

ADA and Title VI Compliance

5310/5311 Subrecipients



Civil Rights Office

FTA / ADOT Coordination

Federal Transit Administration (FTA)

- Provides stewardship and oversight
- Approves Title VI Programs
- Conducts State Management Reviews
- Provides policy/technical training

ADOT (Primary Recipient of FTA funds)

- Performs required actions under:
 - FTA C 4710.1 (ADA Circular)
 - FTA C 4702.1B (Title VI Circular)
- Submits triennial ADOT Title VI Program to FTA
- Conducts external reviews
- Processes complaints against subrecipients

ADA/Title II

The Americans with Disabilities Act (ADA) of 1990 is a federal civil rights law that protects qualified individuals with disabilities from discrimination and provides for equal access. The ADA, like other civil rights statutes, prohibits the denial of services or benefits on specified discriminatory grounds.

Title II of the ADA covers all programs, services, and activities operated by state and local governments. It applies to all state and local governments, their departments and agencies, and any other agency of state and local governments.

Section 504, Rehabilitation Act of 1973

- Prohibits discrimination on the basis of disability in any program, service, activity, or benefit of a recipients/sub-recipient of Federal financial assistance.
- Many of the responsibilities under Section 504 are similar or identical to those under Title II of the ADA.

ADOT FTA Subrecipients

- Must ensure their services, vehicles, and facilities are accessible to and useable by individuals with disabilities.
- Transit agencies are required to make reasonable modification to policies, practices, and procedures to avoid discrimination and ensure that their programs are accessible.
- Each agency is independently responsible for ADA compliance in their facilities and operations.

ADOT's Oversight

- Ensure sub-recipients are informed of their responsibilities to provide reasonable modifications/accommodations and provide accessibility to their programs, services, and facilities (public rights-of-way)
- Ensure sub-recipients are applying appropriate accessibility standards to all transportation facilities.
- Ensure all complaints filed under Section 504 or the ADA are processed in accordance with established complaint procedures

ADA Policies

- Written policies, procedures, or information regarding the following ADA requirements:
 - Lift vehicle availability
 - Maintenance of accessible features on vehicles
 - Adequate time for vehicles boarding and disembarking
 - Use of portable oxygen/respirator equipment
 - Service Animals
 - Personnel Training
- Civil Rights Office has created a standard template for reference.

See FTA ADA Circular 4710.1

ADA: Service Animals

Reminders

- Individually trained to work or perform tasks for an individual with a disability
- Transit agencies can ask:
 - 1. *Is the animal a service animal required because of a disability?*
 - 2. *What work or task has the animal been trained to perform?*
- You can require the service animal be under the owner's control.



See FTA ADA Circular 4710.1 Section 2.6

ADA: Wheelchairs

Reminders

- If the device fits and meets the definition in § 37.3, you must transport
- Provide a reasonable level of assistance
- ADA Circular resource

See FTA ADA Circular 4710.1 Section 37.3



ADA: Service Denial for Conduct

- May refuse service to individuals with disabilities who engage in:
 - Violent
 - Seriously disruptive
 - Illegal conduct, or
 - Are a direct threat to self or others
- Any situation that disrupts the provision of service should be based on reasonable judgment
 - High threshold for the behavior needs to be more than offensive

See FTA ADA Circular 4710.1 Section 37.5 (h)

ADA: Service Denial for Conduct

Reminders

- The focus is on due process
- Document internally how thresholds were met
- Reasonable terms
- No permanent bans
 - Riders must have opportunity to demonstrate the issue is fixed and resume service

