

DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION  
**TITLE VI AS IT APPLIES TO**  
**FEDERAL TRANSIT ADMINISTRATION GRANT PROGRAMS**  
(OMB Control No. 2132-0540)

ABSTRACT

This is a request to the Office of Management and Budget (OMB) for a submission of an extension without change of a currently approved collection. The information collection is entitled "Title VI as it Applies to FTA Grant Programs" (OMB Control Number 2132-0540), which is currently due to expire on August 31, 2020, and extend it for three years. There have been no programmatic changes to this program since 2017. There is no change to the number of respondents or responses. The only change associated with this submission is a change in the cost to the respondents and the cost to the federal government. Both areas have been updated to reflect the current Department of Labor wage category and the 2020 OPM Federal salary table.

A. JUSTIFICATION

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY.

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) states:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

To achieve this purpose, each federal department and agency which provides financial assistance for any program or activity is authorized and directed by the Department of Justice (DOJ) to effectuate provisions of Title VI for each program or activity by issuing generally applicable regulations or requirements. The Department of Transportation (DOT) has issued its regulation implementing this DOJ mandate.

In this regard, the responsibility of the Federal Transit Administration (FTA) is to ensure that federally-supported transit services and benefits are distributed by applicants, recipients, and sub-recipients of FTA assistance in a manner consistent with Title VI. The employment practices of a grant applicant, recipient, or sub-recipient are also covered under Title VI if the primary purpose of the FTA-supported program is to provide employment or if those employment practices would result in discrimination against beneficiaries of FTA-assisted services and benefits.

FTA policies and requirements are designed to clarify and strengthen Title VI (service equity) procedures for FTA grant recipients by requiring submission of written plans and approval of such plans by the agency. All project sponsors receiving financial assistance pursuant to an FTA-funded project shall not discriminate in the provision of services because of race, color, or national origin.

Experience has demonstrated that a program requirement at the application stage is necessary to assure that benefits and services are equitably distributed by grant recipients. The requirements prescribed by the Office of Civil Rights are designed to accomplish this objective and diminish possible vestiges of discrimination among FTA grant recipients. FTA's assessment of the requirements indicated that the formulation and implementation of the Title VI program should occur with a decrease in costs to such applicants and recipients.

## 2. HOW, BY WHOM AND FOR WHAT PURPOSE THE DATA WILL BE USED.

Collection of information for this program is necessary to ensure that recipients of FTA funds are complying with Title VI of the Civil Rights Act of 1964. Direct and primary recipients submit a Title VI Program to FTA once every three years to document compliance with DOT's Title VI regulations at 49 CFR Part 21. A sub-recipient submits its Title VI Program to its primary recipient. To prepare a Title VI Program, a recipient follows the guidance provided in FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," and submits the program to FTA through the Transit Award Management System (TrAMS). The Title VI Program must be approved by the recipient's board of directors or an appropriate governing entity prior to submitting to FTA.

FTA reviews each Title VI Program to determine whether a recipient is compliant with applicable federal laws and regulations, as well as whether a recipient needs additional technical assistance. Reviews of Title VI Programs are conducted by Regional Civil Rights Officers of the FTA Office of Civil Rights. Elements of a Title VI Program include public notice and locations posted; complaint procedures; a list of Title VI investigations, complaints, or lawsuits; public participation plan; language assistance plan; a demographic breakdown of planning boards or advisory committees; sub-recipient monitoring efforts; equity analyses; and other elements if the recipient is also a fixed route provider, State Department of Transportation, or Metropolitan Planning Organization. In reviewing Title VI Programs, FTA can track trends in program deficiencies, which enable FTA to target educational and technical assistance efforts. Without these Title VI Programs, significant financial and staff resources would be necessary to conduct on-site compliance reviews.

## 3. CONSIDERATION OF THE USE OF IMPROVED INFORMATION TECHNOLOGY.

All recipients of FTA funds are required to use FTA's Transit Award Management System (TrAMS) system from the initial application stage through post-award management. Additionally, FTA requires recipients to submit Title VI Program through TrAMS, which reduces the number of systems a recipient needs to use. This has improved communications and the processing of program requirements. This has reduced long-term costs associated with the Title VI as applied to FTA grant program.

