

Date: December 21, 2011
W.I.: 1311
Referred by: PAC

ABSTRACT
Resolution No. 4042

This Resolution adopts the Job Access and Reverse Commute (JARC)-Funded Mobility Management Program Guidelines and Call for Projects

The following attachment is provided with this Resolution:

Attachment A Job Access and Reverse Commute (JARC)-Funded Mobility Management Program Guidelines

Further discussion of this action is contained in the Programming and Allocations Committee Summary sheet dated December 14, 2011.

Date: December 21, 2011
W.I.: 1311
Referred by: PAC

RE: Job Access and Reverse Commute (JARC)-Funded Mobility Management Program Guidelines and Call for Projects

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4042

WHEREAS, Title 49 United States Code (U.S.C.) Section 5316 (49 U.S.C. 5316) authorizes and sets forth the provisions for the Job Access and Reverse Commute program, which makes grants to recipients for access to jobs and reverse commute projects carried out by the recipient or a subrecipient.

WHEREAS, 49 U.S.C. §5316(c) apportions Job Access and Reverse Commute funds by formula to large urbanized areas, small urbanized areas, and non-urbanized areas; and

WHEREAS, pursuant to California Government Code Section 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, MTC is the designated metropolitan planning organization (MPO) for the nine-county San Francisco Bay Area; and

WHEREAS, consistent with 49 U.S.C. §5307(a)(2), MTC is the designated recipient of the Federal Transit Administration’s (FTA’s) Job Access Reverse Commute program funding apportionments for large urbanized areas in the nine-county San Francisco Bay Area; and

WHEREAS, as the designated recipient, MTC is responsible for administering the program, including: conducting a competitive selection process; certifying a fair and equitable distribution of funds resulting from the competitive selection process; certifying that each project was derived from a locally developed, coordinated public transit-human services transportation plan, certifying that the plan was developed through a process that included representatives of public, private, and non-profit transportation and humans services providers and participation by the public; managing all aspects of grant distribution and oversight for subrecipients receiving funding under the program; and submitting reports as required by the FTA; and

WHEREAS, MTC has developed guidelines for a Job Access and Reverse Commute-Funded Mobility Management Program attached hereto as Attachment A, and incorporated herein as though set forth at length; now, therefore, be it

RESOLVED, that MTC adopts the Job Access and Reverse Commute-Funded Mobility Management Program Guidelines as provided in Attachment A; and be it further

RESOLVED, that MTC will use these guidelines to conduct the competitive selection process for the Job Access and Reverse Commute-Funded Mobility Management Program; and be it further

RESOLVED, that the Executive Director of MTC shall forward a copy of this Resolution, and such other information as may be required, to such other agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

Adrienne J. Tissier, Chair

The above Resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California on December 21, 2011.

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W.I.: 1311
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Attachment A
MTC Resolution No. 4042
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METROPOLITAN
TRANSPORTATION
COMMISSION

Job Access and Reverse Commute (JARC)-Funded Mobility Management Program Guidelines

December 2011

METROPOLITAN TRANSPORTATION COMMISSION
JOB ACCESS AND REVERSE COMMUTE (JARC)-FUNDED
MOBILITY MANAGEMENT PROGRAM GUIDELINES
FOR LARGE URBANIZED AREAS
December 2011

The following guidelines are excerpted from Federal Transit Administration (FTA) Circular C 9050.1, the *Job Access and Reverse Commute (JARC) Program Guidance and Application Instructions*, except where modified to meet the region's needs or where additional clarification is provided. The FTA Circular is available at http://www.fta.dot.gov/documents/FTA_C_9050.1_JARC%281%29.pdf. MTC's Program Management Plan for JARC-funded programs can be found at http://www.mtc.ca.gov/funding/FTA/RES-3986_approved.pdf.

