



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION 4
Alabama, Florida,
Georgia, Kentucky,
Mississippi, North
Carolina, South Carolina,
Tennessee, Puerto Rico,
and the US Virgin Islands

230 Peachtree, NW Suite 1400
Atlanta, GA 30303

September 21, 2020

Gregory Stuart, General Manager
Broward Metropolitan Planning Organization, Recipient ID: 7106
100 W Cypress Creek Rd Ste 650
Fort Lauderdale, FL 33309

Re: Triennial Title VI Program Update

Dear Gregory Stuart, General Manager,

The Federal Transit Administration (FTA) has received and reviewed Broward Metropolitan Planning Organization's initial Title VI program submitted on 9/3/2020. This Title VI program will be effective until November 30, 2023. The Department of Transportation (DOT) requires recipients of DOT funds to demonstrate compliance with Title VI of the Civil Rights Act of 1964 through regular compliance reports. The Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" sets forth the information that should be included in these updates, and requires they be submitted as Title VI programs every three years.

FTA's review of your Title VI program considered all elements required by the Department of Transportation regulations found at 49 CFR Part 21, as outlined in Circular 4702.1B. The Review Assessment attached to this letter identifies the specific areas reviewed, any concerns, and relevant reviewer comments. To assure you are implementing Title VI program requirements in accordance with the regulations, you must promptly address and correct any concerns identified with a "no" in the Review Assessment. Your program status is now *Concur*. Please note that your next triennial Title VI program submission is due to FTA by no later than December 1, 2023. Please retain documentation as needed to demonstrate the corrections noted have been addressed. FTA typically verifies corrections have been made and implemented at the next oversight opportunity, but can request this information at any time.

For Everyone: Your Title VI program demonstrates your agency has the procedures and resources to ensure public transportation services are provided in a nondiscriminatory manner, as required by Title VI of the Civil Rights Act of 1964. FTA's review and concurrence on a Title VI program does not relieve recipients from the requirements and responsibilities outlined in Circular 4702.1B or of the DOT Title VI regulation at 49 CFR Part 21. You must properly implement your program to ensure nondiscriminatory service, including full and fair participation in public transportation decision-making, and meaningful access to transit-related programs and activities by persons with limited English proficiency. If you use contractors or have subrecipients, you must monitor their compliance with Title VI. You can find these

monitoring responsibilities in Chapter 2, Section 6 (Contractors) and Chapter 3, Section 12 (Subrecipients) in the FTA Title VI Circular. As a basic requirement for Title VI compliance, you must develop a language assistance plan (LAP). Your LAP must include a Four Factor Analysis—you can find information on this analysis in Chapter 3, Section 6 of the FTA Title VI Circular. If you believe that your agency only serves an English-speaking population, you still must complete a Four Factor Analysis to demonstrate this.

For 200/50 Recipients: Prior to implementing any major service changes or any fare change, transit agencies operating more than 50 vehicles in large urbanized areas must complete an equity analysis, and submit it for board review and approval. You can find more information on SAFE Analyses in Chapter 4, Section 7 of the FTA Title VI Circular. Large transit agencies must also collect and report demographic data, including data gathered through rider surveys, and monitor transit service relative to system-wide service standards and service policies. If you need technical assistance with you Service and Fare Equity (SAFE) Analysis, please contact your Regional Civil Rights Officer.

For State DOTs: Your Title VI program must include a demographic profile of your state that includes the locations of minority populations. You must also submit additional data and information as outlined in Chapter 5, Section 2 of the FTA Title VI Circular. If you pass through funds to any Metropolitan Planning Organizations (MPO), then you must collect Title VI programs from them on a schedule that you determine.

For MPOs: Your Title VI program must include a demographic profile of your metropolitan area that includes the locations of minority populations. You must also submit additional data and information as outlined in Chapter 6, Section 2 of the FTA Title VI Circular. FTA is committed to providing technical assistance to help correct your Title VI program and to implement your program consistent with the regulations and guidance. In order to preserve paper, we are issuing this letter electronically via email and it is attached to your profile in TrAMS. Please do not hesitate to contact me directly at 404-865-5639 or at sarah.majdiak@dot.gov if you have any questions.

FTA is committed to providing technical assistance to help correct your Title VI program and to implement your program consistent with the regulations and guidance. In order to preserve paper, we are issuing this letter electronically via email and it is attached to your profile in TrAMS. Please do not hesitate to contact me directly at 404-865-5639 or at sarah.majdiak@dot.gov if you have any questions.

