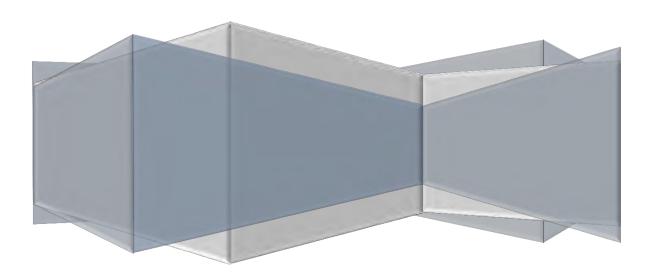
## **Title VI+ Program**

**How to Guide (Plan Template)** 



H

0

W

T

0

G

U

I

D

E

### **Table of Contents**

1.0 Background
1.1 Title VI Program Elements5
2.0 Overview of Reporting and Monitoring10
3.0 Special Rules, First-Time Applicants, Exemptions
4.0 Title VI Notice, List of Locations, Complaint Procedure and Form
4.1 Signed Title VI Policy Statement
4.2 Copy of Title VI Notice to the Public
4.3 Examples of Title VI Notice to the Public
4.4 List of locations where Notice is posted
4.5 Title VI Complaint Procedures
4.6 Example of Complaint Procedure
4.7 Copy of Title VI Complaint Form19
4.8 Example of Title VI Complaint Form20
5.0 Title VI Investigations, Complaints, and Lawsuits21
5.1 Provide a list of public transportation related Title VI investigations, complaints, and lawsuits21
5.2 Example of List of Investigations, Lawsuits and Complaints:22
6.0 Public Participation Plan23
6.1 Develop Public Participation Plan or Process
6.2 Suggestions for Plan Steps
7.0 Summary of Outreach Efforts
8.0 Limited English Proficiency/Language Assistance Plan
8.1 Four-Factor Analysis29
8.1 A Factor 1
8.1 B Factor 240

8.1 C Factor 3
8.1 D Factor 4
8.2 Language Assistance Plan
9.0 Non-elected Committees and Councils54
10.0 Subrecipient Title VI Monitoring55
11.0 Title VI Equity Analysis55
12.0 Governing Entity Approval of Title VI Program57
13.0 Service Standards and Service Policies57
13.1 Service Standards
13.2 Service Policies63
14.0 Demographic and Service Profile Maps and Charts
15.0 Collecting and Reporting Data, Demographic Ridership and Travel Patterns70
16.0 Results of Monitoring Program and Report71
17.0 Major Service Change Policy82
18.0 Disparate Impact Policy83
19.0 Disproportionate Burden Policy85
20.0 Results of Service and/or Fare Equity Analyses
20.1 Service Equity Analysis
20.2 Fare Equity Analysis93
20.3 Service and Fare Equity Analysis for New Starts and Other New Fixed Guideway Systems96
21.0 Summary of Environmental Justice Provisions
22.0 Appendix
22.1 Overview
22.2 Framework
22.3 Definitions 105

### 1.0 Background

Title VI of the Civil Rights Act 1964 specifically provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Under Title VI, financial recipients are also required to provide Limited English Proficiency (LEP) individuals with meaningful access to their programs and services. Another requirement for recipients of Federal Transit Administration (FTA) funds includes incorporating Environmental Justice (EJ) principles into plans, projects, and activities.

Title VI is a Federal law that applies to recipients (including subrecipients) of Federal financial assistance. Recipients of FTA funds are required to have a Title VI Program which is a document that demonstrates how the recipient complies with the transit-related activities of Title VI. (It is important to note that "recipients are responsible for ensuring that all of their activities are in compliance with Title VI.")

The FTA outlined requirements and guidelines for FTA recipients in its Circular FTA C 4702.1B (Title VI Circular) dated October 1, 2012. The FTA also issued Environmental Justice (EJ) Policy guidance in its Circular FTA C4703.1 (EJ Circular) dated August 15, 2012. This "How to Guide" was developed primarily using these two Circulars and FTA's Office of Civil Rights, April 13, 2007 publication "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, A Handbook for Public Transportation Providers" (LEP Handbook)."