1. INTRODUCTION. Mobility management is identified in the Bay Area's Coordinated Public Transit/Human Services Transportation Plan (Coordinated Plan) as a potential solution to address transportation gaps for low-income persons, seniors, and persons with disabilities. Mobility management is also an eligible activity under the FTA's Job Access and Reverse Commute (JARC) Program.

In this call for projects, MTC will use unprogrammed JARC funds from prior cycles of the Lifeline Transportation Program to support mobility management activities, particularly those that advance regional and/or subregional transportation coordination efforts. In addition, the program would like to see whether mobility management efforts could be merged with the activities of Consolidated Transportation Service Agencies (CTSAs) or CTSA-like agencies. CTSAs are becoming more of a focus at the state level, and MTC would like to understand and advance them as appropriate in the region. MTC will conduct a competitive selection process to determine which project(s) should receive funding. MTC intends to fund one or two larger-scale projects with the funds, with the hope that successful components of the funded project(s) could serve as a model for other parts of the region.

A variety of mobility management activities are currently taking place throughout the Bay Area. Some efforts are well-developed, while others are in their infancy. In areas where mobility management activities are well-developed, applicants are encouraged to consider how existing efforts can be expanded or replicated elsewhere in the region. In areas where mobility management activities are just beginning and/or are taking place in a fragmented manner, applicants are encouraged to consider how existing activities can be better coordinated or enhanced. See section 9 for additional details about eligible mobility management activities.

2. STATUTORY AUTHORITY. The JARC Program is authorized under the provisions set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU), enacted on August 10, 2005, as codified at 49 U.S.C. 5316. These provisions authorize the Secretary to make grants to recipients for access to jobs and reverse commute projects carried out by the recipient or a subrecipient.

3. PROGRAM GOAL. The goal of the JARC program is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities. Toward this goal, the Federal Transit Administration (FTA) provides financial assistance for transportation services planned, designed, and carried out to meet the transportation needs of eligible low-income individuals, and of reverse commuters regardless of income. The program requires coordination of Federally-assisted programs and services in order to make the most efficient use of Federal resources.
4. FUNDING APPORTIONMENT AND AVAILABILITY. JARC funds are first apportioned 60 percent to large urbanized areas¹ (UAs), 20 percent to small UAs, and 20 percent to non-UAs. Funds are then apportioned to all designated recipients for an area type by the ratio of the number of eligible low-income individuals and welfare recipients in the designated recipient's area to the total number of eligible low-income individuals and welfare recipients for that area type. **Figure 1** shows the Bay Area's five large UAs and seven small UAs. (Note that the names given to the urbanized areas correspond to the most populated city/cities within the area, and that the urbanized areas themselves are larger than the cities for which they are named.) Funds are available to the region for obligation during the fiscal year of apportionment plus two additional years. MTC is also requiring that, for this call for projects, project sponsors must expend the JARC funds within three years of the FTA grant award or execution of subrecipient agreement with MTC, whichever is applicable.
5. ROLE OF THE DESIGNATED RECIPIENTS. MTC is the designated recipient for the Bay Area's large UA JARC funding apportionments, and Caltrans is the designated recipient for California's small and non-UA funding apportionments. The designated recipient is responsible for conducting the competitive selection process to determine which projects should receive funding. For the large UA apportionment, the competitive selection is conducted on a region-wide basis. For the small and non-UA apportionment, the competitive selection is conducted by Caltrans on a statewide basis.

