant shall make the Complaint Log available to the FMCSA upon request.

- **Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review –**

If FMCSA OCR or any other state, local or federal agency is conducting or has previously conducted a Title VI Program compliance review of the Applicant within the last five years and identified deficiencies, the Applicant shall reference the Title VI Program Compliance Review Report, identify the deficiencies, and provide a status report regarding the progress made developing and implementing corrective actions to address the deficiencies. If the compliance review was conducted by another agency, please provide a copy of the Report.

- **Community Participation Process –**

This section of the Plan is applicable to all FMCSA State Partners that provide services/activities to the public. FMCSA interprets this to apply to all motorist licensure/motor vehicle registration-related services/activities (including knowledge tests, skills tests, etc.). **FMCSA is not aware of any enforcement-related activities (i.e. motor carrier compliance reviews, safety inspections, etc.) that fall under this requirement. Therefore, for State Partners that do not provide/conduct motorist licensure/motor vehicle registration-related services/activities, please include this section and state that this section is not applicable.**

For State Partners that **do** provide/conduct motorist licensure/motor vehicle registration-related services/activities, please define procedures to accomplish the following:

- In the event that a State Partner will be increasing or decreasing the number of public-accessed facilities and/or the services provided/activities conducted at certain public-accessed facilities, the State Partner is required to conduct an evaluation of the impacts to members of the Public to determine what outreach to the members of the Public (if any) may be necessary to inform them of the change in availability of activities/services and/or facilities. In the event of a proposed increase of activities/services and/or facilities, minimal outreach to the public (if

any) will most likely be determined by the State Partner to be sufficient. However, in the event of a decrease of activities/services and/or facilities, the State Partner will at a minimum consider the following questions:

- Is the decrease localized, regional, or state-wide?
- Are there other facilities or methods of conducting activities/services (i.e., applying for licenses/registrations or renewals on-line, activities/services at County facilities or available through other 3rd-Party Testers, etc.) available in the local or regional area?

The answers to these questions will then lead to the determination by the State Partner as to how extensive and intensive the outreach/Notice to the Public will need to be. If the impact is local or regional and there are other methods of obtaining the services in the area, then the outreach may be as simple as a notice to the Public regarding the change and identification of other available methods to obtain those services. In the event that multiple facilities regionally or state-wide will be affected and there will be a marked diminution of available facilities and services offered, then the State Partner may determine that an intensive outreach effort to include meetings will be necessary to notify and then solicit feedback regarding the impact of the proposed changes. In the event that the State Partner determines that an intensive outreach effort is necessary, the following is applicable –

- 1) Prepare a Stakeholders List. This Stakeholders List is to identify both affected customers (both benefited and burdened by the program) and any advocacy groups, churches, community-based organizations, other advisory bodies, etc. The list should also include demographic information for affected customers regarding race, color, national origin (including Limited English Proficient individuals), sex, age, disability, and income-level.
  - a) The Stakeholders List must be sufficiently inclusive to ensure that the news of the proposed change(s) is communicated to the greatest number of customers;
- 2) Plan Public Meetings. Determine an effective number of Public Meetings to hold in strategically-significant areas and at appropriate times to reach the greatest number of customers. Determine the method for and communicate news of the Public Meeting(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above.
- 3) Publicize Proposed Changes. Determine how to communicate the news of the proposed change(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above. This news should be communicated in an accessible and inclusive manner (including foreign language translations, if necessary) that promotes effective public participation and is free of linguistic, cultural, economic or historical barriers.

- 4) Conduct the Public Meetings. Ensure that reasonable time is provided for attendees to provide comments regarding the proposed change(s);
  - 5) Review and Analysis. At the conclusion of the outreach effort, review the comments and analyze the impacts to all customers (regardless of a customer's race, color, national origin, sex, age, disability, income-level, or LEP) regarding their ability to access the facilities/services both prior to the proposed change(s) and following the proposed change(s). This analysis is required to be sufficiently detailed so that the ultimate conclusion as to how the proposed change(s) will impact customers is well-documented;
  - 6) Written Report. Prepare a detailed record to capture all aspects of the outreach effort;
  - 7) Submission to FMCSA. Submit the record to FMCSA. Please note that FMCSA reserves the right to offer comments as deemed appropriate following a review of the record;
  - 8) Implement the change(s);
  - 9) Monitor Feedback. Monitor customer communications for a period of time (i.e., six months, one year) for reactions to the change;
  - 10) Re-Evaluate. Be prepared to adjust the change(s) as appropriate dependent upon the actual impact to customers;
  - 11) Adjust. Adjust the change(s) as appropriate dependent upon the actual impact to customers.
  - 12) Notification of Title VI Program Protections. Notify beneficiaries of protections available to them under the Title VI Program. Notify the public of procedures for filing a Title VI complaint. Please refer to the **Notification to Beneficiaries/Participants** section of this Plan regarding how to implement this requirement.
- The steps taken to accomplish the preceding will be as comprehensive and intensive as is required by the nature of the proposed change(s). For example, the effort required for an increase in the number of public-accessed facilities may not be as comprehensive and intensive as the decrease of public-accessed facilities and/or decrease of services provided at identified locations;
  - This requirement for Community Participation outreach is not intended to be developed separate and apart from the outreach process that a State Partner may already use at present. If a State Partner has an existing Community Participation outreach approach, the State Partner will review the existing approach and will revise the existing approach to address any of the requirements not presently addressed from this section.

• **Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies –**

This section is applicable to Applicants which conduct commercial motor vehicle (CMV) safety inspections (and possibly safety audits of commercial motor carriers) and traffic enforcement activities. If the Applicant does not conduct these activities, please indicate that this section is not applicable to the Applicant. If the Applicant does conduct these activities, please include the following:

- Insert a statement indicating following:
  1. Applicant has developed a CMV inspection selection policy or has reviewed an existing policy and has referenced the Commercial Vehicle Safety Alliance's Operational Policy #13 ("Selecting Vehicles for Inspection") during the development of the policy;
  2. Identify objective criteria used by personnel to determine when to conduct a CMV safety inspection;
  3. Indicate that the Applicant's CEO has signed/approved the policy and provide the date of the policy;
  4. Submit the policy to the FMCSA Office of Civil Rights;
- Insert a statement indicating that the Applicant has developed an Unbiased Enforcement policy which includes references to the following:
  1. CEO-signed FMCSA Title VI Program Assurance (and identifies the protected groups which are identified under the FMCSA Title VI Program);
  2. Public Notice of Title VI Program Rights (include the weblink to the Public Notice);
  3. Complaint disposition including coordination with the Applicant's Title VI Program Coordinator;
  4. Title VI Program training for personnel (including the FMCSA Enforcement Memorandum MC-ECE-2016-006) conducted annually or every-other-year;
  5. Periodic monitoring by the Applicant of the effective implementation of this policy;
  6. Indicate that the Applicant's CEO has signed/approved the policy and provide the date of the policy;
  7. Submit the policy to the FMCSA Office of Civil Rights.