Sincerely,

Sarah Majdiak/s/
Civil Rights Officer, Region 4

cc: Yvette G. Taylor, FTA Region 4, Regional Administrator
Monica McCallum, FTA Civil Rights, Director of Regional Operations

Title VI Program Review Assessment:

Items below identified as “YES” are included in the Title VI program review, and no changes are needed. Items identified as “NO” were not included or were insufficient and must be corrected. Carefully address all insufficient items, as indicated in this review letter, to ensure you are implementing your Title VI program in accordance with the regulations.

Chapter 3: GENERAL REQUIREMENTS AND GUIDELINES

Does the program submission include appropriate documentation demonstrating that the transit board of directors has approved the Title VI program? *Yes*

Public Notice

Does the submission include a copy of the public notice informing the public of the protections against discrimination afforded to them under Title VI? *Yes*

Is there a list of public locations where the notice is posted? *Yes*

Did you verify the notice is posted on the agency’s website and in public areas of the agency’s offices? *Yes*

Does the public notice include how to request additional information on your Title VI obligations? *Yes*

Does the public notice include how to file a complaint? *Yes*

Complaint Procedures

Did you include the (internal to the agency) procedures for investigating and tracking Title VI complaints filed against them? *Yes*

Did you include the instructions it gives to members of the public about how to file a Title VI discrimination complaint? *Yes*

Are the procedures for filing a Title VI discrimination complaint available on the agency website? *Yes*

Complaint Form

Does the program include a copy of the complaint form that specifies the three classes protected by Title VI (race, color, and national origin)? *Yes*

Is the complaint form available on the agency’s website? *No*

Did you include a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and/or complaints naming the grantee? *No*

Public Participation Plan

Did you include a Public Participation Plan that describes the proactive strategies, procedures, and desired outcomes of public participation activities? *Yes*

Does the Public Participation Plan include information on how the grantee considers the needs of, and engages minority and LEP populations in public participation activities? *Yes*

Did you summarize the public outreach and involvement activities undertaken in the last 3 years? *Yes*

Board Selections

Did you select members to transit-related, non-elected planning boards, advisory councils or committees? *Yes*

If you select members, did you provide a table with a racial breakdown of the membership of those boards, councils, or committees? *Yes*

Did you describe how they encourage minorities to participate on these boards, councils, and committees? *Yes*

Subrecipient

Does the program indicate if you have subrecipients? *Yes*

If you have subrecipients, did you provide the monitoring procedures and/or efforts you use to ensure subrecipients comply with Title VI? *Yes*

Did you describe the process used to provide assistance to subrecipients, when needed? *Yes*

LEP Four-Factor Analysis & Plan

Did you include a Language Assistance Plan? *Yes*

Does the Language Assistance Plan include a Four-Factor Analysis that determines the appropriate level of LEP assistance and outreach efforts needed? *Yes*

Did your Language Assistance Plan NOT include something? *Not Included*

Facility Site Equity Analysis

Did you identify a site or location for a new facility (excluding bus shelters) or construct a facility during the period covered by your program? *No*

Did you complete and submit an equity analysis conducted during the planning stage for all projects requiring land acquisition and the displacement of persons from their residences and businesses? *Not Included*

Did the site analysis include outreach to persons potentially impacted by the siting of facilities? *Not Included*

Did the site analysis compare the equity impacts of alternative locations prior to selecting the preferred site? *Not Included*

Did you give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result? *Not Included*

Did you determine that the location of the project will result in a disparate impact on the basis of race, color, or national origin? *Not Included*

Did you provide a substantial legitimate justification for the project location? To do so, you must demonstrate that either 1) no alternative locations are available, or 2) any alternative locations, if identified, would result in the same or more disparate impact on the basis of race, color, or national origin. *Not Included*

Chapter 4: FIXED ROUTE TRANSIT PROVIDER REQUIREMENTS

Service Standards

Did you include your service standards and policies for each specific fixed route mode of service you provide? *Not Included*

Which service standards, if any, are NOT included? *Not Included*

Service Policies

Are the current service policies included? *Not Included*

Is there a description of how service policies are adopted to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin? *Not Included*

Which service policies, if any, are NOT included? *Not Included*

Large Urbanized Fixed Route Requirements

Demographic Data

Are demographic and service profile maps and charts (demographic data) included? *Not Included*

Is the demographic data current as of the most recent decennial census or American Community Survey? *Not Included*

Does the program include a description of how demographic data is prepared prior to proposed service reductions or eliminations? *Not Included*

Does the demographic data include a base map of the transit service area? *Not Included*