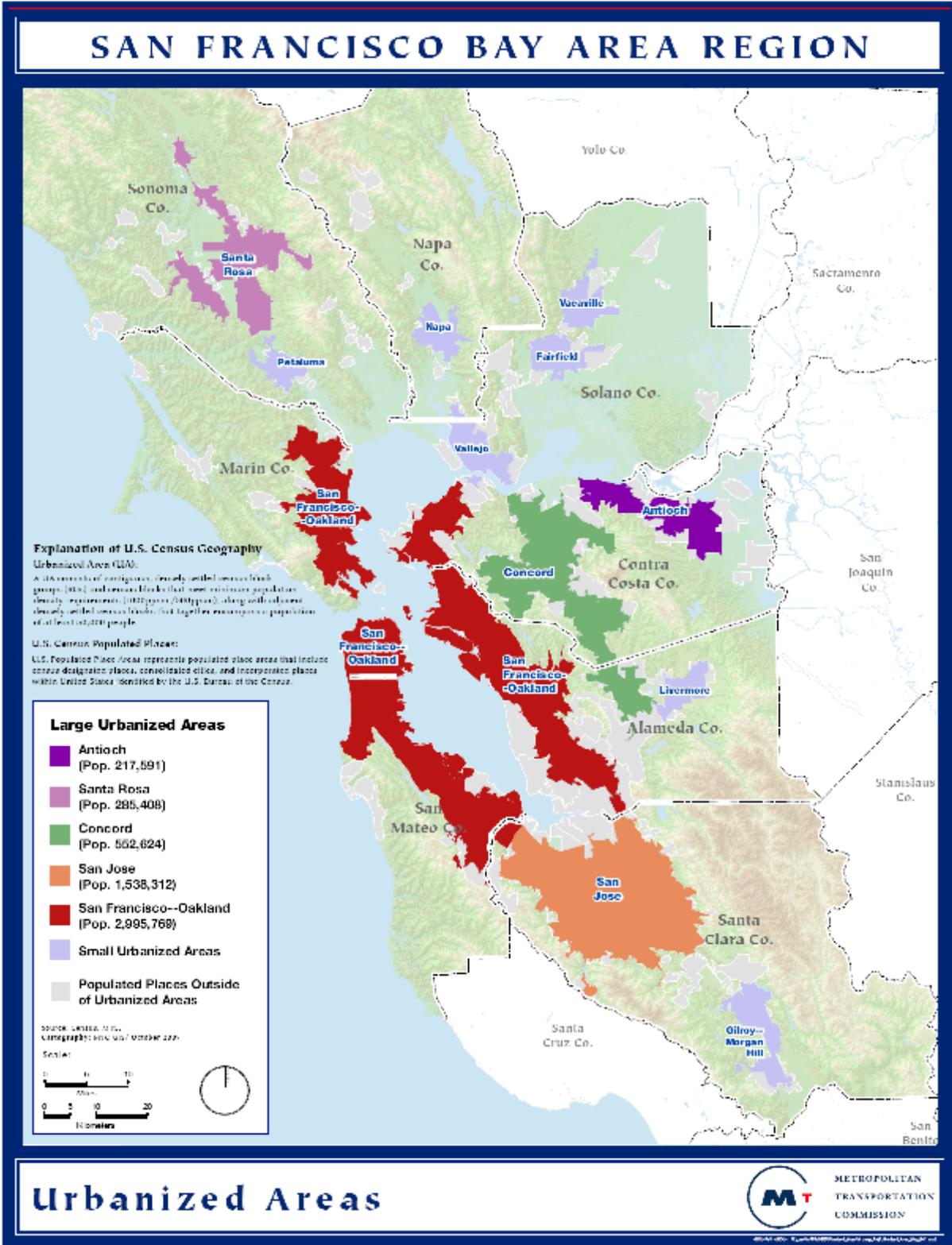
Once projects are selected in the large UA competitive process, transit operators with selected projects that are FTA grantees (i.e., transit operators that are direct recipients under Section 5307 and typically receive funds directly from FTA) must submit their own JARC grants to FTA and serve as direct recipients of the funds. MTC reserves the right to reprogram funds if direct recipients fail to obligate the funds through grant submittal and FTA approval by June 30, 2012. Direct recipients are responsible for carrying out the terms of their grants.

