



FY 2017 MCSAP NOFA, MCSAP Grant Comprehensive Policy, and the Title VI Requirements

June 2016





Objectives

- Understand the FY 2017 Title VI requirements
- Understand the FY 2017 MCSAP NOFA and its requirements
- Understand the format and changes in the updated version of the MCSAP Comprehensive Policy
- Q&A Opportunity



Today's Presenters

- Julie Otto – Grants Management Office
- Lester Finkle – Title VI Program Manager
- Jack Kostelnik – State Programs Division
- Karen Brooks – State Programs Division



FY 2017 Title VI Requirements



Table Of Contents

- Title VI Program Authorities (Same language included in Notices of Funding Availability)
- FMCSA Title VI Program Regulations
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Title VI Program Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), which prohibits discrimination on the basis of race, color, or national origin, as implemented by [49 C.F.R. § 21.1 et seq.](#) and 49 C.F.R. § 303;
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), which prohibits discrimination on the basis of sex;
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), which prohibits discrimination on the basis of sex in education programs or activities, as implemented by [49 C.F.R. § 25.1 et seq.](#);



Title VI Program Authorities (Cont'd)

- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age;
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, which prohibits discrimination on the basis of disability and 49 C.F.R part 27;
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;



Title VI Program Authorities (Cont'd)

- The Civil Rights Restoration Act of 1987, ([102 Stat. 28.](#)), *“which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”*;



Title VI Program Authorities (Cont'd)

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prohibits discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;



Title VI Program Authorities (Cont'd)

- Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, and resulting Department of Transportation guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP).



FMCSA Title VI Program Regulations

- 49 Code of Federal Regulations (CFR) Part 303:
 - 303.1 Purpose – The purpose of this part is to provide guidelines and procedures for implementing the Federal Motor Carrier Safety Administration's (FMCSA) Title VI Program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations.



FMCSA Title VI Program Regulations (Cont'd)

303.1 Purpose (Cont'd) – For FMCSA-only programs or activities, Federal financial assistance recipients or grantees will continue to apply and use the Departmental Title VI provisions at 49 CFR part 21.





FMCSA Title VI Program Regulations (Cont'd)

303.1 Purpose (Cont'd) – For joint and multi-agency programs/projects, FMCSA Federal assistance recipients or grantees must use the Title VI requirements at 49 CFR part 21, unless agreement is reached by the Federal funding agencies for the recipients to use the Title VI procedures of another agency.





FMCSA Title VI Program Regulations (Cont'd)

303.3 Application of this part – The provisions of this part are applicable to all elements of the FMCSA and to any program or activity for which Federal financial assistance is authorized under a law administered by the FMCSA.





FMCSA Title VI Program Regulations (Cont'd)

303.3 Application of this part (Cont'd) – This part provides Title VI guidelines for State Departments of Transportation and local State agencies, including their sub-recipients, to implement Title VI.





FMCSA Title VI Program Regulations (Cont'd)

303.3 Application of this part (Cont'd) – It also applies to money paid, property transferred, or other Federal financial assistance extended under any program of the FMCSA after the date of this part.





FMCSA Title VI Program Regulations (Cont'd)

49 CFR Part 21: United States Department of Transportation Title VI Program regulation, prescribes that applicants agree to Grant language as well as sign an assurance, requires data collection and complaint procedures.





FMCSA GRANTS MANAGEMENT MANUAL

- *Pages #152 & 153: Title VI Monitoring – All entities that receive Federal financial assistance indirectly or directly are subject to Title VI. FMCSA as the granting Agency has the primary responsibility for oversight of Title VI as it applies to its Grantees. The review activities under Title VI generally are:*
 - *Pre-Award Reviews;*
 - *Post-Award Compliance Reviews; and*
 - *Investigation of complaints.*
- *Within FMCSA, the Office of Civil Rights (MC-CR) is the lead for all Title VI monitoring.*



FMCSA Title VI Program Grant Requirements For Applicants

- FMCSA Title VI Program Assurance (FY 2016)
 - Based on the template as directed by the USDOT Order 1050.2A
 - Submitted by each Applicant annually with one FMCSA Grant NOFA
- FMCSA Applicant Title VI Program Compliance Plan (Checklist) (FY 2017)
 - Checklist to be used as format for Plan



Elements Of The Title VI Program Compliance Plan

- FMCSA Applicant Title VI Program Compliance Plan (Checklist)
–
- 1. Policy Statement – will contain the following:
 - Applicant's commitment to comply with 49 CFR Part 21 and 49 CFR Part 303;
 - Identify an Agency-wide Title VI Program Coordinator;
 - Reference the Title VI Program Assurance;
 - Delegate 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
 - Be signed by the Applicant's CEO.