Does the base map include overlays of the required data? *Not Included*

Do the demographic maps appropriately identify areas where the minority population exceeds that of the service area as a whole? *Not Included*

Do the demographic maps appropriately identify areas where the low-income population exceeds that of the service area as a whole? *Not Included*

Ridership Surveys

Do you collect demographic ridership and travel patterns using customer surveys? *Not Included*

Which requirements of the ridership and travel pattern surveys are NOT met, if any? *Not Included*

Monitoring

Do you include the results of monitoring service standards and policies? *Not Included*

Which required transit monitoring methods are NOT included, if any? *Not Included*

SAFE Analysis

Did you include the written policies and procedures for your service and fare equity analyses process? *Not Included*

What required service and fare equity analysis policies or procedures are missing, if any? *Not Included*

Did you identify any service and/or fare equity analyses from the last 3 years? *Not Included*

Did you include the results of the service and/or fare equity analyses conducted in the last 3 years? *Not Included*

If there were service and/or fare equity analyses conducted in the last 3 years, what required documentation is NOT included, if any? *Not Included*

Chapter 5: REQUIREMENTS FOR STATES

Did you submit a demographic profile of the State? *Not Included*

Does the demographic profile of the State include identification of the locations of minority populations in the aggregate? *Not Included*

Have you provided demographic maps analyzing funding distribution? *Not Included*

Have the demographic maps been subjected to a disparate impact analysis? *Not Included*

Have you described your planning process that identifies the transportation needs of minority populations? *Not Included*

What requirements for planning activities were NOT included, if any? *Not Included*

Have you provided your subrecipients monitoring procedures? *Not Included*

Did you include the procedures you use to pass through FTA financial assistance to subrecipients in a non-discriminatory manner? *Not Included*

Did you include the procedures you use to provide assistance to potential subrecipients applying for funding? *Not Included*

Did you include its efforts to assist and support potential subrecipients, including efforts to assist those that would serve predominantly minority populations? *Not Included*

What program administration requirements are NOT included, if any? *Not Included*

Chapter 6:
**REQUIREMENTS FOR MPOS (METROPOLITAN
TRANSPORTATION PLANNING ORGANIZATIONS**

Have you provided a demographic profile of your minority populations? *Yes*

Have you provided a description of the planning process related to mobility needs of minority populations? *Yes*

Have you provided demographic maps analyzing funding distribution? *Yes*

Were there documentation requirements for planning activities that were NOT included? *Not Included*

Did you include the procedures you use to pass through FTA financial assistance to subrecipients in a non-discriminatory manner? *Yes*

Is there a description of the procedures the MPO uses to provide assistance to potential subrecipients applying for funding? *Yes*

Did you include its efforts to assist and support potential subrecipients, including efforts to assist those that would serve predominantly minority populations? *No*

What program administration requirements are NOT included, if any? *A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes.,*

A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications.,

A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

FTA Reviewer Comments:

The dates for your Triennial cycle for your Title VI Program are 12/01/2020-12/01/2023. Your Trams submission was submitted with incorrect dates. Please update the dates and ensure that you are aware of your reporting cycle.

You have included Basis's in your Title VI procedures (Appendix A-1) that are not included under Title VI (Sex, Age, Disability, Religion, Income Status.) Title VI covers Race, Color National Origin. Please update your procedures, complaint form and anywhere they may be posted or distributed to include only Title VI Race, Color National Origin. If you chose to include other Basis's not covered under Title VI, please sperate the statue and Basis entirely

from Title VI. The public and especially communities that may have literacy issues and LEP communities are frequently confused over what they can file a Title VI complaint over. Per previously provided feedback the public can file a complaint at anytime with FTA Civil Rights HQs. Please note that the Regional Office does not handle complaints that process is managed through TCR HQs. In your procedures you have listed FTA in an appeal process if they do not agree with the outcome of the complaint. Please remove that language and ensure that your procedures say the following:

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Please ensure that your website is updated to reflect the revised documents. Please also make sure that your complaint form is available on your website.

Please remove Federal Highways from your Report. FTA and FHWA are separate Agencies with separate reporting requirements. Your submission should address the FTA 4702.1B Circular reporting requirements only. You have information related to ADA but your submission should be specific to Title VI. ADA is not included in the 4702.1B Circular.

I was not able to locate the following:

x-A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes.

x-A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications.

x-A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

Please ensure that your future submissions use the Appendix A01 checklist for your table of content and include the exact Pg. number of all reporting requirements.

Also, please visit the FTA Civil Rights webpage for more information:

<https://www.transit.dot.gov/title6>

