Metro

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
3rd Floor Board Room

Metro

Agenda - Final

Thursday, October 17, 2019

11:30 AM

One Gateway Plaza, Los Angeles, CA 90012,
3rd Floor, Metro Board Room

Executive Management Committee

James Butts, Chair
Eric Garcetti, Vice Chair
John Fasana
Paul Krekorian
Sheila Kuehl
Hilda Solis
John Bulinski, non-voting member

Phillip A. Washington, Chief Executive Officer

METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES
(ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for one (1) minute per item, or at the discretion of the Chair. A request to address the Board must be submitted electronically using the tablets available in the Board Room lobby. Individuals requesting to speak will be allowed to speak for a total of three (3) minutes per meeting on agenda items in one minute increments per item. For individuals requiring translation service, time allowed will be doubled. The Board shall reserve the right to limit redundant or repetitive comment.

The public may also address the Board on non agenda items within the subject matter jurisdiction of the Board during the public comment period, which will be held at the beginning and/or end of each meeting. Each person will be allowed to speak for one (1) minute during this Public Comment period or at the discretion of the Chair. Speakers will be called according to the order in which their requests are submitted. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

Notwithstanding the foregoing, and in accordance with the Brown Act, this agenda does not provide an opportunity for members of the public to address the Board on any Consent Calendar agenda item that has already been considered by a Committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the Committee on the item, before or during the Committee's consideration of the item, and which has not been substantially changed since the Committee heard the item.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

CONDUCT IN THE BOARD ROOM - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

REMOVAL FROM THE BOARD ROOM The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

a. Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
c. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
d. Any other unlawful interference with the due and orderly course of said meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet. Every meeting of the MTA Board of Directors is recorded and is available at www.metro.net or on CD's and as MP3's for a nominal charge.

DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than $250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars ($10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

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LIMITED ENGLISH PROFICIENCY

A Spanish language interpreter is available at all Committee and Board Meetings. All other languages must be requested 72 hours in advance of the meeting by calling (213) 922-4600 or (323) 466-3876.

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Tiếng Việt	ภาษาเขมร

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Internet Access to Agendas - www.metro.net
TDD line (800) 252-9040

NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA

CALL TO ORDER

ROLL CALL

31. SUBJECT: MONTHLY UPDATE ON TRANSIT SAFETY AND SECURITY PERFORMANCE 2019-0719

RECOMMENDATION

RECEIVE AND FILE Transit Safety and Security Report.

Attachments: Attachment A - System-Wide Law Enforcement Overview August 2019
Attachment B - MTA Supporting Data August 2019
Attachment C - Key Performance Indicators August 2019
Attachment D - Transit Police Summary August 2019

(ALSO ON OPERATIONS, SAFTEY AND CUSTOMER EXPERIENCE COMMITTEE)

42. SUBJECT: STATE AND FEDERAL REPORT 2019-0721

RECOMMENDATION

RECEIVE AND FILE State and Federal Legislative Report.

43. SUBJECT: TRANSPORTATION BUSINESS ADVISORY COUNCIL (TBAC) UPDATE 2019-0720

RECOMMENDATION

RECEIVE quarterly Transportation Business Advisory Council (TBAC) update.

44. SUBJECT: CHIEF COMMUNICATIONS OFFICER QUARTERLY REPORT 2019-0670

RECOMMENDATION

RECEIVE Chief Communications Officer quarterly oral report.

Attachments: Attachment A - Communications Quarterly Report

45. SUBJECT: TITLE VI PROGRAM UPDATE 2019-0599

RECOMMENDATION

ADOPT the Title VI Program Update presented in Attachments A and B.

Attachments: Attachment A - 2019 Draft Title VI Program Update
Attachment B - Appendix Section 2019 Title VI Program Update
Attachment C - FTA Circular 4702.1B

46. SUBJECT: OUTSIDE PRINTING SERVICES BENCH 2019-0607

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

A. AWARD five-year, task order-based, bench Contract Nos. PS63216000 and PS63216001 to the following firms, to provide outside printing services, for an aggregate not-to-exceed amount of $2,500,000, effective November 1, 2019, subject to resolution of protest(s), if any;
   1. PS63216000 Fusion Media
   2. PS63216001 Pacific Graphics; and

B. EXECUTE individual task orders under these Contracts for outside printing services for an aggregate not-to-exceed amount of $2,500,000.

Attachments: Attachment A - Procurement Summary
Attachment B - DEOD Summary

47. SUBJECT: POLICY FOR SOFTWARE AND HARDWARE LICENSE AND MAINTENANCE AGREEMENTS 2019-0726

RECOMMENDATION

DELEGATE to the Chief Executive Officer the authority to approve all multi-year renewals of software and hardware license and maintenance agreements.

50. SUBJECT: ROSA PARKS CUSTOMER CENTER DEDICATION 2019-0776

RECOMMENDATION

DEDICATE the new Metro Customer Center at the Willowbrook/Rosa Parks Station in honor of Rosa Louise Parks, a civil rights activist.

Attachments: Attachment A - Draft Signage
Attachment B - Draft Plaque

SUBJECT: GENERAL PUBLIC COMMENT 2019-0765

RECEIVE General Public Comment

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

Adjournment

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2019-0719, **File Type:** Informational Report **Agenda Number:**

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE
EXECUTIVE MANAGEMENT COMMITTEE
OCTOBER 17, 2019

SUBJECT: MONTHLY UPDATE ON TRANSIT SAFETY AND SECURITY PERFORMANCE

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE Transit Safety and Security Report.

ISSUE

This report reflects August 2019 performance data as reported under the transit policing deployment strategy which is a combination of in-house fare compliance officers, private security for fixed assets and a multi-agency law enforcement deployment strategy by the Los Angeles Police Department (LAPD), Los Angeles County Sheriff's Department (LASD), and Long Beach Police Department (LBPD). The information in this report summarizes Crimes Against Persons, Crimes Against Property, and Crimes Against Society data under Uniform Crime Reporting (UCR) Program, average emergency response times, assaults on bus operators, and Metro's fare compliance and homeless outreach efforts. The Six Key Performance Indicators (KPI) are Uniform Crime Reporting guidelines, Average Emergency Response Times, Percentage of Time Spent on the System, Ratio of Staffing Levels vs Vacant Assignments, Ratio of Proactive vs Dispatched Activity, and Number of Grade Crossing Operations.

BACKGROUND

UCR is a National Incident-Based Reporting System from the US Department of Justice. It captures crime offenses in one of three categories: Crimes Against Persons,
Crimes Against Property, and Crimes Against Society.

DISCUSSION

Crime stats are as follows:

Crimes Against Persons

For the month of August 2019, crimes against persons decreased by 20 crimes system-wide compared to the same period last year.

Crimes Against Property
For the month of August 2019, crimes against property decreased by 2 crimes system-wide compared to the same period last year.

Crimes Against Society
For the month of August 2019, crimes against society increased by 9 crimes system-wide compared to the same period last year.

Bus Operator Assaults
There were 2 bus operator assaults reported in August, which is 6 fewer compared to the same period last year.

Average Emergency Response Times:
Emergency response times averaged 5.52 minutes for the month of August.

Physical Security Improvements:
The Systems Security and Law Enforcement division continues to provide a secure and safe environment for our patrons and employees. The New Blue Line North construction started on June 1st, and an effective policing plan for the bus-only lanes in Los Angeles was developed. We worked closely with the LAPD, LA Sheriff and Metro to provide coverage for the bus-only lanes and the heavily-trafficked area South of Olympic Blvd.

The New Blue Line North construction team was confronted with multiple thefts of copper wire along the tracks during August. Metro Construction and Security teamed up to deploy law enforcement, contract security and Metro personnel along the Blue Line to thwart the thefts, which would have affected the opening date of the New Blue Line if they continued.

We deployed the Thruvision explosive detection device on August 6th. We worked closely with the Los Angeles Police Department and Metro Security to develop a concept of the operation for the deployment.

We continue to improve our new Transit Watch application, and we hope to have the prototype ready this winter.

The Red Line ancillary area surge continues, and we are making progress with securing our underground rail stations.

Emergency Management: August 2019
The Office of Emergency Management has the responsibility of comprehensively planning for, responding to and recovering from large-scale emergencies and disasters that impact Los Angeles County Metropolitan Transportation Authority and our stakeholders.

Training & Exercise:

- **August 16, 2019 - Gold Line Police Response Instructional Video:** Developed training video for new Metro staff and law enforcement entities whom functions relate to responding to

an incident. A secondary learning tool demonstrating visual actions required by Metro Rail Operations and LAPD in coordination and communication in response to a criminal light rail incident.

- **August 30, 2019 - First Responder Rail Safety 15 min Video.** Updated the 2001 rail safety video with inclusion of new rail systems, emergency equipment, and updated procedures to ensure the safety of law enforcement and fire department personnel during incident response to Metro Rail Systems.

Outreach & Preparedness

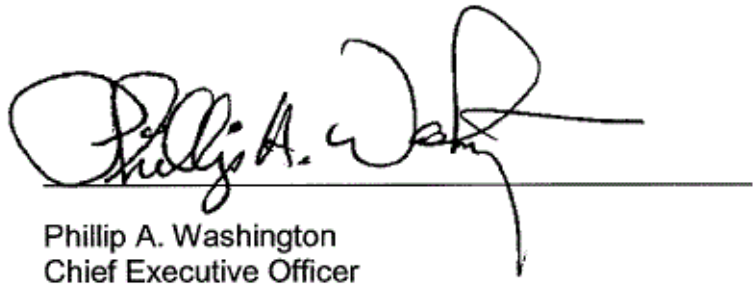
- Preparing to observe National Preparedness Month, September 2019. This September will be the first annual observance of National Preparedness Month at LA Metro. Activities will promote emergency preparedness to employees and Metro Riders.

ATTACHMENTS

Attachment A - System-Wide Law Enforcement Overview August 2019
Attachment B - MTA Supporting Data August 2019
Attachment C - Key Performance Indicators August 2019
Attachment D - Transit Police Summary August 2019

Prepared by: Aston T. Greene, Interim Chief, System Security and Law Enforcement, (213) 922-2599

Reviewed by: Phillip A. Washington, Chief Executive Officer, (213) 922-7555



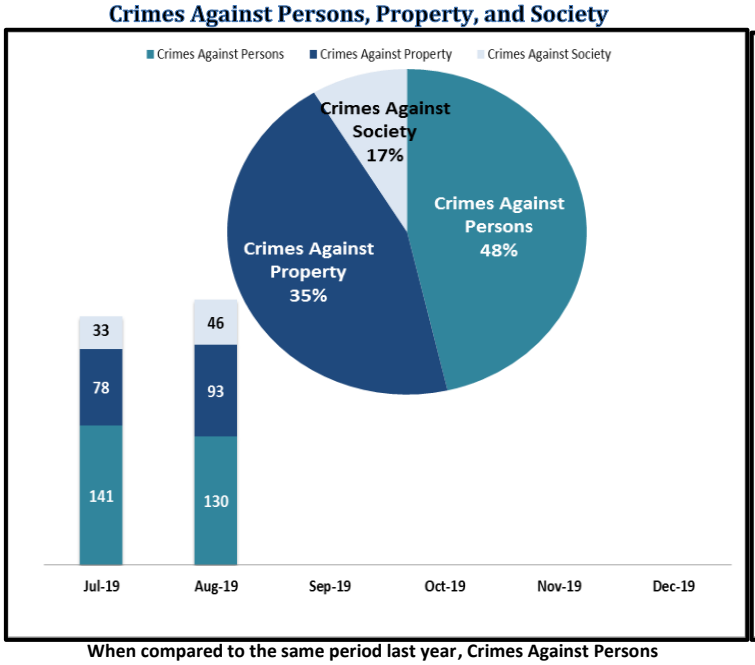
Phillip A. Washington
Chief Executive Officer

SYSTEM-WIDE LAW ENFORCEMENT OVERVIEW

AUGUST 2019

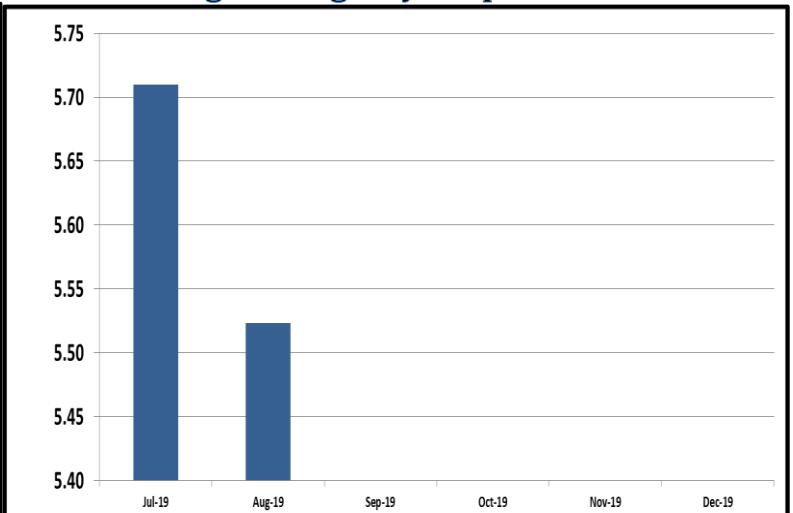
Attachment A

Crimes Against Persons, Property, and Society



When compared to the same period last year, Crimes Against Persons decreased by 20 crimes, Crimes Against Property decreased by 2 crimes, and Crimes Against Society increased by 9 crimes.

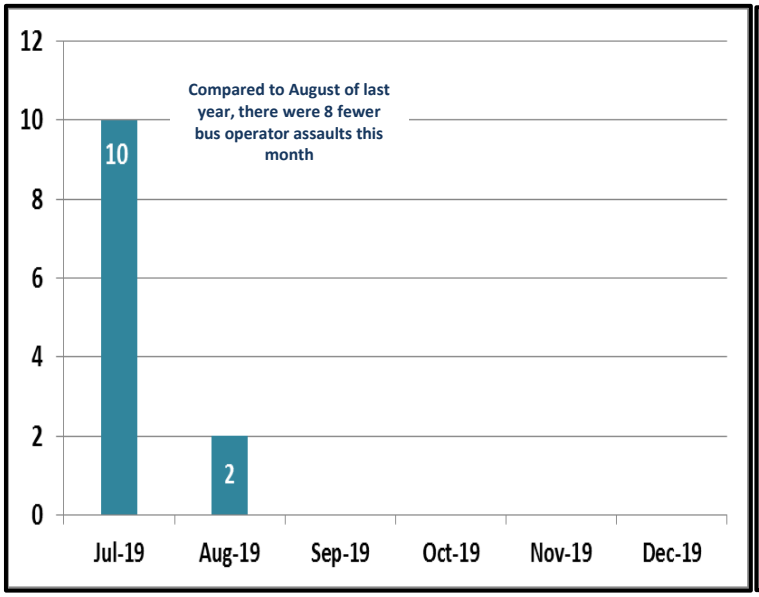
Average Emergency Response Times



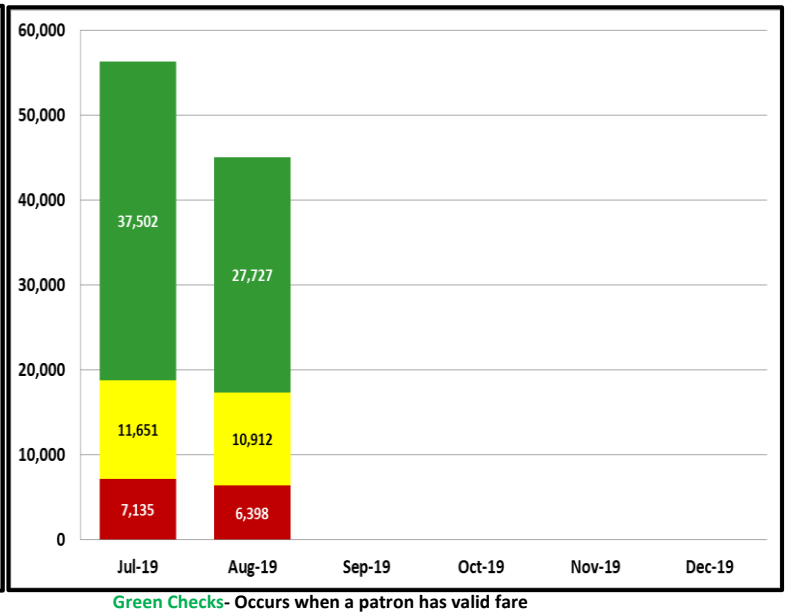
	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
Emergency	5.71	5.52				

Average emergency response time was 5.71 mins.

Bus Operator Assaults



Fare Compliance



Green Checks- Occurs when a patron has valid fare

Yellow Checks- Occurs when a patron has valid fare, but did not tap at transfer station

Red Checks- Occurs when a patron has invalid fare

BLUE LINE

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME				
CRIMES AGAINST PERSONS	**LAPD**	**LASD**	**LBPD**	**FYTD**
Homicide	0	0	0	0
Rape	0	0	0	0
Robbery	0	2	1	7
Aggravated Assault	0	2	0	3
Aggravated Assault on Operator	0	0	0	0
Battery	0	2	1	8
Battery Rail Operator	0	0	0	0
Sex Offenses	0	1	0	1
SUB-TOTAL	**0**	**7**	**2**	**19**
CRIMES AGAINST PROPERTY	**LAPD**	**LASD**	**LBPD**	**FYTD**
Burglary	0	0	0	0
Larceny	0	2	1	3
Bike Theft	0	0	0	0
Motor Vehicle Theft	0	0	0	1
Arson	0	0	0	0
Vandalism	0	0	0	3
Other	0	0	0	0
SUB-TOTAL	**0**	**2**	**1**	**7**
CRIMES AGAINST SOCIETY	**LAPD**	**LASD**	**LBPD**	**FYTD**
Weapons	0	2	1	6
Narcotics	0	10	0	12
Trespassing	0	4	0	4
SUB-TOTAL	**0**	**16**	**1**	**22**
TOTAL	**0**	**25**	**4**	**48**

CRIMES PER STATION				
STATION	**CRIMES AGAINST PERSONS**	**CRIMES AGAINST PROPERTY**	**CRIMES AGAINST SOCIETY**	**FYTD**
7th St/Metro Ctr	0	0	0	1
Pico	0	0	0	0
Grand/LATTC	0	0	0	0
San Pedro St	0	0	0	0
Washington	0	0	0	0
Vernon	0	0	0	0
Slauson	0	0	2	5
Florence	0	1	4	5
Firestone	0	0	0	1
103rd St/Watts Towers	0	0	0	0
Willowbrook/Rosa Parks	3	1	2	12
Compton	4	0	5	12
Artesia	0	0	3	5
Del Amo	0	0	0	1
Wardlow	0	0	0	0
Willow St	0	0	0	0
PCH	1	0	1	4
Anaheim St	1	0	0	1
5th St	0	1	0	1
1st St	0	0	0	0
Downtown Long Beach	0	0	0	0
Pacific Av	0	0	0	0
Blue Line Rail Yard	0	0	0	0
Total	**9**	**3**	**17**	**48**

ARRESTS				
AGENCY	**LAPD**	**LASD**	**LBPD**	**FYTD**
Felony	3	14	9	69
Misdemeanor	8	49	35	172
TOTAL	**11**	**63**	**44**	**241**

CITATIONS				
AGENCY	**LAPD**	**LASD**	**LBPD**	**FYTD**
Other Citations	1,302	63	37	2,955
Vehicle Code Citations	900	5	125	2,095
TOTAL	**2,202**	**68**	**162**	**5,050**

CALLS FOR SERVICE				
AGENCY	**LAPD**	**LASD**	**LBPD**	**FYTD**
Routine	3	68	8	155
Priority	11	51	44	200
Emergency	3	7	16	53
TOTAL	**17**	**126**	**68**	**408**

DISPATCHED VS. PROACTIVE			
AGENCY	**LAPD**	**LASD**	**LBPD**
Dispatched	18%	3%	4%
Proactive	82%	97%	96%
TOTAL	**100%**	**100%**	**100%**

PERCENTAGE OF TIME ON THE RAIL SYSTEM	
Blue Line-LAPD	89%
Blue Line-LASD	65%
Blue Line-LBPD	70%

GRADE CROSSING OPERATIONS				
LOCATION	**LAPD**	**LASD**	**LBPD**	**FYTD**
Washington St	13	0	0	13
Flower St	5	0	0	5
103rd St	1	0	0	1
Wardlow Rd	0	0	3	3
Pacific Ave.	0	0	0	0
Willowbrook	0	33	0	33
Slauson	0	6	0	6
Firestone	0	5	0	5
Florence	0	13	0	13
Compton	0	37	0	37
Artesia	0	5	0	5
Del Amo	0	1	0	1
Long Beach Blvd	0	0	0	0
TOTAL	**19**	**100**	**3**	**122**

LEGEND
Los Angeles Police Department
Los Angeles County Sheriff's Department
Long Beach Police Department

GREEN LINE

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME			
CRIMES AGAINST PERSONS	**LAPD**	**LASD**	**FYTD**
Homicide	0	0	0
Rape	0	2	2
Robbery	0	1	8
Aggravated Assault	0	2	3
Aggravated Assault on Operator	0	0	0
Battery	0	4	10
Battery Rail Operator	0	0	0
Sex Offenses	0	0	1
SUB-TOTAL	**0**	**9**	**24**
CRIMES AGAINST PROPERTY	**LAPD**	**LASD**	**FYTD**
Burglary	0	0	0
Larceny	1	0	5
Bike Theft	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Vandalism	0	1	2
SUB-TOTAL	**1**	**1**	**7**
CRIMES AGAINST SOCIETY	**LAPD**	**LASD**	**FYTD**
Weapons	0	2	3
Narcotics	0	2	8
Trespassing	0	0	0
SUB-TOTAL	**0**	**4**	**11**
TOTAL	**1**	**14**	**42**

ARRESTS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Felony	1	6	14
Misdemeanor	0	33	79
TOTAL	**1**	**39**	**93**

CITATIONS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Other Citations	10	42	112
Vehicle Code Citations	19	14	40
TOTAL	**29**	**56**	**152**

CALLS FOR SERVICE			
AGENCY	**LAPD**	**LASD**	**FYTD**
Routine	1	103	201
Priority	10	75	171
Emergency	1	14	25
TOTAL	**12**	**192**	**397**

DISPATCHED VS. PROACTIVE		
AGENCY	**LAPD**	**LASD**
Dispatched	16%	5%
Proactive	84%	95%
TOTAL	**100%**	**100%**

CRIMES PER STATION				
STATION	**CRIMES AGAINST PERSONS**	**CRIMES AGAINST PROPERTY**	**CRIMES AGAINST SOCIETY**	**FYTD**
Redondo Beach	0	0	1	2
Douglas	0	0	0	0
El Segundo	1	0	0	1
Mariposa	0	0	0	0
Aviation/LAX	0	0	0	0
Hawthorne/Lennox	0	0	0	0
Crenshaw	0	0	0	2
Vermont/Athens	3	0	0	4
Harbor Fwy	0	0	0	0
Avalon	0	1	0	3
Willowbrook/Rosa Parks	1	0	2	14
Long Beach Bl	0	1	0	6
Lakewood Bl	0	0	1	4
Norwalk	4	0	0	6
Total	**9**	**2**	**4**	**42**

PERCENTAGE OF TIME SPENT ON THE RAIL SYSTEM	
Green Line-LAPD	90%
Green Line-LASD	85%

LEGEND
Los Angeles Police Department
Los Angeles County Sheriff's Department

EXPO LINE

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME			
CRIMES AGAINST PERSONS	**LAPD**	**LASD**	**FYTD**
Homicide	0	0	0
Rape	0	0	0
Robbery	2	0	2
Aggravated Assault	1	0	4
Aggravated Assault on Operator	0	0	0
Battery	4	0	7
Battery Rail Operator	0	0	0
Sex Offenses	0	0	2
SUB-TOTAL	**7**	**0**	**15**
CRIMES AGAINST PROPERTY	**LAPD**	**LASD**	**FYTD**
Burglary	0	0	0
Larceny	8	1	20
Bike Theft	1	0	7
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Vandalism	0	1	1
SUB-TOTAL	**9**	**2**	**28**
CRIMES AGAINST SOCIETY	**LAPD**	**LASD**	**FYTD**
Weapons	0	0	1
Narcotics	0	0	0
Trespassing	0	0	1
SUB-TOTAL	**0**	**0**	**2**
TOTAL	**16**	**2**	**45**

ARRESTS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Felony	1	0	3
Misdemeanor	10	1	14
TOTAL	**11**	**1**	**17**

CITATIONS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Other Citations	27	2	33
Vehicle Code Citations	16	1	17
TOTAL	**43**	**3**	**50**

CALLS FOR SERVICE			
AGENCY	**LAPD**	**LASD**	**FYTD**
Routine	1	48	92
Priority	45	38	154
Emergency	7	3	17
TOTAL	**53**	**89**	**263**

DISPATCHED VS. PROACTIVE		
AGENCY	**LAPD**	**LASD**
Dispatched	20%	9%
Proactive	80%	91%
TOTAL	**100%**	**100%**

CRIMES PER STATION				
STATION	**CRIMES AGAINST PERSONS**	**CRIMES AGAINST PROPERTY**	**CRIMES AGAINST SOCIETY**	**FYTD**
7th St/Metro Ctr	0	1	0	1
Pico	0	0	0	0
LATTC/Ortho Institute	1	0	0	7
Jefferson/USC	0	0	0	2
Expo Park/USC	0	0	0	1
Expo/Vermont	1	1	0	3
Expo/Western	1	1	1	5
Expo/Crenshaw	1	0	0	2
Farmdale	1	2	0	4
Expo/La Brea	0	0	0	2
La Cienega/Jefferson	0	1	0	1
Culver City	0	0	1	2
Palms	0	0	0	0
Westwood/Rancho Park	0	0	0	0
Expo/Sepulveda	0	1	0	4
Expo/Bundy	1	2	0	7
26th St/Bergamot	0	0	0	1
17th St/SMC	0	0	0	0
Downtown Santa Monica	1	0	0	3
Expo Line Rail Yard	0	0	0	0
Total	**7**	**9**	**2**	**45**

PERCENTAGE OF TIME SPENT ON THE RAIL SYSTEM	
Expo Line-LAPD	89%
Expo Line-LASD	91%

GRADE CROSSING OPERATIONS			
LOCATION	**LAPD**	**LASD**	**FYTD**
Exposition Blvd	151	0	151
Santa Monica	0	54	54
Culver City	0	1	1
TOTAL	**151**	**55**	**206**

LEGEND
Los Angeles Police Department
Los Angeles County Sheriff's Department

RED LINE

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME		
CRIMES AGAINST PERSONS	**LAPD**	**FYTD**
Homicide	0	0
Rape	0	0
Robbery	5	8
Aggravated Assault	7	14
Aggravated Assault on Operator	0	0
Battery	21	38
Battery Rail Operator	0	0
Sex Offenses	1	4
SUB-TOTAL	**34**	**64**
CRIMES AGAINST PROPERTY	**LAPD**	**FYTD**
Burglary	0	0
Larceny	18	24
Bike Theft	1	3
Motor Vehicle Theft	0	0
Arson	0	0
Vandalism	2	3
SUB-TOTAL	**21**	**30**
CRIMES AGAINST SOCIETY	**LAPD**	**FYTD**
Weapons	0	0
Narcotics	0	0
Trespassing	3	5
SUB-TOTAL	**3**	**5**
TOTAL	**58**	**99**

ARRESTS		
AGENCY	**LAPD**	**FYTD**
Felony	32	72
Misdemeanor	106	201
TOTAL	**138**	**273**

CITATIONS		
AGENCY	**LAPD**	**FYTD**
Other Citations	549	1,344
Vehicle Code Citations	209	431
TOTAL	**758**	**1,775**

CALLS FOR SERVICE		
AGENCY	**LAPD**	**FYTD**
Routine	3	6
Priority	74	167
Emergency	7	15
TOTAL	**84**	**188**

DISPATCHED VS. PROACTIVE	
AGENCY	**LAPD**
Dispatched	23%
Proactive	77%
TOTAL	**100%**

CRIMES PER STATION				
STATION	**CRIMES AGAINST PERSONS**	**CRIMES AGAINST PROPERTY**	**CRIMES AGAINST SOCIETY**	**FYTD**
Union Station	4	5	2	16
Civic Center/Grand Park	0	0	0	0
Pershing Square	4	4	0	12
7th St/Metro Ctr	5	1	0	9
Westlake/MacArthur Park	6	2	0	13
Wilshire/Vermont	2	2	0	9
Wilshire/Normandie	0	0	0	0
Vermont/Beverly	3	0	0	8
Wilshire/Western	1	0	0	2
Vermont/Santa Monica	0	1	1	5
Vermont/Sunset	1	0	0	1
Hollywood/Western	3	0	0	4
Hollywood/Vine	1	1	0	2
Hollywood/Highland	0	1	0	4
Universal City/Studio City	2	0	0	3
North Hollywood	2	4	0	11
Red Line Rail Yard	0	0	0	0
Total	**34**	**21**	**3**	**99**

PERCENTAGE OF TIME SPENT ON THE RAIL SYSTEM	
Red Line- LAPD	84%

LEGEND
Los Angeles Police Department

GOLD LINE

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME			
CRIMES AGAINST PERSONS	**LAPD**	**LASD**	**FYTD**
Homicide	0	0	0
Rape	0	0	0
Robbery	1	1	4
Aggravated Assault	1	0	2
Aggravated Assault on Operator	0	0	0
Battery	2	2	4
Battery Rail Operator	0	0	0
Sex Offenses	0	1	1
SUB-TOTAL	**4**	**4**	**11**
CRIMES AGAINST PROPERTY	**LAPD**	**LASD**	**FYTD**
Burglary	0	0	0
Larceny	3	3	11
Bike Theft	0	2	3
Motor Vehicle Theft	0	0	1
Arson	0	0	0
Vandalism	1	4	7
SUB-TOTAL	**4**	**9**	**22**
CRIMES AGAINST SOCIETY	**LAPD**	**LASD**	**FYTD**
Weapons	0	1	1
Narcotics	0	1	3
Trespassing	0	0	0
SUB-TOTAL	**0**	**2**	**4**
TOTAL	**8**	**15**	**37**

ARRESTS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Felony	1	6	9
Misdemeanor	4	22	51
TOTAL	**5**	**28**	**60**

CITATIONS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Other Citations	33	30	143
Vehicle Code Citations	9	2	39
TOTAL	**42**	**32**	**182**

CALLS FOR SERVICE			
AGENCY	**LAPD**	**LASD**	**FYTD**
Routine	1	73	150
Priority	47	107	297
Emergency	1	15	33
TOTAL	**49**	**195**	**480**

DISPATCHED VS. PROACTIVE		
AGENCY	**LAPD**	**LASD**
Dispatched	21%	3%
Proactive	79%	97%
TOTAL	**100%**	**100%**

CRIMES PER STATION				
STATION	**CRIMES AGAINST PERSONS**	**CRIMES AGAINST PROPERTY**	**CRIMES AGAINST SOCIETY**	**FYTD**
APU/Citrus College	1	0	0	2
Azusa Downtown	0	1	0	1
Irwindale	0	1	0	3
Duarte/City of Hope	0	2	0	5
Monrovia	0	2	0	2
Arcadia	0	0	0	0
Sierra Madre Villa	1	0	0	2
Allen	0	1	0	1
Lake	0	1	1	2
Memorial Park	0	1	0	2
Del Mar	1	0	0	1
Fillmore	0	0	1	1
South Pasadena	0	0	0	1
Highland Park	0	1	0	2
Southwest Museum	0	0	0	1
Heritage Square	0	0	0	0
Lincoln/Cypress	0	0	0	0
Chinatown	1	0	0	1
Union Station	0	1	0	2
Little Tokyo/Arts Dist	1	1	0	2
Pico/Aliso	1	0	0	1
Mariachi Plaza	0	0	0	0
Soto	1	1	0	3
Indiana (both LAPD & LASD)	0	0	0	1
Maravilla	0	0	0	0
East LA Civic Ctr	0	0	0	0
Atlantic	1	0	0	1
Total	**8**	**13**	**2**	**37**

PERCENTAGE OF TIME SPENT ON THE RAIL SYSTEM	
Gold Line-LAPD	89%
Gold Line-LASD	72%

GRADE CROSSING OPERATIONS			
LOCATION	**LAPD**	**LASD**	**FYTD**
Marmion Way	107	0	107
Arcadia Station	0	10	10
Irwindale	0	2	2
Monrovia	0	11	11
City of Pasadena	0	9	9
Magnolia Ave	0	0	0
Duarte Station	0	2	2
City Of Azusa	0	13	13
South Pasadena	0	18	18
City Of East LA	0	6	6
Figueroa St	52	0	52
TOTAL GOAL= 10	**159**	**71**	**230**

LEGEND
Los Angeles Police Department
Los Angeles County Sheriff's Department

ORANGE LINE

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME		
CRIMES AGAINST PERSONS	**LAPD**	**FYTD**
Homicide	0	1
Rape	0	0
Robbery	1	1
Aggravated Assault	1	1
Aggravated Assault on Operator	0	0
Battery	3	5
Battery Bus Operator	0	0
Sex Offenses	0	0
SUB-TOTAL	**5**	**8**
CRIMES AGAINST PROPERTY	**LAPD**	**FYTD**
Burglary	0	0
Larceny	1	2
Bike Theft	0	1
Motor Vehicle Theft	0	0
Arson	0	0
Vandalism	0	0
SUB-TOTAL	**1**	**3**
CRIMES AGAINST SOCIETY	**LAPD**	**FYTD**
Weapons	0	0
Narcotics	0	0
Trespassing	0	0
SUB-TOTAL	**0**	**0**
TOTAL	**6**	**11**

ARRESTS		
AGENCY	**LAPD**	**FYTD**
Felony	0	3
Misdemeanor	8	11
TOTAL	**8**	**14**

CITATIONS		
AGENCY	**LAPD**	**FYTD**
Other Citations	246	374
Vehicle Code Citations	237	378
TOTAL	**483**	**752**

