Title VI Program Requirements For FY 2022 MCSAP Grant Applicants
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49 CFR §350.203  What are the national MCSAP elements?

The national MCSAP elements are:

- (a) Driver inspections;
- (b) Vehicle inspections;
- (c) Traffic enforcement;
- (d) Investigations;
- (e) New entrant safety audits;
- (f) CMV safety programs focusing on international commerce in Border States;
- (g) Beginning October 1, 2020, full participation in PRISM or an acceptable alternative as determined by the Administrator;
- (h) Accurate, complete, timely, and corrected data;
- (i) Public education and awareness; and
- (j) Other elements that may be prescribed by the Administrator.
Elements Of The Plan Checklist

- **FMCSA Title VI Program Compliance Plan Checklist**: This is the format for the Title VI Program Compliance Plan. All FMCSA MCSAP Grantees will update their FY 2021 approved Plans for review/approval for FY 2022. The sections identified in the FY 2022 Title VI Program Compliance Plan Checklist are as follows:
  - Policy Statement;
  - Title VI Program Assurance;
  - Description of Federal-Aid Programs;
  - Notification to Beneficiaries/Participants;
  - Sub-Recipient Compliance Reports;
  - Training;
  - Access To Records;
Elements Of The Plan Checklist (Cont’d)

• Complaint Disposition Process;
• Status of Corrective Actions Implemented by Applicant to Address Deficiencies Identified During a Title VI Program Compliance Review;
• Community Participation Process;
• Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies.
Title VI Program Assurance

• Fill-in where prompted on pages #1-4 of the Assurance the name of your Agency and have your Agency’s CEO sign/date page #4;

• Assurance Sections:
  ➢ Statutory/Regulatory Authorities;
  ➢ General Assurances;
  ➢ Specific Assurances;
  ➢ Appendices A through E.
Training

• All Title VI Program Compliance Plans have an existing Training element. This section of the Plan is an emphasis for FY 2022. The following are documents supporting this emphasis:
  ➢ Powerpoint Presentation – “Safety Inspections – Compliance Reviews and the Title VI Program”;
  ➢ FMCSA Enforcement Memorandum entitled “English Language Proficiency Testing and Enforcement Policy” (MC-ECE-2016-006);
  ➢ Case Studies Document.
Training (Cont’d)

• Powerpoint Presentation entitled “Safety Inspections-Safety Audits: Intersection with the Title VI Program” – This presentation addresses the following:
  ➢ Introduces the FMCSA Title VI Program including the Title VI Program Assurance;
  ➢ Emphasizes that safety inspection and safety audits are to be conducted in a nondiscriminatory manner;
  ➢ Highlights the Public Notice of Title VI Program Rights poster;
  ➢ Highlights the Complaint Disposition Process.
Training (Cont’d)

• FMCSA Enforcement Memorandum entitled “English Language Proficiency Testing and Enforcement Policy” (MC-ECE-2016-006) –
  ➢ This Memorandum communicated CVSA’s removal of the ELP violation from the out-of-service violation list beginning April 1, 2015;
  ➢ This Memorandum discontinued driver interviews to determine ELP;
  ➢ This Memorandum directs Grantees to provide meaningful participation/reasonable accommodation to drivers (i.e., I-Speak Cards, On-Call Interpretation Service, etc.).
Training (Cont’d)

• Case Studies Document – I have prepared a document which includes four examples of complaints filed by CMV drivers. This document also includes one example of the owner of an Interstate motor carrier filing a complaint alleging discrimination based upon the findings of a compliance review/safety audit.
CMV Inspection Selection Policy

• This is Part I of a new section to the Plan Checklist. All MCSAP Grantees are required to have an existing CMV Inspection Selection policy. The following are support documents for this requirement:
  - CVSA Operational Policy #13;
  - Explanatory Article published in the December 2020 edition of the CVSA Guardian magazine;
  - Arizona Department of Transportation’s Commercial Motor Vehicle Inspections policy.
CMV Inspection Selection Policy (Cont’d)

• CVSA Operational Policy #13 – This is an important resource and needs to be used appropriately. It provides a list of objective/data-driven industry norm/guidelines which are to be referenced when an Agency reviews its’ existing CMV inspection selection policy. It cannot be adopted as-is to satisfy the CMV inspection selection policy requirement.
CMV Inspection Selection Policy (Cont’d)

• Explanatory Article published in the December 2020 edition of the CVSA Guardian magazine – To provide context for the appropriate use of the CVSA Operational Policy #13, I wrote an article which was published in the December 2020 edition of the Guardian magazine. It is offered as an accompaniment to CVSA Operational Policy #13.
CMV Inspection Selection Policy (Cont’d)

• Arizona Department of Transportation’s (DOT) Commercial Motor Vehicle Inspections policy – The Arizona DOT has developed a combined policy to satisfy both the CMV inspection selection and the Unbiased Enforcement policies requirement. The Arizona DOT referenced the CVSA Operational Policy #13 when it developed this policy. I offer it as an example of a combined policy.
Unbiased Enforcement Policy

- This is Part II of a new section to the Plan Checklist. MCSAP Grantees are recommended to develop a combined CMV Inspection Selection and Unbiased Enforcement policy;
- The Arizona DOT’s policy is the example of a combined policy;
- If a MCSAP Grantee has an existing Unbiased Enforcement policy, this policy is required to reference certain sections of the Grantee’s Title VI Program Compliance Plan.
Unbiased Enforcement Policy (Cont’d)

• For MCSAP Grantees that do not have an existing Unbiased Enforcement policy, the following document is offered as the example:
  ➢ Arizona DOT’s Commercial Motor Vehicle Inspections policy;

• For MCSAP Grantees with a separate existing Unbiased Enforcement policy, the following document is offered as the example:
  ➢ Iowa DOT’s Unbiased Enforcement & Services policy.
Update FY 2021 Plan For FY 2022 Approval

• To update the FY 2021 Title VI Program Compliance Plan for review and FY 2022 approval, the following steps are to be taken:
  
  ➢ Re-sign/re-date Policy Statement;
  ➢ Re-sign/re-date signature page of the Assurance;
  ➢ Insert the new section as the last section of the Plan and fill-in the required information;
  ➢ Update outdated information.
Conclusion

• Please contact me by e-mail as soon as possible to begin the Plan update coordination effort;
• If you are not able to access any of the documents I have referenced in this presentation, I will provide them to you;
• I am happy to review a draft updated Plan and offer comments;
• I need to review and approve the final Plan for FY 2022 prior to the FY 2022 MCSAP application deadline.
Questions?

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