MTC will serve as the direct recipient of JARC funds for transit operators or public entities that are not FTA grantees, and for non-profits that are selected in the large UA competitive process, subject to the restrictions included in sections 7 and 9 below. These agencies and organizations will enter into a subrecipient relationship with MTC through the execution of funding agreements with MTC. MTC will monitor subrecipient compliance with federal

¹ An urbanized area is an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an "urbanized area" by the Secretary of Commerce. Large urbanized areas as used in the context of FTA formula grant programs are urbanized areas with a population of greater than 200,000, and small urbanized areas are those with a population of at least 50,000 but less than 200,000.

requirements through inclusion of such requirements in funding agreements and through ongoing monitoring activities.

Figure 1. Map of Urbanized Areas



6. **FUNDING DISTRIBUTION.** Projects may compete for funding that is apportioned to the UA in which the project will provide mobility management services. Projects that will provide services in multiple UAs may compete for funding from all of the affected UAs. This call for projects is for large UAs only.

Large UA Programming Targets. The total funding available for the Bay Area’s large UAs in this call for projects is \$0.7 million. The amounts available are the FY2010 apportionments that remained unprogrammed after previous cycles of the Lifeline Transportation Program. The target programming amount for each large UA is shown in **Table 1**. There is no maximum grant request, except that applicants should not request more than the target amount for the large UAs in which their projects will provide services. MTC intends to fund one or two mobility management projects that advance the efforts of regional or subregional coordination, rather than funding a large number of small, localized projects dispersed throughout the region.

**Table 1. Programming Targets for
FY2011-12 JARC-Funded Mobility Management Program Projects**

Bay Area Large Urbanized Areas	\$671,864
Concord	\$21,585
San Francisco-Oakland	\$643,752
San Jose	\$11,721

Small and Non-UA Programming Targets. The small and non-UA calls for projects are conducted by Caltrans. According to Caltrans, the next small and non-UA call for projects will likely take place in mid-2012. Additional information about the small and non-UA call for projects can be found on the Caltrans website:
<http://www.dot.ca.gov/hq/MassTrans/5316.html>.

7. **ELIGIBLE RECIPIENTS/SUBRECIPIENTS.** There are three categories of eligible recipients/subrecipients of JARC funds: a) private non-profit organizations; b) state or local governmental authorities; and c) transit operators.

All recipients/subrecipients will be required to have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number and provide it during the application process.² A DUNS number may be obtained from D&B by telephone (866-705-5711) or the Internet (<http://fedgov.dnb.com/webform>).

² A Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is a unique, non-indicative 9-digit identifier issued and maintained by D&B that verifies the existence of a business entity. The DUNS number is a universal identifier required for Federal financial assistance applicants, as well as recipients and their direct subrecipients.

8. ROLE OF RECIPIENTS/SUBRECIPIENTS. JARC recipients/subrecipients' responsibilities include:
- For direct recipients (transit operators who are FTA grantees), submitting a grant application to FTA and carrying out the terms of that grant;
 - Meeting program requirements and grant/funding agreement requirements including, but not limited to, Title VI reporting requirements;
 - Making best efforts to execute selected projects; and
 - Complying with other applicable local, state, and federal requirements.
9. ELIGIBLE ACTIVITIES. In this call for projects, MTC is requesting proposals for mobility management projects only. Mobility management techniques enhance transportation access for populations beyond those served by one agency or organization within a larger community. For example, a nonprofit agency could apply for JARC funding to support the administrative costs of sharing services it provides to its own clientele with other low-income individuals and coordinate usage of vehicles with other non-profits, but not the operating costs of the service. Mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the results of expanding the availability of service. Mobility management activities may include:
- (1) The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, older adults, and low-income individuals;
 - (2) Support for short term management activities to plan and implement coordinated services;
 - (3) The support of State and local coordination policy bodies and councils;
 - (4) The operation of transportation brokerages to coordinate providers, funding agencies and customers;
 - (5) The provision of coordination services, including employer-oriented Transportation Management Organizations' and Human Service Organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individuals travel training and trip planning activities for customers;
 - (6) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and
 - (7) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of Geographic Information Systems (GIS) mapping, Global Positioning System technology, coordinated vehicle scheduling, dispatching and monitoring technologies as well as technology to track costs and billing in a coordinated system and single smart customer payment system (acquisition of technology is also eligible as a stand alone capital expense).