CALLS FOR SERVICE		
AGENCY	**LAPD**	**FYTD**
Routine	0	0
Priority	24	31
Emergency	1	2
TOTAL	**25**	**33**

DISPATCHED VS. PROACTIVE	
AGENCY	**LAPD**
Dispatched	18%
Proactive	82%
TOTAL	**100%**

CRIMES PER STATION				
STATION	**CRIMES AGAINST PERSONS**	**CRIMES AGAINST PROPERTY**	**CRIMES AGAINST SOCIETY**	**FYTD**
North Hollywood	2	0	0	3
Laurel Canyon	0	0	0	0
Valley College	0	0	0	0
Woodman	0	0	0	0
Van Nuys	0	1	0	1
Sepulveda	0	0	0	0
Woodley	0	0	0	1
Balboa	0	0	0	1
Reseda	0	0	0	0
Tampa	0	0	0	0
Pierce College	0	0	0	0
De Soto	0	0	0	0
Canoga	1	0	0	1
Warner Center	0	0	0	0
Sherman Way	0	0	0	0
Roscoe	1	0	0	1
Nordhoff	0	0	0	2
Chatsworth	1	0	0	1
Total	**5**	**1**	**0**	**11**

PERCENTAGE OF TIME SPENT ON THE BUS SYSTEM	
Orange Line- LAPD	89%

LEGEND
Los Angeles Police Department

SILVER LINE

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME			
CRIMES AGAINST PERSONS	**LAPD**	**LASD**	**FYTD**
Homicide	0	0	0
Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Aggravated Assault on Operator	0	0	0
Battery	1	0	1
Battery Bus Operator	0	0	0
Sex Offenses	0	0	0
SUB-TOTAL	**1**	**0**	**1**
CRIMES AGAINST PROPERTY	**LAPD**	**LASD**	**FYTD**
Burglary	0	0	0
Larceny	1	0	1
Bike Theft	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Vandalism	0	0	0
SUB-TOTAL	**1**	**0**	**1**
CRIMES AGAINST SOCIETY	**LAPD**	**LASD**	**FYTD**
Weapons	0	0	0
Narcotics	0	0	0
Trespassing	0	0	0
SUB-TOTAL	**0**	**0**	**0**
TOTAL	**2**	**0**	**2**

ARRESTS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Felony	0	0	0
Misdemeanor	2	0	10
TOTAL	**2**	**0**	**10**

CITATIONS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Other Citations	211	0	417
Vehicle Code Citations	286	0	487
TOTAL	**497**	**0**	**904**

CALLS FOR SERVICE			
AGENCY	**LAPD**	**LASD**	**FYTD**
Routine	0	2	5
Priority	7	1	18
Emergency	0	0	1
TOTAL	**7**	**3**	**24**

DISPATCHED VS. PROACTIVE		
AGENCY	**LAPD**	**LASD**
Dispatched	18%	0%
Proactive	82%	100%
TOTAL	**100%**	**100%**

CRIMES PER STATION				
STATION	**CRIMES AGAINST PERSONS**	**CRIMES AGAINST PROPERTY**	**CRIMES AGAINST SOCIETY**	**FYTD**
El Monte	0	0	0	0
Cal State LA	0	0	0	0
LAC/USC Medical Ctr	0	0	0	0
Alameda	0	0	0	0
Downtown	0	1	0	1
37th St/USC	0	0	0	0
Slauson	0	0	0	0
Manchester	0	0	0	0
Harbor Fwy	0	0	0	0
Rosecrans	0	0	0	0
Harbor Gateway Transit Ctr	0	0	0	0
Carson	0	0	0	0
PCH	0	0	0	0
San Pedro/Beacon	1	0	0	1
Total	**1**	**1**	**0**	**2**

PERCENTAGE OF TIME SPENT ON THE BUS SYSTEM	
Silver Line- LAPD	90%
Silver Line- LASD	91%

LEGEND
Los Angeles Police Department
Los Angeles County Sheriff's Department

BUS PATROL

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME			
CRIMES AGAINST PERSONS	**LAPD**	**LASD**	**FYTD**
Homicide	0	0	0
Rape	0	0	0
Robbery	7	2	15
Aggravated Assault	3	2	14
Aggravated Assault on Operator	0	0	1
Battery	25	1	52
Battery Bus Operator	2	0	11
Sex Offenses	3	0	11
SUB-TOTAL	**40**	**5**	**104**
CRIMES AGAINST PROPERTY	**LAPD**	**LASD**	**FYTD**
Burglary	0	0	0
Larceny	20	7	47
Bike Theft	3	0	4
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Vandalism	2	0	7
SUB-TOTAL	**25**	**7**	**58**
CRIMES AGAINST SOCIETY	**LAPD**	**LASD**	**FYTD**
Weapons	0	1	3
Narcotics	0	15	23
Trespassing	0	1	3
SUB-TOTAL	**0**	**17**	**29**
TOTAL	**65**	**29**	**191**

LASD's Crimes per Sector		
Sector		**FYTD**
Westside	1	3
San Fernando	0	0
San Gabriel Valley	1	8
Gateway Cities	13	25
South Bay	14	25
Total	**29**	**61**

LAPD's Crimes per Sector		
Sector		**FYTD**
Valley Bureau		
Van Nuys	2	4
West Valley	1	1
North Hollywood	2	5
Foothill	0	0
Devonshire	1	3
Mission	1	3
Topanga	1	2
Central Bureau		
Central	10	24
Rampart	3	8
Hollenbeck	1	2
Northeast	0	1
Newton	8	11
West Bureau		
Hollywood	1	3
Wilshire	7	11
West LA	1	4
Pacific	1	3
Olympic	8	12
Southwest Bureau		
Southwest	10	19
Harbor	0	0
77th Street	7	11
Southeast	0	3
Total	**65**	**130**

ARRESTS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Felony	3	12	22
Misdemeanor	0	72	146
TOTAL	**3**	**84**	**168**

CITATIONS			
AGENCY	**LAPD**	**LASD**	**FYTD**
Other Citations	15	76	236
Vehicle Code Citations	7	28	58
TOTAL	**22**	**104**	**294**

CALLS FOR SERVICE			
AGENCY	**LAPD**	**LASD**	**FYTD**
Routine	2	109	196
Priority	15	149	336
Emergency	1	16	31
TOTAL	**18**	**274**	**563**

DISPATCHED VS. PROACTIVE		
AGENCY	**LAPD**	**LASD**
Dispatched	18%	2%
Proactive	82%	98%
TOTAL	**100%**	**100%**

PERCENTAGE OF TIME SPENT ON THE BUS SYSTEM	
LAPD BUS	89%
LASD BUS	78%

LEGEND
Los Angeles Police Department
Los Angeles County Sheriff's Department

UNION STATION

ATTACHMENT B

MONTHLY UPDATE ON TRANSIT POLICING PERFORMANCE - AUGUST 2019

REPORTED CRIME		
CRIMES AGAINST PERSONS	**LAPD**	**FYTD**
Homicide	0	0
Rape	0	0
Robbery	1	1
Aggravated Assault	4	4
Aggravated Assault on Operator	0	0
Battery	7	17
Battery Rail Operator	0	0
Sex Offenses	0	3
SUB-TOTAL	**12**	**25**
CRIMES AGAINST PROPERTY	**LAPD**	**FYTD**
Burglary	0	1
Larceny	9	13
Bike Theft	0	0
Motor Vehicle Theft	0	0
Arson	0	0
Vandalism	0	1
SUB-TOTAL	**9**	**15**
CRIMES AGAINST SOCIETY	**LAPD**	**FYTD**
Weapons	0	0
Narcotics	0	0
Trespassing	3	6
SUB-TOTAL	**3**	**6**
TOTAL	**24**	**46**

ARRESTS		
AGENCY	**LAPD**	**FYTD**
Felony	5	10
Misdemeanor	18	36
TOTAL	**23**	**46**

CITATIONS		
AGENCY	**LAPD**	**FYTD**
Other Citations	10	64
Vehicle Code Citations	11	22
TOTAL	**21**	**86**

CALLS FOR SERVICE		
AGENCY	**LAPD**	**FYTD**
Routine	6	18
Priority	43	82
Emergency	4	6
TOTAL	**53**	**106**

DISPATCHED VS. PROACTIVE	
AGENCY	**LAPD**
Dispatched	43%
Proactive	57%
TOTAL	**100%**

RCENTAGE OF TIME SPENT AT UNION STATI	
LOCATION	**LAPD**
Union Station	91%

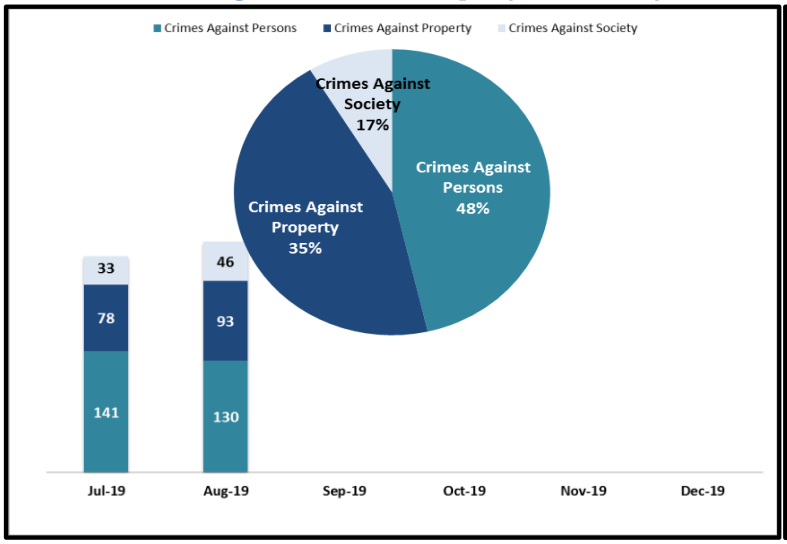
LEGEND
Los Angeles Police Department

KEY PERFORMANCE INDICATORS

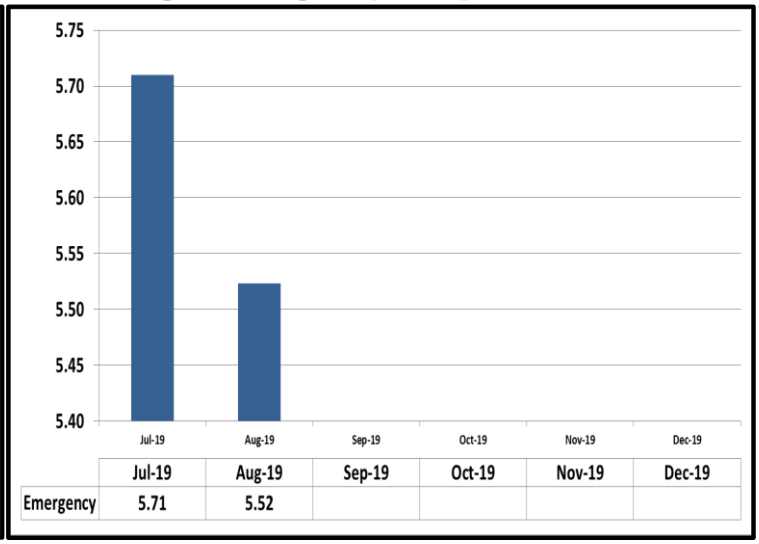
AUGUST 2019

Attachment C

Crimes Against Persons, Property, and Society

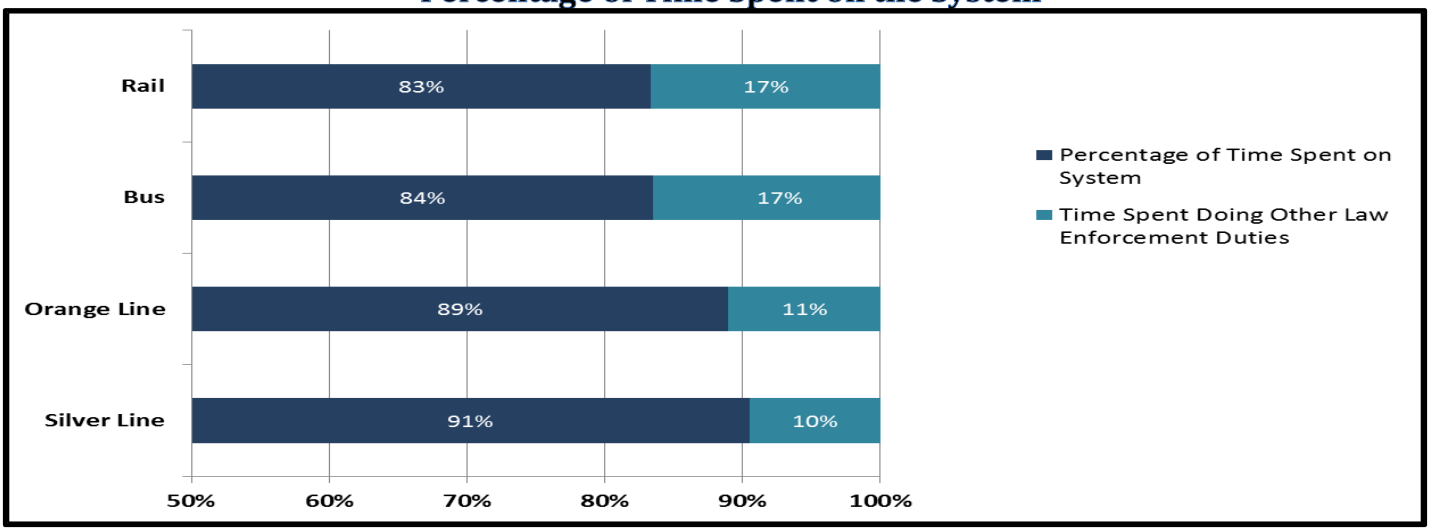


Average Emergency Response Times

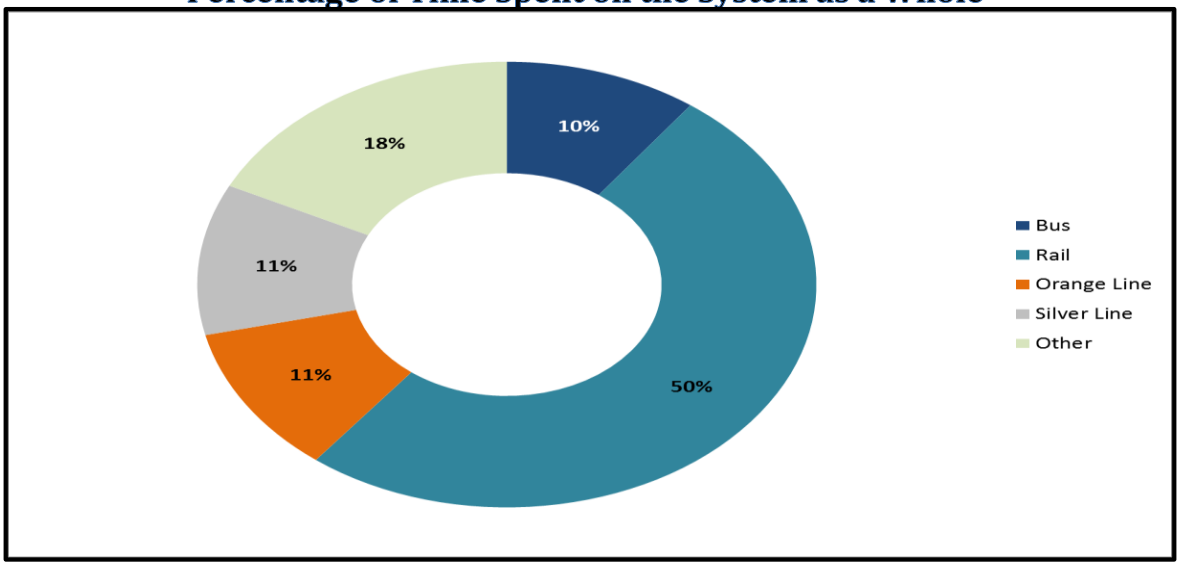


	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
Emergency	5.71	5.52				

Percentage of Time Spent on the System



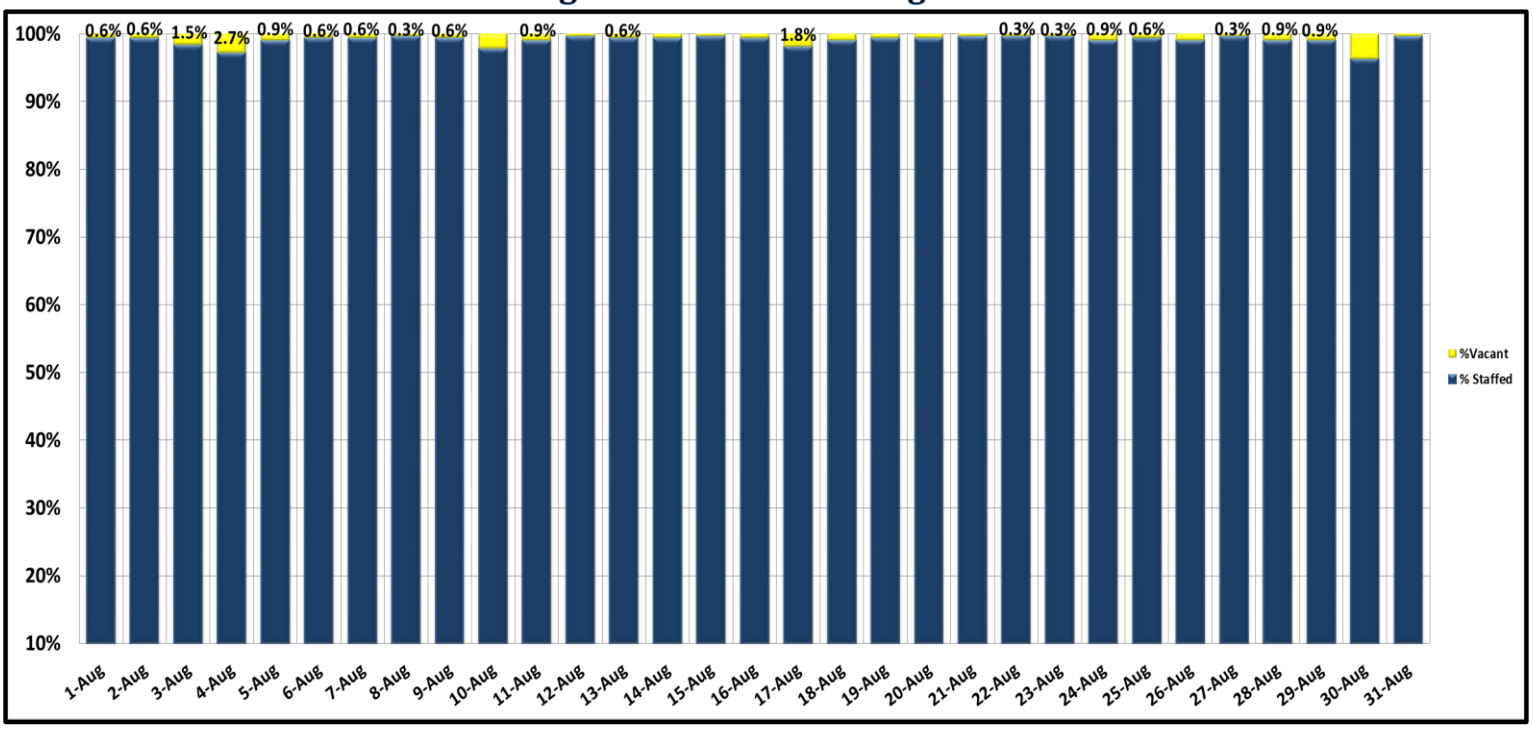
Percentage of Time Spent on the System as a Whole



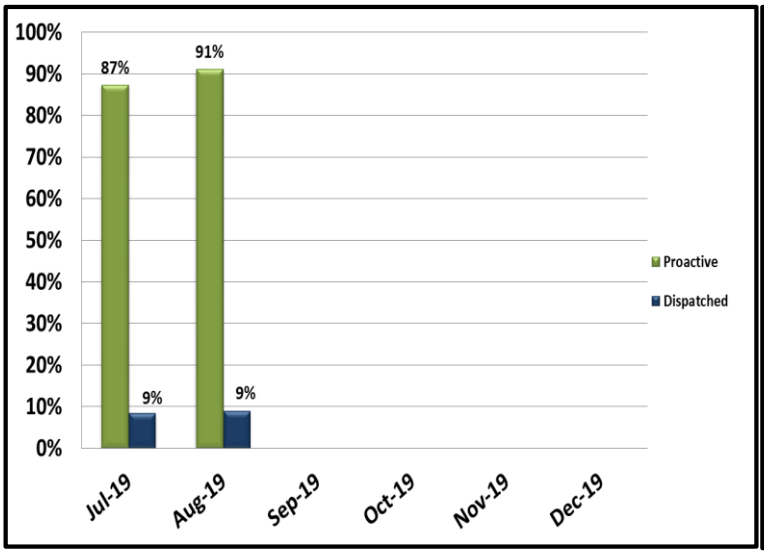
KEY PERFORMANCE INDICATORS

AUGUST 2019

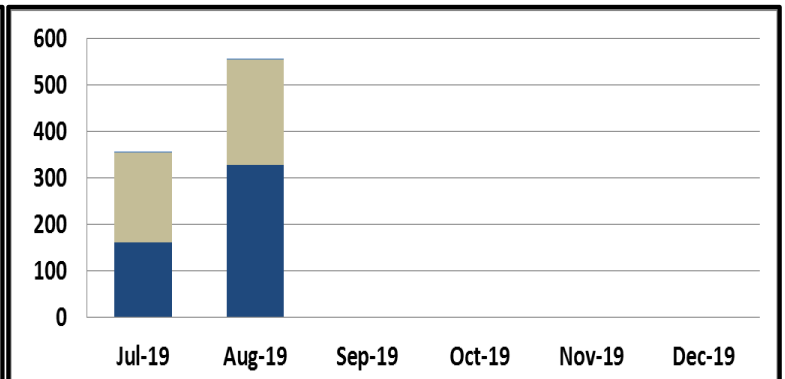
Ratio of Staffing Levels vs Vacant Assignments



Ratio of Proactive vs Dispatched Activity



Grade Crossing Operations



	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19
LBPD	3	3				
LASD	193	226				
LAPD	162	329				

Grade Crossing Operation Locations August:

1. Blue Line Stations (122)
2. Expo Line Stations (206)
3. Gold Line Stations (230)

Transit Police

Monthly Crime Report

Attachment D

	2018	2019
	August	August
CRIMES AGAINST PERSONS		
Homicide	0	0
Rape	1	2
Robbery	28	24
Aggravated Assault	28	23
Aggravated Assault on Operator	3	0
Battery	70	73
Battery Rail Operator	8	2
Sex Offenses	12	6
SUB-TOTAL	**150**	**130**
CRIMES AGAINST PROPERTY		
Burglary	3	0
Larceny	60	75
Bike Theft	10	7
Motor Vehicle Theft	4	0
Arson	0	0
Other	2	0
Vandalism	16	11
SUB-TOTAL	**95**	**93**
CRIMES AGAINST SOCIETY		
Weapons	8	7
Narcotics	25	28
Trespassing	4	11
SUB-TOTAL	**37**	**46**
TOTAL	**282**	**269**
ENFORCEMENT EFFORTS		
Arrests	267	461
Citations	1,271	4,522
Fare Checks	248,378	45,037
Calls for Service	1,642	1,265

August 2019 Transit Policing Performance Summary 2019-0719

October 17, 2019
Operations, Safety, and Customer Experience Committee
Executive Management Committee

Metro

August 2019

Systemwide Activity

	2018 August	2019 August
CRIMES AGAINST PERSONS		
Homicide	0	0
Rape	1	0
Robbery	28	24
Aggravated Assault	28	23
Aggravated Assault on Operator	3	0
Battery	70	73
Battery Rail Operator	8	2
Sex Offenses	12	6
SUB-TOTAL	**150**	**128**
CRIMES AGAINST PROPERTY		
Burglary	3	0
Larceny	60	75
Bike Theft	10	7
Motor Vehicle Theft	4	0
Arson	0	0
Other	2	0
Vandalism	16	11
SUB-TOTAL	**95**	**93**
CRIMES AGAINST SOCIETY		
Weapons	8	7
Narcotics	25	28
Trespassing	4	11
SUB-TOTAL	**37**	**46**
TOTAL	**282**	**267**
ENFORCEMENT EFFORTS		
Arrests	267	461
Citations	1,271	4,522
Fare Checks	248,378	45,037
Calls for Service	1,642	1,265

Metro

Crimes Against Persons – August 2019

Rail Incidents

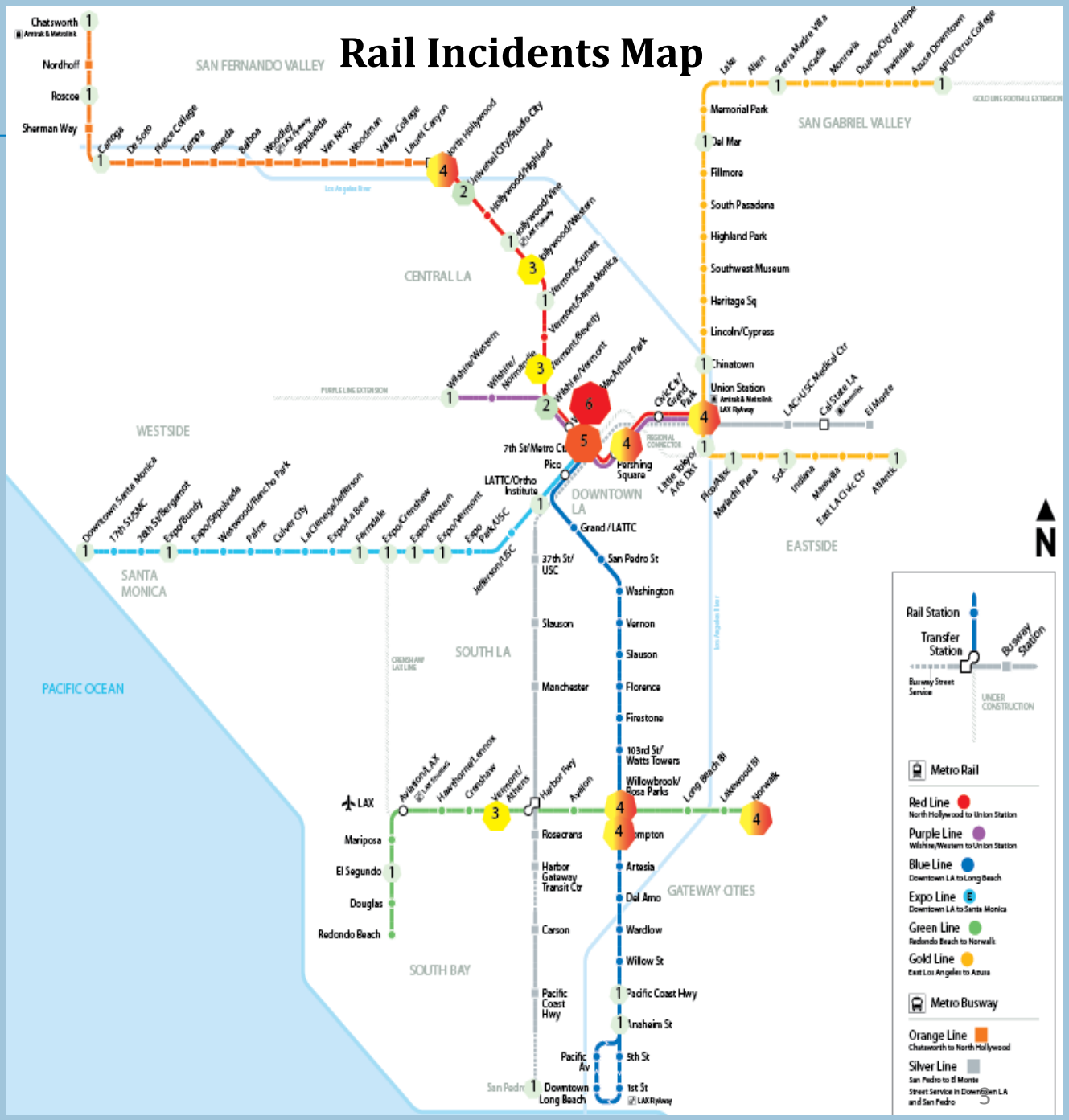
CRIMES AGAINST PERSONS	TOTAL
Homicide	0
Rape	0
Robbery	14
Aggravated Assault	14
Aggravated Assault on Operator	0
Battery	40
Battery Rail Operator	0
Sex Offenses	3
SUB-TOTAL	71

Bus Incidents

CRIMES AGAINST PERSONS	TOTAL
Homicide	0
Rape	0
Robbery	9
Aggravated Assault	5
Aggravated Assault on Operator	0
Battery	26
Battery Bus Operator	2
Sex Offenses	3
SUB-TOTAL	45

Metro

Rail Incidents Map



Crimes Against Property – August 2019

Rail Incidents

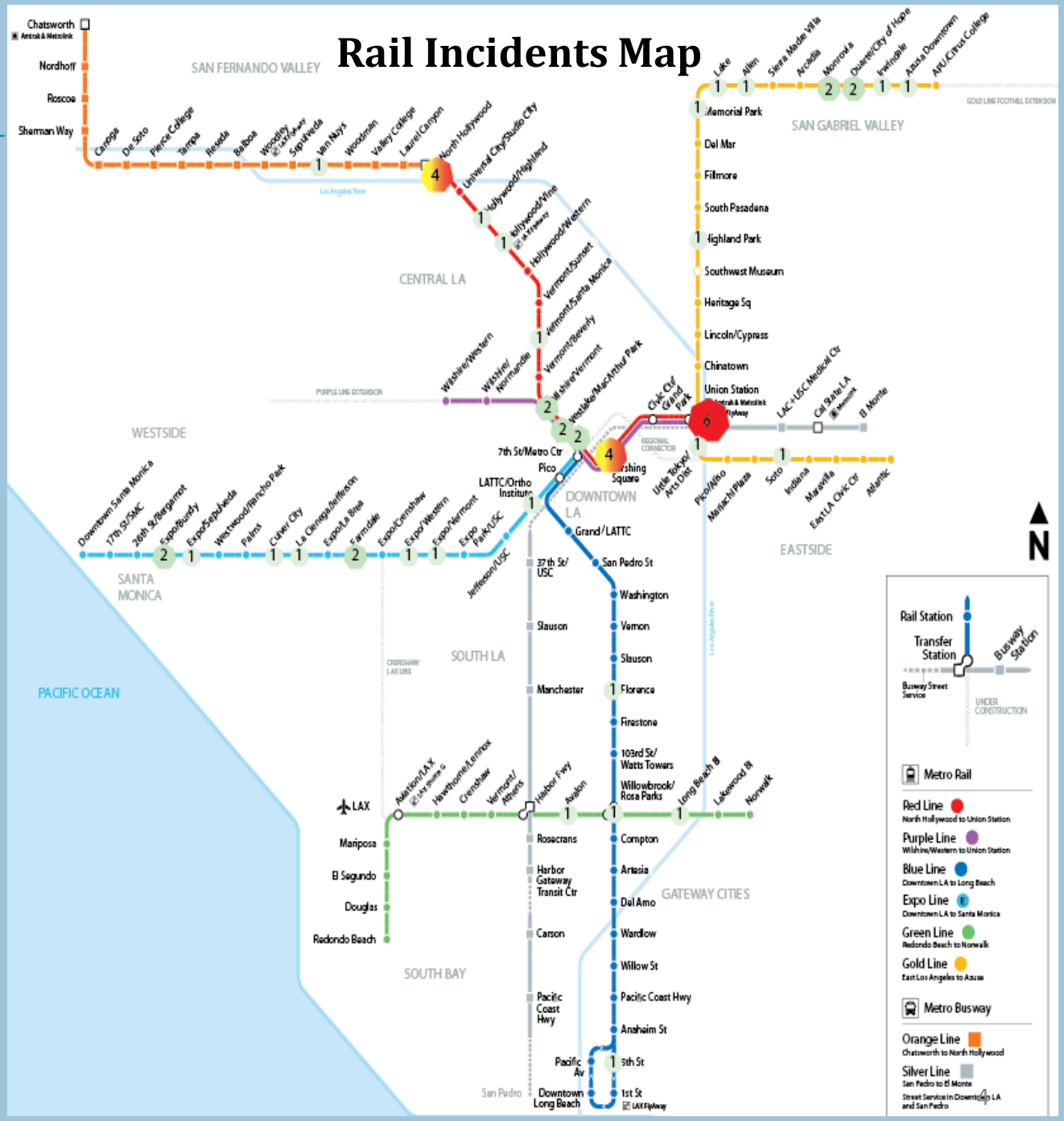
CRIMES AGAINST PROPERTY	TOTAL
Burglary	0
Larceny	39
Bike Theft	4
Motor Vehicle Theft	0
Arson	0
Vandalism	9
Other	0
SUB-TOTAL	52

Bus Incidents

CRIMES AGAINST PROPERTY	TOTAL
Burglary	0
Larceny	27
Bike Theft	3
Motor Vehicle Theft	0
Arson	0
Vandalism	2
SUB-TOTAL	32

Metro

Rail Incidents Map



Crimes Against Society – August 2019

Rail Incidents

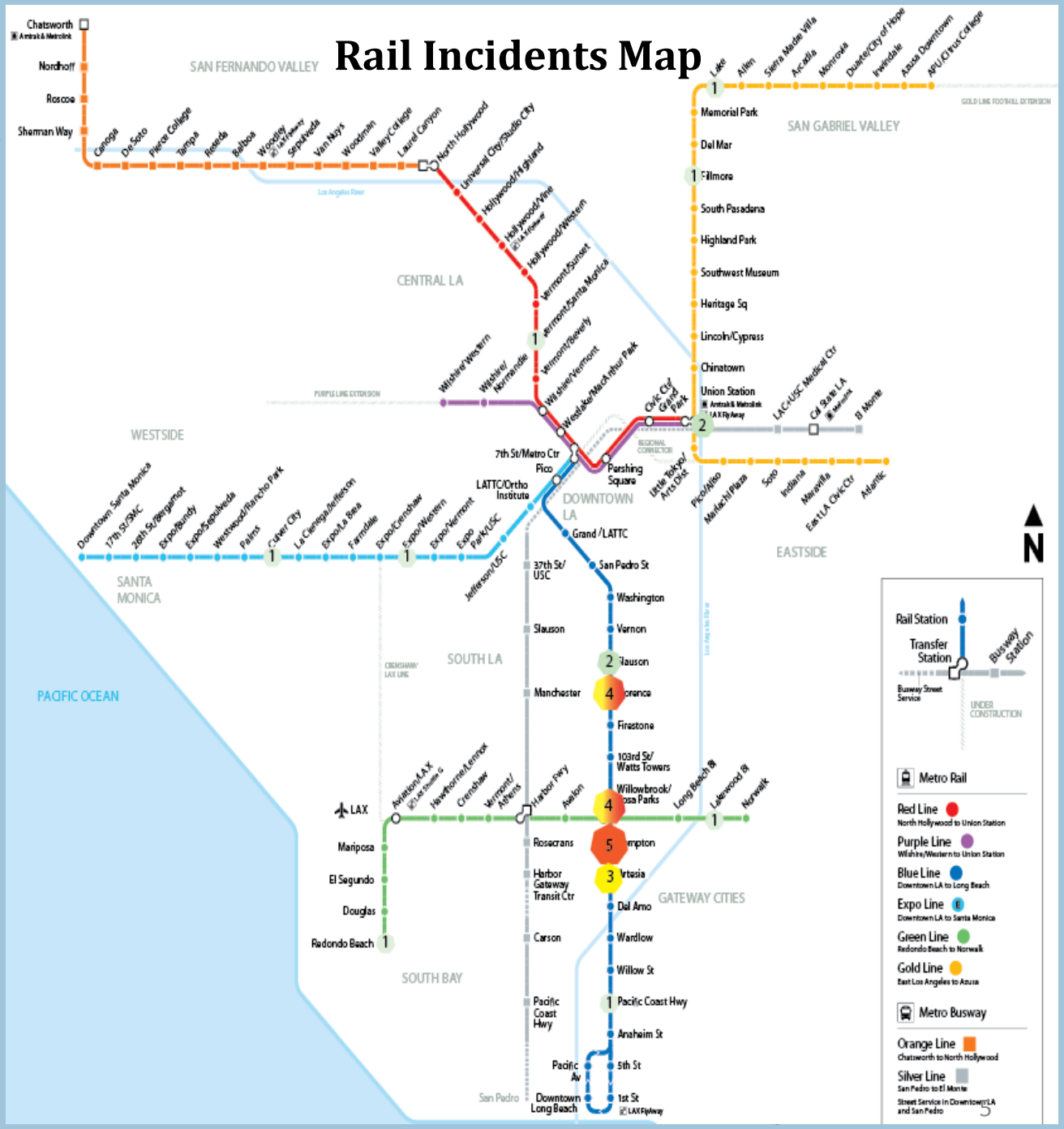
CRIMES AGAINST SOCIETY	TOTAL
Weapons	6
Narcotics	13
Trespassing	7
SUB-TOTAL	26

Bus Incidents

CRIMES AGAINST SOCIETY	TOTAL
Weapons	1
Narcotics	15
Trespassing	1
SUB-TOTAL	17

Metro

Rail Incidents Map



Emergency Management

- **August 16th – Gold Line Emergency Response Instructional Video –** Completed training video for Metro personnel and law enforcement agencies' coordination and communication in responding to a light rail criminal incident.