## 4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION.

No similar information from applicants/recipients is required by any other program office in FTA or other program offices within the DOT or other federal agencies.

5. IF THE COLLECTION OF INFORMATION INVOLVES SMALL BUSINESS OR OTHER SMALL ENTITIES, DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

The collection of Title VI information does not involve small businesses. As to small transit entities, FTA revised the Title VI Circular, FTA Circular 4702.1B in 2012, to include: clearer guidance that is easier to understand and apply; provided samples that function as a template that may be amended or adopted; and finally, made certain requirements contingent on whether a transit agency meets the definition of a large or small fixed-route transit provider.<sup>1</sup> The guidance and requirements are meant to assist small transit agencies to comply with their specific Title VI responsibilities and avoid needlessly burdening them.

6. DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION WERE CONDUCTED LESS FREQUENTLY.

FTA Circular 4702.1B requires all direct and primary recipients to submit a Title VI program once every three years. Recipients are required to maintain records for a minimum of 3 years. If submissions were required less frequently, the preventive nature of the current Title VI program, focusing on the pre-award process and providing technical assistance to grantees, would be diminished. FTA would need to rely on the post-award review process, which could result in more time and resources spent addressing any Title VI deficiencies. In addition, due to the dynamics of the service delivery process (the purchase and routing of new equipment and schedule changes), a less frequent submission would hamper FTA's ability to monitor the grantees' service delivery.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT REQUIRE THE COLLECTION TO BE CONDUCTED IN A MANNER INCONSISTENT WITH GUIDELINES IN 5 CFR PART 1320.6.

The collection of Title VI information is conducted in a manner consistent with the guidelines specified in 5 CFR Part 1320.6.

8. DESCRIBE EFFORTS TO CONSULT WITH PERSONS OUTSIDE THE AGENCY.

FTA has consulted on an ongoing basis with Title VI officers of grant recipients and several external organizations representing program beneficiaries. Contacted groups and persons have indicated that FTA's Title VI requirements are vital to ensuring non-discrimination. In addition, FTA held a series of public meetings in regions across the country to help inform the development of the revised Title VI Circular 4702.1B. After issuing the Circular, FTA conducted multiple webinars on the revised Circular, which were attended by hundreds of FTA recipient staff members. In addition, grantees have access to a wide variety of Title VI program training materials online at FTA's website [www.transit.dot.gov](http://www.transit.dot.gov). A 60-day Federal Register notice was published on April 10, 2020 Vol. 85 No. 70 (pages 20338-20339), soliciting comments prior to submission of this collection to the Office of Management and Budget (OMB). No comments were received. A 30-day Federal Register Notice was published on August 14, 2020 Vol. 85, No. 185 (page 49719).

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.

No payment or gift is made to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

All information collected is certified to comply with the Freedom of Information Act, the Privacy Act of 1974, and OMB Circular A-108. Confidentiality is provided, when requested, for information exempt from the mandatory public disclosure requirements of the Freedom of Information Act.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE.

This information collection does not contain any questions of a personal or confidential nature.

12. ESTIMATE OF THE HOUR BURDEN OF THE COLLECTION AND ANNUALIZED COST TO RESPONDENTS.

***Estimated Annual Number of Respondents: 284***

***Estimated Total Annual Burden Hours: 4,684 (4,500 + 184)***

***Estimated Total Cost: \$199,070 (\$191,250 + \$7820)***

***Frequency: Every three years (Total of 850 grantees, with 300 required to submit general and specific requirements and 550 required to submit only general requirements)***