10. FEDERAL/LOCAL MATCHING REQUIREMENTS.

- a. General. Mobility management is an eligible capital expense. The Federal share of eligible capital costs may not exceed 80 percent of the net cost of the activity. The local share of eligible capital costs shall be no less than 20 percent of the net cost of the activity. All of the local share must be provided from sources other than federal Department of Transportation (DOT) funds. Some examples of sources of local match which may be used for any or all of the local share include: State or local appropriations; other non-DOT Federal funds; dedicated tax revenues; private donations; revenue from human service contracts; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.
- b. Exceptions. The Federal share is 90 percent for vehicle-related equipment and facilities required by the Clean Air Act (CAA) or the Americans with Disabilities Act (ADA). It is only the incremental cost of the equipment or facility required by the CAA or ADA that may be funded at 90 percent, not the entire cost of the vehicle or facility, even if the vehicle or facility is purchased for use in service required by the ADA or CAA. *Applicants wishing to apply for assistance at the higher match ratio should inform MTC before submitting an application, as MTC would need to consult the FTA regional office for further guidance regarding methods of computing the incremental cost.*
- c. Use of Other Federal Funds. Local match may be derived from other Federal funds derived from Federal programs that are eligible to be expended for transportation, other than from the DOT programs. Examples of types of programs that are potential sources of local match include: employment training, aging, community services, vocational rehabilitation services, and Temporary Assistance for Needy Families (TANF). To be eligible as local match for FTA funds, the other Federal funds must be used for activities included in the total net project costs of the FTA grant. Expenditure of other Federal funds for transportation outside of the scope of the project cannot be applied as a credit for local match in the FTA grant. Specific program information for other types of Federal funding is available at www.unitedweride.gov.

11. COORDINATED PLANNING. SAFETEA requires that projects selected for funding under the JARC program must be “derived from a locally developed, coordinated public transit-human services transportation plan”, and that the plan be “developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.” A locally developed, coordinated, public transit-human services transportation plan (“coordinated plan”) identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes, and provides strategies for meeting those local needs. The Bay Area’s Coordinated Plan was adopted in December 2007 and is available at <http://www.mtc.ca.gov/planning/pths/>.

Agencies and organizations interested in applying for JARC funds must consider the transportation needs, proposed solutions, and enhanced coordination strategies presented in the Coordinated Plan in developing their project proposals. Applicants will be asked to demonstrate their proposed project's consistency with the Coordinated Plan.

12. APPLICATION FORMS AND TECHNICAL ASSISTANCE. The application form is available at <http://www.mtc.ca.gov/planning/lifeline/>. Interested agencies must submit eight (8) copies and an electronic copy on a USB flash drive or CD of their application by 4:00 p.m. on Friday, February 24, 2012 to:

Kristen Mazur
Metropolitan Transportation Commission
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

A workshop will be held for prospective applicants on Tuesday, January 17, 2012, from 1:00 to 3:00 p.m. in the Fishbowl Conference Room on the 3rd floor of MTC's office.

Attendance is not required, but is encouraged. Beyond the workshops, MTC staff is available to provide technical assistances throughout the application process.

13. **APPLICATION EVALUATION.** Following an initial eligibility screening by MTC staff, eligible projects will be evaluated by a panel consisting of Bay Area representatives of low-income population interests and MTC staff. Applications will be evaluated on the following criteria:

Project Need, Stated Goals, and Benefits	(maximum 40 points)
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Effectiveness at improving access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals

Extent to which project provides additional benefits

Extent to which project advances the development and implementation of coordinated transportation services

Extent to which the project could serve as a model for other parts of the region

Coordination, Partnership, and Outreach	(maximum 30 points)
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Extent of coordination with other affected transportation systems, providers, and services, and with related social service programs. (Note: non-transit operators are strongly encouraged to coordinate with transit operators in their service area; transit operators are strongly encouraged to coordinate with non-profit organizations and human service agencies that serve low-income persons.)