  August 30th – First Responder Rail Safety Video – Updated the 2001 rail safety video to include new rail systems, emergency equipment, and updated procedures.

Metro

Video Presentation

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2019-0719, **File Type:** Informational Report **Agenda Number:**

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE
EXECUTIVE MANAGEMENT COMMITTEE
OCTOBER 17, 2019

SUBJECT: MONTHLY UPDATE ON TRANSIT SAFETY AND SECURITY PERFORMANCE

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE Transit Safety and Security Report.

ISSUE

This report reflects August 2019 performance data as reported under the transit policing deployment strategy which is a combination of in-house fare compliance officers, private security for fixed assets and a multi-agency law enforcement deployment strategy by the Los Angeles Police Department (LAPD), Los Angeles County Sheriff's Department (LASD), and Long Beach Police Department (LBPD). The information in this report summarizes Crimes Against Persons, Crimes Against Property, and Crimes Against Society data under Uniform Crime Reporting (UCR) Program, average emergency response times, assaults on bus operators, and Metro's fare compliance and homeless outreach efforts. The Six Key Performance Indicators (KPI) are Uniform Crime Reporting guidelines, Average Emergency Response Times, Percentage of Time Spent on the System, Ratio of Staffing Levels vs Vacant Assignments, Ratio of Proactive vs Dispatched Activity, and Number of Grade Crossing Operations.

BACKGROUND

UCR is a National Incident-Based Reporting System from the US Department of Justice. It captures crime offenses in one of three categories: Crimes Against Persons,
Crimes Against Property, and Crimes Against Society.

DISCUSSION

Crime stats are as follows:

Crimes Against Persons

For the month of August 2019, crimes against persons decreased by 20 crimes system-wide compared to the same period last year.

powered by Legistar™

Crimes Against Property
For the month of August 2019, crimes against property decreased by 2 crimes system-wide compared to the same period last year.

Crimes Against Society
For the month of August 2019, crimes against society increased by 9 crimes system-wide compared to the same period last year.

Bus Operator Assaults
There were 2 bus operator assaults reported in August, which is 6 fewer compared to the same period last year.

Average Emergency Response Times:
Emergency response times averaged 5.52 minutes for the month of August.

Physical Security Improvements:
The Systems Security and Law Enforcement division continues to provide a secure and safe environment for our patrons and employees. The New Blue Line North construction started on June 1st, and an effective policing plan for the bus-only lanes in Los Angeles was developed. We worked closely with the LAPD, LA Sheriff and Metro to provide coverage for the bus-only lanes and the heavily-trafficked area South of Olympic Blvd.

The New Blue Line North construction team was confronted with multiple thefts of copper wire along the tracks during August. Metro Construction and Security teamed up to deploy law enforcement, contract security and Metro personnel along the Blue Line to thwart the thefts, which would have affected the opening date of the New Blue Line if they continued.

We deployed the Thruvision explosive detection device on August 6th. We worked closely with the Los Angeles Police Department and Metro Security to develop a concept of the operation for the deployment.

We continue to improve our new Transit Watch application, and we hope to have the prototype ready this winter.

The Red Line ancillary area surge continues, and we are making progress with securing our underground rail stations.

Emergency Management: August 2019
The Office of Emergency Management has the responsibility of comprehensively planning for, responding to and recovering from large-scale emergencies and disasters that impact Los Angeles County Metropolitan Transportation Authority and our stakeholders.

Training & Exercise:

- **August 16, 2019 - Gold Line Police Response Instructional Video:** Developed training video for new Metro staff and law enforcement entities whom functions relate to responding to

an incident. A secondary learning tool demonstrating visual actions required by Metro Rail Operations and LAPD in coordination and communication in response to a criminal light rail incident.

- **August 30, 2019 - First Responder Rail Safety 15 min Video.** Updated the 2001 rail safety video with inclusion of new rail systems, emergency equipment, and updated procedures to ensure the safety of law enforcement and fire department personnel during incident response to Metro Rail Systems.

Outreach & Preparedness

- Preparing to observe National Preparedness Month, September 2019. This September will be the first annual observance of National Preparedness Month at LA Metro. Activities will promote emergency preparedness to employees and Metro Riders.

ATTACHMENTS

Attachment A - System-Wide Law Enforcement Overview August 2019
Attachment B - MTA Supporting Data August 2019
Attachment C - Key Performance Indicators August 2019
Attachment D - Transit Police Summary August 2019

Prepared by: Aston T. Greene, Interim Chief, System Security and Law Enforcement, (213) 922-2599

Reviewed by: Phillip A. Washington, Chief Executive Officer, (213) 922-7555

Phillip A. Washington
Chief Executive Officer

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2019-0719, **File Type:** Informational Report **Agenda Number:**

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Prepared by: Aston T. Greene, Interim Chief, System Security and Law Enforcement, (213) 922-2599

Reviewed by: Phillip A. Washington, Chief Executive Officer, (213) 922-7555

Phillip A. Washington
Chief Executive Officer

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2019-0670, **File Type:** Oral Report / Presentation **Agenda Number:** 44.

EXECUTIVE MANAGEMENT COMMITTEE
OCTOBER 17, 2019

SUBJECT: CHIEF COMMUNICATIONS OFFICER QUARTERLY REPORT

ACTION: ORAL REPORT

RECOMMENDATION

RECEIVE Chief Communications Officer quarterly oral report.

ATTACHMENTS

Attachment A - CCO Quarterly Report

Prepared by: Yvette Rapose, Chief Communications Officer, (213) 418-3154

Phillip A. Washington
Chief Executive Officer

Attachment "A"

Chief Communications Officer Report

Executive Management Committee

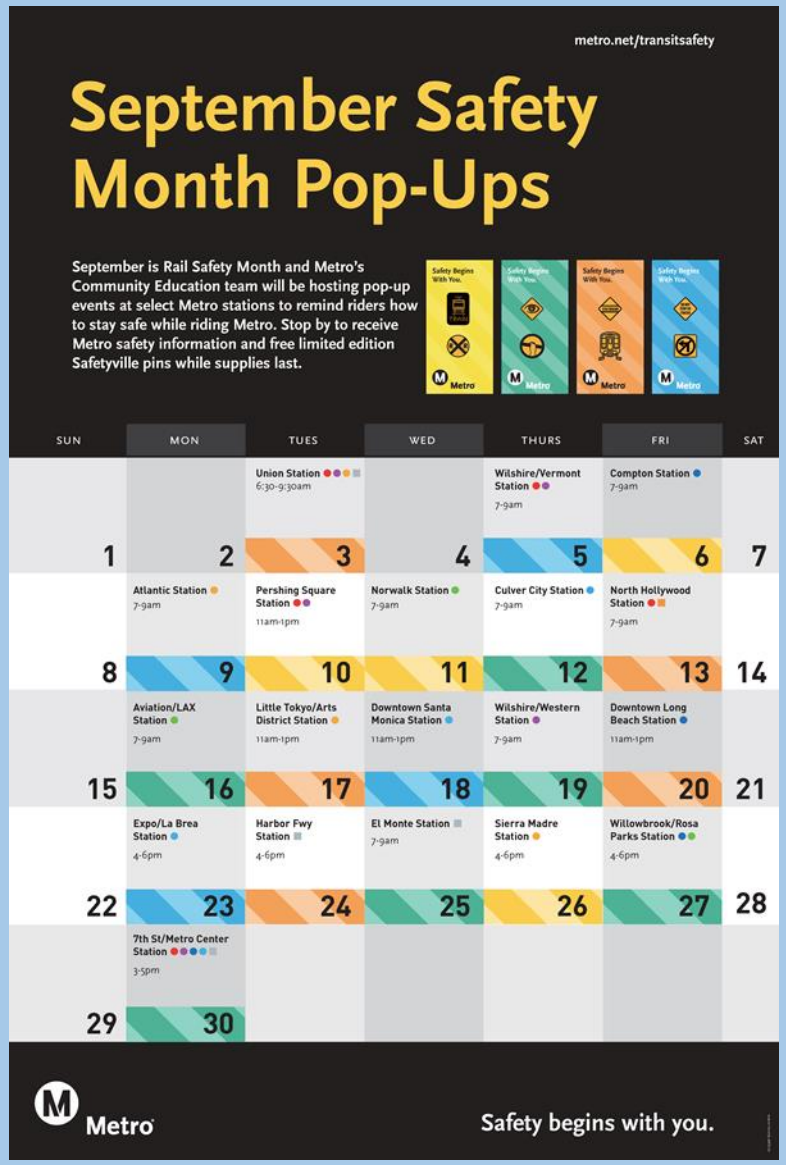
October 2019

Art and Design

"Metro portrait series puts a face to communities along the Blue Line."

– Long Beach Post

Community Relations



Customer Care

AWT for 323GOMETRO was
19/seconds (average wait time)

Government Relations

Metro Commute Services (MCS)

Launched first K-12 U-Pass Pilot Program at Manual Arts High School, fully sponsored by Move LA.

Launched U-Pass at Occidental College with 30% participation in first week.

Expanding Youth on the Move Foster program to select 16-22 year-olds.

Photo/Video Credits: Josie Clerfond, SLATE-Z

Public Relations

Thank you.
Questions?

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2019-0599, **File Type:** Policy **Agenda Number:** 45.

EXECUTIVE MANAGEMENT COMMITTEE
OCTOBER 17, 2019

SUBJECT: TITLE VI PROGRAM UPDATE

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

ADOPT the Title VI Program Update presented in Attachments A and B.

ISSUE

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transit Administration (FTA) requires transportation agencies to demonstrate their compliance with Title VI by submitting a triennial Title VI Program Update in compliance with Title 49 CFR Section 21.9(b) and with FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued October 1, 2012. FTA requires the Metro Board of Directors to review and approve the Title VI Program Update prior to its submittal.

BACKGROUND

Section 601 of Title VI of the Civil Rights Act of 1964 (Title VI) states the following:

> "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."

Metro's Equity Platform takes Title VI protected groups at its core and includes additional protected groups including vulnerable populations. The Title VI Program Update consists of a report and supporting documentation that provides evidence of the equitable distribution of services; promotion of full and fair participation in public transportation decision-making without regard to race, color, or national origin, and meaningful access to transit-related programs and activities by persons with limited English proficiency. FTA reviews and concurs with the Title VI Program Update or requests additional information.

Metro's Title VI Obligations

Metro last submitted a Title VI Program Update to the FTA on November 17, 2016. On December 6, 2017, FTA sent Metro a Letter of Concurrence informing Metro that Metro's submitted Title VI Program Update met the requirements set out in the FTA Title VI Circular, 4702.1B. Metro's next Title VI Program Update is due on November 1, 2019.

Metro will submit a Title VI Program Update that incorporates all of the requirements set forth in the FTA Circular 4702.1B. There are twelve requirements under Title VI that Metro must report which different departments assist is compiling:

1. The notice to beneficiaries of their civil rights under Title VI; (Marketing)
2. The development of complaint procedures and a complaint form; (Civil Rights)
3. A list of all transit-related complaints, investigations, or lawsuits;(Civil Rights)
4. A Public Participation Plan; (Communications, Community Relations)
5. A Limited English Proficiency (LEP) Four-Factor Analysis and Language Assistance Plan; (Civil Rights, Executive Office of Strategic Initiatives, Marketing)
6. Report on minority representation on planning & advisory committees; (Multiple)
7. The provision of assistance to and monitoring of subrecipients; (Civil Rights)
8. Equity evaluations relating to the site and location of facilities; (Real Estate)
9. Service standards and system-wide service policies; (Service Development & Scheduling)
10. The collection and reporting on demographic data;(Executive Office of Strategic Initiatives)
11. The requirement to monitor transit service; and (Service Development & Scheduling)
12. The requirement to evaluate service and fare changes following Board adopted policies (Multiple)
13. Board approval of the Title VI Program (Civil Rights)

A more detailed description of these requirements can be found in the FTA Circular 4702.1B (Attachment C).

Although no substantial changes were made to the Title VI Program since the 2016 submission, Metro made the following minor updates to the Title VI Program:

1. Updated the Civil Rights Notice to Beneficiaries to include additional state protected categories;
2. Updated the list of Metro's Title VI transit-related complaints, investigations and lawsuits;
3. Updated the Public Participation Plan to include current demographic data on Metro's stakeholders. Identified minimum baseline thresholds for public outreach and listed Metro's public outreach activities since October 2016;
4. Updated the Language Assistance Plan to include an updated LEP Four Factor Analysis and initiation of a monitoring program for the Language Assistance Plan;
5. Updated the demographic data for the participants of Metro's planning and advisory committees;
6. Updated the Title VI Program due date for Metro's subrecipients;
7. Provided information on Metro's Title VI equity evaluation for the sitting of new constructed facilities;
8. Provided Metro's current Board adopted service standards and policies;
9. Provided updated demographical data on Metro's stakeholders and distribution of service;

10. Provided documentation on Metro's Board approval of Metro's service monitoring program;
11. Provided documentation of Title VI equity analyses for Metro's fare and major services changes and documentation of Metro's board approval of the Title VI equity analyses for fare and major service changes;
12. Provide documentation of Metro's board approval on 2019 Title VI Program, once program is approved by Metro's Board of Directors.

Before submitting the completed Title VI Program Update, the Metro Board of Directors must review and approve the program. A copy of the Board Resolution will be submitted with the program as evidence of this approval.

DETERMINATION OF SAFETY IMPACT

The requested action in this report will have no direct impact on the safety of Metro's employees or customers.

FINANCIAL IMPACT

Adoption of the Title VI Program Update has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2020 Budget.

Impact to Budget

Adoption of the Title VI Program Update has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2020 Budget.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Recommendation supports strategic plan goal # 5, "Provide responsive, accountable, and trustworthy governance within the Metro organization" by adhering to civil rights requirements mandated by Title VI of the Civil Rights Act of 1964.

ALTERNATIVES CONSIDERED

There is no alternative to filing a Title VI Program Update by November 1, 2019. Failure to timely file a Title VI Program Update may result in potential suspension of federal funds and ultimately the loss of eligibility for federal funds.

NEXT STEPS

The Title VI Program Update will be submitted to the FTA not later than November 1, 2019.

ATTACHMENTS

Attachment A - 2019 Draft Title VI Program Update
Attachment B - Appendix Section 2019 Title VI Program Update
Attachment C - FTA Circular 4702.1B

Prepared by: Aida Berry, Senior Manager, Civil Rights Programs (Title VI), (213) 922-2748

Reviewed by: Jonaura Wisdom, Chief of Civil Rights Programs, (213) 418-3168

Phillip A. Washington
Chief Executive Officer

Attachment A

http://libraryarchives.metro.net/DB_Attachments/2019-0599_Attachment_A_2019_Draft_Title_VI_Program_Update.pdf

Attachment B

http://libraryarchives.metro.net/DB_Attachments/2019-0599_Attachment_B_Appendix_Section_2019_Title_VI_Program_Update.pdf

CIRCULAR

U.S. Department
of Transportation

**Federal Transit
Administration**

FTA C 4702.1B

October 1, 2012

Subject: TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS

---

1. PURPOSE. The purpose of this Circular is to provide recipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out U.S. Department of Transportation ("DOT" or "the Department") Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005).

2. CANCELLATION. This Circular supersedes FTA Circular 4702.1A "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients," dated May 13, 2007.

3. AUTHORITY.

   a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

   b. Federal Transit Laws, Title 49, United States Code, Chapter 53.

   c. 49 CFR § 1.51.

   d. 49 CFR part 21.

   e. 28 CFR § 42.401 et seq.

4. WAIVER. FTA reserves the right to waive any requirements of this Circular to the extent permitted by law.

5. FEDERAL REGISTER NOTICE. In conjunction with publication of this Circular, FTA published a notice in the *Federal Register* on August 28, 2012, addressing comments received during development of the Circular.

6. AMENDMENTS TO THE CIRCULAR. FTA reserves the right to update this Circular to reflect changes in other revised or new guidance and regulations that undergo notice and comment, without further notice and comment on this Circular. FTA will post updates on our

website at **www.fta.dot.gov**. The website allows the public to register for notification when FTA issues *Federal Register* notices or new guidance. Please visit the website and click on "Sign Up For Email Updates" for more information.

7. ACCESSIBLE FORMATS. This document is available in accessible formats upon request. To obtain paper copies of this Circular as well as information regarding these accessible formats, call FTA's Administrative Services Help Desk, at 202-366-4865. Individuals with hearing impairments may contact the Federal Relay Service at 1-800-877-8339 for assistance with the call.

/s/

Peter Rogoff
Administrator

TITLE VI GUIDELINES FOR FTA RECIPIENTS

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CHAPTER I

INTRODUCTION AND BACKGROUND

1. THE FEDERAL TRANSIT ADMINISTRATION (FTA). FTA is one of ten operating administrations within the U.S. Department of Transportation (DOT). Headed by an Administrator who is appointed by the President of the United States, FTA functions through a Washington, DC, headquarters office, ten regional offices, and five metropolitan offices that assist transit agencies in all 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa.

   Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.

   The Federal Government, through FTA, provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. FTA oversees thousands of grants to hundreds of State and local transit providers, primarily through its ten regional offices. These grant recipients are responsible for managing their programs in accordance with Federal requirements, and FTA is responsible for ensuring that recipients follow Federal statutory and administrative requirements.

2. AUTHORIZING LEGISLATION. Most Federal transit laws are codified at title 49 U.S.C. Chapter 53. Authorizing legislation is substantive legislation enacted by Congress that establishes or continues the legal operation of a Federal program or agency. FTA's most recent authorizing legislation is the Moving Ahead for Progress in the 21st Century (MAP-21), Public Law 112-141, signed into law on July 6, 2012, and effective October 1, 2012.

3. HOW TO CONTACT FTA. FTA's regional and metropolitan offices are responsible for providing financial assistance to FTA recipients and oversight of grant implementation for most FTA programs. Certain specific programs are the responsibility of FTA headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which the recipient is located. See FTA's website for more information.

   Visit FTA's website, **http://www.fta.dot.gov**, or contact FTA Headquarters at the following address and phone number:

   Federal Transit Administration
   Office of Communications and Congressional Affairs
   1200 New Jersey Avenue SE
   East Building
   Washington, DC 20590
   Phone: 202-366-4043; Fax: 202-366-3472

4. GRANTS.GOV. FTA posts all competitive grant opportunities on Grants.gov. Grants.gov is the one website for information on all discretionary Federal grant opportunities. Led by the U.S. Department of Health and Human Services (DHHS) and in partnership with Federal grant-making agencies, including 26 agencies, 11 commissions, and several States,

Grants.gov is one of 24 government-wide E-government initiatives. It is designed to improve access to government services via the Internet. More information about Grants.gov is available at **http://www.grants.gov/**.

5. DEFINITIONS. All definitions in chapter 53 of title 49, United States Code, and in 49 CFR part 21 apply to this Circular, as well as the following definitions:

   a. Applicant means a person or entity that submits an application, request, or plan required to be approved by the FTA Administrator or by a primary recipient, as a condition of eligibility for financial assistance from FTA, and "application" means such an application, request, or plan.

   b. Demand response system: Any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, non-profits, and private providers. An advance request for service is a key characteristic of demand response service.

   c. Designated recipient means an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.

   d. Direct recipient means an entity that receives funding directly from FTA. For purposes of this Circular, a direct recipient is distinguished from a primary recipient in that a direct recipient does not extend financial assistance to subrecipients, whereas a primary recipient does.

   e. Discrimination refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

   f. Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient's policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

   g. Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.

   h. Disparate treatment refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, or national origin.

i. Fixed guideway means a public transportation facility—using and occupying a separate right-of-way for the exclusive use of public transportation; using rail; using a fixed catenary system; for a passenger ferry system; or for a bus rapid transit system.

j. Fixed route refers to public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.

k. Federal financial assistance refers to

(1) grants and loans of Federal funds;

(2) the grant or donation of Federal property and interests in property;

(3) the detail of Federal personnel;

(4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

l. Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

m. Low-income person means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.

Recipients are encouraged to use a locally developed threshold, such as the definition found in 49 U.S.C. 5302 as amended by MAP-21: "refers to an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section) for a family of the size involved" or another threshold, provided that the threshold is at least as inclusive as the HHS poverty guidelines.

n. Low-income population refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy or activity.

o. Metropolitan planning organization (MPO) means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

p. Metropolitan transportation plan (MTP) means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.

q. Minority persons include the following:

(1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

(2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.

(4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

(5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

r. Minority population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

s. Minority transit route means a route that has at least 1/3 of its total revenue mileage in a Census block or block group, or traffic analysis zone(s) with a percentage of minority population that exceeds the percentage of minority population in the transit service area. A recipient may supplement this service area data with route-specific ridership data in cases where ridership does not reflect the characteristics of the census block, block group, or traffic analysis zone.

t. National origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.

u. Noncompliance refers to an FTA determination that the recipient is not in compliance with the DOT Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity on the basis of race, color, or national origin.

v. Non-profit organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be

non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.

w. Predominantly minority area means a geographic area, such as a neighborhood, Census tract, block or block group, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.

x. Primary recipient means any FTA recipient that extends Federal financial assistance to a subrecipient.

y. Provider of fixed route public transportation (or "transit provider") means any entity that operates public transportation service, and includes States, local and regional entities, and public and private entities. This term is used in place of "recipient" in chapter IV and is inclusive of direct recipients, primary recipients, designated recipients, and subrecipients that provide fixed route public transportation service.

z. Public transportation means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and does not include Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intra-terminal or intra-facility shuttle services. Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.

aa. Recipient as used in this Circular, means any public or private entity that receives Federal financial assistance from FTA, whether directly from FTA or indirectly through a primary recipient. This term includes subrecipients, direct recipients, designated recipients, and primary recipients. The term does not include any ultimate beneficiary under any such assistance program.

bb. Secretary means the Secretary of the U.S. Department of Transportation.

cc. Service area refers either to the geographic area in which a transit agency is authorized by its charter to provide service to the public, or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.

dd. Service standard/policy means an established service performance measure or policy used by a transit provider or other recipient as a means to plan or distribute services and benefits within its service area.

ee. Statewide transportation improvement program (STIP) means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

ff. Subrecipient means an entity that receives Federal financial assistance from FTA through a primary recipient.

gg. Title VI Program refers to a document developed by an FTA recipient to demonstrate how the recipient is complying with Title VI requirements. Direct and primary recipients must submit their Title VI Programs to FTA every three years. The Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent.

hh. Transportation improvement program (TIP) means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

ii. Transportation management area (TMA) means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by the Governor and the MPO and designated by the Secretary of Transportation.

6. ENVIRONMENTAL JUSTICE. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was signed by President Clinton on February 11, 1994. Subsequent to issuance of the Executive Order, the U.S. Department of Transportation (DOT) issued a DOT Order for implementing the Executive Order on environmental justice (EJ). The DOT Order (Order 5610.2(a), "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 77 FR 27534, May 10, 2012) describes the process the Department and its modal administrations (including FTA) will use to incorporate EJ principles into programs, policies, and activities.

The Presidential memorandum accompanying EO 12898 identified Title VI of the Civil Rights Act of 1964 as one of several Federal laws that should be applied "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects." According to the U.S. Department of Justice, "…the core tenet of environmental justice—that development and urban renewal benefitting a community as a whole not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the community's minority—flows directly from the underlying principle of Title VI itself."[1]

Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for limited English proficient (LEP) persons. Under DOT's Title VI regulations, recipients of Federal financial assistance are prohibited from, among other things, using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin." For example, facially neutral policies or

[1] *See* Title VI Legal Manual, U.S. Department of Justice Civil Rights Division (2001), page 59.

practices that result in discriminatory effects or disparate impacts violate DOT's Title VI regulations, unless the recipient can show the policies or practices are substantially justified and there is no less discriminatory alternative. In addition, Title VI and DOT regulations prohibit recipients from intentionally discriminating against people on the basis of race, color, and national origin.

The overlap between the statutory obligation placed on Federal agencies under Title VI to ensure nondiscrimination in federally assisted programs administered by State and local entities, and the administrative directive to Federal agencies under the Executive Order to address disproportionate adverse impacts of Federal activities on minority and low-income populations explain why Title VI and environmental justice are often paired. The clear objective of the Executive Order and Presidential memorandum is to ensure that Federal agencies promote and enforce nondiscrimination as one way of achieving the overarching objective of environmental justice—fair distribution of the adverse impacts of, or burdens associated with, Federal programs, policies, and activities.

Over the years, U.S. DOT has encouraged a proactive approach to the implementation of environmental justice principles in its programs, policies, and activities. This is reflected in the DOT Order on Environmental Justice (DOT Order 5610.2(a)) which, consistent with E.O. 12898, sets forth a process by which DOT and its Operating Administrations, including FTA, will integrate the goals of environmental justice into their existing operations to ensure that consideration of EJ principles is an integral part of all programs, policies, and activities, from the inception of the planning process through to project completion, operations, and evaluation.

FTA has developed policy guidance in the form of a Circular (Circular 4703.1), "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," in order to provide recipients with a distinct framework to assist them as they integrate principles of environmental justice into their public transportation decision-making processes. FTA expects the clarification provided by the EJ Circular and the updated Title VI Circular will provide recipients with the guidance they need to properly incorporate both Title VI and environmental justice into their public transportation decision-making.

Because of the connection between EJ and Title VI, the consideration of EJ principles has sometimes been confused with the requirements of Title VI. Here is a summary of the key differences between the two:

Key Aspects of the Authorities	Title VI	Environmental Justice
What is the basis for the authority?	Title VI is a Federal statute and provides that no person 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	The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to "make achieving environmental justice part of its mission." The EO is intended to improve the internal management of the

Key Aspects of the Authorities	Title VI	Environmental Justice
	Federal financial assistance.	executive branch and not to create legal rights enforceable by a party against the U.S.
What is the purpose of the authority?	Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance.	EO 12898 calls on each Federal agency to achieve "environmental justice...by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...."
To whom does the authority apply?	Title VI is a Federal law that applies to recipients and subrecipients of Federal financial assistance (e.g., States, local governments, transit providers), and not to DOT itself.	EO 12898 applies to Federal agency actions, including DOT's and FTA's actions. Title VI is one of the tools used by Federal agencies to implement this directive.
What does the authority require, and of whom?	Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.	EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5610.2(a)).
What does the authority say with regard to negative effects or impacts?	In accordance with 49 CFR part 21 and Title VI case law, if an otherwise facially neutral program, policy, or activity will have a discriminatory impact on minority populations, that program, policy, or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy, or activity; (2) there are	In accordance with EO 12898 and the DOT Order on EJ, if a DOT program, policy, or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy, or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and

Key Aspects of the Authorities	Title VI	Environmental Justice
	no comparably effective alternative practices that would result in less-disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.	adverse effects are not practicable. In determining whether a mitigation measure or an alternative is "practicable," the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.
Does the authority create any rights or remedies?	Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact claims may be filed with the Federal agency.	EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.

Thus, while Title VI is one tool for agencies to use to achieve the principles of environmental justice, it is important to recognize that Title VI imposes statutory and regulatory requirements that are broader in scope than environmental justice. Recipients are cautioned that while there may be overlap, engaging in an EJ analysis under Federal transportation planning and NEPA provisions will not satisfy Title VI requirements, as outlined in this Title VI Circular. Similarly, a Title VI analysis will not necessarily satisfy environmental justice, given that Title VI does not include low-income populations. Moreover, Title VI applies to all activities of Federal recipients, not solely those which may have disproportionately high and adverse human health or environmental effects on EJ populations.

For example, while a bus rehabilitation project may not impose disproportionately high or adverse health or environmental effects on minority or low-income populations, the ***use*** of those buses subsequent to the rehabilitation may be subject to a Title VI analysis to ensure that vehicles assigned to a particular area do not result in a disparate impact on the basis of

race, color, or national origin. In addition, if there are substantive changes to the service levels for which the rehabilitated or other buses will be used, i.e., the vehicles are deployed in such a way that the nature and quantity of service in a particular area is changed, then a service equity analysis must be conducted to determine whether this change results in a disparate impact on the basis of race, color, or national origin. The requirements for that particular analysis are part of the compliance determinations made for Federal transit recipients under chapter IV of this Circular.

CHAPTER II

PROGRAM OVERVIEW

1. PROGRAM OBJECTIVES. The direction, guidance and procedures in this document will help FTA recipients to:

   a. Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;

   b. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;

   c. Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

2. STATUTORY AUTHORITY. Section 601 of Title VI of the Civil Rights Act of 1964 states the following:

   > 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.

   The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are Federally funded. The term "program or activity" means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

   Therefore, compliance with this Circular does not relieve a recipient from the requirements and responsibilities of the DOT Title VI regulation at 49 CFR part 21, or any other requirements under other Federal agencies' Title VI regulations, as applicable. This Circular only provides guidance on the transit-related aspects of an entity's activities. Recipients are responsible for ensuring that all of their activities are in compliance with Title VI. In other words, a recipient may engage in activities not described in the Circular, such as ridesharing programs, roadway incident response programs, or other programs not funded by FTA, and those programs must also be administered in a nondiscriminatory manner.

3. REGULATORY AUTHORITY. The U.S. Department of Justice ("DOJ") Title VI regulations can be found at 28 CFR § 42.401 *et seq*., and 28 CFR § 50.3. The U.S. Department of Transportation ("DOT") Title VI implementing regulations can be found at 49 CFR part 21.

   All programs receiving financial assistance from FTA are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and DOT's implementing regulations. In addition, DOJ's regulations require agencies such as DOT to issue guidelines to recipients to provide

detailed information on the requirements of Title VI. In order to assist recipients in carrying out the provisions of DOT's Title VI regulations, each of the requirements in this Circular includes a reference to the corresponding provision of 49 CFR part 21.

4. ADDITIONAL DOCUMENTS. In addition to the above-listed statute and regulations the following documents incorporate Title VI principles:

   a. The Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.

   b. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that recipients agree to comply, and assure the compliance of each subrecipient, lessee, third party contractor, or other participant at any tier of the Project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq*., and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21. Except to the extent FTA determines otherwise in writing, recipients agree to follow all applicable provisions of the most recent edition of FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," and any other applicable Federal directives that may be issued. Unless FTA states otherwise in writing, the Master Agreement requires all recipients to comply with all applicable Federal directives.

5. REPORTING REQUIREMENTS. Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with [49 CFR part 21]." FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years. The Title VI Program must be approved by the direct or primary recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the Board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

   Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, in order to assist the primary recipient in its compliance efforts, on a schedule to be determined by the primary recipient. In the event an entity receives funds from more than one primary recipient, the subrecipient shall submit Title VI Programs to all primary recipients from which it receives funds. Chapters III, IV, V, and VI and appendices

detail the specific information that shall be included in Title VI Programs, based on recipient characteristics.

