

*Federal Motor Carrier Safety Administration (FMCSA)
Discretionary Grant Program Technical Assistance Webinar Series*

Webinar 2

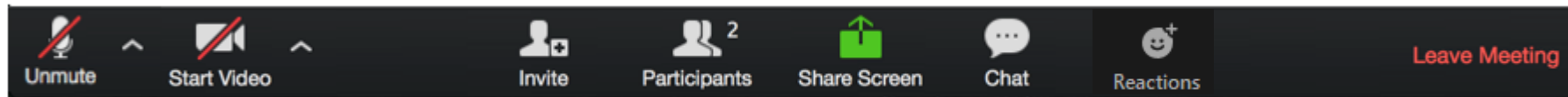
FMCSA Title VI Program Compliance Plan Requirements



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Presenters

- **Lester Finkle**

- FMCSA National Title VI Program Manager

- **Bettina Conroy**

- FMCSA Transportation Specialist, State Programs Division

Previous & Upcoming Webinars

Grant Technical Assistance Webinar	Date	Webinar Descriptions	Registration Links
Webinar 1: FMCSA Discretionary Grants: How to Apply	Wednesday, October 12, 2022 3pm to 4:30 pm eastern	Awareness of how to apply for an FMCSA discretionary grant is an essential part of submitting a successful application. The webinar will provide an overview of registration and eligibility requirements.	https://usdot.zoomgov.com/meeting/register/vJlsce-qrD8rGGPKmRFRYhk2vOZERBWe-eM
Webinar 2: FMCSA Title VI Program Compliance Plan Requirements	Tuesday, October 18, 2022 1pm to 2:30 pm eastern	The Title VI Program Compliance Plan is a requirement for receiving FMCSA Federal financial assistance. The Plan commits the grant applicant to comply with Title VI and related nondiscrimination authorities. The webinar will guide applicants through new Plan development and annual Plan update requirements.	https://usdot.zoomgov.com/meeting/register/vJlscuqtrj0uE9dKdechoAzcv1isYmY7XC8
Webinar 3: FMCSA Discretionary Grants CDLPI & CMVOST Program Overview	Tuesday, October 25, 2022 1pm to 2:30 pm eastern	The webinar will provide an overview of Commercial Driver's License Program Implementation (CDLPI), and Commercial Motor Vehicle Operator Safety Training (CMVOST) Grant Program goals and objectives, eligibility requirements, application review process, and resources available for submitting a successful application. For specific program information go to: https://ai.fmcsa.dot.gov/Grants/default.aspx	https://usdot.zoomgov.com/meeting/register/vJltdyprT4vGcsXJrELOISvU4O3CazWdGk
Webinar 4: FMCSA Discretionary Grants High Priority Program Overview	Tuesday, November 1, 2022 1pm to 2:30 pm eastern	The webinar will provide an overview of High Priority (HP) Grant Program goals and objectives, eligibility requirements, application review process, and resources available for submitting a successful application. For specific program information go to: https://ai.fmcsa.dot.gov/Grants/default.aspx	https://usdot.zoomgov.com/meeting/register/vJltdOCuqjsjEiqrFRxb6EITGSwdm9gGwHA

Agenda

- Important Information For All Applicants
- Title VI Program Requirements
 - Directions For Returning Applicants
 - Directions For New Applicants
- Title VI Program Compliance Plan Checklist

Important Information For All Applicants

- FMCSA Discretionary Notices of Funding Opportunities (NOFOs) are posted on Grants.gov on an annual basis.
- Coordination with the FMCSA Office of Civil Rights (OCR) regarding the Title VI Program Compliance Plan update of existing plans and development of plans (for new applicants) must be completed by October 1st of each year.
- Applicants interested in applying should contact the FMCSA Office of Civil Rights as soon as possible.
- All Applicants are required to submit the Plan approved for the existing Federal Fiscal Year along with uploading the application prior to the application submission deadline to satisfy the Title VI Program Requirement.
- Applicants must upload a current approved Plan for the present Federal Fiscal Year along with the application.

Title VI Program Requirements

- **FMCSA Title VI Program Compliance Plan Checklist:** This is the format for the Title VI Program Compliance Plan.
- **FMCSA Title VI Program Assurance:** The Plan will include a Chief Executive Officer signed/dated FMCSA Title VI Program Assurance. FMCSA provides the template for the Assurance. Regarding the Title VI Program Assurance, the USDOT is in the process of drafting an updated template for use by FMCSA and the other Operating Administrations under the USDOT. Not only are the Executive Orders for Environmental Justice and Limited English Proficiency included as Authorities, two Equity-related Executive Orders (Executive Order 13985 and Executive Order 13988) are identified as well. The FMCSA OCR will provide the updated template individually to each Applicant once it is available for distribution.

Directions For Returning Applicants

- Update the previously submitted Title VI Program Compliance Plan by coordinating the following steps:
 - Policy Statement re-signed/re-dated;
 - Title VI Program Assurance re-signed/re-dated;
 - Update any outdated information to include progress made to address previously identified action items;
 - The FMCSA OCR welcomes the opportunity to review draft updated Plans prior to finalizing the Plan with signatures;
- Submit the final updated Plan to the FMCSA OCR for approval;
- Upload the approved Plan for the present Federal Fiscal Year along with the application.

Directions For New Applicants

- The following slides will detail the required Title VI Program Compliance Plan Checklist section headings with highlights of information required for each Plan section;
- Please contact the FMCSA OCR as soon as possible to begin the Plan development effort. The FMCSA OCR will provide all documents associated with the development of the Plan.
- Please contact the FMCSA OCR via e-mail as follows:
lester.finkle@dot.gov

CIVIL RIGHTS RESTORATION ACT OF 1987

- The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

CIVIL RIGHTS RESTORATION ACT OF 1987 (Cont.'d)

- The practical effect of the Act is that the coverage of Title VI of the Civil Rights Act of 1964 and related Non-discrimination authorities covers all activities and/or services conducted/provided by an entity receiving Federal financial assistance regardless as to whether Federal funding is used to conduct a given activity or to provide a given service.