Approximately 850 grantees are required to prepare Title VI Program submissions during each 3-year period ( $850/3 = 284$  grantees per year). The number of grantees preparing both general and program-specific submissions are 300. 550 grantees submit only the general requirements. Based on information received from recipients, the average time spent by a recipient in the preparation of a Title VI Program with general and specific requirements is approximately 45 hours. The annual burden is 4,500 hours ( $300 \text{ grantees} \times 45 \text{ hours} = 13,500 \text{ hours for 3 years}$  ( $13,500/3 = 4,500 \text{ annual hours}$ )). Recipients submitting only general requirements will spend approximately one hour per submission. The annual burden is 184 hours ( $550 \text{ grantees} \times 1 \text{ hour} = 550 \text{ hours for 3 years}$  ( $550/3 = 184 \text{ annual hours}$ )). The total annual burden for all grantees is 4,684 hours ( $4,500 \text{ hours} + 184 \text{ hours} = 4,684 \text{ hours}$ ).

<b>Report Requirements</b>	<b># Total Respondents</b>	<b># Total Respondents Submitting Annually</b>	<b>Burden hours per submission</b>	<b>Total Submissions/ Reports Annual Burden Hours</b>
<i>General Requirements and Specific Requirements</i>	300	100	45	4500
<i>Only General Requirements</i>	550	184	1	184
<b>Totals</b>	<b>850</b>	<b>283</b>	<b>46</b>	<b>4683</b>

*Estimate of the cost to respondents:*

FTA assumes that the average transit agency would have a Compliance Officer conduct the review and submit the Title VI plan. The median salary for (13-1041 Compliance Officers) <https://www.bls.gov/oes/current/oes131041.htm> is \$33.20 per hour plus 28% for fringe benefits equals \$42.50 per hour. Therefore, the total annual labor cost to the recipients preparing general and program specific requirements equals \$191,250 (4,500 hours x \$42.50). The total annual labor costs to recipients submitting only general requirements is \$7,820 (184 hours x \$42.50). The total annual labor cost for all respondents is \$199,070 (\$191,250 + 7,820).

13. ESTIMATES OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION

We anticipate no additional cost burden to respondents or recordkeepers beyond that which results from their customary or usual business practices. The submission of these programs is done through FTA's Transit Award Management System (TrAMS), and do not require printing or extra costs in preparing and submitting the program.

14. ESTIMATE OF THE TOTAL ANNUALIZED COST TO THE FEDERAL GOVERNMENT.

Ten Regional Civil Rights Officers review Title VI program submissions. On average, the 10 staff members spend approximately 11 percent of their total annual duty hours, or approximately 230 hours per year (11% x 2,080 hours), reviewing programs. With an average grade of GS-13 Step-1 [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf) at an hourly rate of \$49.19, the total cost of labor hours for the 10 officers is \$113,137 (230 hours x \$49.19 x 10). Due to the various regional staff, FTA included an estimated 10% overhead rate, for a total overhead of \$11,313 (10% x \$98,900). The total estimated cost to the federal government is \$124,450 (\$113,137 + \$11,313).

15. EXPLAIN REASONS CHANGES IN BURDEN, INCLUDING THE NEED FOR ANY INCREASES OR DECREASES.

Both the overall burden and the burden cost to recipients for preparing and submitting the Title VI program has not increased since 2017, as detailed in #12 above. This is a result of an accurate and current review of the approximate number of grantees currently required to submit Title VI Programs under the requirements and the specific information they are required to submit. The only increases in this information collection are an increase in cost to the respondents due to the accurate hourly media salary from the BLS and an increase in cost to the federal government using the 2020 OPM Salary Table. Both cost analysis include fringe benefits/overhead.

16. PLANS FOR TABULATION AND PUBLICATION FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED.

FTA does not anticipate the publication of its Title VI data.

17. IF SEEKING APPROVAL NOT TO DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL, EXPLAIN THE REASONS.

There is no reason not to display the expiration date of OMB approval.

18. EXPLAIN ANY EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19 OF OMB FORM 83-I.

No exceptions are stated.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

FTA does not anticipate the publication of its Title VI data for statistical use.

<sup>i</sup> The more extensive reporting requirements are triggered if a FTA recipient is a fixed route transit provider that operates within an urbanized area with a population of 200,000 or more and operates 50 fixed route vehicles during peak service hours.