This Guide was developed to help federally funded transit providers comply with the FTA's Title VI Program submissions. Submission requirements coincide with the federally funded recipient "type". The types are: All; 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 in population; States; and Metropolitan Transportation Planning Organizations. Under the heading of each section of this How to Guide, the federally funded recipient type is listed after applicability. The Guide begins with "All" followed by the two types of transit providers. By following the sections that apply to your agency's type, you will have developed a Title VI Program that can be submitted to the FTA. Every three years you are required to update the information and, where applicable, provide the analyses.

The primary focus of this "How to Guide" is on the required Title VI Program elements for transit agencies that receive FTA funding. In addition to using this Guide, you should refer directly to the

The following definition is from the Title VI Circular:

Recipient 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.

The following definition is from the Title VI Circular:

### Limited English Proficient (LEP) 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.

regulations and Circulars. In addition, EJ "should be considered and addressed in all National Environmental Policy Act of 1969 (NEPA) decision-making and appropriately documented in Environmental Impact Statements, Environmental Assessments, or Categorical Exclusions." (This "How to Guide" does not address NEPA requirements.)

The FTA Circulars provide more extensive information including authorities. The Title VI Circular provides more extensive definitions, reporting instructions, noncompliant procedures, and FTA's complaint process.

The terms utilized in this "How to Guide" are directly from FTA definitions in the Circulars. Throughout this Guide a few terms are defined; however all terms with definitions appear in the Appendix. For additional definitions, please refer to the FTA Circulars. The Circulars provide more extensive information and cover additional areas such as, effecting compliance with DOT Title VI Regulations, Compliance Reviews and Complaints.

The "How to Guide" is entitled "Title VI+ Program" because it incorporates EJ provisions. However, throughout the Guide "Title VI Program" is used predominantly and synonymously with "Title VI+ Program." A Title VI Program incorporating both LEP and EJ components will promote nondiscrimination and provide a process to achieve a "fair distribution of the benefits or burdens associated with Federal programs, policies, and activities."

### 1.1 Title VI Program Elements

The Title VI Circular states that the objectives of a Title VI Program are for FTA recipients to:

- Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
- Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
- Ensure meaningful access to transit-related programs and activities by persons with LEP.

The following DOT and FTA EJ principles should be considered in your transportation decision-making, planning and public outreach and they are incorporated throughout the Title VI+ Program elements and are "briefly summarized as follows:

NOTES:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations."

The FTA Title VI Circular groups Title VI Program required elements in the following five categories:

- 1. All Recipients (general or base requirements)
- 2. Transit Providers that operate Fixed Route Service
- 3. 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 in population
  - The FTA has published a list of transit providers that fall into this category, the web address is:
    - http://www.fta.dot.gov/documents/Grantees\_by\_Region\_in\_UZA\_Pop200\_with\_50\_Ve hicles.pdf
      - o The following is a list of Pennsylvania Transit Providers in this category:

The following definition is from the Title VI Circular:

**Fixed route** refers to public transportation service provided in vehicles operated along predetermined routes according to a fixed schedule.

Title VI Circular separates transit service into two categories: fixed route and demand response. "An advance request for service is a key characteristic of demand response service."

The Federal Highway
Administration defines Urbanized
Areas (UZA) as with populations of
50,000 residents or more.