6. APPLICABILITY TO CONTRACTORS. Contractors and subcontractors are responsible for complying with the Title VI Program of the recipient with whom they are contracting. Contractors are not required to prepare or submit Title VI Programs. Recipients are responsible for ensuring that contractors are following the Title VI Program, and complying with Title VI.

CHAPTER III

GENERAL REQUIREMENTS AND GUIDELINES

1. INTRODUCTION. This chapter describes requirements that all FTA recipients must follow to ensure that their programs, policies, and activities comply with DOT's Title VI regulations.

2. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES. In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA. Primary recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. The text of FTA's annual certifications and assurances is available on FTA's website.

3. REQUIREMENTS FOR FIRST-TIME APPLICANTS. First-time applicants must submit a Title VI Program that is compliant with this Circular, and submit an assurance (as noted in Section 2 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years. The summary shall include:

   a. The purpose or reason for the review.

   b. The name of the agency or organization that performed the review.

   c. A summary of the findings and recommendations of the review.

   d. A report on the status and/or disposition of such findings and recommendations. This information shall be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.

   In addition, first-time applicants shall submit a brief description of any pending applications to other Federal agencies for assistance, and whether any Federal agency has found the applicant to be in noncompliance with any civil rights requirement.

4. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule]." FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all recipients (including subrecipents), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State

DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts. Such Programs may be submitted and stored electronically at the option of the primary recipient. Subrecipients may choose to adopt the primary recipient's notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Operational differences between the primary recipient and subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan. Subrecipients shall develop and submit to the primary recipient a list of complaints, investigations, or lawsuits. Subrecipients that have transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees. Subrecipients must submit all the above information to the primary recipient on a schedule requested by the primary recipient. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

a. Contents. Every Title VI Program shall include the following information:

(1) A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. A sample Title VI notice is in Appendix B.

(2) A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in Appendix C, and a sample Title VI complaint form is in Appendix D.

(3) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. See Appendix E for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.

(4) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to

include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.

(5) A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.

(6) Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.

(7) Primary recipients shall include a narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.

(8) If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.

(9) Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a fixed route transit provider, a State, or an MPO.

b. Upload Title VI Program to TEAM. Direct and primary recipients must upload their Title VI Program into FTA's Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program shall be attached via the paper clip function on the Civil Rights screen, and not attached to a particular grant. Recipients must also notify their FTA Regional Civil Rights Officer via email that they have uploaded their Title VI Program to TEAM. The Title VI Program must be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program.

c. Determinations. The status of a direct or primary recipient's Title VI Program will be noted in TEAM. The three status determinations are:

(1) Concur. This status indicates that the recipients' Title VI Program meets the requirements as set out in this Circular. The recipient may receive grant funds.

(2) In review. This status indicates that the recipient's Title VI Program is being reviewed by FTA staff and a determination as to sufficiency has not yet been made. "In review" status is only effective for sixty days and grants may be processed while a Title VI Program has an "in review" status.

(3) Expired/Expiration. This status indicates that the recipients' Title VI Program has expired and that an updated Title VI Program must be submitted. A recipient with an expired Title VI Program may have its draw-down privileges suspended and grants may not be processed.

d. Reporting Requirement Exemptions. Recipients whose only FTA funding is through FTA's University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or the Public Transportation on Indian Reservations program are exempt from submitting a Title VI Program to FTA. In addition, FTA may exempt a recipient, upon receipt of a request for a waiver submitted to the Director of the Office of Civil Rights, from the requirement to submit a Title VI Program, or from some elements of the Title VI Program. The absence of the requirement to submit a Title VI Program does not obviate the underlying obligations to comply with DOT's Title VI regulations. Furthermore, with the exception of the Public Transportation on Indian Reservation program, FTA may, at any time, request information from an exempt recipient in order to determine compliance with Title VI regulations and statutes.

5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI. Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles. A sample Title VI notice to the public is provided in Appendix B.

a. Contents. The Title VI notice shall include:

(1) A statement that the agency operates programs without regard to race, color, or national origin.

(2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.

(3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

b. Effective Practices for Fulfilling the Notification Requirement.

(1) Dissemination. Agencies shall inform the public of their rights under Title VI through such measures as posting the Title VI notice on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's discretion, as long as the type, timing, and frequency are sufficient to notify passengers and other interested persons of their rights under DOT's Title VI regulations with regard to the recipient's program.

(2) Document translation. Notices detailing a recipient's Title VI obligations and complaint procedures shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.

(3) Subrecipients. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the primary recipient; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.

6. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM. In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall 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. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures and complaint form developed by the primary recipient. Sample complaint procedure and complaint forms are located in Appendices C and D. See Chapter IX of this Circular for more information on complaints.

7. REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS. In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years. See Appendix E for an example of how to report this information.

8. PROMOTING INCLUSIVE PUBLIC PARTICIPATION. The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities). Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process. FTA has developed a Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," that includes many examples of effective strategies for engaging minority and low-income populations. FTA

encourages recipients to review that Circular for ideas when developing their public engagement strategy. Some of those effective practices include:

a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.

b. Employing different meeting sizes and formats.

c. Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.

d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.

e. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) and 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service). FTA/FHWA (Federal Highway Administration) joint planning regulations (23 CFR part 450) require States and MPOs engaged in planning activities to seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems, such as minority and LEP persons, who may face challenges accessing employment and other services, as States and MPOs develop and conduct their public involvement activities. Recipients engaged in planning and other decision-making activities at the local level should consider the principles embodied in the planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

9. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS. Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). This Circular contains only a summary of the LEP requirements as they apply to FTA recipients; recipients are encouraged to review DOT's LEP guidance for additional information (70 FR 74087, Dec. 14, 2005) http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf. Recipients are also encouraged to review DOJ's guidelines on self-assessment, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011), as well as other materials, available at www.lep.gov.

a. Four Factor Analysis. In order to ensure meaningful access to programs and activities, recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. A careful analysis can help a recipient determine if it communicates effectively with LEP persons and will inform language access planning. The Four Factor Analysis is an individualized assessment that balances the following four factors:

(1) **The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.** This population will be program-specific. In addition to the number or proportion of LEP persons served, the recipient's analysis should, at a minimum, identify:

(a) How LEP persons interact with the recipient's agency;

(b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;

(c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and

(d) Whether LEP persons are underserved by the recipient due to language barriers.

(2) **The frequency with which LEP persons come into contact with the program.** Recipients should survey key program areas and assess major points of contact with the public, such as:

(a) Use of bus and rail service;

(b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;

(c) Participation in public meetings;

(d) Customer service interactions;

(e) Ridership surveys;

(f) Operator surveys.

(3) **The nature and importance of the program, activity, or service provided by the program to people's lives**. Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. The provision of public transportation is a vital service, especially for people without access to personal vehicles. An MPO's regional planning activities will impact every person in a region. Development of a coordinated plan to meet the specific

transportation needs of seniors and people with disabilities will often also meet the needs of LEP persons. A person who is LEP may have a disability that prevents the person from using fixed route service, thus making the person eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

(4) **The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach**. Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

b. Developing a Language Assistance Plan. After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves. The DOT LEP Guidance recognizes that certain recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written plan. However, FTA has determined it is necessary to require its recipients to develop an assistance plan in order to ensure compliance. A recipient may formally request an exemption from this requirement if it believes it fits within the exception described.

Recipients have considerable flexibility in developing a Language Assistance Plan, or LEP Plan. An LEP Plan shall, at a minimum:

(a) Include the results of the Four Factor Analysis, including a description of the LEP population(s) served;

(b) Describe how the recipient provides language assistance services by language;

(c) Describe how the recipient provides notice to LEP persons about the availability of language assistance;

(d) Describe how the recipient monitors, evaluates and updates the language access plan; and

(e) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

FTA will solely determine, at the time the recipient submits its Title VI Program or subsequent to a complaint investigation or compliance review, whether a recipient's plan is sufficient to ensure meaningful access and thus ensure the recipient is not engaging in discrimination on the basis of national origin.

After completing the Four Factor Analysis, a recipient may determine that an effective LEP plan for its community includes the translation of vital documents into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's programs and services. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; and notices advising LEP individuals of free language assistance services. Examples of vital documents include an ADA complementary paratransit eligibility application, a Title VI complaint form, notice of a person's rights under Title VI, and other documents that provide access to essential services. Failure to translate these vital documents could result in a recipient denying an eligible LEP person access to services and discrimination on the basis of national origin.

c. Safe Harbor Provision. DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program.

10. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES. Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

11. PROVIDING ASSISTANCE TO SUBRECIPIENTS. Title 49 CFR Section 21.9(b) states that if "a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part." See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT's Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient. Primary recipients should provide the following information to subrecipients; such information, forms, and data may be kept in a central repository and available for all subrecipients:

    a. Sample notices to the public informing beneficiaries of their rights under DOT's Title VI regulations, procedures on how to file a Title VI complaint, and the recipient's Title VI complaint form.

    b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when the primary recipient expects the subrecipient to notify the primary recipient of complaints received by the subrecipient.

    c. Demographic information on the race and English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.

    d. Any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI.

12. MONITORING SUBRECIPIENTS. In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

    a. In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:

        (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.

        (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

        (3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of

service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.

b. When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a primary recipient, the subrecipient/direct recipient reports directly to FTA and the primary recipient/designated recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

13. DETERMINATION OF SITE OR LOCATION OF FACILITIES. Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.

c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less

of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

14. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST. FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

CHAPTER IV

REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS

1. INTRODUCTION. The requirements described in this chapter apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities. Contractors are responsible for following the Title VI Program(s) of the transit provider(s) with whom they contract. Transit providers that are subrecipients will submit the information required in this chapter to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. Direct and primary recipients will submit the information required in this chapter to FTA every three years. See Appendix L for clarification of reporting responsibilities by recipient category.

   All transit providers—whether direct recipients, primary recipients or subrecipients—that receive financial assistance from FTA are also responsible for following the general requirements in Chapter III of this circular. The requirements in this chapter are scaled based on the size of the fixed route transit provider.

   Providers of public transportation that only operate demand response service are responsible only for the requirements in Chapter III. Demand response includes general public paratransit, Americans with Disabilities Act complementary paratransit, vanpools, and Section 5310 non-profits that serve only their own clientele (closed door service). Providers of public transportation that operate fixed route and demand response service, or only fixed route service, are responsible for the reporting requirements in this chapter, but these requirements only apply to fixed route service.

Requirement	Transit Providers that operate fixed route service	Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: • Demographic and service profile maps and charts • Survey data regarding customer demographic and travel patterns
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required

a. If a transit provider:

(1) Operates 50 or more fixed route vehicles in peak service and is located in an Urbanized Area (UZA) of 200,000 or more in population; or
(2) Has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator,

Then the transit provider's Title VI Program must contain all of the elements described in this chapter.

b. If a fixed route transit provider does not meet the threshold in paragraph a, then the transit provider is only required to set system-wide standards and policies, as further described below.

c. Threshold. FTA requires all transit providers to submit a Title VI Program to comply with DOT Title VI regulations; the threshold provides a distinction regarding the degree of evidence a fixed route transit provider must provide to demonstrate compliance with those regulations.

d. Determination. As of the effective date of this circular (4702.1B), those transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population, are required to meet all requirements of this chapter (i.e., setting service standards and policies, collecting and reporting data, monitoring transit service, and evaluating fare and service changes).

2. IMPLEMENTATION. Fixed route transit providers with Title VI Programs due between October 1, 2012 and March 31, 2013 must submit a Title VI Program that is compliant with this Circular by March 31, 2013. On or about October 1, 2012, FTA will publish a list of recipients that are in this group, and FTA will also reach out to each recipient to ensure awareness of the requirement.

a. All fixed route transit providers with Title VI Programs that do not expire between October 1, 2012, and March 31, 2013, are required to develop or update their system-wide standards and policies and submit them into TEAM by March 31, 2013.

b. Title VI Programs due to expire on or after April 1, 2013, must comply with the reporting requirements of this Circular, 4702.1B.

c. Service Equity Analyses. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and have major service changes scheduled between October 1, 2012 and March 31, 2013, may follow the service equity analysis guidance provided in FTA Circular 4702.1A. A transit provider may conduct a service equity analysis consistent with the new Circular for major service changes occurring prior to April 1, 2013, but is not required to do so. All major service changes occurring on or after April 1, 2013 must be analyzed with the framework outlined in section 7 of this chapter.

d. Surveys. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and that have not conducted passenger surveys in the last five years will have until December 31, 2013, to conduct these surveys.

3. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. As stated in Chapter III of this Circular, in order to ensure compliance with the reporting requirements of 49 CFR Section 21.9(b), FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all transit providers (including subrecipients), the Title VI Program must be approved by the transit provider's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Transit providers shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, on a schedule to be determined by the primary recipient, in order to assist the primary recipient in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

a. Contents of the Title VI Program. Providers of fixed route public transportation shall include the following information in their Title VI Program.

(1) All fixed route transit providers shall submit:

(a) All general requirements set out in Section 4 of Chapter III of this Circular; and

(b) System-wide service standards and system-wide service policies, whether existing or new (i.e., adopted by the transit provider since the last submission) as described in this chapter.

(2) Transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall include the information in paragraph a(1) above, and will also include:

(a) A demographic analysis of the transit provider's service area. This shall include demographic maps and charts completed since submission of the last Title VI Program that contains demographic information and service profiles;

(b) Data regarding customer demographics and travel patterns, collected from passenger surveys;

(c) Results of the monitoring program of service standards and policies and any action taken, including documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results;

(d) A description of the public engagement process for setting the "major service change policy" and disparate impact policy;

(e) A copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the major service change policy and disparate impact policy.

(f) Results of equity analyses for any major service changes and/or fare changes implemented since the last Title VI Program submission; and

(g) A copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the equity analysis for any service or fare changes required by this circular.

4. REQUIREMENT TO SET SYSTEM-WIDE SERVICE STANDARDS AND POLICIES. These requirements apply to all fixed route providers of public transportation service. Title 49 CFR Section 21.5 states the general prohibition of discrimination on the grounds of race, color, or national origin. Section 21.5(b)(2) specifies that a recipient shall not "utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin." Section 21.5(b)(7) requires recipients to "take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin." Finally, Appendix C to 49 CFR part 21 provides in Section (3)(iii) that "[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin."

All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide. Fixed route modes of service include but are not limited to, local bus, express bus, commuter bus, bus rapid transit, light rail, subway, commuter rail, passenger ferry, etc. These standards and policies must address how service is distributed across the transit system, and must ensure that the manner of the distribution affords users access to these assets.

These system-wide service standards differ from any standards set by the APTA Standards Development Program and other standards development organizations (SDOs), in that they will be set by individual transit providers and will apply agency-wide rather than industry-wide.

Providers of fixed route public transportation shall also adopt system-wide service policies to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Service policies differ from service standards in that they are not necessarily based on a quantitative threshold.

a. Effective Practices to Fulfill the Service Standard Requirement. FTA requires all fixed route transit providers to develop quantitative standards for all fixed route modes of operation for the indicators listed below. Providers of public transportation may set additional standards as appropriate or applicable to the type of service they provide. See Appendix G for an example of how to report this information.

(1) Vehicle load for each mode. Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e., bus, express bus, bus rapid transit, light rail, heavy rail, commuter rail, passenger ferry, etc., as applicable), as the standard may differ by mode.

(2) Vehicle headway for each mode. Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle headway standard is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Transit providers may set different vehicle headway standards for different modes of transit service. A vehicle headway standard might establish a minimum frequency of service by area based on population density. For example, service at 15-minute peak headways and 30-minute off-peak headways might be the standard for routes serving the most densely populated portions of the service area, whereas 30-minute peak headways and 45-minute off-peak headways might be the standard in less densely populated areas. Headway standards are also typically related to vehicle load. For example, a service standard might state that vehicle headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.

(3) On-time performance for each mode. On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be "on time." For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of

performance for the system. For example, a transit provider might define on-time performance as 95 percent of all runs system-wide or on a particular route or line completed within the allowed "on-time" window.

(4) Service availability for each mode. Service availability is a general measure of the distribution of routes within a transit provider's service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk of bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in less densely populated areas, and the percentage of the total population within a one-quarter mile walk of routes or lines might be higher in more densely populated areas than it would be in less densely populated areas. Commuter rail service or passenger ferry service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations or access to the terminal.

b. Effective Practices to Fulfill the Service Policy Requirement. FTA requires fixed route transit providers to develop a policy for each of the following service indicators. Transit providers may set policies for additional indicators as appropriate. See Appendix H for an example of how to report this information.

(1) Distribution of transit amenities for each mode. Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Transit providers may have different policies for the different modes of service that they provide. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This subparagraph is not intended to impact funding decisions for transit amenities. Rather, this subparagraph applies after a transit provider has decided to fund an amenity.

This policy does not apply to transit providers that do not have decision-making authority over the siting of transit amenities. Transit providers are not responsible for setting a policy for transit amenities that are solely sited by a separate jurisdiction (e.g., a city, town, or county) unless the transit provider has the authority to set policies to determine the siting of these amenities. Transit providers are responsible for setting a policy for transit amenities that are installed under a contract between the transit provider and a private entity. In these cases, the transit provider shall communicate its service policy to the private entity.

Transit providers shall submit their siting policy where the definition of transit amenities includes but is not limited to:

(a) Seating (i.e., benches, seats at stops/stations)

(b) Bus and rail shelters and rail platform canopies
(c) Provision of information:
  i. Printed signs, system maps, route maps, and schedules.
  ii. Digital equipment such as next vehicle arrival time signs along bus routes and at fixed guideway stations (i.e., electronic signage that depicts when a transit vehicle will next arrive at the station or stop).
(d) Escalators
(e) Elevators
(f) Waste receptacles (including trash and recycling)

(2) Vehicle assignment for each mode. Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider's system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area.

5. REQUIREMENT TO COLLECT AND REPORT DEMOGRAPHIC DATA. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in Urbanized Areas (UZA) of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. Title 49 CFR Section 21.9(b) requires recipients to keep records and submit compliance reports (a Title VI Program) to FTA. Title VI Programs shall contain "such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part." In addition, 49 CFR 21.9(b) states that recipients "should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." In order to ensure compliance with the regulation, FTA requires these transit providers to prepare data regarding demographic and service profile maps and charts as well as customer demographics and travel patterns.

In order to comply with the reporting requirements in 49 CFR Section 21.9(b), transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall collect and analyze racial and ethnic data as described below in order to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.

a. Demographic and Service Profile Maps and Charts. Transit providers shall prepare demographic and service profile maps and charts after each decennial census and prior to proposed service reductions or eliminations. Transit providers may use decennial census

data to develop maps and charts until the next decennial census or they may use American Community Survey (ACS) data between decennial censuses. These maps and charts will help the transit provider determine whether and to what extent transit service is available to minority populations within the transit provider's service area. These maps may be prepared using Geographic Information System (GIS) technology, although transit providers without access to GIS technology may prepare the maps in alternative formats. FTA requires transit providers to prepare the following maps and charts:

(1) A base map of the transit provider's service area that overlays Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities—including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings—as well as major activity centers or transit trip generators, and major streets and highways. Major activity centers and transit trip generators can include, but are not necessarily limited to, the central business district, outlying high employment areas, schools, and hospitals. This map shall overlay Census tract, block or block group data depicting minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways. Another map shall highlight those transit facilities that were recently replaced, improved or are scheduled (projects identified in planning documents) for an update in the next five years.

(2) A demographic map that plots the information listed in (1) above and also shades those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole. Transit providers may elect to produce maps that highlight separately the presence of specific minority populations if this information will assist the transit provider in determining compliance with Title VI and/or LEP. Transit providers shall also prepare a GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways.

(3) For purposes of addressing environmental justice, and in order to evaluate the impacts of major service changes on low-income populations, demographic maps shall also depict those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.

b. Demographic Ridership and Travel Patterns. Fixed route providers of public transportation that meet the threshold in the Introduction section of this chapter shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders. Demographic information shall also be collected on fare usage by fare type amongst minority users and low-income users, in order to assist with fare equity

analyses. The demographic information shall be displayed in tabular format. An example of this analysis is depicted in Appendix I.

The information required in this subparagraph may be integrated into passenger surveys employed by transit providers on a schedule determined by the transit provider but no less than every five years and may be collected at the time that such surveys are routinely performed, such as customer satisfaction surveys and origin and destination surveys used to update travel demand models. Transit providers should contact FTA for further guidance on survey sample sizes, data expansion procedures, and data collection methods suitable to the transit provider's specific situation.

Transit providers shall take steps to translate customer surveys into languages other than English as necessary, or to provide translation services in the course of conducting customer surveys consistent with the DOT LEP guidance and the recipient's language assistance plan.

6. REQUIREMENT TO MONITOR TRANSIT SERVICE. This requirement applies only to providers of public transportation that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. In order to ensure compliance with DOT's Title VI regulations, FTA requires these transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e., vehicle load, vehicle assignment, transit amenities, etc.) not less than every three years using the following method:

   a. Transit providers shall use the minority transit route definition to implement this monitoring program. Transit providers shall select a sample of minority and non-minority routes from all modes of service provided, e.g., local bus, bus rapid transit, light rail, etc. The sample shall include routes that provide service to predominantly minority areas and non-minority areas. Transit providers should bear in mind that the greater the sample size, the more reliable the results.

      As defined in Chapter I, a minority transit route is one in which at least one-third of the revenue miles are located in a Census block, Census block group, or traffic analysis zone where the percentage minority population exceeds the percentage minority population in the service area. Transit providers may supplement this with ridership data and adjust route designations accordingly. For example, a commuter bus that picks up passengers in generally non-minority areas and then travels through predominantly minority neighborhoods but does not pick up passengers who live closer to downtown might be more appropriately classified as a non-minority route, even if one-third of the route mileage is located in predominantly minority Census blocks or block groups. On the other hand, a light rail line may carry predominantly minority passengers to an area where employment centers and other activities are located, but the minority population in the surrounding Census blocks or block groups does not meet or exceed the area average. This route may be more appropriately classified as a minority transit route. Transit providers should ensure they have

adequate ridership data before making these determinations, and include that data in their analyses.

b. Transit providers shall assess the performance of each minority and non-minority route in the sample for each of the transit provider's service standards and service policies.

c. Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.

d. For cases in which the observed service for any route exceeds or fails to meet the standard or policy, depending on the metric measured, the transit provider shall analyze why the discrepancies exist, and take steps to reduce the potential effects.

e. Transit providers shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.

f. Transit providers shall develop a policy or procedure to determine whether disparate impacts exist on the basis of race, color, or national origin, and apply that policy or procedure to the results of the monitoring activities;

g. Transit providers shall brief and obtain approval from the transit providers' policy-making officials, generally the board of directors or appropriate governing entity responsible for policy decisions regarding the results of the monitoring program;

h. Submit the results of the monitoring program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results to FTA every three years as part of the Title VI Program. See Appendix J for an example of how to report this information.

Transit providers shall undertake these periodic service monitoring activities to compare the level of service provided to predominantly minority areas with the level of service provided to predominantly non-minority areas to ensure the end result of policies and decision-making is equitable. A transit provider at its discretion may choose to conduct service monitoring more frequently than every three years.

If a transit provider determines, based on its monitoring activities, that prior decisions have resulted in a disparate impact on the basis of race, color, or national origin, the transit provider shall take corrective action to remedy the disparities to the greatest extent possible, and shall discuss in the Title VI Program these disparate impacts and actions taken to remedy the disparities.

7. <u>REQUIREMENT TO EVALUATE SERVICE AND FARE CHANGES</u>. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. These transit providers are required to prepare and submit service and fare equity analyses as described below. Transit providers not

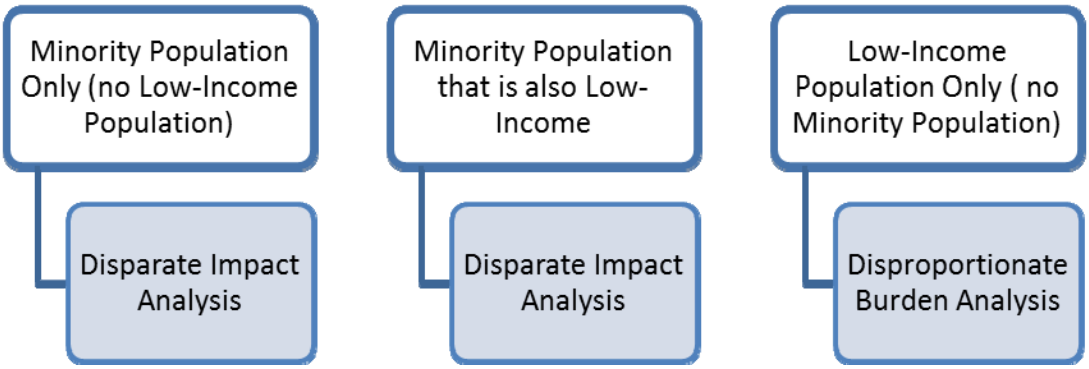
subject to this requirement are responsible for complying with the DOT Title VI regulations which prohibit disparate impact discrimination, and therefore should review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color, or national origin.

To further ensure compliance with 49 CFR Section 21.5(b)(2), 49 CFR Section 21.5(b)(7), and Appendix C to 49 CFR part 21, all providers of public transportation to which this Section applies shall develop written procedures consistent with this Section to evaluate, prior to implementation, any and all service changes that exceed the transit provider's major service change threshold, as well as all fare changes, to determine whether those changes will have a discriminatory impact based on race, color, or national origin. The written procedures and results of service and/or fare equity analyses shall be included in the transit provider's Title VI Program.

One purpose of conducting service and fare equity analyses prior to implementing service and/or fare changes is to determine whether the planned changes will have a disparate impact on the basis of race, color, or national origin.

The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The comparison population for a statistical measure of disparate impact is all persons who are either affected by the service or fare changes or who could possibly be affected by the service or fare change (e.g., potential passengers). When a transit provider uses ridership as the comparison population, the transit provider will compare the ridership of the affected route(s) with the ridership of the system. For example, if the ridership of affected route(s) is 60 percent minority and the system ridership is 40 percent minority, then changes to the route(s) may have a disparate impact. When a transit provider uses the population of the service area as the comparison population, it will compare the population in Census blocks or block groups served by the affected route(s) with the population in the service area. For example, if affected route(s) serves Census blocks that are 40 percent minority and the service area is 45 percent minority, there would likely not be a disparate impact. Examples of this analysis are provided in Appendix K.

Low-income populations are not a protected class under Title VI. However, recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes. As depicted below, when a minority population is present, the correct analysis is a disparate impact analysis:



Transit providers shall use tables similar to those provided in Appendix K to depict the results of the service and/or fare equity analysis. Transit providers should refer to the checklist and examples in the Appendix for additional technical assistance with service and fare equity analyses.

Upon completion of a service or fare equity analysis, the transit provider shall brief its board of directors, top executive, or appropriate governing entity or official(s) responsible for policy decisions regarding the service and/or fare change(s) and the equity impacts of the service and/or fare change(s). The transit provider shall submit documentation such as a board resolution, copy of meeting minutes, or similar documentation with the Title VI Program as evidence of the board or governing entity or official's consideration, awareness, and approval of the analysis.

a. Service Equity Analysis

FTA encourages transit providers to contact their FTA Regional Civil Rights Officer for technical assistance when they have determined that a service equity analysis is necessary. Upon request, FTA can provide technical assistance related to methodology and analysis prior to a transit provider's board of directors taking action.

Transit providers shall evaluate the impacts of their proposed service changes on minority and low-income populations separately, using the following methods:

(1) Service Equity Analysis for Minority Populations:

(a) Major Service Change Policy. In order to begin the analysis, the transit provider must first identify what constitutes a "major service change" for its system, as only "major service changes" are subject to a service equity analysis. The transit provider must conduct a service equity analysis for those service changes that meet or exceed the transit provider's "major service change policy."

A major service change policy is typically presented as a numerical standard, such as a change that affects "x" percent of a route, "x" number of route miles or hours, or some other route-specific or system-wide change, or the number or concentration of people affected. The major service change policy will include

adding service and reducing service. The threshold for analysis shall not be set so high so as to never require an analysis; rather, agencies shall select a threshold most likely to yield a meaningful result in light of the transit provider's system characteristics.

A transit provider may exempt a temporary addition of service (e.g., demonstration projects), including those that would otherwise qualify as a major service change, from its definition of major service change. If a temporary service addition or change lasts longer than twelve months, then FTA considers the service addition or change permanent and the transit provider must conduct a service equity analysis if the service otherwise qualifies as a major service change.

(b) Adverse Effects. The transit provider shall define and analyze adverse effects related to major changes in transit service. The adverse effect is measured by the change between the existing and proposed service levels that would be deemed significant. Changes in service that have an adverse effect and that may result in a disparate impact include reductions in service (e.g., elimination of route, shortlining a route, rerouting an existing route, increase in headways). Elimination of a route will generally have a greater adverse impact than a change in headways. Additions to service may also result in disparate impacts, especially if they come at the expense of reductions in service on other routes. Transit providers shall consider the degree of adverse effects, and analyze those effects, when planning their service changes.

(c) Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impacts. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission.

For illustrative purposes only, here is an example: a transit provider adopts a disparate impact policy that provides any time there is a difference in adverse impacts between minority and non-minority populations of plus or minus ten percent, this is statistically significant, and such differences in adverse impacts are disparate. For example, if minorities make up 30 percent of the overall population, but would bear 45 percent of the impacts, and the non-minority group would bear 55 percent, there may be a disparate impact insofar as the minority group bears 15 percent more than its expected share, from 45 percent of the burden to 30 percent of the population; while the non-minority group bears 15 percent less than its expected share of 55 percent of burden compared to 70 percent of population—even though the absolute majority of the burden rests with the non-minority group. Applying the ten percent disparate impact policy, the provider will find a disparate impact and must therefore consider

modifying the proposed changes in order to avoid, minimize, or mitigate the disparate impacts of the proposed changes. [**NOTE**: Ten percent is not a suggested baseline or standard, and is used here solely as an example. As described above, each transit provider will adopt a disparate impact policy.]

(d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the major service change policy and disparate impact policy.

(e) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. For example, passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.

(f) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on minority populations using the following framework:

(i) The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The population for a statistical measure of disparate impact is all persons that are either affected by the service or fare changes or that could possibly be affected by the service or fare change (e.g., potential passengers), thus the comparison population may vary depending on the type of change under evaluation. The transit provider shall include in the analysis the reason for the comparison population selected.

For example, when making headway changes, eliminating a route, or increasing service to an area currently served by the transit system, the appropriate comparison population would likely be ridership, and the transit provider would compare the ridership of the affected route(s) with the ridership of the system.

On the other hand, when proposing to provide new service to a neighborhood or corridor not served by the transit system, the appropriate comparison population would likely be the population of the service area, and the transit

provider would compare the population in Census blocks or block groups served by the proposed route(s) with the population in the service area.

Further, if a transit provider is proposing a major service change that involves both headway changes and new service to a neighborhood or corridor not served by the transit system, the transit provider would not have to use different comparison populations for the different types of changes. The transit provider would select either ridership or population of the service area and conduct an analysis using the same comparison population.

Transit providers are cautioned not to "mix and match" their comparison populations. Ridership of affected route(s) should be compared to ridership of the system, and Census blocks or block groups should be compared with the population of the service area.

In instances where a transit provider does not have adequate ridership data or is otherwise uncertain as to which population to use for comparison purposes, the transit provider should contact their FTA regional office for technical assistance.

(ii) Ridership Data. When the transit provider determines that the correct population base is ridership, the transit provider shall document the reasons for selecting this population base and analyze any available information generated from ridership surveys to determine the minority and non-minority population ridership of the affected route(s) and the minority and non-minority ridership of the entire system.

(iii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.

(iv) Determination of Disparate Impact. Each service change analysis must compare existing service to proposed changes, and calculate the absolute change as well as the percent change. The transit provider shall use its adverse effects definition and disparate impact threshold to determine whether the proposed major service change will result in adverse effects that are disproportionately borne by minority populations, by comparing the proportion of minorities adversely affected to the proportion of non-minorities adversely affected. The transit provider shall consider the degree of the adverse effects when doing this analysis. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.

(v) Analysis of Modifications. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize, or mitigate potential disparate impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.

(vi) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only* if:

- the transit provider has a substantial legitimate justification for the proposed service change, **and**
- the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

  It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

(vii) Examining Alternatives. If the transit provider determines that a proposed service change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification - that is, that the justification is not supported by demonstrable evidence - the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the service changes and make adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including the less discriminatory alternatives that may be available.

(2) Service Equity Analysis for Low-Income Populations. As noted above, low-income populations are not a protected class under Title VI. However,

recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes.

(a) Major Service Change Policy. As described under the Service Equity Analysis for Minority Populations, the transit provider must first identify what constitutes a "major service change" for its system, as only "major service changes" are subject to a service equity analysis. The transit provider's major service change policy will apply to both analyses.

(b) Adverse Effects. As described under the Service Equity Analysis for Minority Populations, the transit provider shall define and analyze adverse effects related to major changes in transit service. The transit provider's adverse effects policy will apply to both analyses.

(c) Disproportionate Burden Policy. The transit provider shall develop a policy for measuring disproportionate burdens on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode.

(d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the disproportionate burden policy.

(e) Selection of Comparison Population. Transit providers may use ridership data or population of the service area for the comparison population. If a transit provider uses ridership as the comparison population for the Title VI (minority populations) service equity analysis, the transit provider should use ridership as the comparison population for the low-income equity analysis. Similarly, if the transit provider uses the service area as the comparison population for the Title VI (minority populations) analysis, the provider should use the service area as the comparison population for the low-income analysis.

(f) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, or traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. [NOTE: Census tract level may be used if that is the smallest geographic area available for income data]. For example,

passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.

(g) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on low-income populations using the following method:

(i) Ridership Data. When the transit provider determines that the correct comparison population is ridership, the transit provider shall document the reasons for selecting this comparison population and analyze any available information generated from ridership surveys to determine the low-income and non-low-income population ridership of the affected route(s) and the low-income and non-low-income ridership of the entire system.