Elements Of The Title VI Compliance Plan (Cont'd)

2. FMCSA Title VI Program Assurance: insert CEO-signed Assurance here;

3. Description of Federal-Aid Programs: Applicants are required to identify the purpose of the Federal-Aid Program. Specifically, please identify the Grant Program or Programs applied for in the present FY and summarize their associated activities.



Elements Of The Title VI Compliance Plan (Cont'd)

4. Notification to Beneficiaries/ Participants:
Applicants are required to prepare written notices to inform members of the Public of their rights under Title VI and additional Nondiscrimination requirements, how to request additional Title VI Program-related information, and how to file a complaint of discrimination.



Elements Of The Title VI Compliance Plan (Cont'd)

5. Sub-Recipient Compliance Reports: If an Applicant intends to give a portion of the FMCSA grant to another public entity (i.e., Sub-Recipient), the Applicant is required to identify the process whereby it will monitor the Sub-Recipient to ensure that it disburses the funds in a Title VI Program-compliant manner:

- Title VI Program Assurance
- Title VI Program Compliance Documentation



Elements Of The Title VI Compliance Plan (Cont'd)

6. Training: The Applicant is required to describe how it will ensure that staff understand how their activities impact members of the Public and especially DMV activities and drivers and owners' of motor carriers. This section will include how the Applicant ensures that:

- The Title VI Program Coordinator understands his/her roles and responsibilities;
- Staff members responsible for driver/vehicle inspection activities understand how Title VI Program requirements impact how they conduct their inspection activities;
- Staff members responsible for enforcement activities understand how Title VI Program requirements impact how they conduct their enforcement activities;
- Staff members responsible for DMV-related activities to include licensing and registration activities;



Elements Of The Title VI Compliance Plan (Cont'd)

- Staff members responsible for compliance review activities understand how Title VI Program requirements impact how they conduct their compliance reviews and safety inspections;
- Staff members responsible for Public education and awareness activities understand how Title VI Program requirements impact how they conduct outreach activities;
- How often is the training provided;
- Who provides the training.



Elements Of The Title VI Compliance Plan (Cont'd)

7. Access to Records: Once the FMCSA awards the grant to the Applicant, the Grantee is required to make all records relating to the effective implementation of the Title VI Program available for FMCSA review upon request for a complaint investigation or compliance review.



Elements Of The Title VI Compliance Plan (Cont'd)

8. Complaint Disposition Process: The Applicant is required to define how it will process a Title VI Program-related complaint of discrimination from a member of the Public (i.e., intake, fact investigation conducted, investigative report prepared, evaluation made regarding merit of allegation(s), resolution or finding, etc.). The Applicant is required to keep a log.



Elements Of The Title VI Compliance Plan (Cont'd)

9. Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review: If FMCSA or another Federal agency has previously identified deficiencies, the Applicant will list the deficiencies and will describe the status of the Applicant's efforts to address the deficiencies.



Pre-Award Compliance Reviews

- FMCSA Office of Civil Rights (MC-CR) is required to conduct reviews (desk audits) of Title VI-related documents submitted by an Applicant;
- MC-CR coordinates these reviews with the FMCSA Grants Management Office prior to FMCSA awarding the grant;
- MC-CR may delay the grant award until the Applicant has fully submitted all required documents.



Post-Award Compliance Reviews

- MC-CR conducts desk audits of Title VI-Program related documents of a certain number of recipients annually;
- MC-CR identifies up to four recipients annually to conduct On-Site visits, which consist of personnel interviews at the Headquarters of the grantee and may even include a visit to one or more Field Offices;
- Will include a Sub-Recipient visit if applicable.



Summary

- There are a number of Title VI-related Nondiscrimination requirements in addition to Title VI;
- 49 CFR Parts 303 & 21 are the FMCSA Nondiscrimination regulations;
- Applicants are required to submit Title VI-Program related documents;
- OCR conducts Pre- & Post-Award compliance reviews annually.



Contact Information

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FY 2017 MCSAP Notice of Funding Availability



FY 2017 MCSAP NOFA

- Review the entire NOFA
- Use NOFA as a companion document with eCVSP
- Applications must continue to be submitted through Grants.gov and eCVSP
 - Due by August 1, 2016
 - States can request an extension (no more than 30 days)
- Applicants are encouraged to submit early!