		Serves UZA				Number of
FTA Region	TEAM ID	Pop 200K +	Recipient Acronym	Recipient Name	State	Vehicles
TRO-1	1369	Υ	MBTA	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	MA	1,708
	1379	Y	PVTA	PIONEER VALLEY TRANSIT AUTHORITY	MA	133
	1388	Y	RIPTA	RHODE ISLAND PUBLIC TRANSIT AUTHORITY	RI	215
	1334	Y	CONNDOT	CONNECTICUT DEPARTMENT OF TRANSPORTATION	CT	286
TRO-2	1414	Υ	NJTC	NEW JERSEY TRANSIT CORPORATION	NJ	3,337
	1776	Υ	CDTA	CAPITAL DISTRICT TRANSPORTATION AUTHORITY	NY	203
	1778	Υ	CNYRTA	CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY	NY	130
	1786	Υ	MTA	NEW YORK METROPOLITAN TRANSPORTATION AUTHORITY	NY	10,225
	1792	Υ	NFTA	NIAGARA FRONTIER TRANSPORTATION AUTHORITY	NY	303
	1797	Y	RGRTA	ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY	NY	205
	1798	Υ	ROCKLAND CNT	ROCKLAND COUNTY DEPARTMENT OF PUBLIC TRANSPORTATION	NY	52
	1799	Υ	SUFFOLK COUNTY	SUFFOLK COUNTY	NY	133
	1803	Υ	WCDOT	WESTCHESTER COUNTY DEPARTMENT OF TRANSPORTATION	NY	268
	1925	Υ	PATH	PORT AUTHORITY TRANS-HUDSON CORPORATION	NJ	280
TRO-3	1396	Υ	DELDOT	DELAWARE DEPARTMENT OF TRANSPORTATION	DE	190
	1398	Υ	WMATA	WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)	DC	2,163
	1401	Υ	MTA	TRANSPORTATION, MARYLAND DEPARTMENT OF-MARYLAND TRANSIT ADMINISTRATIO	MD	781
	1413	Υ	DRPA	DELAWARE RIVER PORT AUTHORITY	NJ	84
	1419	Υ	LANTA	LEHIGH AND NORTHAMPTON TRANSPORTATION AUTHORITY	PA	67
	1425	N	EMTA-ERIE	ERIE METROPOLITAN TRANSIT AUTHORITY	PA	62
	1427	Υ	CAT	CUMBERLAND-DAUPHIN-HARRISBURG TRANSIT AUTHORITY	PA	70
	1441	Υ	PAAC	PORT AUTHORITY OF ALLEGHENY COUNTY	PA	659
	1445	N	CATA	CENTRE AREA TRANSPORTATION AUTHORITY	PA	57
	1456	Υ	TDCHR	TRANSPORTATION DISTRICT COMMISSION OF HAMPTON ROADS	VA	221
	1458	Υ	GRTC, RICHMOND	GREATER RICHMOND TRANSIT COMPANY	VA	138
	1947	Υ	SEPTA	SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY	PA	1,906
	5348	Υ	PRTC	POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION	VA	199
	5349	Υ	FAIRFAX COUNTY	COUNTY OF FAIRFAX	VA	178
	5350	Υ	PG. CO.DEPT P W	PRINCE GEORGES CO. GOVT. DEPT OF PUBLIC WORKS AND TRANSP.	MD	66
	5352	Y	MONT, CO GOVT, DOT	MONTGOMERY COUNTY GOVT, DEPT OF TRANSPORTATION	MD	289

- 4. Requirements for States
- 5. Requirements for Metropolitan Transportation Planning Organizations

The following chart shows a checklist from the Title VI Circular for all recipients and fixed route transit providers.

TITLE VI PROGRAM CHECKLIST	All Recipients	All Fixed Route Transit Providers	Transit Providers that operate 50 or more peak fixed route vehicles and are located in an UZA of 200,000 or more people
Title VI Notice to the public, including a list of			
locations where the notice is posted	✓	✓	✓
List of locations where notice is posted	✓	✓	✓

NOTES:
<del></del>
<del></del>

Title VI Complaint Procedures (instructions to public)	✓	✓	✓
Title VI Complaint Form	✓	✓	✓
List of transit-related Title VI investigations,			
complaints, and lawsuits	✓	✓	✓
Public Participation Plan	✓	✓	✓
Summary of outreach efforts since last Title VI			
submission	✓	✓	✓
LEP Plan/LAP	✓	✓	✓
A table depicting the membership of non-elected			
committees and councils and a description of the			
process used to encourage the participation of			
minorities	✓	✓	✓
Description of how the agency monitors its			
subrecipients for compliance with Title VI, and a			
schedule of subrecipient Title VI Program			
submissions	✓	✓	✓
Title VI equity analysis if the recipient has			
constructed a <mark>facility</mark>	✓	✓	✓
Documentation of review and approval of Title VI			
Program by governing entity.	✓	✓	✓
Service standard for vehicle load for each mode		✓	✓
Service standard for vehicle headway for each mode		✓	✓
Service standard for on-time performance for each			
mode		✓	✓
Service standard for service availability for each			
mode		✓	✓
Service policies for transit amenities for each mode		✓	✓
Service policies for vehicle assignment for each			
mode		✓	✓
Demographic and service profile maps and charts			✓
Demographic ridership and travel patterns, collected			
by surveys			✓