Extent of community support

Thoroughness of plan for marketing the project to beneficiaries

Project Readiness and Implementation Plan	(maximum 30 points)
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Reasonableness and completeness of funding plan

Project sustainability beyond the grant period

Thoroughness of implementation plan and reasonableness of project schedule

Ability to use JARC funds to leverage additional resources

Sponsor's experience in managing services for welfare recipients and/or low-income individuals

How project fits into a larger program with well-defined goals and objectives

Sponsor's institutional capacity to manage the project

Sponsor's history of managing federal transportation funds

14. TIMELINE. The anticipated timeline for this call for projects is as follows:

Release Call for Projects	End of December 2011
Outreach	December 2011 / January 2012
Applicant Workshop	January 17, 2012 1:00 p.m. to 3:00 p.m.
Project Applications Due to MTC	February 24, 2012 at 4:00 p.m.
Project Selection	March 2012
Present update to Policy Advisory Council Equity & Access Subcommittee	March and/or April 2012
Present Recommended Project(s) to Transit Finance Working Group	April 4, 2012
Present Recommended Project(s) to Programming and Allocations Committee	April 11, 2012
Present Recommended Program to Commission	April 25, 2012
Federal TIP approval	Anticipated May 4, 2012
FTA grant submittal	May 2012
Project sponsors enter into funding agreements with MTC (if applicable)	Summer/Fall 2012
Projects begin	Summer/Fall 2012

Following project selection, MTC will enter the approved project(s) into MTC's FTA grant, planned to be submitted in spring 2012. Subsequent to FTA approval of the grant, MTC will enter into funding agreements with project sponsors. Project sponsors who are FTA grantees will act as direct recipients of funds, and will submit grant applications to FTA directly. MTC reserves the right to reprogram funds if direct recipients fail to obligate the funds through grant submittal and FTA approval by June 30, 2012.

15. COMPLIANCE WITH FEDERAL REQUIREMENTS. Applicants should be prepared to abide by all applicable federal requirements as specified in 49 U.S.C. Section 5316, FTA Circulars C 9050.1 and 4702.1A, the most current FTA Master Agreement MA(13), and the most current Certifications and Assurances for FTA Assistance Programs.

MTC includes language regarding these federal requirements in its funding agreements with subrecipients and requires each subrecipient to execute a certification of compliance with the relevant federal requirements. Subrecipient certifications are required of the subrecipient prior to the execution of a contract by MTC and annually thereafter when FTA publishes the annual list of certifications and assurances.

Direct recipients are responsible for adhering to FTA requirements through their agreements and grants with FTA directly.

16. **REPORTING REQUIREMENTS.** Subrecipients to MTC will be required to submit quarterly reports to MTC on the following:

- a. Budget or schedule changes, if any
- b. Progress toward meeting milestones
- c. Quantitative or qualitative information, as available, on the following measures:
 - (a) Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of the project for the reporting period.
 - (b) Actual or estimated number of rides (as measured by one-way trips) provided as a result of the project for the reporting period.
- d. Financial status report
- e. Disadvantaged Business Enterprise (DBE) participation as applicable.

Direct recipients of JARC funds with active grants will be required to submit quarterly reports to FTA on the progress of their projects.

Detailed quarterly reporting requirements will be included in the funding agreement (if sponsor is a subrecipient to MTC) or in the FTA grant (if sponsor is a direct grantee with FTA).

Both direct recipients and subrecipients of JARC funds will be required to participate in FTA's annual JARC and New Freedom reporting, in which performance measures will be collected.