(ii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured/rerouted, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.

(iii) Determination of Disproportionate Burden. Each service change analysis must compare existing service to proposed service, and calculate the absolute change as well as the percent change. The transit provider shall use its disproportionate burden threshold to determine whether the proposed change will result in adverse effects that are disproportionately borne by low-income populations, by comparing the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.

(iv) Avoid, Minimize, Mitigate. At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed major service change, the transit provider should take steps to avoid, minimize, or mitigate impacts where practicable. The provider should also describe alternatives available to low-income passengers affected by the service changes.

(v) FTA considers the disproportionate burden analysis for low-income populations described above to be important for planning and environmental justice analysis purposes; however, since low-income populations are not a protected class under Title VI, failure to complete this analysis will not result in a finding of noncompliance under Title VI.

b. Fare Equity Analysis

(1) Fare Changes. The fare equity analysis requirement applies to all fare changes regardless of the amount of increase or decrease. As with the service equity analysis, FTA requires transit providers to evaluate the effects of fare changes on low-income populations in addition to Title VI-protected populations.

(a) Exceptions.

(i) "Spare the air days" or other instances when a local municipality or transit agency has declared that all passengers ride free.

(ii) Temporary fare reductions that are mitigating measures for other actions. For example, construction activities may close a segment of a rail system for a period of time and require passengers to alter their travel patterns. A reduced fare for these impacted passengers is a mitigating measure and does not require a fare equity analysis.

(iii) Promotional fare reductions. If a promotional or temporary fare reduction lasts longer than six months, then FTA considers the fare reduction permanent and the transit provider must conduct a fare equity analysis.

(2) Data Analysis. For proposed changes that would increase or decrease fares on the entire system, or on certain transit modes, or by fare payment type or fare media, the transit provider shall analyze any available information generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or payment media that would be subject to the fare change. Notably, Census data will not be effective data for fare analyses, since it is impossible to know, based on Census data, what fare media people are using. The transit provider shall describe the dataset(s) the transit provider will use in the fare change analysis. This section shall also describe what techniques and/or technologies were used to collect the data. The transit provider shall—

(i) Determine the number and percent of users of each fare media being changed;
(ii) Review fares before the change and after the change;
(iii) Compare the differences for each particular fare media between minority users and overall users; and
(iv) Compare the differences for each particular fare media between low-income users and overall users.

Please see Appendix K for a sample analysis.

(3) Assessing Impacts. Transit providers shall evaluate the impacts of their proposed fare changes (either increases or decreases) on minority and low-income populations separately, using the following framework:

(a) Minority Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impact to determine whether minority riders are bearing a disproportionate impact of the change between the existing cost and the proposed cost. The impact may be defined as a statistical percentage. The disparate impact threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next Title VI Program submission.

(b) Public Participation Process. The transit provider shall engage the public in the decision-making process to develop the disparate impact threshold.

(c) Modification of Proposal. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize or mitigate those impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.

(d) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed fare changes despite the disparate impact on minority ridership, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed fare change, the transit provider may implement the fare change only if:

- the transit provider has a substantial legitimate justification for the proposed fare change, **and**

- the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

  It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

(e) Examining Alternatives. If the transit provider determines that a proposed fare change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification—that is, that the justification is not supported by demonstrable evidence—the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the fare changes and make

adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including any less discriminatory alternatives that may be available.

(f) Low-Income Disproportionate Burden Policy. The transit provider shall develop a policy for measuring the burden of fare changes on low-income riders to determine when low-income riders are bearing a disproportionate burden of the change between the existing fare and the proposed fare. The impact may be defined as a statistical percentage. The disproportionate burden threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next program submission.

(i) The transit provider shall engage the public in the decision-making process to develop the disproportionate burden threshold.

(ii) At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize or mitigate impacts where practicable. The transit provider should describe alternatives available to low-income populations affected by the fare changes.

c. Service and Fare Equity Analysis for New Starts and Other New Fixed Guideway Systems. Transit providers that have implemented or will implement a New Start, Small Start, or other new fixed guideway capital project shall conduct a service and fare equity analysis. The service and fare equity analysis will be conducted six months prior to the beginning of revenue operations, whether or not the proposed changes to existing service rise to the level of "major service change" as defined by the transit provider. All proposed changes to parallel or connecting service will be examined. If the entity that builds the project is different from the transit provider that will operate the project, the transit provider operating the project shall conduct the analysis. The service equity analysis shall include a comparative analysis of service levels pre-and post- the New Starts/Small Starts/new fixed guideway capital project. The analysis shall be depicted in tabular format and shall determine whether the service changes proposed (including both reductions and increases) due to the capital project will result in a disparate impact on minority populations. The transit provider shall also conduct a fare equity analysis for any and all fares that will change as a result of the capital project.

CHAPTER V

REQUIREMENTS FOR STATES

1. INTRODUCTION. This chapter provides requirements for States. States that receive financial assistance from FTA are also responsible for following:

   a. The general requirements in Chapter III of this Circular; and

   b. The requirements in Chapter IV of this Circular if the State is a provider of fixed route public transportation.

2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

   For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. States shall submit a copy of the appropriate documentation demonstrating that the State's Secretary of Transportation or equivalent official has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, in order to assist the State in its compliance efforts, on a schedule determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

   States shall include the following information in their Title VI Program:

   a. All general requirements set out in section 4 of Chapter III of this Circular;

   b. All requirements for transit providers set out in Chapter IV of this Circular if the State is a provider of fixed route public transportation services;

   c. A demographic profile of the State that includes identification of the locations of minority populations in the aggregate;

   d. Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in

the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient;

e. An analysis of impacts identified in paragraph d that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

f. A description of the statewide transportation planning process that identifies the transportation needs of minority populations;

g. A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner; and

h. A description of the procedures the State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

3. PLANNING. All States are responsible for conducting planning activities that comply with 49 U.S.C. Section 5304, Statewide Transportation Planning, as well as subpart B of 23 CFR part 450, Statewide Transportation Planning and Programming. Since States "pass through" planning funds to the MPO, the State as primary recipient is responsible for collecting Title VI programs from MPOs on a schedule to be determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient.

Self-certification of compliance with all applicable Federal requirements is required of all States, which is reviewed by FTA and the Federal Highway Administration (FHWA) in the joint Statewide Planning Finding, rendered at the time of update or amendment of the Statewide Improvement Program (STIP). The joint FTA/FHWA planning certification review includes a review of Title VI compliance. The self-certification and joint FTA/FHWA "Finding" include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review State-developed documentation to determine whether States have:

a. Analyzed regional demographic data to identify minority populations within the non-urbanized areas of the State.

b. Where necessary, provided local service providers and agencies with data to assist them in identifying minority populations in their service area.

c. Ensured that members of minority communities are provided with full opportunities to engage in the Statewide Transportation Planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.

d. Monitored the activities of subrecipients with regard to Title VI compliance, where the State passes funds through to subrecipients.

4. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, States shall document that they pass through FTA funds under the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program, the Formula Grants for Rural Areas (Section 5311) program, and any other FTA funds, to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

States shall prepare and maintain, but not report unless requested by FTA, the following information:

a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.

b. A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.

c. A description of the agency's criteria for selecting entities to participate in an FTA grant program.

When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a State, the subrecipient/direct recipient reports directly to FTA and the State as designated recipient is not responsible for monitoring compliance of that subrecipient/direct recipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the State as designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

CHAPTER VI

REQUIREMENTS FOR METROPOLITAN TRANSPORTATION PLANNING ORGANIZATIONS

1. INTRODUCTION. This chapter describes the procedures that metropolitan planning organizations (MPOs) shall follow in order to comply with the DOT's Title VI regulations. MPOs are also responsible for following the general requirements in Chapter III of this circular.

   An MPO may serve many different roles depending on its "recipient" status, i.e., designated recipient, direct recipient, primary recipient, or subrecipient. This chapter describes the many roles an MPO may fill, and provides guidance on Title VI compliance for each of those roles.

2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

   For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive Federal planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, on a schedule to be determined by the State, in order to assist the State in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

   MPOs shall include the following information in their Title VI Programs.

   a. In its regional transportation planning capacity, the MPO shall submit to the State as the primary recipient, and also to FTA:

      (1) All general requirements) set out in section 4 of Chapter III of this Circular;

      (2) A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate;

      (3) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process;

(4) Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient;

(5) An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

b. In its capacity as a direct recipient, the MPO shall submit to FTA:

(1) The information required under section 2a of this chapter; and

(2) If the MPO is a provider of fixed route public transportation service, the information required under section 2 of chapter IV (Requirements and Guidelines for Fixed Route Transit Providers). The reporting requirements that the MPO must follow for the provision of public transportation service will be based on whether the MPO serves a large UZA with 200,000 or more in population and whether the number of fixed route vehicles in peak service is 50 or more.

c. In its capacity as a primary recipient, the MPO shall submit to FTA:

(1) The information required under section 2a of this chapter;

(2) A description of the procedures the MPO uses to pass through FTA financial assistance to subrecipients in a nondiscriminatory manner; and

(3) A description of the procedures the MPO uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

See Appendix L for clarification of reporting responsibilities by recipient category.

3. PLANNING. All MPOs are responsible for conducting planning activities that comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming, for a specified metropolitan planning area. Since States "pass through" planning funds to the MPO, MPOs are subrecipients of the State and must submit Title VI compliance reports for planning activities to the State in order to assist the State in demonstrating compliance with Title VI. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient. If the MPO passes planning funds through to one or more subrecipients, the MPO is responsible for ensuring those subrecipients comply with Title VI.

All MPOs are required to self-certify compliance with all applicable Federal requirements. Planning certification reviews conducted jointly by FTA and FHWA of the metropolitan transportation planning processes of transportation management areas include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review MPO-developed documentation to determine whether MPOs have:

a. Analyzed regional demographic data to identify minority populations within the region.

b. Where necessary, provided member agencies with regional data to assist them in identifying minority populations in their service area.

c. Ensured that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.

d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPO passes funds through to subrecipients.

4. DESIGNATED RECIPIENT. MPOs sometimes serve the role of designated recipient. FTA apportions funds each year to the MPO as designated recipient, and the MPO, in turn, suballocates funds (without receiving the actual funds from FTA) to various entities and/or retains funds to carry out its own projects or activities, or to pass through to subrecipients. If the MPO as designated recipient simply suballocates the funds to other entities, and those entities apply to FTA directly for the funds, the MPO and each entity to which it suballocates funds enter into a "supplemental agreement." Under a supplemental agreement, the direct recipient is responsible for demonstrating compliance with Federal law, including Title VI, and the MPO is not in any manner subject to or responsible for the direct recipient's compliance with the DOT Title VI regulations.

   However, the MPO as designated recipient is responsible for suballocating FTA funds without regard to race, color, or national origin. Suballocations must be based on project implementation priorities in the MTP, which includes a robust public participation process. Each MPO must have a locally developed process that establishes criteria for making determinations of funding priorities in a nondiscriminatory manner.

5. DIRECT RECIPIENT. An MPO that receives funding directly from FTA for its own activities is a direct recipient, and therefore must develop a Title VI Program and report Title VI compliance to FTA for those activities for which it is a direct recipient. As a direct recipient, an MPO may also pass through funds to subrecipients. When an MPO receives funds directly from FTA and then passes funds through to subrecipients, the MPO becomes a primary recipient under the DOT Title VI regulations and is responsible for monitoring the compliance of its subrecipients with Title VI, unless that subrecipient is also an FTA direct recipient. Refer to Appendix L for clarification of reporting responsibilities by recipient category.

6. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass

through FTA funds under any FTA programs (e.g., 49 U.S.C. 5310, Enhanced Mobility for Seniors and Individuals with Disabilities), to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

MPOs shall prepare and maintain, but not report unless requested by FTA, the following information:

a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.

b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.

c. A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

CHAPTER VII

EFFECTING COMPLIANCE WITH DOT TITLE VI REGULATIONS

1. INTRODUCTION. This chapter outlines procedures when FTA determines that a recipient is noncompliant with the DOT Title VI regulations. Title 49 CFR Section 21.13(a) states the following:

   > If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to: (1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the [Civil Rights] Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

2. PROCEDURES FOR SECURING VOLUNTARY COMPLIANCE. FTA may determine a recipient is noncompliant with DOT's Title VI regulations following a compliance review or after FTA completes an investigation in response to a Title VI complaint. Prior to taking measures to effect compliance, FTA will attempt to resolve noncompliance informally and by using the following procedures.

   a. Notification to the Recipient. When FTA has determined that a recipient is noncompliant with DOT's Title VI regulations, it will transmit a letter of finding to the recipient that describes FTA's determination and requests that the recipient voluntarily take corrective action(s) that FTA deems necessary and appropriate.

   b. Recipient Response. Within 30 days of receipt of FTA's letter of finding, the recipient must submit a remedial action plan, including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations. The recipient's plan shall:

      (1) List all corrective action(s) accepted by the recipient.

      (2) Describe how the corrective actions will be implemented, and provide a timeline for achieving compliance.

      (3) Include a written assurance that the recipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan.

      (4) A copy of the board resolution, meeting minutes, or similar documentation with evidence that the board of directors or appropriate governing entity or official(s) has approved the remedial action plan.

c. Request for Reconsideration. A recipient may request that FTA reconsider its finding. A request for reconsideration shall provide a justification for the request to reconsider, including any evidence or information supporting such a request, and include a written assurance that on the basis of the requested reconsideration, the agency is or otherwise will come into compliance with DOT's Title VI regulations. This request shall be submitted within 30 days of FTA's notification to the recipient.

d. FTA Review of the Recipient Response. Within 30 days after receiving the recipient's response, FTA will review the submitted remedial action plan and any request for reconsideration and decide what remedial action(s) are necessary and appropriate to bring the recipient into compliance. If necessary, before making a decision, FTA may conduct a site visit to substantiate information or statements contained in the recipient's response. FTA will issue a decision, including its findings and recommendations, as part of a final remedial action plan. The final remedial action plan will be sent to the recipient for review and consent. Consent means the recipient agrees to initiate action(s) specified in the plan.

e. Conditions for Declining the Remedial Action Plan. The recipient has 15 days from the date of notification by FTA to agree or disagree with the final remedial action plan. If a recipient disagrees with this plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. Under those circumstances, the recipient will be considered in noncompliance, and FTA will schedule a meeting with the recipient within 30 days to resolve the disagreements.

3. PROCEEDINGS. When FTA and the recipient cannot agree on a final remedial action plan and the recipient continues to be in noncompliance with DOT Title VI regulations, in accordance with 49 CFR Section 21.13, FTA may suspend, terminate, or refuse to grant or continue Federal financial assistance to the recipient. This will generally occur when all means of informal resolution have failed to get the recipient to comply with the law. FTA may refer a matter to DOJ with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

a. Termination of or refusal to grant or to continue Federal financial assistance. In accordance with 49 CFR Section 21.13(c), FTA will not suspend, terminate, or refuse to grant or continue Federal financial assistance until:

(1) FTA has notified the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) FTA has found, after opportunity for a hearing, that the applicant or recipient has failed to comply with Title VI regulations;

(3) The action has been approved by the Secretary of Transportation; and

(4) 30 days have passed after FTA has filed with the Transportation and Infrastructure Committee of the House of Representatives; and the Banking, Housing and Urban

Affairs Committee of the Senate, a full written report of the circumstances and the grounds for such action.

b. Other means authorized by law. In accordance with 49 CFR Section 21.13(d), FTA will not refer the matter to DOJ or take any other action to effect compliance until:

(1) FTA has determined that compliance cannot be secured by voluntary means;

(2) FTA has notified the recipient of its failure to comply and the action FTA intends to take; and

(3) At least 10 days have passed from the mailing of such notice to the recipient. During this 10-day period, FTA will make additional efforts to persuade the recipient to comply with the regulation and to take such corrective action as may be appropriate.

c. Hearings. Whenever FTA has determined that it is appropriate to terminate or refuse to grant or continue Federal financial assistance, prior to such action FTA will provide the applicant or recipient with an opportunity for a hearing, in accordance with 49 CFR Section 21.15. FTA will provide reasonable notice of the hearing by registered or certified mail, return receipt requested, to the applicant or recipient. The notice will advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action. The notice will either:

(1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the FTA Administrator that the matter be scheduled for hearing; or

(2) Advise the applicant or recipient that the matter in question has been scheduled for a hearing at a stated place and time. The time and place will be reasonable and subject to change for cause.

The complainant, if any, shall be advised of the time and place of the hearing.

d. Waiver of Hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under Section 602 of the Civil Rights Act of 1964 and 49 CFR Section 21.13(c), and consent to FTA making a decision on the basis of the available information.

e. Time and Location of Hearing. Hearings will be held at the FTA Headquarters office in Washington, DC, at a time fixed by the FTA Administrator unless the convenience of the applicant or recipient or of FTA requires that another place be selected.

f. Hearing officer. Hearings will be held before the Secretary of Transportation or before a hearing examiner appointed in accordance with Section 3105 of title 5, United States Code.

g. Right to counsel. In all proceedings carried out under the authority of 49 CFR Section 21.15, the applicant or recipient and FTA shall have the right to be represented by counsel.

h. Procedures, evidence, and record. Pursuant to 49 CFR 21.15(d), the hearing, decision, and any administrative review thereof shall be conducted in conformity with Sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper relating to the conduct of the hearing, giving of notices to the applicant or recipient, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. FTA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

4. JUDICIAL REVIEW. When FTA issues a final order after a hearing on the record, such final action is subject to judicial review.

CHAPTER VIII

COMPLIANCE REVIEWS

1. INTRODUCTION. This chapter describes the review process FTA will follow when determining whether a recipient is compliant or noncompliant with DOT Title VI regulations, subsequent to the award of Federal financial assistance, and describes the information and actions expected from recipients that are subject to these reviews.

2. COMPLIANCE PROCEDURES. Title 49 CFR Section 21.11(a) requires FTA to conduct compliance reviews of its recipients. These reviews are separate from and may be in addition to a Triennial Review, State Management Review, or Planning Certification Review and will be conducted either as a desk audit or an on-site visit. The review may cover all or a portion of the recipient's compliance with Title VI. Such reviews are conducted at the discretion of FTA, and the scope of a review is defined on a case-by-case basis.

3. CRITERIA. The following list of factors will contribute to the selection of recipients for compliance reviews:

   a. Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging the recipient is noncompliant with DOT Title VI regulations;

   b. Alleged noncompliance brought to the attention of FTA by other Federal, State, or local agencies;

   c. A recipient submitting an incomplete or insufficient Title VI Program; and

   d. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI.

4. SCOPE. In general, compliance reviews will assess the following information:

   a. The recipient's documented efforts to meet the requirements under Chapter III and the program-specific sections of this Circular.

   b. Other information that is necessary and appropriate to make a determination that the recipient is in compliance with Title VI.

5. DETERMINATIONS. After reviewing the recipient's or subrecipient's efforts to meet the general reporting and program-specific reporting sections of the Circular, FTA will issue a compliance report that includes findings of no deficiency, deficiency, or noncompliance.

   a. Findings of no deficiency are determinations that no deficiency was found in review of the recipient's Title VI Program or after the results of an investigation or compliance review. Agencies are not expected to take any corrective action in response to findings of no deficiency except with regard to advisory comments. Advisory comments are recommendations that the recipient undertake activities in a manner more consistent with

the guidance provided in the pertaining section of the Circular. FTA expects recipients to notify FTA as to whether the recipient will take action in response to the advisory comments.

b. Findings of deficiency are determinations that the recipient has not complied with one or more of the pertinent provisions of this circular. Recipients are expected to take corrective actions in response to findings of deficiency and the compliance review will provide specific instructions to the recipient on how the corrective action shall be taken.

c. Findings of noncompliance are determinations that the recipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity; upon such determination, FTA will consider the recipient to be noncompliant with Title VI. If noncompliance cannot be corrected informally, the recipient may be subject to remedial action or proceedings under Chapter VII of this Circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.

6. RESULTS OF COMPLIANCE REVIEW ACTIVITIES. FTA will summarize the results of the review in a draft compliance report, which will include findings of no deficiency, findings of deficiency, and advisory comments, as appropriate. If findings of deficiency remain in the final compliance report, the recipient will be required to take corrective action, develop a timeline for compliance, and report on its progress to FTA on, at minimum, a quarterly basis. Once FTA determines that the recipient has satisfactorily responded to the review's findings, it will inform the recipient that the review process has ended and release it from further progress reporting in response to the review. FTA may follow up on a compliance review with additional reviews as necessary.

7. EFFECTING COMPLIANCE. Consistent with the provisions of 49 CFR Sections 21.13, 21.15, and 21.17, and as explained in Chapter VII of this Circular, if a recipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate proceedings that could result in action taken by the U.S. DOT to suspend, terminate, refuse to grant or continue Federal financial assistance to a recipient, or may make a referral to the Department of Justice (DOJ) with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

CHAPTER IX

COMPLAINTS

1. INTRODUCTION. This chapter describes how FTA will respond to complaints filed with FTA alleging that an FTA recipient has violated the DOT Title VI regulations. FTA will promptly investigate all complaints in accordance with 49 CFR Section 21.11. FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.

2. RIGHT TO FILE A COMPLAINT. Any person who believes himself, herself, or any specific class of persons to be subjected to discrimination on the basis of race, color, or national origin may by himself or by a representative file a written complaint with FTA. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.

3. COMPLAINT ACCEPTANCE. Once a complaint has been accepted by FTA for investigation, FTA will notify the recipient that it is the subject of a Title VI complaint and ask the recipient to respond in writing to the complainant's allegations. If the complainant agrees to release the complaint to the recipient, FTA will provide the agency with the complaint, which may have personal information redacted at the request of the complainant. If the complainant does not agree to release the complaint to the recipient, FTA may choose to close the complaint.

4. INVESTIGATIONS. FTA will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with DOT's Title VI regulations. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with DOT's Title VI regulations occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with DOT's Title VI regulations.

5. LETTERS OF FINDING. After FTA has concluded the investigation, FTA's Office of Civil Rights will transmit to the complainant and the recipient one of the following letters based on its findings:

   a. A letter of finding indicating FTA did not find a violation of DOT's Title VI regulations. This letter will include an explanation of why FTA did not find a violation. If applicable, the letter may include a list of procedural violations or concerns, which will put the recipient on notice that certain practices are questionable and that without corrective steps, a future violation finding is possible.

   b. A letter of finding indicating the recipient is in violation of DOT's Title VI regulations. The letter will include each violation referenced to the applicable regulation, a brief description of proposed remedies, notice of the time limit on coming into compliance, the consequences of failure to achieve voluntary compliance, and an offer of assistance to the recipient in devising a remedial plan for compliance, if appropriate.

6. ADMINISTRATIVE CLOSURE. FTA will administratively close Title VI complaints before a resolution is reached where (1) the complainant decides to withdraw the case; (2) the complainant is not responsive to FTA's requests for information or to sign a consent release form; (3) FTA has conducted or plans to conduct a related compliance review of the agency against which the complaint is lodged; (4) litigation has been filed raising similar allegations involved in the complaint; (5) the complaint was not filed within 180 days of the alleged discrimination; (6) the complaint does not indicate a possible violation of 49 CFR part 21; (7) the complaint is so weak, insubstantial, or lacking in detail that FTA determines it is without merit, or so replete with incoherent or unreadable statements that it, as a whole, cannot be considered to be grounded in fact; (8) the complaint has been investigated by another agency and the resolution of the complaint meets DOT regulatory standards; (9) the complaint allegations are foreclosed by previous decisions of the Federal courts, the Secretary, DOT policy determinations, or the U.S. DOT's Office of Civil Rights; (10) FTA obtains credible information that the allegations raised by the complaint have been resolved; (11) the complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that have been found factually or legally insubstantial by FTA; (12) the same complaint allegations have been filed with another Federal, state, or local agency, and FTA anticipates that the recipient will provide the complainant with a comparable resolution process under comparable legal standards; or (13) the death of the complainant or injured party makes it impossible to investigate the allegations fully.

INTRODUCTION TO TECHNICAL APPENDICES

The following Appendices A through M provide sample checklists, templates, standards, policies, tables and maps for FTA recipients to consult when preparing their Title VI Programs. FTA is issuing these appendices in order to provide technical assistance and guidance and thereby increase the level of clarity, organization, and uniformity across Title VI Programs. The samples are provided as guidance; recipients may revise as appropriate for their purposes.

APPENDIX A

TITLE VI PROGRAM CHECKLIST

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Subrecipients shall submit the information below to their primary recipient (the entity from whom the subrecipient receives funds directly), on a schedule to be determined by the primary recipient.

General Requirements (Chapter III)

All recipients must submit:

- ❒ Title VI Notice to the Public, including a list of locations where the notice is posted
- ❒ Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- ❒ Title VI Complaint Form
- ❒ List of transit-related Title VI investigations, complaints, and lawsuits
- ❒ Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- ❒ Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- ❒ A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- ❒ Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- ❒ A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- ❒ A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- ❒ Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

Requirements of Transit Providers (Chapter IV)

All Fixed Route Transit Providers must submit:

- ❒ All requirements set out in Chapter III (General Requirements)
- ❒ Service standards

- Vehicle load for each mode
- Vehicle headway for each mode
- On time performance for each mode
- Service availability for each mode

❒ Service policies
- Transit Amenities for each mode
- Vehicle Assignment for each mode

Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:

❒ Demographic and service profile maps and charts
❒ Demographic ridership and travel patterns, collected by surveys
❒ Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
❒ A description of the public engagement process for setting the "major service change policy," disparate impact policy, and disproportionate burden policy
❒ Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) considered, was aware of, and approved the results of the analysis

Requirements of States (Chapter V)

States must submit:

❒ All requirements set out in Chapter III (General Requirements)
❒ The requirements set out in Chapter IV (Transit Provider) if the State is a provider of fixed route public transportation
❒ Demographic profile of the State
❒ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
❒ Analysis of the State's transportation system investments that identifies and addresses any disparate impacts
❒ A description of the Statewide planning process that identifies the transportation needs of minority populations
❒ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance
❒ Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations

Requirements of MPOs (Chapter VI)

Metropolitan Planning Organizations and other planning entities must submit:

❒ All requirements set out in Chapter III (General Requirements)

- ❒ The requirements set out in Chapter IV (Transit Provider) if the MPO is a provider of fixed route public transportation
- ❒ Demographic profile of the metropolitan area
- ❒ A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
- ❒ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- ❒ Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts
- ❒ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested)
- ❒ Description of the procedures the agency uses to provide assistance to potential subrecipients in a nondiscriminatory manner (if requested)

APPENDIX B

TITLE VI NOTICE TO THE PUBLIC (GENERAL REQUIREMENT)

Background

A Title VI Notice to the Public must be displayed to inform a recipient's customers of their rights under Title VI. At a minimum, recipients must post the notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Many agencies display their Title VI Notices in transit facilities (e.g., headquarters, transit shelters and stations, etc.), and on transit vehicles (e.g., buses, rail cars, etc.). The Title VI Notice is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the Notice should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, this statement in the Notice—"If information is needed in another language, then contact [phone number]"—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.

The sample below is provided for the purposes of guidance only.

SAMPLE Title VI Notification to the Public

Notifying the Public of Rights Under Title VI

THE CITY OF USA

- The City of USA operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- For more information on the City of USA's civil rights program, and the procedures to file a complaint, contact 800-555-1212, (TTY 800-555-1111); email title.vi.complaint@city.ca.us; or visit our administrative office at 1234 Center Street, City of USA, State 11111. For more information, visit www.city.ca.us
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 800-555-1212.
  - *MAKE SURE THE SENTENCE ABOVE IS ALSO PROVIDED IN ANY LANGUAGE(S) SPOKEN BY LEP POPULATIONS THAT MEET THE SAFE HARBOR THRESHOLD*

APPENDIX C

TITLE VI COMPLAINT PROCEDURE (GENERAL REQUIREMENT)

Background

Recipients' Title VI Programs must include a copy of the agency's Title VI complaint procedure. The complaint procedure and complaint form shall be available on the recipient's website. The Title VI Complaint Procedure is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the complaint procedure should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, the complaint procedure should include a notice—"If information is needed in another language, then contact [phone number]"—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.

The sample below is provided for the purposes of guidance only.

SAMPLE Title VI Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of USA Transit Authority (hereinafter referred to as "the Authority") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The City of USA Transit Authority investigates complaints received no more than 180 days after the alleged incident. The Authority will process complaints that are complete.

Once the complaint is received, the Authority will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The Authority has XX days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has XX business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within XX business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has XX days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

APPENDIX D

SAMPLE TITLE VI COMPLAINT FORM (GENERAL REQUIREMENT)

Background

Recipients must create and make available a Title VI Complaint Form for use by customers who wish to file a Title VI complaint. The complaint form shall be available on the recipient's website. A recipient's Title VI Complaint Form shall specify the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. The Title VI Complaint Form is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the procedure should be provided in English *and* in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

The sample below is provided for the purposes of guidance only.

Section I:				
Name:				
Address:				
Telephone (Home):		Telephone (Work):		
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?		Yes*	No	
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No	
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
[ ] Race	[ ] Color	[ ] National Origin		
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information				

of any witnesses. If more space is needed, please use the back of this form. _____ _____

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No

Section V
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? [ ] Yes [ ] No If yes, check all that apply: [ ] Federal Agency: _____ [ ] Federal Court _____ [ ] State Agency _____ [ ] State Court _____ [ ] Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.
Name:
Title:
Agency:
Address:
Telephone:
Section VI
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

_____ _____

Signature Date

Please submit this form in person at the address below, or mail this form to:
City of USA Title VI Coordinator
1234 Center Street
City of USA, State 11111

APPENDIX E

LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS (GENERAL REQUIREMENT)

Background

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years.

The sample below is provided for the purposes of guidance only.

SAMPLE List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

APPENDIX F

TABLE DEPICTING MINORITY REPRESENTATION ON COMMITTEES AND COUNCILS SELECTED BY THE RECIPIENT (GENERAL REQUIREMENT)

Background

Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the membership of those committees broken down by race, and a description of efforts made to encourage the participation of minorities on such committees.

The sample below is provided for the purposes of guidance only.

SAMPLE Table Depicting Membership of Committees, Councils, Broken Down by Race

Body	Caucasian	Latino	African American	Asian American	Native American
Population	46%	28%	14%	8%	4%
Access Committee	60%	23%	10%	7%	0%
Citizens Advisory Council	40%	25%	20%	10%	5%
Bicycle Pedestrian Committee	45%	30%	15%	5%	5%

APPENDIX G

SERVICE STANDARDS (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)

Background

FTA requires all fixed route transit providers of public transportation to develop *quantitative* standards for the following indicators. Individual public transportation providers will set these standards; therefore, these standards will apply to each individual agency rather than across the entire transit industry.

- *Vehicle load for each mode*: Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. Transit providers can specify vehicle loads for peak vs. off-peak times, and for different modes of transit.
- *Vehicle headways for each mode*: The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- *On-time performance for each mode:* A measure of runs completed as scheduled.
- *Service availability for each mode*: A general measure of the distribution of routes within an agency's service area.

The samples below are provided for the purposes of guidance only.

SAMPLE Standards

SAMPLE Vehicle Load Standards

1. ***Expressed in writing***

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which are 30 passengers for a 15' mini-bus, 51 passengers for low-floor 40-foot buses, 60 passengers for standard 40-foot buses, and 133 passengers on a light rail car**.**

2. ***Expressed in tabular format***

Vehicle Type	Average Passenger Capacities			
	Seated	Standing	Total	Maximum Load Factor
15′ Mini-Bus	28	2	30	1.1
40′ Low Floor Bus	39	12	51	1.3
40′ Standard Bus	43	17	60	1.4
Light Rail Vehicle	64	69	133	2.1

SAMPLE Vehicle Headway Standards

1. ***Expressed in writing***

Service operates on regional trunk lines every 15 minutes or better from early morning to late in the evening, seven days a week. On weekdays, 15 minute or better service should begin no later than 6:00 a.m. and continue until 10:30 p.m. On weekends, 15 minute or better service should begin by 8:00 a.m. and continue until 10:30 p.m.

Scheduling involves the consideration of a number of factors including: ridership productivity, transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to the *Regional Transportation Plan*, relationship to major transportation developments, land use connectivity, and transportation demand management.

2. ***Expressed in tabular format***

POLICY HEADWAYS AND PERIODS OF OPERATION

WEEKDAY	Peak	Base	Evening	Night
Regional Trunk	10	15	15	30
Urban Radial	15	15	30	60
Cross-Town	15	15	30	--
Secondary Radial	30	30	60	--
Feeder	30	30	60	--
Peak Express	30	--	--	--
Employer Feeder	60	--	--	--

** Peak: 7-9 am and 4-6 pm; Base 9am - 4pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;*
"--" means no service is provided during that time period.

SATURDAY	Day	Evening	Night
Regional Trunk	15	30	30
Urban Radial	30	60	--
Cross-Town	15	30	--
Secondary Radial	60	60	--
Feeder	60	60	--
Peak Express	--	--	--
Employer Feeder	--	--	--

** Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm – Midnight;*
"--" means no service is provided during that time period.

SUNDAY	Day	Evening	Night
Regional Trunk	30	60	--
Urban Radial	30	60	--
Cross-Town	30	--	--
Secondary Radial	--	--	--
Feeder	--	--	--
Peak Express	--	--	--
Employer Feeder	--	--	--

** Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;*
"--" means no service is provided during that time period.

SAMPLE On-Time Performance Standards

Expressed in writing

- Sample 1:
  - Ninety-five (95) percent of the City of USA's transit vehicles will complete their established runs no more than 5 minutes early or late in comparison to the established schedule/published timetables.
- Sample 2:
  - A vehicle is considered on time if it departs a scheduled timepoint no more than 1 minute early and no more than 5 minutes late. The City of USA's on-time performance objective is 90% or greater. The City of USA continuously monitors on-time performance and system results are published and posted as part of monthly performance reports covering all aspects of operations.