See FTA ADA Circular 4710.1 Section 2.6

ADA Complaint Process

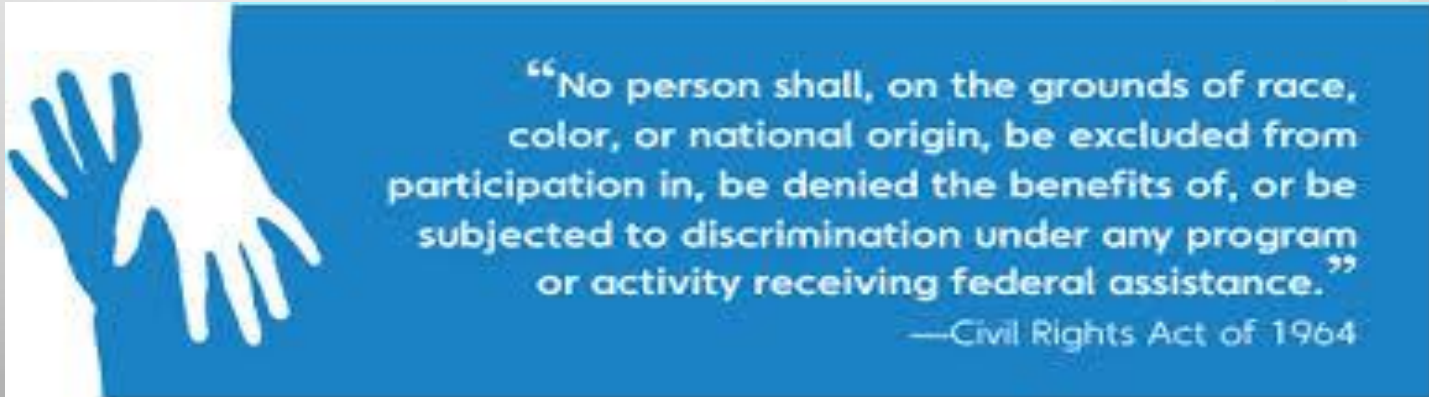
- Complaints
 - ADA Coordinator
 - Advertised to the public
 - Accessible to and usable by individuals with disabilities
- Combining ADA and Title VI Complaint Procedures
 - ADA complaints must be categorized distinctly from Title VI complaints
 - Discrimination Complaint Form (Standard template created for reference)
 - Nondiscrimination Complaint Procedures (Standard template created for reference)
- Recordkeeping

See FTA ADA Circular 4710.1 Section 12.7 for your options

What is Title VI?

Title VI is a federal law that ***prohibits*** discrimination on the ***basis of race, color, or national origin*** in federally assisted programs & activities.

The law specifically states:



Guidance on Title VI of the Civil Rights Act of 1964, Limited English Proficiency (LEP) and Environmental Justice (EJ)

- 49 Code of Federal Regulations Part 21
- FTA Circular 4702.1B (Title VI and LEP Guidance)
- Executive Order 13166 - Limited English Proficiency (LEP)
- Executive Order 12898 - Environmental Justice (EJ)
- FTA Circular 4703.1 (EJ Guidance)

Title VI Roles and Responsibilities

ADOT 5311 FTA Subrecipients

- Title VI/ADA Implementation Plan due this upcoming year in 2022
- Title VI/ADA Self-Certification due in 2023 (year after next)
- Collaboration with your MPO or COG agency
- Title VI/ADA Implementation Plan template available!

Title VI Roles and Responsibilities

A Title VI/ADA Program for submission shall include:

- **Nondiscrimination notice to the public**
- **Nondiscrimination complaint procedures**
- **Discrimination complaint form**
- Title VI/ADA investigations, complaints, or lawsuits Log
- Public Participation Plan
- Limited English Proficiency Plan
- Non-elected Committees Membership Table
- Monitoring for Subrecipient Title VI Compliance
- Title VI Equity Analysis
- Fixed Route Transit Provider Analysis
- Board Approval

Title VI Implementation Plan Template

- Auto Populated Information
- Steps to attach demographic information (Updated with new census website)
- Detailed instructions on each section
- Areas that need to be updated are highlighted
- Check Boxes that apply and delete those that don't apply

Title VI Plan Cover Page

**TYPE AGENCY/TRANSIT PROVIDER
NAME HERE
YEAR**

Title VI Contact: TYPE TITLE VI CONTACT PERSON AND TITLE HERE
Title VI Contact Phone: TITLE VI CONTACT PERSON PHONE NUMBER HERE
Title VI Contact Email: TYPE TITLE VI CONTACT PERSON'S EMAIL HERE
TTY Number (if applicable): TYPE YOUR TTY NUMBER HERE
Alternate Language Phone: TYPE ALTERNATE LANGUAGE PHONE NUMBER HERE
Address: TYPE YOUR ADDRESS HERE
Web Address: TYPE WEB ADDRESS HERE
Para Información en Español: TYPE NAME AND CONTACT INFORMATION HERE

Title VI/ADA Implementation Plan Template

- Updated 2021 Title VI/ADA Implementation Plan template (new subrecipients)
- 2019 Title VI/ADA Implementation Plan Webinar Tutorial available here:
- <https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/fta-funded-programs>
- New Template will be required from ALL 2022 5311 Applicants who utilize ADOT Template

Questions & Comments?



Contact Us

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