

Civil Rights Programs and American Reconstruction and Recovery Act (ARRA) Funding Through FTA

FTA funding recipients should assure all civil rights programs – Title VI, EEO and DBE, as required – are current and approved to by the Regional Civil Rights Officer (RCRO), Frank M. Billue in order to facilitate processing of America Reconstruction and Recovery Act (ARRA) funds. Overall, the same civil rights requirements apply to ARRA funds as apply to all other FTA grants, however some requirements, such as DBE goal submission guidelines, have been modified. New recipients or recipients whose programs have lapsed should check on FTA’s website to find the most recent guidance to develop their programs and consult with the RCRO if they have questions. This bulletin is not intended to be comprehensive guidance, but provides resources to update civil rights programs if needed.

Title VI of the Civil Rights Act of 1964 (Title VI)

Title VI will apply to ARRA funds. All grantees must have a current Title VI Program. (OTRB & TTP are exceptions and do not need Title VI.) Please reference the following guidelines when preparing

- Title VI Programs must adhere to [Circular 4702.1A](#), which was released in May, 2007.
- Transit agencies serving large urban areas (over 200,000 people) that are planning system-wide changes to routes or fares should perform an evaluation to determine whether those changes have a discriminatory impact. Service and fare change analysis and public notices should be done **prior** to any changes and the analysis should be submitted to the RCRO for review.

Disadvantaged Business Enterprise (DBE)

DBE will apply to ARRA funds.

- If a grantee’s contracting expenditures (excluding busses) exceeds \$250,000 during a federal fiscal year, they will need a DBE program and goal.
- Busses purchased must be built by a transit vehicle manufacturer (TVM) with a current DBE Program and goal on file with FTA. The list of [TVMS with an FTA-approved DBE goal](#) is on the [Office of Civil Rights DBE webpage](#) and is updated regularly. Transit agencies must assure *at time of bid* that TVMs have an FTA-approved DBE goal.

Comprehensive DBE guidance is available on the [DOT Office of Small Business Utilization](#) website.

ARRA is an opportunity for transit agencies to perform outreach to new and underutilized DBE contractors.

More information on DBE and ARRA can be found on [FHWA’s Economic Recovery](#) website and [FTA’s Contracting & Procurement](#) website.

Grantees may need to update their DBE goal, depending on how much ARRA funds they receive and how those funds are applied. In general, they have two options:

1. If the grantee does not have a FY 2009 goal, they may submit a new goal that accounts for the remainder of FY 2009 contract expenditures and includes FY 2010 contract expenditures. The grantee does not need to submit a FY 2010 goal on August 2, 2009.
2. If the grantee already has a FY 2009 goal, but it will be obsolete due to new ARRA funds, they may submit a new goal that accounts for the remainder of FY 2009 contract expenditures and includes FY 2010 contract expenditures. The grantee does not need to submit a FY 2010 goal on August 2, 2009.

ADA

ADA will apply to ARRA funds.

- The Americans with Disabilities Act (ADA) applies to transit vehicles and transportation facilities that are accessible to the public. The most recent ADA guidance as set forth by the Department of Transportation is available in 49 CFR, parts 27, 37 and 38. These parts were updated in November, 2006. Current regulations can be found on the [Office of Civil Rights ADA website](#).
- The [ADA Accessibility Guidelines \(ADAAG\)](#) provide construction specs for transportation stations, bus stops, bus stop pads, terminals, buildings and other transportation facilities. In particular, building, altering or renovating transportation facilities are addressed in [Chapter 8, part 810, Transportation Facilities](#).
- Grantees who have projects outside the ADA may apply for a Determination of Equivalent Facilitation with the Department of Transportation to demonstrate their project is as good as or better than ADA requirements. This can be a lengthy process needing substantial documentation and should be approved prior to grant submission.

For more information, please contact Frank M. Billue RCRO for Region IV at Frank.Billue@dot.gov calling 404-865-5628. In addition, the FTA Office of Civil Rights is preparing a hotline for ARRA-related civil rights questions. That number will be available on FTA's website soon.