SAMPLE Service Availability Standards

Expressed in writing

The City of USA will distribute transit service so that 90% of all residents in the service area are within a ¼ mile walk of bus service or within a ½ mile walk of rail service.

AND/OR

Local bus stops will be not more than 3 blocks apart. Express bus stops will be one-half to three-quarters of a mile apart.

APPENDIX H

SERVICE POLICIES (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)

Background

FTA requires that all providers of fixed route public transportation develop *qualitative* policies for the following procedures. These policies are to be set by individual transit providers; therefore, these policies will apply to individual agencies rather than across the entire transit industry.

- Vehicle Assignment
- Transit Amenities

The samples below are provided for the purposes of guidance only.

Policies

SAMPLE Vehicle Assignment Policy

Expressed in writing
Vehicles will be assigned to the South, North, and East depots such that the average age of the fleet serving each depot does not exceed "x" years. Low-floor buses are deployed on frequent service and other high-ridership lines, so these buses carry a higher share of ridership than their numerical proportion of the overall bus fleet. Low-floor buses are also equipped with air conditioning and automated stop announcement systems.

All rail cars are equipped with air conditioning, and high-floor rail cars are always paired with a low-floor car to provide accessibility.

Bus assignments take into account the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route. Local routes with lower ridership may be assigned 30-foot buses rather than the 40-foot buses. Some routes requiring tight turns on narrow streets are operated with 30-foot rather than 40-foot buses.

SAMPLE Transit Amenities Policy

Expressed in writing
Installation of transit amenities along bus and rail routes are based on the number of passenger boardings at stops and stations along those routes.

APPENDIX I

DEMOGRAPHIC PROFILE AND TRAVEL PATTERNS (REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)

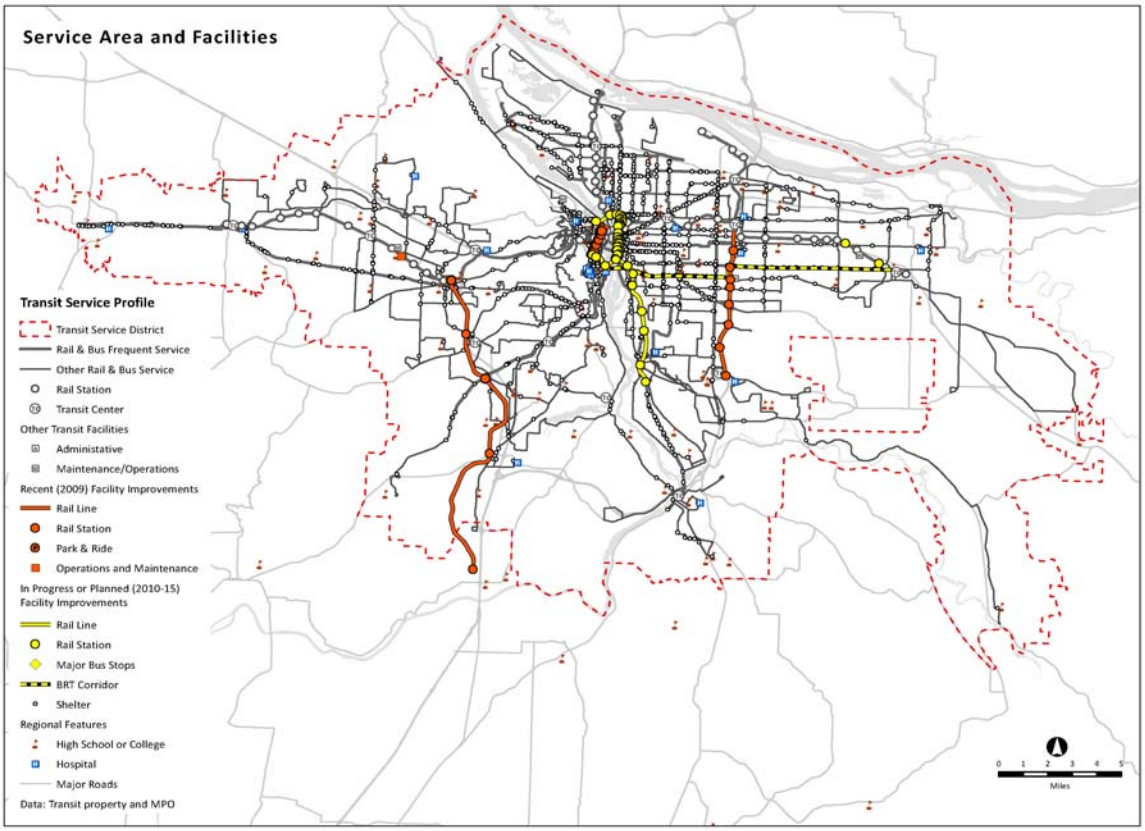
Background

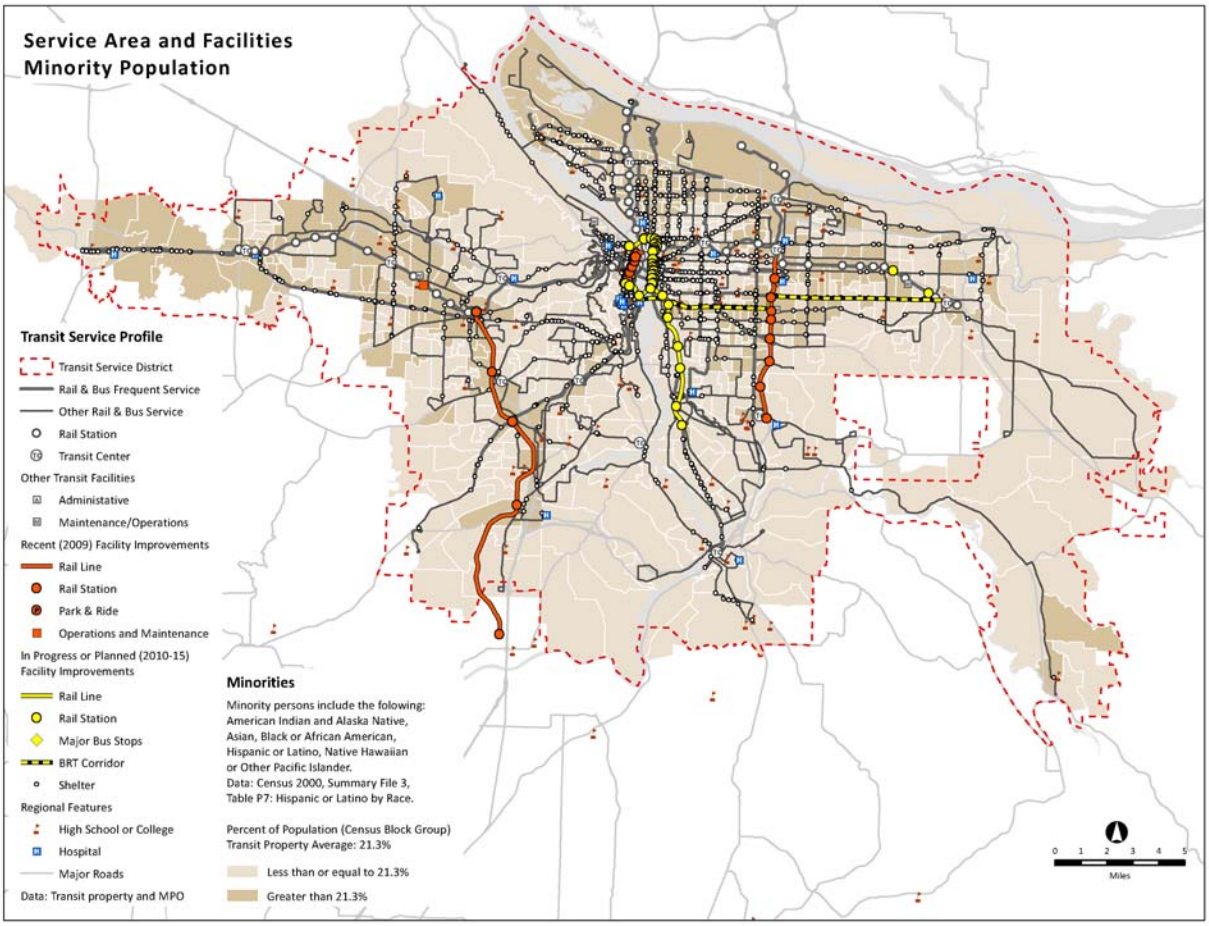
Transit service providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, are required to prepare demographic and service profile maps and charts to determine whether and to what extent transit service is available to minority populations within the recipient's service area. Transit providers shall include charts and tables summarizing data in their Title VI Programs. Transit providers shall not send raw data to FTA unless requested.

The aforementioned transit providers are also required to prepare data regarding customer demographics and travel patterns.

The sample below is provided for the purposes of guidance only.

SAMPLE Demographic and Service Profile Maps and Charts





Additional guidance

FTA will publish additional guidance, and/or update this appendix, with detailed approaches to data collection, surveys, and analysis methods.

APPENDIX J

REQUIREMENT TO MONITOR TRANSIT SERVICE (REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)

Background

FTA requires transit providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, to monitor their service standards and policies. Service standards and policies provide the framework for monitoring and assessment of service to compare service provided in areas with a percentage of minority population that exceeds the percentage of minority population in the service area to service provided in areas with a percentage of minority populations that is below the percentage of minority population in the service area.

The following tables and maps are provided as examples of how to assess the performance of service on minority and non-minority routes for each of the transit provider's service standards and service policies. Providers of fixed route public transportation should follow these examples for submitting data in their Title VI Programs. Transit providers should assess transit service and compare actual/observed service to the established service policies and standards. The standards and policies that must be monitored are:

- Standards
  - Vehicle Load for each mode
  - Vehicle Headway for each mode
  - On-Time Performance for each mode
  - Service Accessibility for each mode
- Policies
  - Vehicle Assignment for each mode
  - Distribution of Transit Amenities (Policy and Standards) for each mode

The samples below are provided for the purposes of guidance only.

SAMPLE Methodology

This section describes a sample methodology to determine the minority populations served by each bus and rail line, and provides a framework for comparisons.

For each individual bus and/or rail line, calculate the percentages of all persons residing in areas served by the line who are minority persons. Define a unique geographic area of coverage for each line by including all Census Block Groups within one-quarter mile walking distance of bus stops and/or within one-half mile walking distance of rail stations served by that line. For each

line, calculate the number of minority persons residing in all Block Groups served, and determine the percentage of minority persons among all persons served by the line.

SAMPLE Monitoring of Service Standards

SAMPLE Vehicle Load Monitoring

Table 1 below shows passenger capacities for buses and light rail cars as the average maximum number of persons seated and standing during the peak one-hour in the peak direction. Maximum load factors represent the maximum achievable capacity, and are calculated by dividing the total seated and standing capacity by the seated capacity of the vehicle.

Table 1. SAMPLE Passenger Capacities

Average Passenger Capacity					
Vehicle Type	Seated	Standing	Total	Load Standard	Maximum Load Factor
30’ Bus	28	2	30	1.1	1.5
40’ Low-Floor Bus	39	12	51	1.3	1.6
40’ Standard Bus	43	17	60	1.4	1.7
Light Rail Vehicle	64	69	133	2.1	2.5

Assessment: Average weekday loads on each line were determined for the following time periods and directions of travel:

- AM in peak direction (7-9 a.m.)
- PM in peak direction (4-6 p.m.)
- Midday in both directions (9 a.m. – 4 p.m.)

Transit providers may create a more sensitive set of analyses by breaking routes into quartiles to determine the highest concentration or they may simply compare minority routes with non-minority routes. Either way they must compare the minority routes with non-minority routes in order to monitor the routes compared to the standards and policies.

Table 2 below shows the average vehicle loads by time period for lines in each quartile, for minority lines, for non-minority lines, and for all lines in the system.

In this example the transit provider uses quartiles to identify all Census Block Groups served by bus lines within ¼ mile walking distance from bus stops and ½ mile walking distance from rail stations. The agency calculated the percentage and number of minority and non-minority populations served by the line. Then, staff ranked all lines by the highest percentage of minority populations and further subdivided the list into four quartiles; Q1, Q2, Q3, Q4; and Q1 being the lines with the lowest percentage of minority populations served and Q4 being the lines with the

highest percentage of minority populations served. The breakpoint for Q4 and Q3 were determined by comparing the percent minority with the median percentage of these populations within the agencies service area.

Table 2. Vehicle Loads for Minority and Non-Minority Lines

Shaded Cells Represent Lines Serving Areas with Minority Populations Above the Service Area Average

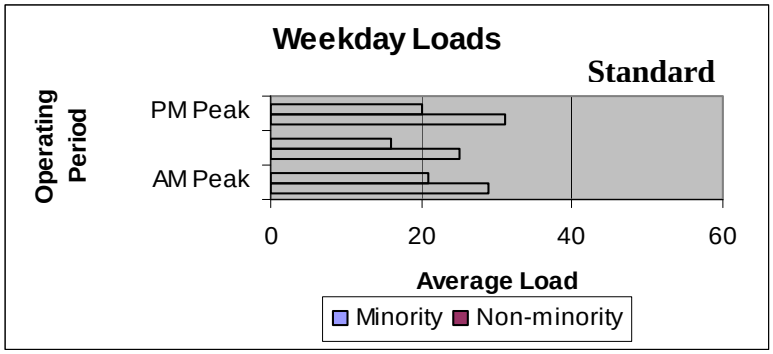
	AM Peak IB		Midday IB & OB		PM Peak OB	
Lines and System	Load/Seats	Avg Load	Load/Seats	Avg Load	Load/Seats	Avg Load
4th Quartile (Minority Population > 29%)	0.62	34	0.55	28	0.65	37
3rd Quartile (Minority Population > 21.6%)	0.60	24	0.54	21	0.62	24
2nd Quartile (Minority Population > 16.6%)	0.59	23	0.49	18	0.59	22
1st Quartile (Minority Population < 16.6%)	0.49	18	0.39	14	0.48	18
Minority Lines (3rd and 4th Quartiles)	0.61	29	0.54	25	0.64	31
Non-Minority Lines (1st and 2nd Quartiles)	0.54	21	0.44	16	0.54	20
System	0.58	25	0.49	21	0.59	26

Currently, no line exceeds the standard.

The average load factors in the AM peak were .61 for minority lines and .54 for non-minority lines. The average load factors in the PM peak were .64 for minority lines and .54 for non-minority lines. No lines exceeded the vehicle load standard during the peak periods.

Figure 1 below depicts the average loads for minority and non-minority lines for PM peak, midday, and AM peak as shown in Table 2 above, in comparison to the maximum capacity of 62 passengers for a 40-foot bus.

Figure 1. Vehicle Loads for Minority and Non-Minority Lines by Peak Period



SAMPLE Vehicle Headway Monitoring

SAMPLE Assessment: Table 3 below shows the average headway in minutes for minority and non-minority lines for AM peak, midday, PM peak, evening, and night periods, for weekday, Saturday, and Sunday, respectively. The average span of service in hours and tenths of hours is shown for minority and non-minority lines for weekdays, Saturdays, and Sundays, respectively.

Table 3. Weekday, Saturday and Sunday Headways and Span of Service on Weekdays, Saturdays, and Sundays, for Minority and Non-Minority Lines

WEEKDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	AM Peak Headway	Midday Headway	PM Peak Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	25	100%	5	3	5:14 a	26	28	27	31	41	9:48 p	16.6
3rd Quartile (Minority Population > 21.6%)	24	100%	6		5:14 a	21	26	22	30	44	10:52 p	17.6
2nd Quartile (Minority Population > 16.6%)	24	100%	3		5:33 a	27	39	27	38	42	8:56 p	15.4
1st Quartile (Minority Population < 16.6%)	24	100%	2		5:45 a	30	38	31	45	53	8:13 p	14.5
Minority Lines (3rd and 4th Quartiles)	49	100%	11		5:14 a	24	27	24	30	43	10:19 p	17.1
Non-Minority Lines (1st and 2nd Quartiles)	48	100%	5		5:39 a	29	38	29	41	47	8:35 p	14.9
System	97	100%	16		5:26 a	26	32	27	34	44	9:29 p	16.0

SATURDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	Daytime Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	18	72%	5	3	5:35 a	33	37	36	10:22 p	16.8
3rd Quartile (Minority Population > 21.6%)	19	79%	6		5:52 a	25	38	45	12:00 a	18.1
2nd Quartile (Minority Population > 16.6%)	16	67%	3		6:50 a	43	48	48	8:56 p	14.1
1st Quartile (Minority Population < 16.6%)	11	46%	2		7:50 a	37	45	50	9:11 p	13.3
Minority Lines (3rd and 4th Quartiles)	37	76%	11		5:43 a	29	38	42	11:13 p	17.5
Non-Minority Lines (1st and 2nd Quartiles)	27	56%	5		7:15 a	40	47	49	9:02 p	13.8
System	64	66%	16		6:21 a	34	41	44	10:19 p	16.0

SUNDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	Daytime Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	17	68%	5	3	6:08 a	34	39	33	10:38 p	16.5
3rd Quartile (Minority Population > 21.6%)	19	79%	6		6:27 a	32	46	46	11:33 p	17.1
2nd Quartile (Minority Population > 16.6%)	13	54%	3		7:02 a	45	48	48	9:55 p	14.9
1st Quartile (Minority Population < 16.6%)	7	29%	2		7:57 a	34	40	45	8:52 p	12.9
Minority Lines (3rd and 4th Quartiles)	37	76%	11		6:18 a	33	43	42	11:07 p	16.8
Non-Minority Lines (1st and 2nd Quartiles)	27	56%	5		7:21 a	41	46	47	9:33 p	14.2
System	64	66%	16		6:40 a	36	44	44	10:33 p	15.9

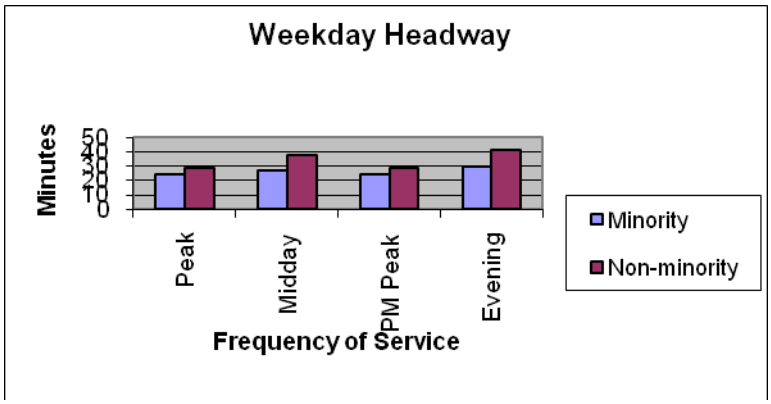
Shaded cells represent minority lines.

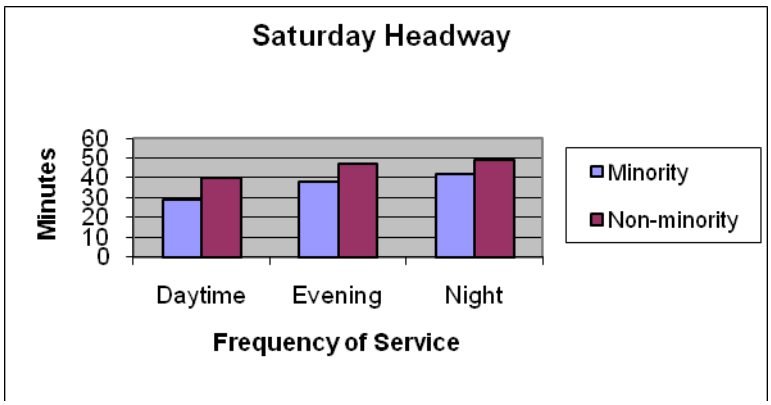
On weekdays, Saturdays, and Sundays, eleven (11) minority lines and five (5) non-minority lines were designated as Frequent Service lines (i.e., Freq Lines). On weekdays, the average AM and PM peak headway on minority lines was 24 minutes, versus 29 minutes on non-minority lines. Average headways on minority lines during weekday midday, evening, and night periods were lower (i.e., provided more frequent service) than on non-minority lines. Minority lines had an average weekday span of service of 17.1 hours, as compared with a 14.9 span of service on non-minority lines.

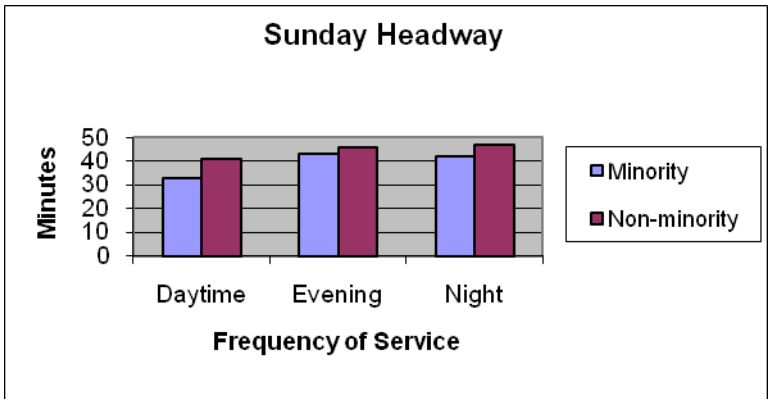
On Saturdays and Sundays, average daytime headways on minority lines were 29 and 33 minutes, respectively, versus 40 and 41 minutes, respectively, for non-minority lines. Average headways on minority lines during Saturday and Sunday evening and night periods were lower (i.e., provided more frequent service) than on non-minority lines. Minority lines had average Saturday and Sunday span of service of 17.5 and 16.8 hours, respectively, as compared with a 13.8 and 14.2 span of service on non-minority lines.

Figure 2 below depicts weekday headways for minority and non-minority lines for AM peak, midday, PM peak, and evening. Saturday and Sunday headways for minority and non-minority lines are shown for daytime, evening, and night periods. In all days and time periods, average frequency of service on minority lines exceeded frequency of service on non-minority lines (i.e., the average headway in minutes was lower on minority lines).

Figure 2. Headways for Minority and Non-Minority Lines on Weekdays, Saturdays, and Sundays by Time Period





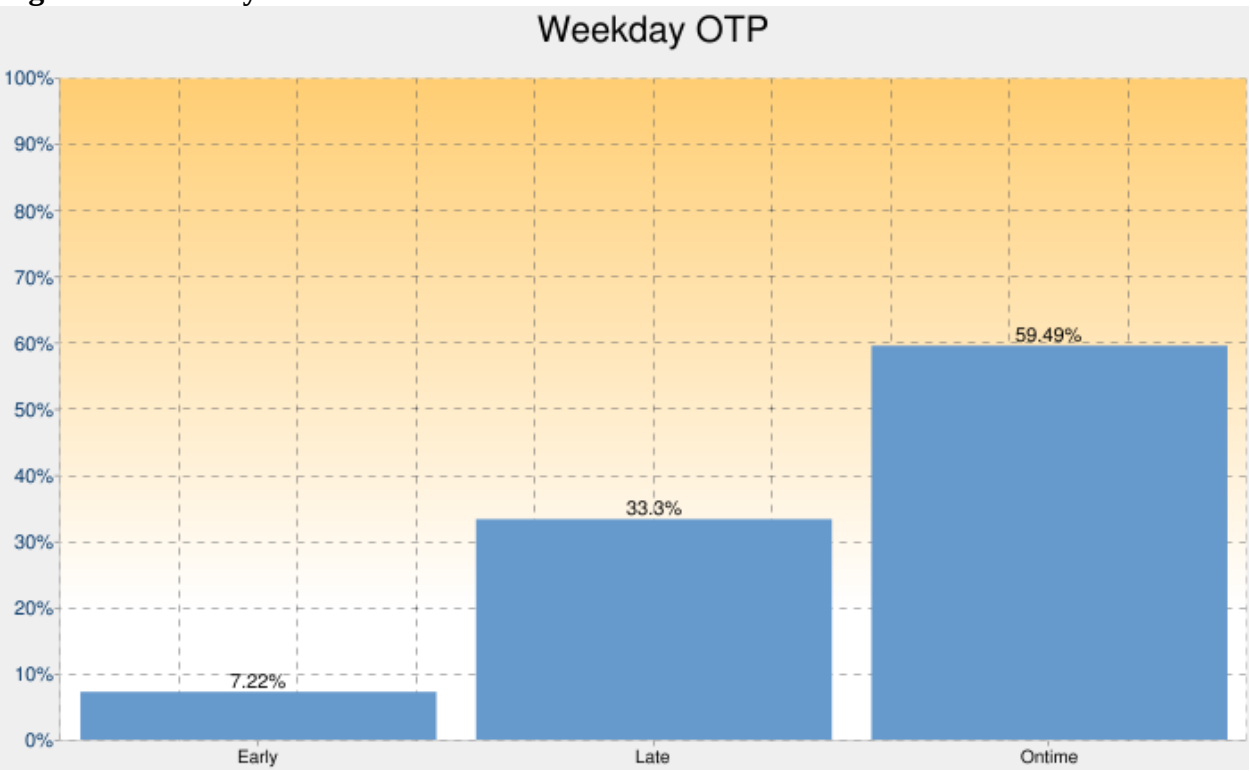


SAMPLE On-Time Performance Monitoring

- ***SAMPLE Figure:*** Figure 3 below shows that 59.49% of transit vehicles passed time points on time, 7.22% passed time points early, and 33.3% passed time points late. This

information would be compared with the On-Time Performance Standard and analyzed to determine potential disparate impacts.

Figure 3. Weekday On-Time Performance



Courtesy of ACE Transit

- ***SAMPLE Assessment:*** The City of USA initiated a random spot check program to assess a variety of performance measures, including on-time performance. This "Mystery Rider" program completed a total 77 observations during the past fiscal year. Of the 77 bus trips observed, approximately five (5) percent were found departing a schedule time point late (i.e., more than 5 minutes after the departure time in the printed schedule). These routes on which late departures were observed were:
    - B07
    - R10
    - R24
    - B48

  Of these four routes, three (B07, R10, and R24) have a greater-than-average proportion of route miles in minority Census blocks. These findings suggest that additional monitoring of on-time performance to assess potential disparate impacts is warranted. The City of USA will initiate additional on-time performance monitoring as part of the "Mystery Rider" spot check program.

SAMPLE Service Availability Monitoring

SAMPLE Assessment: Table 4 below shows the percentages of minority and non-minority households served. The percentage of minority households within a ½ mile walk of stops and/or

stations was 86.6%. The percentage of non-minority households within a ½ mile walk of stops and/or stations was 76.8%.

Table 4. Service Availability for Minority and Non-Minority Residents

Households	Within ½ Mile	More than ½ Mile
Minority	86.6%	13.4%
Non-Minority	76.8%	23.2%
System	78.5%	21.5%

Source: 2000 Census Block Group Data

All residents of Census Block Groups where geographic center of the Block Group is within ½-mile walk of a bus stop and/or rail station are considered within ½-mile of service.

<u>SAMPLE Monitoring of Service Policies</u>

SAMPLE Vehicle Assignment Monitoring

SAMPLE Assessment: Table 5 below shows the average age of buses in relation to minority population served. In this case, all rail lines are minority lines, so rail vehicle age is excluded from the calculation of average vehicle age. Buses on minority lines had an average age of 12.1 years, compared to the system bus fleet average age of 12.7 years.

SAMPLE Table:

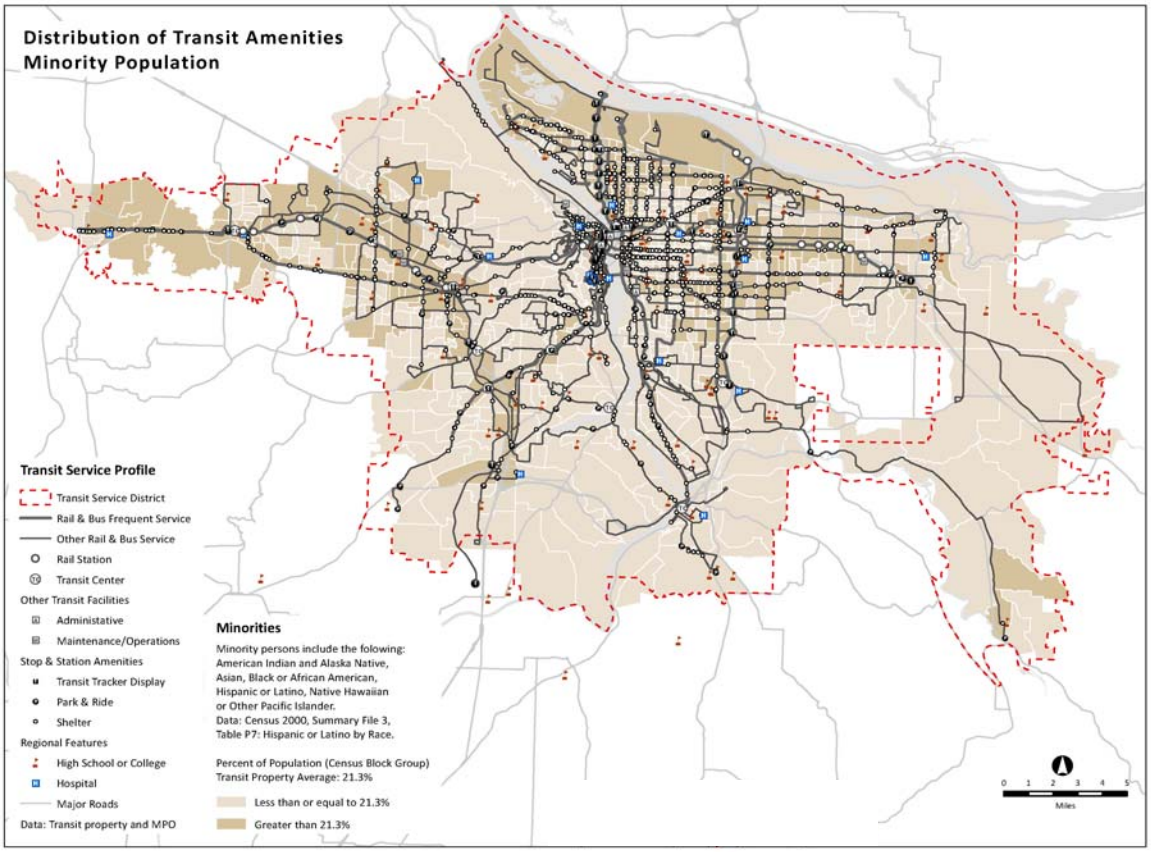
Table 5. Vehicle Assignment
Shaded Cells Represent Lines Serving Areas with Minority Percentages Above the Median

Average Vehicle Age	Avg Date of Purchase	Avg Age of Buses	Lines with Low Floor Buses
4th Quartile (Minority Population > 29%)	1994.4	13.1	8
3rd Quartile (Minority Population > 21.6%)	1996.3	11.2	9
2nd Quartile (Minority Population > 16.6%)	1994.3	13.2	4
1st Quartile (Minority Population < 16.6%)	1994.3	13.2	5
Minority Lines (3rd and 4th Quartiles)	1995.4	12.1	17
Non-Minority Lines (1st and 2nd Quartiles)	1994.3	13.2	9
System	1994.8	12.7	26

SAMPLE Transit Amenities Monitoring

The overlay map below shows the locations of many of the transit agency's amenities, including park and ride facilities, transit centers, pedestrian improvements, and bus shelters, relative to the locations of bus and rail routes and the locations of minority and non-minority populations. Such a map is one way to demonstrate how amenities are distributed across the transit system.

Figure 4. Transit Amenities Overlay Map



APPENDIX K

SERVICE AND FARE EQUITY ANALYSIS QUESTIONNAIRE CHECKLIST (REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)

Background

Transit providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, must conduct a Title VI equity analysis whenever they plan a fare change and/or a major service change. Equity analyses are required regardless of whether proposed changes would cause positive or negative impacts to riders. In other words, transit providers must conduct an equity analysis for all fare changes and for major service reductions and major service expansions. Financial exigencies and other special circumstances (e.g., economic hardships, size of transit provider's service area or staff) do not exempt transit providers from the requirement to conduct equity analyses.

The checklist below is provided for the purposes of guidance only.

Service and Fare Equity Questionnaire Checklist

(1) Considerations for Service Equity Analysis

A. Major Service Change Policy

- ❒ We have briefly and clearly stated our Major Service Change Policy.
- ❒ We have briefly and clearly explained how this particular service change meets or exceeds our Major Service Change Policy.
- ❒ Our Major Service Change Policy is presented as a numerical standard, applies to both service reductions and service increases, and is not set so high as to never require an analysis.
- ❒ We have included a description of the public engagement process for setting the major service change policy.
- ❒ We have included a copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the major service change policy.

B. Adverse Effects

- ❒ We have defined and analyzed adverse effects related to major service changes, paying attention to the fact that elimination of a route will likely have a greater adverse effect that a reduced frequency (headway change) in service. We have analyzed service between the existing and proposed service, and have considered the degree of the adverse effects when planning service changes.

C. Disparate Impact Policy

- ❒ We have briefly and clearly stated our policy to determine when a "disparate impact" occurs in the context of major service changes, including both service reductions and/or expansions. In particular, our agency has established a threshold for determining whether adverse effects are borne disproportionately by minority populations.
- ❒ Our agency applies the disparate impact policy uniformly to all major service changes, regardless of mode.
- ❒ Our policy describes how we engaged the public in developing our policy for measuring disparate impacts.
- ❒ We have included a copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the disparate impact policy.

D. Disproportionate Burden Policy

- ❒ We have briefly and clearly stated our policy to determine when a disproportionate burden occurs in the context of major service changes. In particular, our agency has established a threshold for determining whether adverse effects are borne disproportionately by low-income populations.
- ❒ Our agency applies the disparate impact policy uniformly to all major service changes, regardless of mode
- ❒ Our policy describes how we engaged the public in developing the disproportionate burden policy.
- ❒ We have included a copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the disproportionate burden policy.