Title VI Program Compliance Plan Checklist

- Policy Statement
- FMCSA Title VI Program Assurance
- Description of Federal-Aid Programs
- Notification to Beneficiaries/Participants
- Sub-Recipient Compliance Reports
- Training
- Access to Records

Title VI Program Compliance 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
- CMV Inspection Selection & Unbiased Enforcement Policies

Policy Statement

- This document is a message from the Applicant's CEO to her/his personnel regarding Title VI Program requirements. It must include the following information:
 - Applicant's commitment to comply with 49 Code of Federal Regulations (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 Entity's Title VI Program; and
 - Signature (and date) of the Applicant's CEO.

Title VI Program Assurance

- The Assurance may be inserted bodily in this section of the Plan or may be referenced here as an Attachment or Exhibit;
- Fill-in where prompted the Applicant's title and have Applicant's CEO sign/date the signature page;
- All Appendices to the Assurance will remain with the document even though the Applicant will not fill-in any information for Appendices B, C, and D. These Appendices do not apply to FMCSA Grant Applicants.

Description of Federal-Aid Programs

- Identify which Grant Program or Programs for which Applicant is submitting application(s) to FMCSA for the present fiscal year (i.e., CDL-PI, HP-CMV, HP-ITD, CMVOST);
- Summarize activities/services to be conducted/ provided by Applicant associated with the requested funding.

Notification to Beneficiaries-Participants

- Public Notice of Title VI Program Rights: The FMCSA OCR will provide the template to be used for the Public Notice;
- Please include the weblink to the electronically-posted Public Notice in this section of the Plan;
- Include a statement confirming that the hard copy version of the Public Notice has been posted in all public-accessed facilities where members of the Public may see it.

Sub-Recipient Compliance Reports

- All FMCSA Sub-Grantees are required to submit to the direct-funding Applicants for review and approval of a Title VI Program Compliance Plan using the FMCSA Title VI Program Compliance Plan Checklist;
- This is how the Applicant will minimally monitor the effective implementation of the Sub-Grantee's Title VI Program;
- The FMCSA OCR will provide technical assistance to the Applicant upon request regarding the sufficiency of the Sub-Grantee's draft Plan by reviewing the Sub-Grantee's draft Plan and by providing comments and/or edits to the Applicant as appropriate.

Training

- Identify whether Title VI Program-related training is provided annually or every-other-year to personnel to include the method of how training is provided (i.e., in-person, virtual, etc.);
- The FMCSA OCR welcomes the opportunity to review draft presentations. It has developed a number of presentations, which are specific to certain FMCSA Grant Programs, and will provide one or more of these presentations to the Applicant upon request;

Training (Cont.'d)

- FMCSA will request a Training Log/Record from the Applicant periodically;
- Law Enforcement Agency Applicants will include the following FMCSA Enforcement Memorandum in their training:
 - FMCSA Enforcement Memorandum entitled “*English Language Proficiency Testing and Enforcement Policy*” (MC-ECE-2016-006).

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 Plan must 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;
- Minimally, the Applicant must commit to providing Title VI Program-related documents to FMCSA upon request during normal business hours.

Complaint Disposition Process

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

Complaint Disposition Process (Cont.'d)

- 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;
 - Any other relevant information as deemed appropriate.
- The Applicant shall make the Complaint Log available to the FMCSA upon request.

Status of Corrective Actions

- If FMCSA OCR or any other 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;
- If no Federal Agency has conducted a review in the last five years, a simple statement to this effect will be sufficient.

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.

Community Participation Process (Cont.'d)

- 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 those Applicants which conduct these activities/services, please consult this section of the FMCSA Title VI Program Compliance Plan Checklist for the required information.

CMV 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;

CMV Inspection Selection & Unbiased Enforcement Policies (Cont.'d)

- If the Applicant does conduct these activities, please insert a statement indicating the following:
 - 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;
 - Identify objective criteria used by personnel to determine when to conduct a CMV safety inspection;
 - Indicate that the Applicant's CEO has signed/approved the policy and provide the date of the policy and the distribution or effective date;
 - Submit the policy to the FMCSA Office of Civil Rights;

CMV Inspection Selection & Unbiased Enforcement Policies (Cont.'d)

- Insert a statement indicating that the Applicant has developed an Unbiased Enforcement policy which includes references to the following:
 - CEO-signed FMCSA Title VI Program Assurance (and identifies the protected groups which are identified under the FMCSA Title VI Program);
 - Public Notice of Title VI Program Rights (include the weblink to the Public Notice);
 - Complaint disposition including coordination with the Applicant's Title VI Program Coordinator;
 - Title VI Program training for personnel (including the FMCSA Enforcement Memorandum MC-ECE-2016-006) conducted annually or every-other-year;
 - Periodic monitoring by the Applicant of the effective implementation of this policy;
 - Indicate that the Applicant's CEO has signed/approved the policy and provide the date of the policy and the distribution or effective date;
 - Submit the policy to the FMCSA Office of Civil Rights.

Summary

- All Applicants are required to submit the FMCSA OCR-approved Plan for this Federal Fiscal Year along with uploading the application prior to the application submission deadline to satisfy the Title VI Program Requirement;
- Please contact the FMCSA OCR as soon as is possible to begin the Plan development or Plan update effort for this Federal Fiscal Year.

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Contact Information

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THANK YOU!