17. **TITLE VI.** In connection with MTC's Title VI monitoring obligations, as outlined in FTA Circular 4702.1A (Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients) and in MTC's JARC and New Freedom Program Management Plan (http://www.mtc.ca.gov/funding/JARC-New_Freedom/JARC-NF_PMP.htm), applicants will be required to provide the following information in the grant application:

- a. The organization's policy regarding Civil Rights (based on Title VI of the Civil Rights Act) and for ensuring that benefits of the project are distributed equitably among low-income and minority population groups in the project's service area.
- b. Information on whether the project will provide assistance to predominantly minority and low-income populations. (Projects are classified as providing service to predominantly minority and low-income populations if the proportion of minority and low-income people in the project's service area exceeds the regional average minority and low-income population.)

In order to document that JARC funds are passed through without regard to race, color or national origin, and to document that minority populations are not being denied the benefits of or excluded from participation in the FY2011-12 Job Access and Reverse Commute-

Funded Mobility Management Program, MTC will keep a record of applications submitted for funding. MTC's records will identify those applicants that would use grant program funds to provide assistance to predominantly minority and low-income populations and indicate whether those applicants were accepted or rejected for funding.

MTC requires that all JARC subrecipients submit all appropriate FTA certifications and assurances to MTC prior to funding agreement execution and annually thereafter when FTA publishes the annual list of certifications and assurances. MTC will not execute any funding agreements prior to having received these items from the selected subrecipients. MTC, within its administration, planning, and technical assistance capacity, also will comply with all appropriate certifications and assurances for FTA assistance programs and will submit this information to the FTA as required.

The certifications and assurances pertaining to civil rights include:

1. Nondiscrimination Assurances in Accordance with the Civil Rights Act
2. Documentation Pertaining to Civil Rights Lawsuits and Complaints

Nondiscrimination assurances included above involve the prohibition of discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibit discrimination in employment or business opportunity, as specified by 49 U.S.C. 5332 (otherwise known as Title VI of the Civil Rights Act of 1964), as amended (42 U.S.C. 2000d et seq.) and U.S. DOT regulations, *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act*, 49 C.F.R. Part 21. By complying with the Civil Rights Act, no person, on the basis of race, color, national origin, creed, sex, or age, will be excluded from participation in or be denied the benefits of any program for which the subrecipient receives federal funding via MTC.

As a condition of receiving JARC program funds, subrecipients must comply with the requirements of the US Department of Transportation's Title VI regulations. The purpose of Title VI is to ensure that no person in the United States shall, on the ground 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. Subrecipients are also responsible for ensuring compliance of each third party contractor at any tier of the project.

Subrecipients must develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures developed by MTC.

Subrecipients must prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date, summary of allegations, current status, and actions taken by the subrecipient in response to the investigation, lawsuit, or complaint.

Subrecipients must provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Subrecipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's Web site.

All successful subrecipients must submit compliance reports to MTC. The following contents will be required with the submission of the standard agreement and annually thereafter with the submission of the annual FTA certifications and assurances:

1. A summary of public outreach and involvement activities undertaken and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
2. A copy of the subrecipient's plan for providing language assistance for persons with limited English proficiency (LEP) that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance.
3. A copy of the subrecipient procedures for tracking and investigating Title VI complaints.
4. A list of any Title VI investigations, complaints, or lawsuits filed with the subrecipient. This list should include only those investigations, complaints, or lawsuits that pertain to the subrecipient submitting the report, not necessarily the larger agency or department of which the entity is a part.
5. A copy of the subrecipient's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.

The first compliance report, submitted with the standard agreement, must contain all of the contents listed above. If, prior to the deadline for subsequent compliance reports, the subrecipient has not altered items 2, 3 and 5 above (its language assistance policies, procedures for tracking and investigating a Title VI complaint, or its notice to the public that it complies with Title VI and instructions to the public on how to file a Title VI complaint), the subrecipient should submit a statement to this effect in lieu of copies of the original documents. The annual compliance report should include an update on items 1 and 4.