E. Analysis Framework

- ❒ We have described the dataset(s) used in the analysis and provided the reason for the dataset(s) selected, as well as the techniques and/or technologies used to collect the data.
- ❒ If using general population for the comparison population, we have described the geographic level (e.g., Census block, Census block group, TAZ, etc.) at which we have measured minority and low-income concentrations.
- ❒ If using ridership as the comparison population, we have described how we determined the minority and low-income ridership of affected routes and the system as a whole.

F. Assessing Impacts

- ❒ We have shown how the proposed major service changes would impact minority and low-income populations at the geographic level by including the following:
  - **Overlay maps** showing proposed service changes as well as demographic data in order to study the affected population
  - **Tables** showing impacts associated with each type of route or service change (e.g., routing, frequency, span of service, addition or elimination of routes).
- ❒ We have used our adverse effects definition and our disparate impact policy and compared the proportion of minorities adversely affected to the proportion of non-minorities adversely affected.
- ❒ We have provided a step-by-step description of the analytical methodology we followed to determine whether the proposed change(s) would have a disparate impact on minority populations.
- ❒ We have identified whether minority populations will experience disparate impacts.
- ❒ If we have determined that a disparate impact exists, we have considered modifying our proposal to remove these impacts. If we modified our proposal, we have analyzed the modified proposal to determine whether minority populations will experience disparate impacts.
- ❒ If we have determined that a disparate impact exists and we will make the service changes despite these impacts, we have also:
  - Clearly demonstrated that we have a substantial legitimate justification for the proposed service changes; and

- Clearly demonstrated that we analyzed alternatives to determine whether the proposed service changes are the least discriminatory alternative.

❒ We have used our adverse effects definition and our disproportionate burden policy and compared the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected.

❒ We have provided a step-by-step description of the analytical methodology we followed to determine whether the proposed change(s) would have a disproportionate burden on low-income populations.

❒ We have identified whether low-income populations will experience disproportionate burdens.

❒ If we have determined that a disproportionate burden exists, we have also taken steps to avoid, minimize, or mitigate impacts where practicable. We have also described alternatives available to low-income passengers affected by the service changes.

- Note: Alternatives could include the availability of other lines or services, potentially involving transfers and/or other modes, which connect affected riders with destinations that they commonly access. Depending on the nature of impacts, service-related mitigation could include strategies such as alignment or frequency changes to nearby lines or services to offer more convenient access to affected areas.

❒ If we are proposing a service improvement, we have analyzed accrual of benefits for minority populations as compared to non-minority populations, and low-income populations as compared to non-low-income populations, using the comparison population we selected (i.e., ridership or service area).

❒ If service is proposed to be increased and/or expanded, but minority and/or low-income populations are not expected to benefit from the expansion as much as non-minority and/or non-low-income populations, then we have explained how our agency plans to improve service to the minority and/or low-income populations.

❒ We have described any plans our agency has developed to restore service as additional funds become available.

Exhibit 1.

SAMPLE reporting of proposed headway change based on ridership.

Impact of Potential Service Adjustments on Minority and Low Income Passengers								
Weekly Numbers								
Bus Lines	Wkly Ons	Under20k	Minority	%<20k	% Min	Impacted Ons	Under20k	Minority
1	50,340	25,081	21,602	50%	43%	1,453	724	624
2	56,929	20,727	10,639	36%	19%	4,623	1,683	864
3	39,479	15,902	7,414	40%	19%	2,396	965	450
4	18,396	7,309	4,509	40%	25%	688	273	169
5	52,845	21,450	13,172	41%	25%	1,572	638	392
6	952	446	248	47%	26%	237	111	62
7	4,562	679	2,012	15%	44%	659	98	291
8	1,781	455	414	26%	23%	280	71	65
9	13,596	4,177	4,093	31%	30%	1,161	357	349
10	19,346	7,186	4,965	37%	26%	1,014	377	260
11	65,337	33,005	22,653	51%	35%	998	402	187
12	19,406	7,565	3,864	39%	20%	378	150	93
13	21,728	7,379	4,359	34%	20%	931	378	232
Ridership Adjusted Lines	364,697	151,360	99,943	42%	28%	16,390	6,228	4,037
Total Percent impacted							38%	25%
Ridership All Bus Lines	1,266,568	527,728	381,169	42%	30%			

"Impacted Ons" is calculated by taking the number of trips eliminated in a given hour times the number of passengers per trip during that hour and adding up the number of passengers impacted in a week.

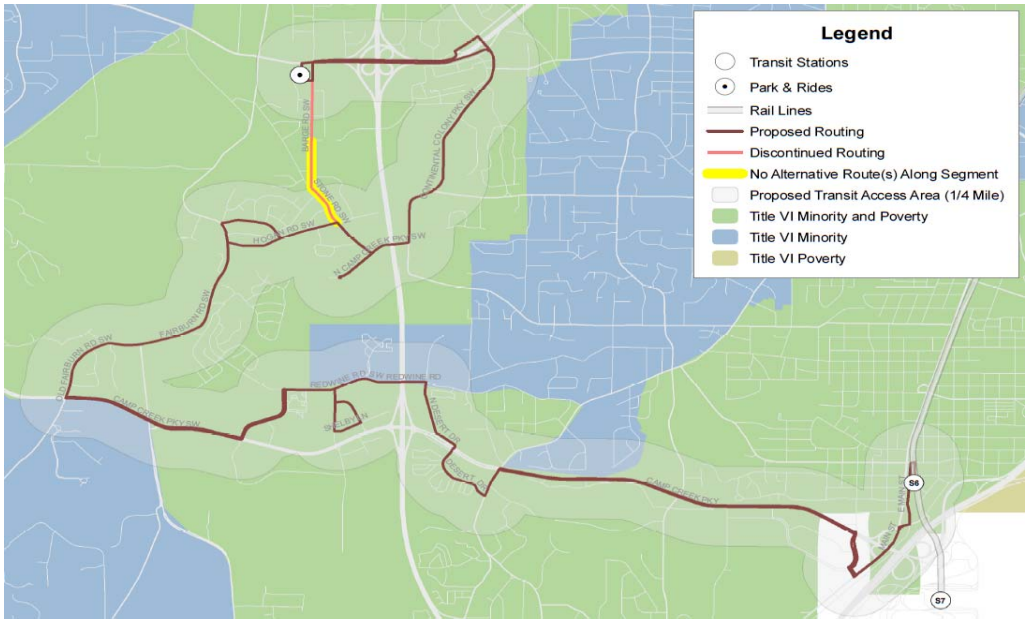
In the table above, an agency has assessed how proposed reductions in service frequency (headway changes) would impact minority and low-income passengers on a bus-only system. Here, the cumulative proposed reduction in service frequency will impact minority and low-income passengers slightly less than their proportion of ridership of the system.

Notably, assessing the cumulative impacts of the route changes appears to reduce the impacts of some of the changes, while increasing the impacts of other changes. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy.

If the cumulative impact analysis showed a different result, i.e., a higher percent of minority or low-income populations being impacted than their presence in the overall ridership, the transit provider would likely want to take another look at the routes with high passenger counts and higher-than-system-average minority and/or low-income passengers in order to adjust the changes and reduce the adverse effects.

Exhibit 2.

<u>SAMPLE GIS map depicting proposed route changes and nearby minority and low-income concentrations</u>.



Type of Service Change	Minority Proportion of Population		Low-Income Proportion of Population	
	Census blocks along routes	Average population in service area	Census blocks along routes	Average population in service area
Changes in Routing	38.9%	34.3%	13.7%	12.2%
Headway Changes	27.5%	34.3%	11.0%	12.2%
Route discontinuation	30.6%	34.3%	12.8%	12.2%

In the table above, the transit provider has analyzed the cumulative impacts of each type of service change on minority populations and low-income populations in its service area. The analysis is based on block-level Census demographic data and therefore does not represent ridership directly.

The changes in routing appear to affect minority populations more adversely than the population as a whole, and the changes in routing and route discontinuations appear to affect low-income populations more adversely than the population as a whole. The transit provider's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Exhibit 3.

SAMPLE Population Comparison

Table 1 - Regional Population Data				
Total Population of Service Area	Minority Population	Percent Minority	Low-income Population	Percent Low-Income
242,916	50,829	21%	43,000	18%

Table 2 - Affected Census Block Area Population Data						
Route #	Change type	Total Population affected Census blocks	Minority Population	Percent Minority	Low-Income Population	Percent Low-Income
Route 6	Discontinued	5870	800	14%	250	4%
Route 7	Discontinued	9500	2500	26%	2100	22%
Total		15370	3300	21%	2350	15%

Here, the transit provider is proposing elimination of two routes, and is using population data, not ridership data. The affected population is the Census blocks with access to the route, generally defined as a one-quarter mile walk to a bus stop or a one-half mile walk to a rail station. While the elimination of Route 7 appears to affect low-income and minority populations more adversely than the population as a whole, the provider's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Notably, assessing the cumulative impacts of the two route changes appears to reduce the impacts of the elimination of Route 7. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy. See the example on the next page for a different result.

Exhibit 4.

SAMPLE Ridership Comparison

Table 3 - Regional Ridership Data				
Total System-wide Riders	Minority Riders	Percent Minority	Low-Income Riders	Percent Low-Income
3,224,000	1,346,000	42%	1,235,000	38%

Table 4 - Affected Route Ridership Data					
	Discontinued Segment - Ridership	Minority Riders	% Minority Riders	Low-Income Riders	% Low-Income Riders
Route 1	20,800	6,000	29%	4,700	23%
Route 2	72,600	33,400	46%	31,200	43%
Total	93,400	39,400	42%	35,900	38%

Here, the transit provider is proposing eliminating segments of two different routes (shortlining). The elimination of a segment of Route 2 appears to affect minority and low-income passengers more adversely than ridership of the system as a whole; however, the provider's ultimate determination of disparate impact on minority passengers or disproportionate burden on low-income passengers would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Here, assessing the cumulative impacts of two shortlined routes appears to increase the adverse effects of the change to Route 1, and decrease the effects of the change to Route 2. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy.

Exhibit 5.

SAMPLE Impacts to passengers

Type of Service Change	**Ridership of affected route**			**Ridership of system**	
	Total Boardings	% Minority	% Low-Income	% Minority	% Low-Income
Service span (reduction of entire trips)	24	83%	17%	73.7%	10%

Here, a transit provider that operates service into the late evening has proposed to discontinue trips that begin after 10:00 p.m. In this example, the provider's ridership is the basis of the analysis, not the population of adjacent Census blocks. The table shows that both minority populations and low-income populations would bear a disproportionate share of the service change, when comparing the ridership of the affected route with the ridership of the system as a whole. However, the ridership that is affected is relatively small, particularly if it is divided over a number of trips.

As with the other examples, the provider's ultimate determination of disparate impact on minority passengers or disproportionate burden on low-income passengers would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

When changes are disproportionately borne by minority passengers, and the provider determines there is a disparate impact based on its policy, the transit provider can make the change as long as it can clearly demonstrate that it has a substantial legitimate justification for the proposed service changes; and the transit provider clearly demonstrates that it analyzed alternatives to determine whether the proposed service changes are the least discriminatory alternative.

If the transit provider determines there is a disproportionate burden on low-income passengers, the transit provider should review alternatives to see if the impacts on the low-income passengers can be avoided, minimized, or mitigated.

(2) Considerations for a Fare Equity Analysis

- ❒ We have briefly and clearly stated our policy to determine when a "disparate impact" occurs in the contexts of fare changes. In particular, our agency has developed policy thresholds (in terms of absolute numbers or proportions) for identifying disparate impacts.
- ❒ Our policy specifies how we engaged the public in developing our policy for measuring disparate impacts.
- ❒ We have briefly and clearly stated our disproportionate burden policy, and our policy describes how we engaged the public in developing the disproportionate burden policy.
- ❒ We have analyzed the fare media generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or fare media that would be subject to the fare increase or decrease (see sample, page K-12).
- ❒ We have determined the number and percent of users of each fare media proposed for increase or decrease.
  - o Our analysis includes a profile of fare usage by group—minority, low-income, and overall ridership—as shown below.
  - o If the proposed changes would only affect certain fare media, the analysis should address whether focusing changes on those fare media may lead to a disparate impact or disproportionate burden.
- ❒ We have clearly depicted the information in tabular format.
  - o The table depicts the fare media comparing the existing cost, the percent change, and the usage of minority groups as compared to overall usage and low-income groups as compared to overall usage. We have clearly analyzed fare media for minority groups distinct from low-income.
- ❒ We have compared the differences in impacts between minority users and overall users.
- ❒ We have compared the differences in impacts between low-income users and overall users.
- ❒ We have analyzed any alternative transit modes, fare payment types, or fare media available for people affected by the fare change.
  - o Analysis compared the fares paid by the proposed changes with fares that would be paid through available alternatives.

- Analysis shows whether vendors that distribute/sell the fare media are located in areas that would be convenient to impacted populations.

❒ We have identified whether minority populations will experience disparate impacts.

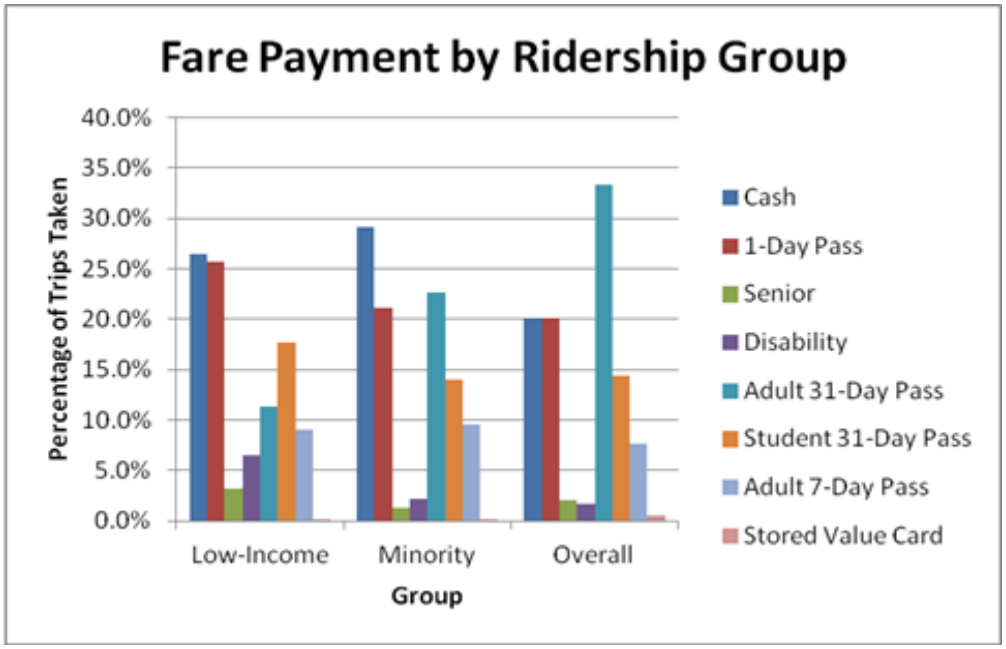
❒ If we have determined that a disparate impact exists, we have considered modifying our proposal to remove these impacts. If we modified our proposal, we have analyzed the modified proposal to determine whether minority populations will experience disparate impacts.

❒ If we have determined that a disparate impact exists and we will make the fare changes despite these impacts, we have also:

- Clearly demonstrated that we have a substantial legitimate justification for the proposed fare changes; and
- Clearly demonstrated that we analyzed alternatives to determine whether the proposed fare changes are the least discriminatory alternative.

❒ If we have documented a disparate impact or a disproportionate burden, we have explored alternatives and mitigation, including the timing of implementing the fare increases, providing discounts on passes to social service agencies that serve the impacted populations, and other alternatives as appropriate.

Charting fare payment by ridership group (as shown on the next page) can be a useful early step in a fare equity analysis to understand how fare media usage varies between low-income riders, minority riders, and overall ridership. Comparing fare payment patterns for minority versus non-minority and low-income versus higher-income riders can yield even clearer depictions of differences that should be considered when developing fare change proposals.



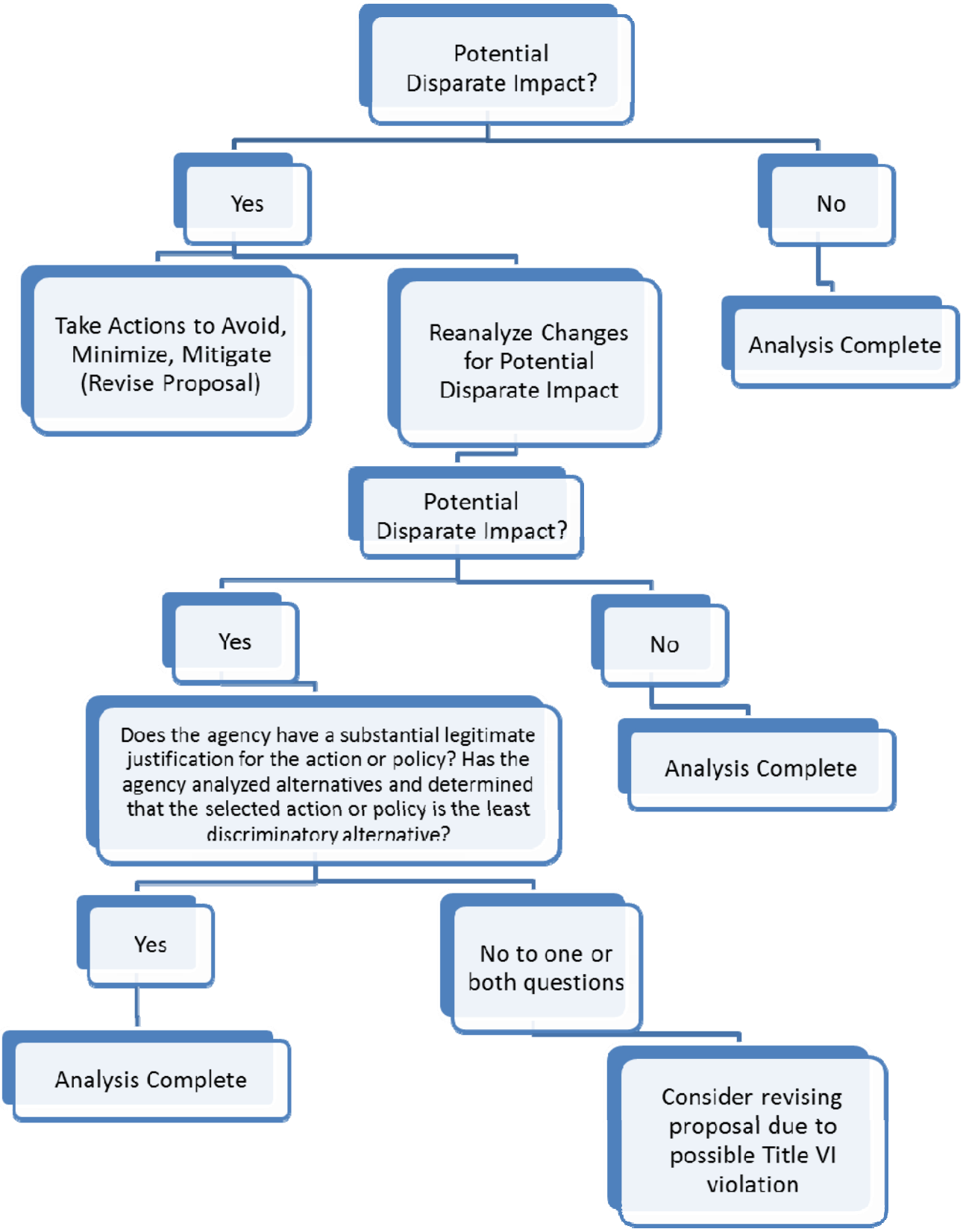
SAMPLE Fare Equity Analysis

Count	Cost		Change		Usage by Group		
Fare type	**Existing**	**Proposed**	**Absolute**	**Percentage**	**Low-Income**	**Minority**	**Overall**
Cash	$1.50	$2.00	$0.50	33.3%	308,287	402,021	451,152
1-Day Pass	$4.50	$5.50	$1.00	22.2%	299,880	290,456	448,907
Senior	$0.50	$0.75	$0.25	50.0%	37,536	17,681	46,077
Disability	$0.50	$1.00	$0.50	100.0%	75,440	29,280	38,600
Adult 31-Day Pass	$57.00	$63.00	$6.00	10.5%	132,720	311,225	746,769
Student 31-Day Pass	$30.00	$35.00	$5.00	16.7%	205,708	192,661	323,150
Adult 7-Day Pass	$15.00	$17.00	$2.00	13.3%	105,831	132,135	170,300
10-Ride Card	$13.50	$18.00	$4.50	33.3%	184	780	11,400
Total					**1,165,586**	**1,376,239**	**2,236,355**

% of Total	Cost		Change		Usage by Group		
Fare type	**Existing**	**Proposed**	**Absolute**	**Percentage**	**Low-Income**	**Minority**	**Overall**
Cash	$1.50	$2.00	$0.50	33.3%	26.4%	29.2%	20.2%
1-Day Pass	$4.50	$5.50	$1.00	22.2%	25.7%	21.1%	20.1%
Senior	$0.50	$0.75	$0.25	50.0%	3.2%	1.3%	2.1%
Disability	$0.50	$1.00	$0.50	100.0%	6.5%	2.1%	1.7%
Adult 31-Day Pass	$57.00	$63.00	$6.00	10.5%	11.4%	22.6%	33.4%
Student 31-Day Pass	$30.00	$35.00	$5.00	16.7%	17.6%	14.0%	14.4%
Adult 7-Day Pass	$15.00	$17.00	$2.00	13.3%	9.1%	9.6%	7.6%
Stored Value Card	$13.50	$18.00	$4.50	33.3%	0.0%	0.1%	0.5%
Total					**100.0%**	**100.0%**	**100.0%**

Here, an agency has presented a fare increase proposal and determined fare media usage for low-income, minority and overall ridership from a rider survey. Although a price increase is proposed for all fare media, certain media used disproportionately by low-income and/or minority riders (such as cash fares, one-day passes, and disability fares) are proposed for more substantial price increases than other media used more commonly by other riders (particularly the adult 31-day pass). In order to make an appropriate assessment of disparate impact or disproportionate burden, the transit provider must compare the survey data, and show the number and percent of minority riders and low-income riders using a particular fare media. While the changes appear to affect low-income and minority riders more adversely than other riders, the agency's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Disparate Impact Analysis



APPENDIX L

REPORTING REQUIREMENTS

1. RECIPIENT TYPE. This circular defines many types of recipients of Federal financial assistance: designated recipients, direct recipients, primary recipients and subrecipients. The reporting and monitoring requirements vary depending on what role an entity serves. One entity could be all four types of recipients, and therefore have many different reporting and monitoring requirements. The following questions are designed to assist recipients in determining what their responsibilities are:

   a. Have you been designated by the Governor of your State or other local officials to receive and apportion funds from FTA? If yes, you are a ***designated recipient***.

   b. Do you apply to FTA for funds for programs you operate/manage? If yes, you are a ***direct recipient.*** You will submit a Title VI Program directly to FTA.

   c. Do you pass through funds you receive directly from FTA to subrecipients? If yes, then you are a ***primary recipient*** and you must monitor your subrecipients' compliance with Title VI requirements, and collect Title VI Programs from them.

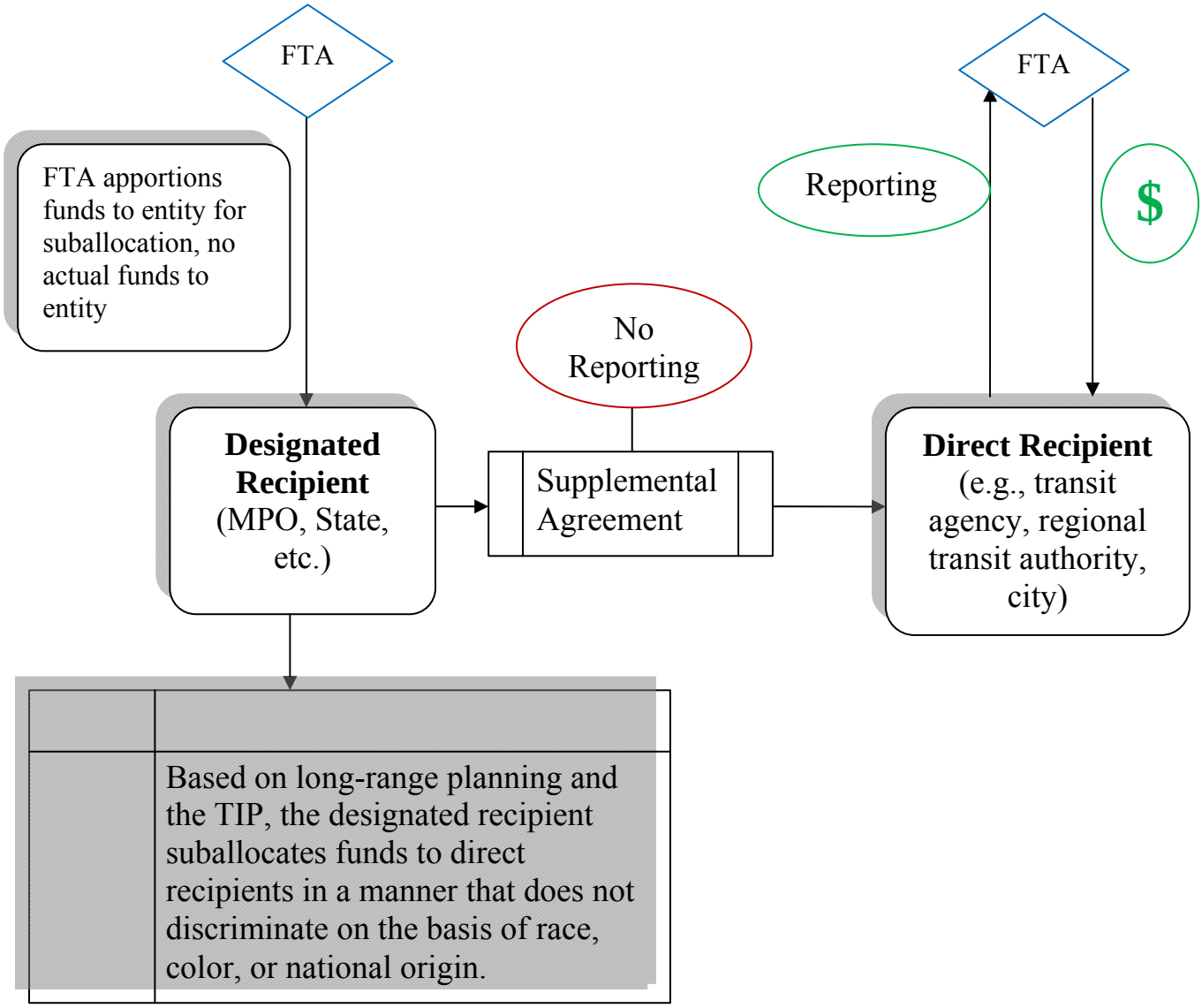
   d. Do you receive funds from another FTA recipient, that is, are funds "passed through" to you from an entity that received those funds from FTA or another recipient? If yes, then you are a ***subrecipient.*** You must submit a Title VI Program to the entity that passed funds through to you.

   e. Do you suballocate funds to recipients that apply directly to FTA for their funds (i.e., direct recipients)? If yes, have you signed a supplemental agreement? If yes, you do not have any responsibility to monitor the Title VI Program of direct recipients, even if you also "pass through" funds to those recipients (i.e., subrecipients).

   f. Do you receive discretionary, specialized funding (e.g., TIGER, Livability Urban Circulator)? If yes, do you regularly apply for funds from FTA, i.e., are you a traditional recipient of FTA funds? If you are not a traditional recipient of FTA funds, or are a first-time applicant for FTA funds, special rules may apply.

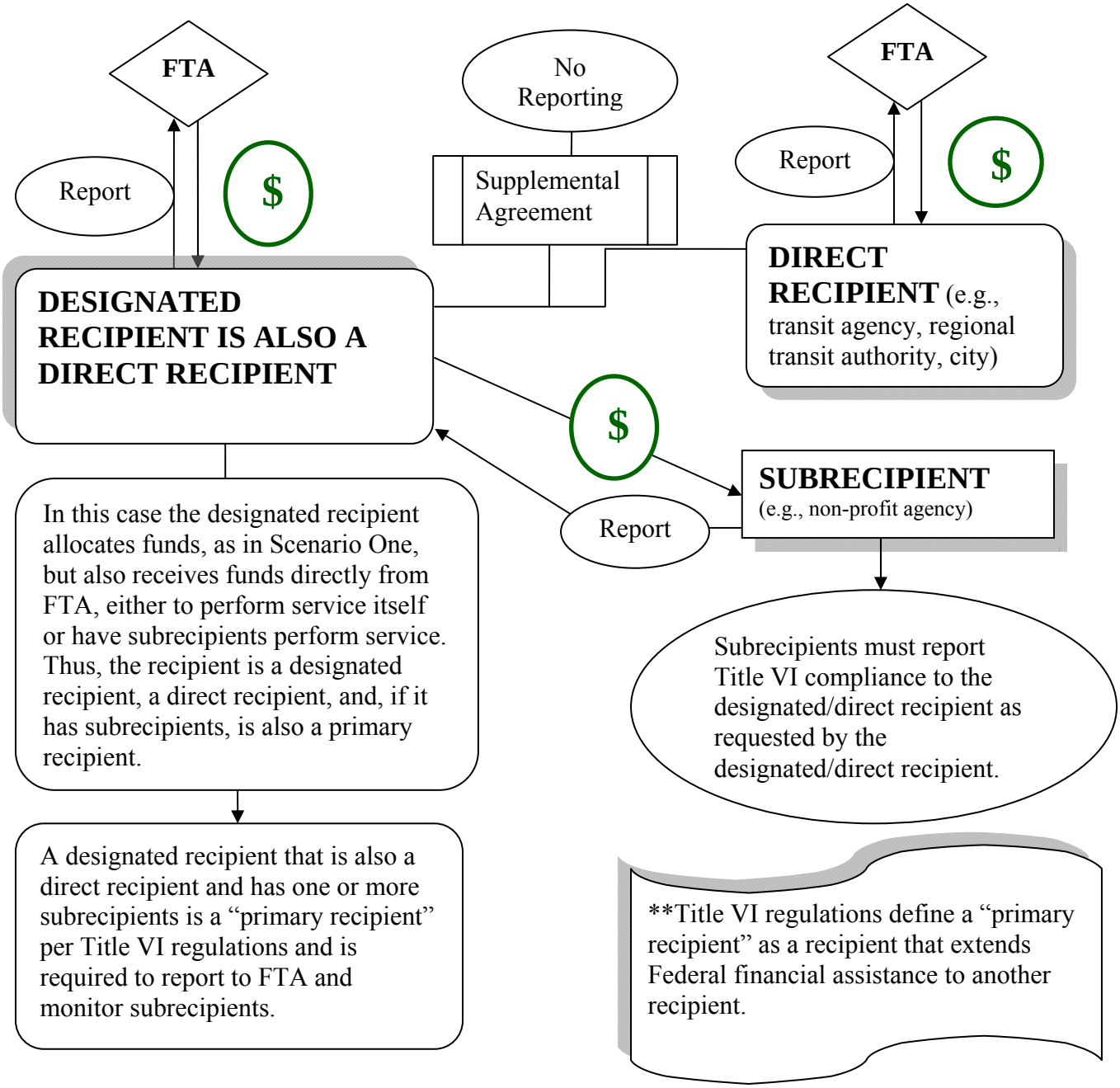
On the following pages are flowcharts that demonstrate the reporting requirements of various types of entities.

Scenario One—States, Designated Recipients, MPOs, and Other Entities That Suballocate FTA Funds



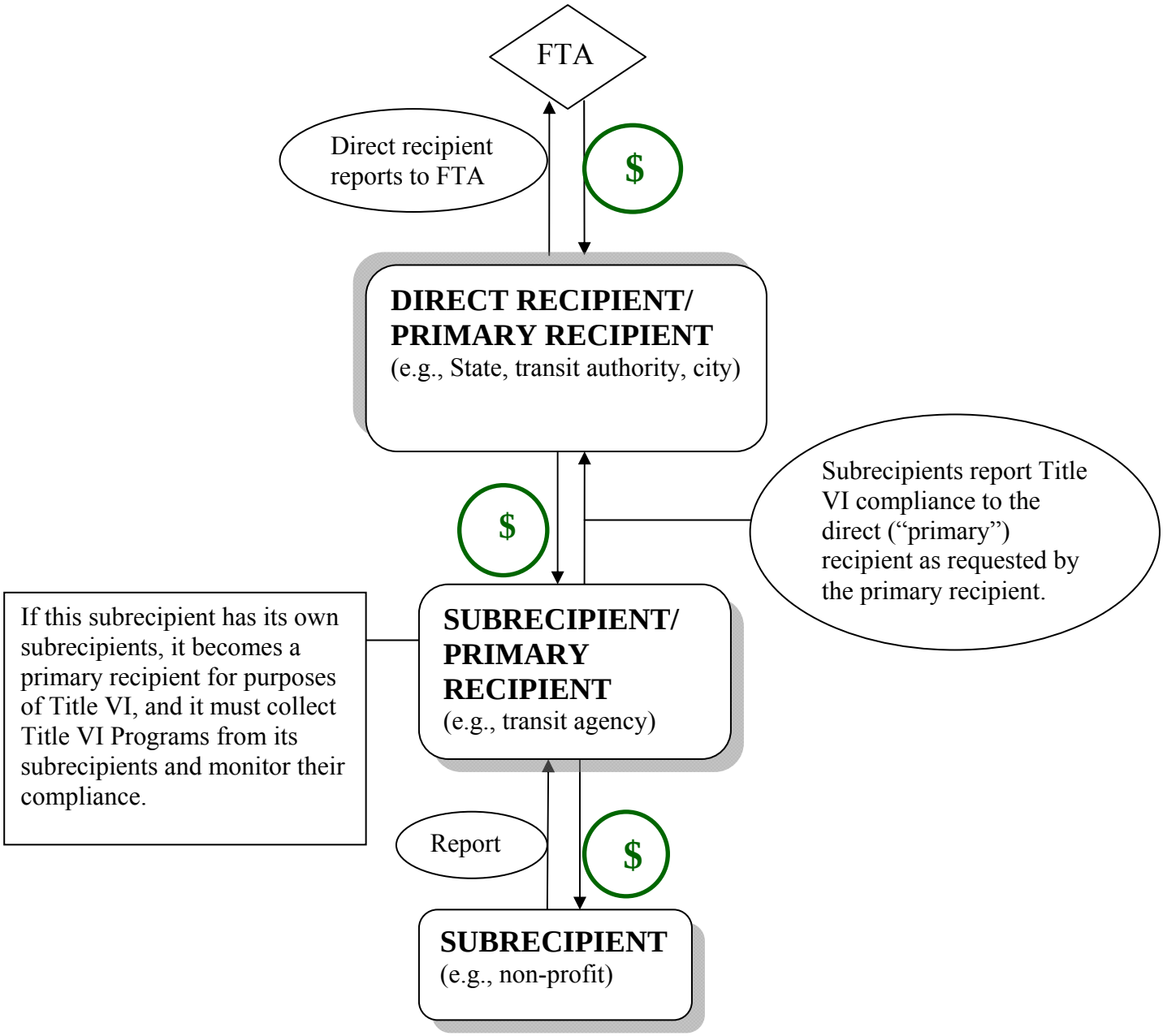
Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives no funding from FTA; it only receives notice of an apportionment and then suballocates funds to direct recipients; therefore, the designated recipient has no oversight responsibility for direct recipients that receive their funding directly from FTA. Direct recipients submit Title VI reports to FTA.