Grants.gov submissions

SF-424	Key Contacts forms
SF-424A	Attachment form
SF-424B	Indirect Cost Rate Agreement
Grants.gov Lobbying form	FMCSA Administrative Capabilities Questionnaire
SF-LLL (if applicable)	Title VI Assurance Form and Compliance Plan



eCVSP System Submissions

- CVSP
 - Basic and Incentive (including O&M for ITD, PRISM, SADIP)
 - New Entrant (required for all States, territories exempt)
 - Border Enforcement (optional for eligible states)
- Documents to Upload/Merge
 - Certification of MCSAP Conformance (State Certification)
 - Certification of MCSAP Compatibility
 - Copies of any new laws or regulations



FY 2017 Estimated Funding

- FAST Act provided for \$288,211,000
- Funding estimates are provided in NOFA and eCVSP for planning purposes
- Final funding amounts dependent upon passage of congressional funding bill
- Funding will be distributed using the Interim Funding formula



FY 2017 National Program Elements

- Driver Vehicle Inspections
- Traffic Enforcement
- Compliance Reviews/Investigations/Audits
- Public Education and Awareness
- Data Collection



FY 2017 National Priorities

- Enforcement of Out of Service Orders at Roadside
- CSA Phase III
- Energy Enforcement and Cargo Tank Operations
- Electronic Logging Devices
- Passenger Carrier Safety
- Traffic Enforcement



Application Best Practices

- Submit a complete application (Grants.gov and eCVSP)
- Describe data-identified problem and include baseline data
- Include a specific, measurable performance goal
- Provide brief, high-level description of activities
- Describe performance measurements and monitoring mechanisms



Contact Information

- For more information related to the NOFA, eCVSP development, or the MCP contact your FMCSA Division Office
- For general information about funding and requirements, contact the FMCSA Grants Management Office:
 - FMCSA_GrantMgmtHelpdesk@dot.gov
 - (202) 366-0621



MCSAP Grant Comprehensive Policy (MCP) Review



MCP Format

- Table of Contents
 - Provides information on organization of the MCP
- Divided into 7 Chapters and 11 Appendices
 - Chapters provide grant program overview and specific information on FMCSA grant programs
 - Chapters & appendices contain interactive web links to resources (i.e., statutory, regulatory, and FMCSA information)



Chapter 1 - Introduction

- Provides an introduction to the MCP:
 - FAST Act-Overview on impact to FMCSA grant programs
 - MCP structure
 - Previous MCP cancellation and updates
 - Relationship to Grant Program Policies, Procedures, Forms, Guidelines, and Other Resources
 - Useful Information



Chapter 2 – Overview of MCSAP & HP Grants

- MCSAP & HP Program Objectives
- Summary of MCSAP National Program Elements
 - Driver/Vehicle Inspections
 - Traffic Enforcement
 - Compliance Reviews/Investigations, Interventions, and New Entrant Safety Audits
 - Public Education and Awareness
 - Data Collection and Data Quality
 - Performance and Registration Information Systems Management (PRISM)
 - Innovative Technology Deployment (ITD-formerly CVISN)



Chapter 3 – MCSAP Grant

- Contains information on:
 - Grant Purpose
 - Eligible Jurisdictions
 - Eligible activities and costs
 - Match requirement and period of performance
 - Conditions to qualify for MCSAP funds
 - Maintenance of Effort (MOE)
 - Interim formula funding distribution
 - Criteria for application, evaluation and approval of the CVSP



Chapter 4 – High Priority Grant

- Contains information on:
 - Grant Purpose
 - Eligible Jurisdictions
 - Eligible activities and costs
 - PRISM Requirements and Eligible Projects
 - Safety Data Improvement Project Requirements and Eligible Projects
 - High Priority Match and Grant Period of Performance
 - Criteria for the Application, Evaluation and Award Approval



Chapter 5 - MCSAP and HP Technical and Cost Guidance

- Provides technical and cost guidance on particular items (list below is not all inclusive):
 - MCSAP Overtime Policy
 - Use of MCSAP Funds for Operations and Maintenance
 - State-Conducted Inspections of Passenger Carrying CMVs
 - State Procurement of Third-Party Inspection Software
 - Traffic Enforcement
 - New Entrant Safety Audits



Chapter 6 – HP Innovative Technology Deployment Grant

- HP ITD grant program information has been incorporated into the MCP
- Operations & Maintenance costs are eligible for reimbursement under MCSAP or HP ITD





Chapter 7 – General Grants Information

- Contains information on (list below is not all inclusive):
 - Grant Application Announcement Guidance (NOFA)
 - Grant Program Applicant Eligibility Definitions
 - Application Evaluation Process and Award
 - Availability of Funds and Period of Performance
 - Grant Program Sub-Awards
 - Grant Program Cost Principle Guidance
 - Match, Third-Party In-Kind Contributions, & Program Income



Appendices to the MCP

Appendix A	MCSAP and HP Cost Eligibility Table
Appendix B	Common Abbreviations
Appendix C	MCP-Related Resources
Appendix D	MCSAP Grant Overview
Appendix E	HP Grant Overview
Appendix F	HP-ITD Grant Overview
Appendix G	Certification of MCSAP Conformance (State Certification)
Appendix H	High Priority - ITD (formerly CVISN) Cost Eligibility Table
Appendix I	HP-ITD PP/TLD Template
Appendix J	Technical Guidance for Compliance with FMCSA's Medical Certification and National Registry of Certified Medical Examiners Final Rules
Appendix K	Technical Guidance for Compliance with FMCSA's Unified Registration System Final Rule