Scenario Two—Designated Recipients That Are Also Direct Recipients



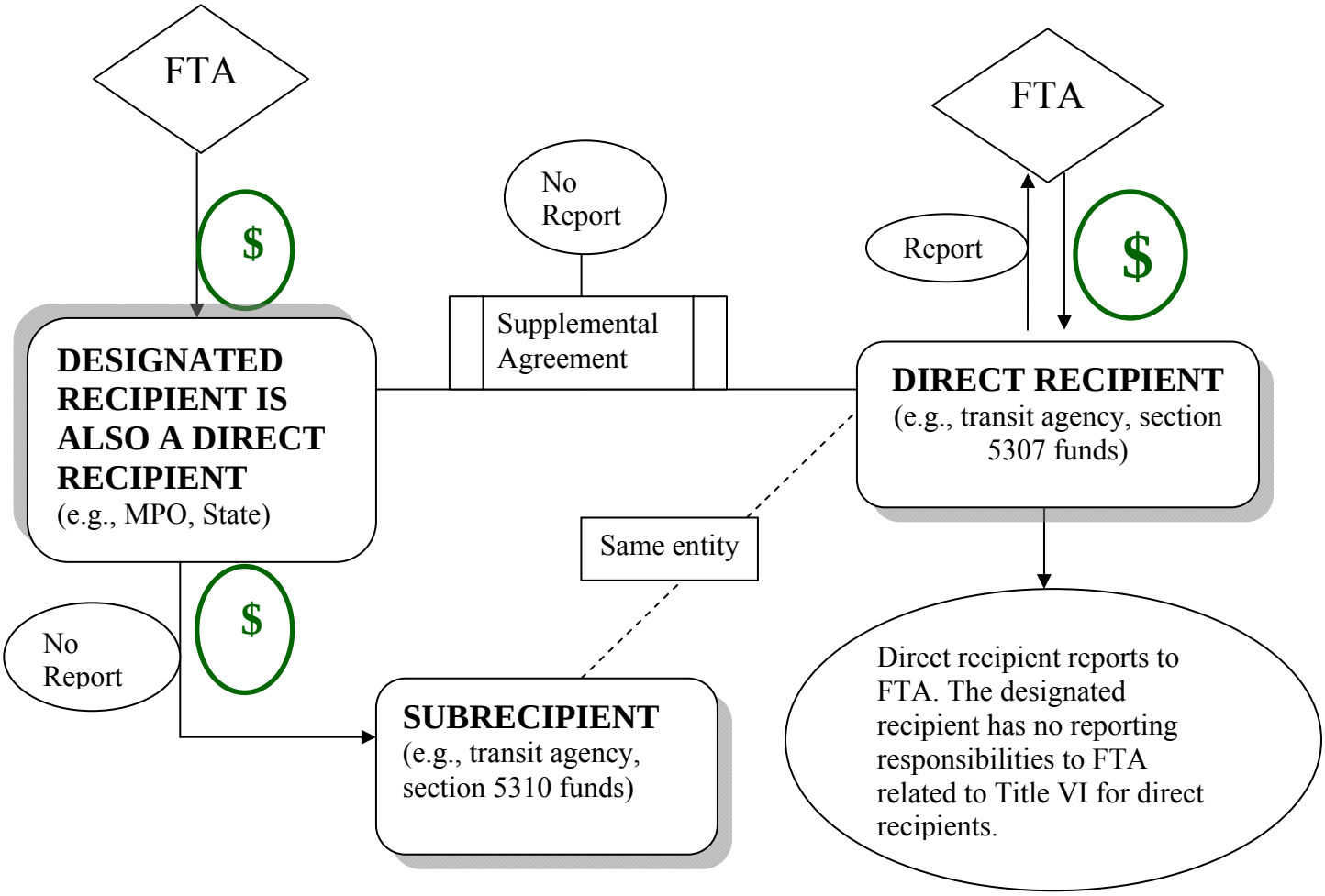
Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives funding from FTA; therefore the designated recipient submits a Title VI Program to FTA and includes a description of how it monitors subrecipients. The designated recipient does not collect Title VI Programs from direct recipients to whom it only allocates funds. Direct recipients submit Title VI Programs to FTA.

Scenario Three—Direct Recipients, Including States



Reporting requirements follow the source of Federal funds. In this case, the direct (primary) recipient submits a Title VI Program to FTA and monitors subrecipients at all tiers.

Scenario Four—Designated Recipients That Pass Funds Through to Direct Recipients That Are Covered by a Supplemental Agreement

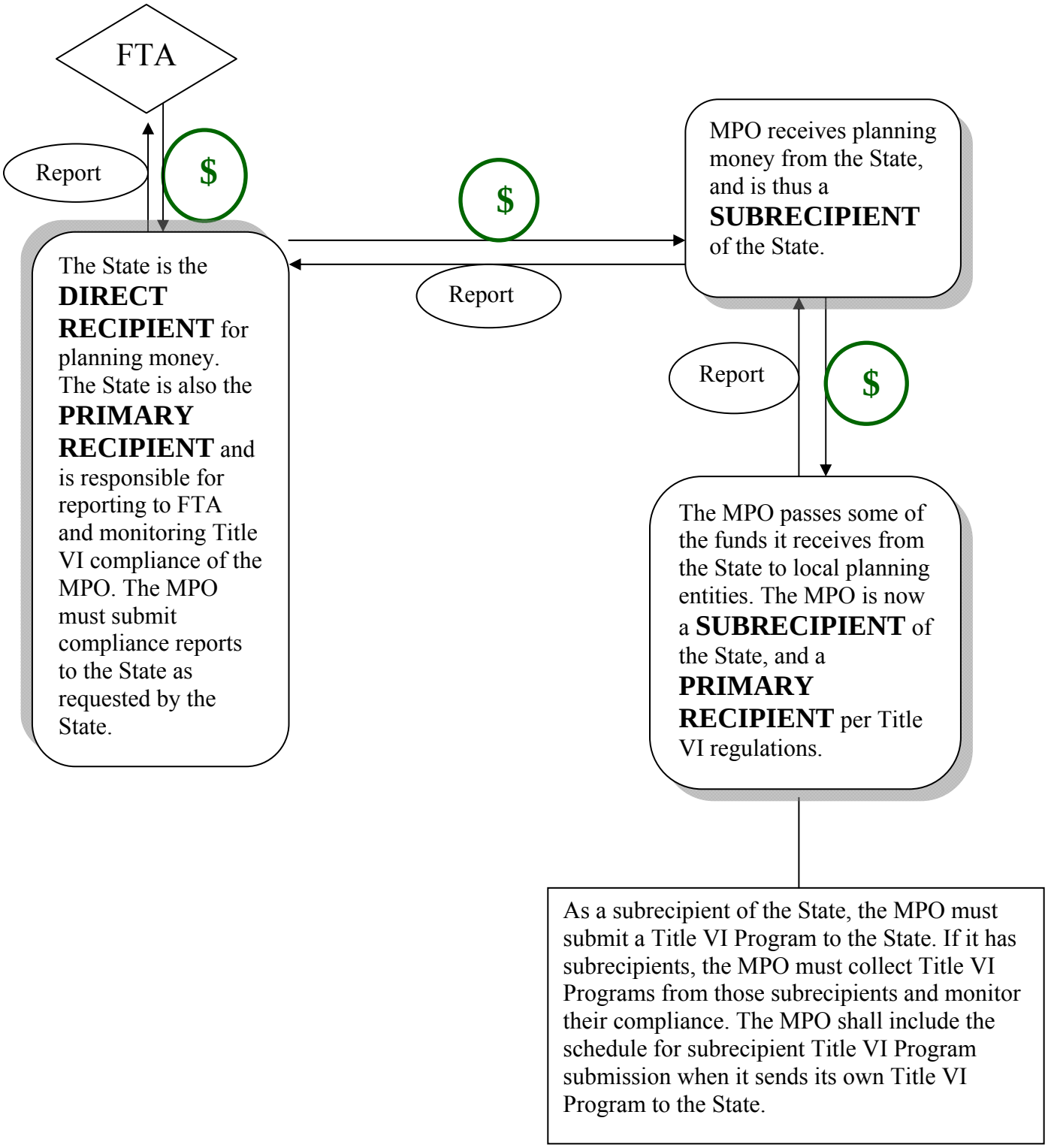


A subrecipient that is also a direct recipient is required to have an FTA approved Title VI Program in place, and the funds the subrecipient receives through the designated recipient must be utilized in accordance with that Title VI Program. Since the subrecipient/direct recipient must report compliance to FTA, it is not required to report to the designated recipient, and the designated recipient, consistent with the supplemental agreement, is not required to oversee the subrecipient's Title VI Program.

NOTE: If the direct recipient relationship with FTA changes, such that the entity becomes only a subrecipient of the designated recipient, then the subrecipient will report to the designated recipient, and the designated recipient will report to FTA.

NOTE also that while the designated recipient is not reporting to FTA for the direct/subrecipient, when the designated recipient is also a direct recipient it will report directly to FTA, and it may also have other reporting responsibilities, as when the designated recipient is an MPO or provides transit service itself.

Scenario Five—Role of MPOs and States With Regard to Planning Funds (Other Scenarios May Also Apply)



APPENDIX M

TITLE VI AND LIMITED ENGLISH PROFICIENCY TECHNICAL ASSISTANCE RESOURCES

The following resources should help recipients integrate the guidance and procedures of this circular into their planning and operations. Recipients seeking additional resources that may have been published subsequent to the date of this circular may inquire with their local FTA Regional Office or FTA's Office of Civil Rights. Technical assistance resources will be published on the FTA Office of Civil Rights website, http://www.fta.dot.gov/civil_rights.html, on an ongoing basis.

1. Relevant Websites. Recipients and subrecipients are encouraged to review information on the following websites:

   a. FTA's Title VI Website**.** www.fta.dot.gov/civilrights/civil_rights_5088.html**.** This website provides an overview of FTA's Title VI activities, including links to recent compliance reviews of recipients, related websites, policy guidance and procedures, and instructions on how to file a Title VI complaint.

   b. Federal Interagency Working Group on Limited English Proficiency. www.lep.gov promotes a cooperative understanding of the importance of language access to Federal programs and Federally-assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and Federally-assisted programs, and other stakeholders.

   c. U.S. Department of Justice Civil Rights Division. http://www.justice.gov/crt/ The Civil Rights Division of the Department of Justice, established in 1957, is the program institution within the Federal government responsible for coordinating the implementation and enforcement of Federal statutes prohibiting discrimination on the basis of race, color, national origin, and other protected classes.

   d. Community Impact Assessment Website. http://www.ciatrans.net. The Community Impact Assessment (CIA) website seeks to inform transportation officials and the general public about the potential impacts of proposed transportation actions on communities and their subpopulations.

   e. United We Ride. www.unitedweride.gov. United We Ride is an interagency Federal national initiative that supports States and their localities in developing coordinated human service delivery systems originating from the Office of Program Management or the Federal Transit Administration. In addition to State coordination grants, United We Ride provides State and local agencies a transportation-coordination and planning self-assessment tool, help along the way, technical assistance, and other resources to help their communities succeed.

2. Technical Assistance Products. Recipients and subrecipients are encouraged to review information on the following technical assistance products. Interested parties can access these products through the relevant website or by contacting FTA's Office of Civil Rights.

   a. "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision-making." http://www.fhwa.dot.gov/hep/lowlim/. This report documents "best practices" in identifying and engaging low-literacy and limited-English-proficiency populations in transportation decision-making. These "best practices" were collected during telephone interviews with individuals in 30 States.

   b. "Disaster Response and Recovery Resource for Transit Agencies" http://transit-safety.volpe.dot.gov/Publications/order/singledoc.asp?docid=437. This resource provides local transit agencies and transportation providers with useful information and best practices in emergency preparedness and disaster response and recovery, including information on how to respond to the needs of low-income persons, limited English proficient persons, persons with disabilities, and older adults.

REFERENCES

a. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000d.

b. Federal Transit Laws, Title 49, United States Code, Chapter 53.

c. National Environmental Policy Act of 1969, as amended, 42 U.S.C. Section 4321 *et seq.*

d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, et seq.

e. U.S. Department of Justice regulations, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs," 28 CFR part 42, Subpart F.

f. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21.

g. Joint FTA/Federal Highway Administration (FHWA) regulations, "Environmental Impact and Related Procedures," 23 CFR part 771 and 49 CFR part 622.

h. Joint FTA/FHWA regulations, "Planning Assistance and Standards," 23 CFR part 450 and 49 CFR part 613.

i. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," Feb. 11, 1994, 59 FR 7629 (Feb. 16, 1994).

j. Executive Order 13166, "Improving Access to Services for Persons With Limited English Proficiency," Aug. 11, 2000, 65 FR 50121 (Aug. 16, 2000).

k. U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations, 62 FR 18377 (Apr. 15, 1997).

l. U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087 (Dec. 14, 2005).

m. FTA Master Agreement, FTA MA (17), Oct. 1, 2010.

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Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2019-0607, **File Type:** Contract **Agenda Number:** 46.

EXECUTIVE MANAGEMENT COMMITTEE
OCTOBER 17, 2019

SUBJECT: OUTSIDE PRINTING SERVICES BENCH

ACTION: AWARD CONTRACTS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

A. AWARD five-year, task order-based, bench Contract Nos. PS63216000 and PS63216001 to the following firms, to provide outside printing services, for an aggregate not-to-exceed amount of $2,500,000, effective November 1, 2019, subject to resolution of protest(s), if any;

   1. PS63216000 Fusion Media
   2. PS63216001 Pacific Graphics; and

B. EXECUTE individual task orders under these Contracts for outside printing services for an aggregate not-to-exceed amount of $2,500,000.

ISSUE

Metro has a recurring need for outside printing services whenever production requirements exceed in -house resources and capacity, such as during Division shake-ups and grand opening of projects, and to handle other complex printing jobs and time-sensitive materials. Printed materials include specialty items such as maps, posters, artwork, direct-mailers and other literature essential to the execution of Metro's mission.

Award of these contracts does not obligate any funds and it establishes a bench of qualified printing vendors that can readily provide printing services on an as-needed basis.

DISCUSSION

Metro's in-house Print Shop produces all bus and rail timetables, bus cards, brochures, and other customer communication materials. At peak times such as Division shake-ups, and/or when the volume, complexity and time-sensitivity of print jobs are beyond the internal capacity of the Print Shop's equipment and personnel, outside printing services are requested to meet the agency's

needs. An outside printing services bench is needed for Metro to have access to outside printing services for emergency and overflow printing needs in support of Metro's projects and initiatives.

DETERMINATION OF SAFETY IMPACT

This program does not affect the incidence of injuries or healthful conditions for patrons or employees. Therefore, approval of this request will have no impact on safety.

FINANCIAL IMPACT

The funding of $300,000 for outside printing services is included in the FY20 budget in cost center 7140, Customer Communications, line 50316, under project number 100001 (General Overhead), 300066 (Rail Ops Expo), and 306005 (Public Affairs). Since these are multi-year contracts, the cost center manager and Executive Officer will be responsible for budgeting the cost in future years. In FY19, $375,000 was expended on this line item. Funding is also furnished by various departments that charge to the bench contract. Examples are, but not limited to, Safety, Construction, OMB, Operations, and Metro Art. There are new rail line openings scheduled in the next couple of years and funding will be needed to cover additional print costs that are always associated with these events.

ALTERNATIVES CONSIDERED

The Board may decline to approve the award of bench contracts and instead expand Metro's internal printing capacity to handle agency printing requirements in-house. This is not recommended because this requires the purchase of limited-use equipment and hiring of additional staff to operate the equipment, which may not be cost-effective.

NEXT STEPS

Upon Board approval, staff will execute these outside printing services bench contracts, effective November 1, 2019, and work will be competed as needed on a task order basis.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Robert Hartert, Printing Services Supervisor, (213) 418-3206
Antwaun Boykin, Sr. Contract Administrator (213) 922-1056

Reviewed by: Yvette Rapose, Chief Communication Officer, (213) 418-3154
Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051

Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

OUTSIDE PRINTING SERVICES BENCH / PS63216000 and PS63216001

1.	**Contract Numbers:** PS63216000 and PS63216001	
2.	**Recommended Vendors**: Fusion Media and Pacific Graphics	
3.	**Type of Procurement (check one):** ☐ **RFP** ☒ **IFB** ☐ **IFB–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: June 6, 2019	
	B. Advertised/Publicized June 12, 2019	
	C. Pre-bid Conference: June 19, 2019	
	D. Bids Due: July 10, 2019	
	E. Pre-Qualification Completed: August 8, 2019	
	F. Conflict of Interest Form Submitted to Ethics: July 30, 2019	
	G. Protest Period End Date: September 23, 2019	
5.	**Solicitations Picked up/Downloaded**: 15	**Bids Received**: 4
6.	**Contract Administrator**: Antwaun Boykin	**Telephone Number**: **(**213) 922-1056
7.	**Project Manager**: Robert Hartert	**Telephone Number**: **(**213) 418- 3206

A. Procurement Background

This Board Action is to approve the Bench Contract Nos. PS63216000 and PS63216001 in support of the Metro Print Shop for a five-year term. These services will be performed on an “as-needed” basis for which task orders will be issued. Board approval of contract awards are subject to resolution of any properly submitted protest(s).

Invitation for Bids (IFB) No. PS63216 was issued in the Small Business Enterprise Set-Aside Program in accordance with Metro’s Acquisition Policy and the contract type is task-order based, as-needed.

Three amendments were issued during the solicitation phase of this IFB:

- Amendment No. 1, issued on June 20, 2019 provided documents from the pre-bid conference;
- Amendment No. 2, issued on July 1, 2019 revised Schedule of Quantities and Prices Form – Item No. 4 Bid;
- Amendment No. 3, issued on July 3, 2019 extended the bid due date

A pre-bid conference was held on June 19, 2019 and was attended by three participants representing three firms. Five questions were received, and Metro provided responses prior to the bid due date.

B. Evaluation of Bids

A total of four bids were received on July 10, 2019 from firms listed below in alphabetical order:

1. Bash Boy Enterprises
2. Fusion Media
3. Pacific Graphics
4. Peaks and Associates

Two of the four firms are being recommended for the bench contracts. Both Bash Boy Enterprises and Peaks and Associates failed to meet the Small Business Enterprise Commercially Useful Function (CUF) requirement as stated in the IFB.

C. Price Analysis

Each individual task order will be competed among the recommended contractors and will comply with all requirements of Metro's Acquisition Policy and the terms and conditions of these Contracts. The contractors will bid according to the requirements of the task order, and independent cost estimate, technical evaluation, and cost/price analysis will be performed, as appropriate, on all task orders issued.

D. Background on Recommended Contractors

Fusion Media

Based in Fullerton, California, Fusion Media provides streamlined solutions for printing, fulfillment, electronic media, web service and mailing services. Fusion Media has over 5 years of print, bindery, paper and prepress experience and manages all levels of projects including budgeting, materials, production, distribution and administration. Fusion Media has provided outside printing services to Metro since 2014 and performance has been satisfactory.

Pacific Graphics International

Founded in 1989 and headquartered in the City of Industry, California, Pacific Graphics International (PGI) is a commercial lithographic offset and digital printing, mailing, fulfillment and distribution and distribution service company. Its clients include Southern California Edison, Orange County Transportation Authority, City of Santa Monica – The Big Blue Bus, City of Chino Hills, City of Pico Rivera, US Government Printing Office, Choice Hotels, Marriott Hotels and other corporations and government agencies including Metro. PGI has been an outside printing services provider of Metro since 2000 and performance has been satisfactory.

DEOD SUMMARY

OUTSIDE PRINTING SERVICES/ PS63216002
PS63216003

A. Small Business Participation

Pursuant to Metro's Board-approved policy, competitive acquisitions with three or more Small Business Enterprise (SBE) certified firms within the specified North American Industry Classification System (NAICS) as identified for the project scope shall constitute a Small Business Set-Aside procurement. Accordingly, the Contract Administrator advanced the solicitation, including posting the solicitation on Metro's website, advertising, and notifying certified small businesses as identified by NAICS code(s) that this solicitation was open to **SBE Certified Small Businesses Only**.

Both bench participants are SBE Primes and have committed to perform 30% or more of the work with their own workforces. Work throughout these Contracts will be issued on a task order basis, as needed.

SMALL BUSINESS PRIME (SET-ASIDE)

	SBE Primes	**SBE % Committed**
	Fusion Media	30%
	Total Commitment	**30%**

	SBE Primes	**SBE % Committed**
	Pacific Graphics	100%
	Total Commitment	**100%**

B. Living/Prevailing Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to

construction contracts that have a construction contract value in excess of $2.5 million.

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2019-0776, **File Type:** Project **Agenda Number:** 50.

EXECUTIVE MANAGEMENT COMMITTEE
OCTOBER 17, 2019

SUBJECT: ROSA PARKS CUSTOMER CENTER DEDICATION

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

DEDICATE the new Metro Customer Center at the Willowbrook/Rosa Parks Station in honor of Rosa Louise Parks, a civil rights activist.

ISSUE

In late 2019, Metro will open a new Metro Customer Center at the Willowbrook/Rosa Parks Station on the Metro Blue and Green Lines.

Consistent with the Metro Property Naming Policy, the Metro Board of Directors should consider dedicating the new Metro Customer Center at the Willowbrook/Rosa Parks Station to Rosa Louise Parks and honor her significant contributions to the American civil rights movement and social justice.

BACKGROUND

Since the completion of the Metro Blue Line in 1990 and the Metro Green Line in 1995, the Willowbrook/Rosa Parks Station has evolved from a neighborhood station into the fourth most heavily used station in the Metro system. As part of the Willowbrook/Rosa Parks Improvement Project, Metro is completing significant upgrades to the station, expanding its capacity, adding new amenities, and strengthening its roles as a mobility hub and community resource.

This revitalized regional facility will provide thousands of Metro patrons with superior access to local treasures and amenities, including the County's most advanced health care services provider, the rebuilt Martin Luther King Jr. Medical Campus, and the Charles Drew University of Science and Medicine.

The improvements will transform the Willowbrook/Rosa Parks Station into a first-class transit facility through a number of improvements including:

- Upgrades to the elevators, escalators, stairs and mezzanine between the Blue and Green Line platforms
- Improvements to and consolidation of the bus bays to provide a safer and more comfortable area for patrons

powered by Legistar™

- Reconfiguring of the Park & Ride lots for optimal circulation and pedestrian safety
- Improvements to pedestrian circulation, signage and wayfinding through the station
- New interactive digital displays with transit information and advertising
- Integration of new site-specific artwork
- Addition of a civic plaza with a Metro Customer Center, Transit Security Center, and Metro Bike Hub

As part of these improvements, Staff proposes to dedicate the new Metro Customer Center in honor of Rosa Parks. Rosa Louise Parks was nationally recognized as the “mother of the modern-day civil rights movement” in America. Her refusal to surrender her seat to a white male passenger on a Montgomery, Alabama bus on December 1, 1955 triggered a wave of protest on December 5, 1955 that reverberated throughout the United States. Her quiet courageous act changed America, its view of black people and redirected the course of history.

The new Metro Customer Center will be the first and only fully custom-built customer center in the County and will feature contemporary architecture, integrated site-specific interior artwork and other customer amenities. The center will bring a range of valuable services and products to the community including the ability to purchase TAP cards and submit applications for reduced fare program (e.g. Senior or Student cards), timetables and trip planning assistance.

FINANCIAL IMPACT

Adoption of Recommendation would have no financial impact to the agency.

Impact to Budget

There is no budget impact. Funds necessary for signage and other materials have been previously allocated as part of the capital budget for the new Metro Customer Center.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended action supports the following goals:

Goal 2: Deliver outstanding trip experiences for all users of the transportation system;
Goal 3: Enhance communities and lives through mobility and access to opportunity;

ALTERNATIVES CONSIDERED

- Do not dedicate the new Metro Customer Center.

NEXT STEPS

Should the Board approve the recommendation, signage will be fabricated and installed at the new Metro Customer Center at the Willowbrook/Rosa Parks Station dedicating it in honor of Rosa Parks.

A dedication event will take place at the center as part of a grand opening celebration in late 2019. Metro's website, customer guides, and related materials will be updated to reflect the new name of the customer center.

ATTACHMENTS

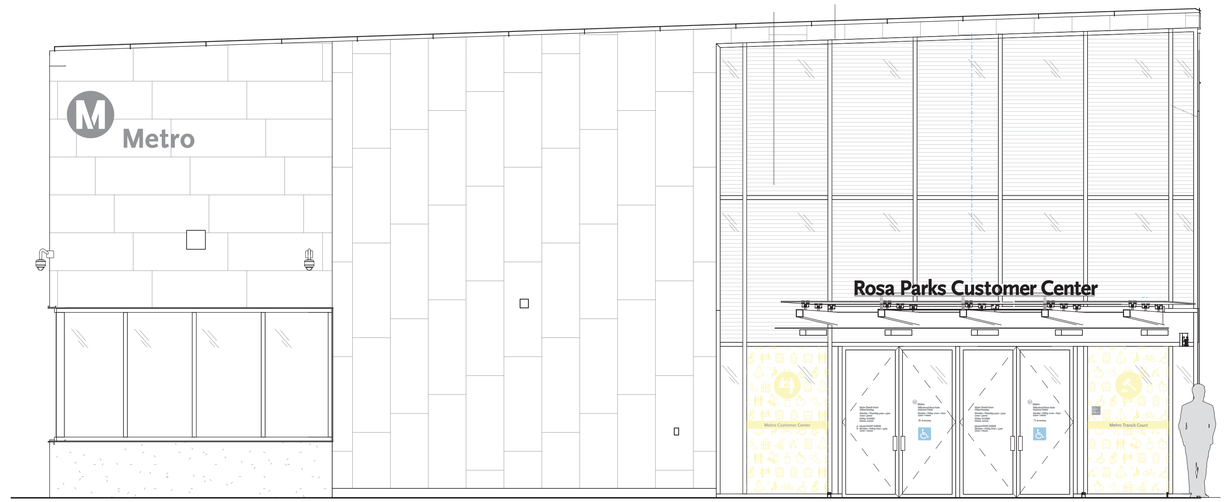
Attachment A - Draft Signage
Attachment B - Draft Plaque

Prepared by: Tim Lindholm, Sr. Executive Officer, Project Management, (213) 922-7136
Anthony Crump, Deputy Executive Officer, (213) 418-3292

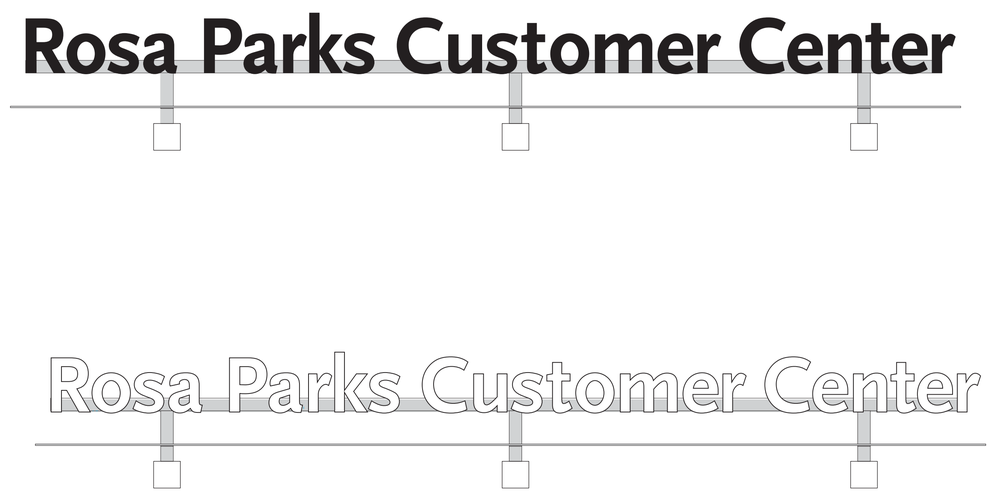
Reviewed by: Richard Clarke, Chief Program Management Officer, (213) 922-7557
Yvette Rapose, Chief Communications Officer, (213) 418-3154
Phillip A. Washington, Chief Executive Officer, (213) 922-7555

Phillip A. Washington
Chief Executive Officer

ATTACHMENT A - DRAFT SIGNAGE



B CONTEXT ELEVATION
SCALE: 1/4" = 1'-0"



A EXTERIOR DIMENSIONAL LETTERS ST A15
SCALE: 1" = 1'-0"

Metro

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

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Project Title & Description
15-7049-047 Rosa Parks Customer Center Canopy

Issue Date
08/13/19

Designer(s)
M Lee

Lead Designer
S McLaughlin
Initials

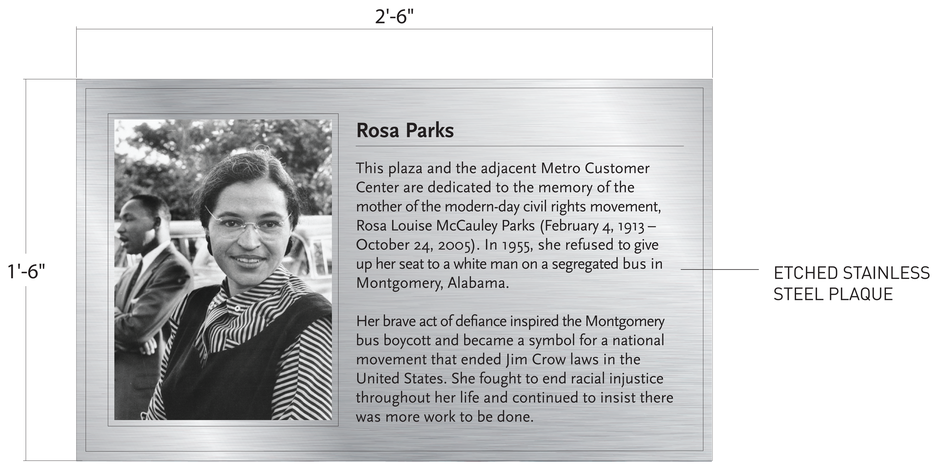
Project Manager
L Glover
Initials

APPROVED BY
Director, Arts & Design
Susan Gray
Initials

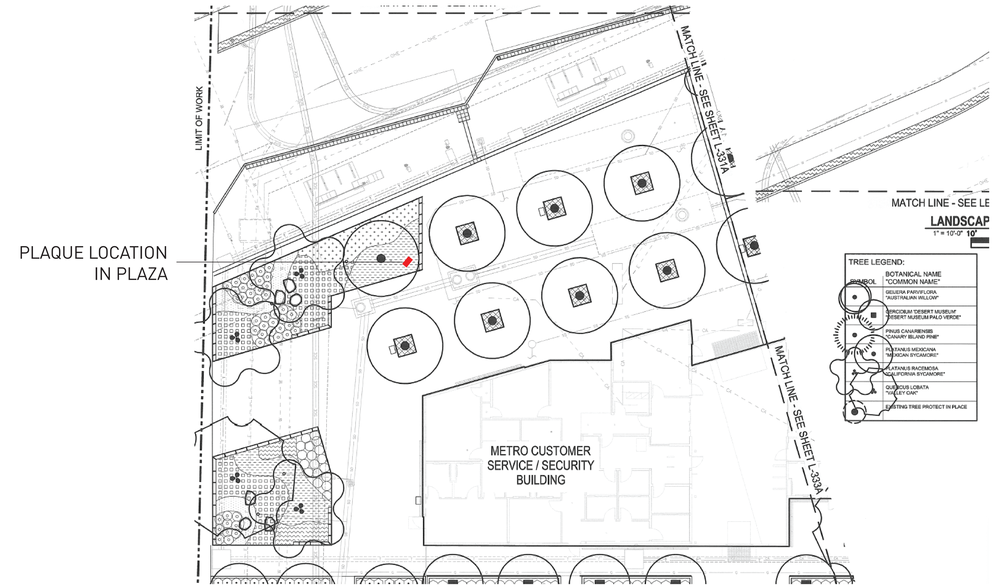
DRAWING NO.
GS-001

SCALE
AS NOTED

SHEET NO.
1 OF 1



A Design
SCALE: 1:1



C Location Plan

B Elevation
SCALE: 1:3

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Project Title & Description	Issue Date	Designer(s)	Lead Designer	Project Manager	APPROVED BY	DRAWING NO.
15-7049-046 Rosa Parks Commemorative Plaque	08/13/19	M Lee	S McLaughlin	L Glover	Director, Arts & Design	GS-001
			Initials	Initials	Susan Gray	
					Initials	SCALE AS NOTED
						SHEET NO. 1 OF 1