Facility includes, "storage facilities, maintenance facilities, operations centers, etc. "

Demographic and service profile maps and charts can be obtained by the agency partnering with its Metropolitan Planning Organization, Rural Planning Organizations or other planning groups.

Results of monitoring program and report with	
documentation of governing entity 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 documentation that governing	
entity considered, was aware of, and approved the	
results of the analysis	✓

"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." Recipients must submit documentation of the approval such as "Board resolution, meeting minutes or similar documentation."

All transit providers (direct recipient, primary recipient or subrecipient) that receive financial assistance must comply with all general requirements.

The FTA at its discretion may require additional information that the FTA Title VI Circular.

NOTES:	

### 2.0 Overview of Reporting and Monitoring

This "How to Guide" provides a brief overview of reporting and monitoring requirements. If you are unsure or need additional information, please refer directly to the Title VI Circular, regulations or contact your FTA Regional Office.

The reporting and monitoring requirements are separated into type of recipient: designated recipients, direct recipients, primary recipients and subrecipients. These requirements "will 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 reporting requirements follow the source of funds. Recipient type will determine where the Title VI Plan is submitted and whether or not the entity has oversight responsibilities.

Following are a few reporting examples from the Title VI Circular:

- You are considered a direct recipient if you apply to FTA for funds and as such, you will submit a Title VI Program directly to FTA.
- If you pass through funds directly from FTA to subrecipient then you are a primary recipient and you are required to monitor your subrecipients' compliance with Title VI and the subrecipient will submit their Title VI Program to you.
- If you receive funds from another FTA recipient you are a subrecipient and as such, submit your Title VI Program to the FTA entity that you receive funds.

Please refer to the Title VI Circular for more information and examples.

Every three years (or as directed) direct and primary recipients submit a Title VI Program to the FTA. Subsequent submittals are generally updates to the agency's Title VI Program. The submission process is through the FTA's Transportation Electronic Award Management (TEAM) computer system. The recipient uploads its Title VI Program by attaching the Program on the Civil Rights screen and then sends an e-mail to its FTA Regional Civil Rights Officer notifying that the Program has been uploaded. The Program must be "uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program." TEAM provides the status of the recipient's program: Concur, In Review and Expired/Expiration. A recipient with expired status "may have its draw-down privileges suspended and grants may not be processed."

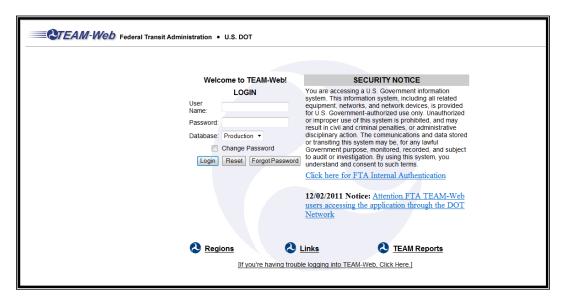
The following definitions are from the Title VI Circular:

- **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.
- 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.
- Primary recipient means any FTA recipient that extends Federal financial assistance to a subrecipient.
- Subrecipient means an entity that receives Federal financial assistance from FTA through a primary recipient."

The TEAM link is:

https://ftateamweb.fta.dot.gov/teamweb/teamLogin.asp?NETWORK=OUTSIDE+OF+ADDOT+NETWORK

Following is the TEAM Login Page:



Primary recipients are required to "collect Title VI assurances from subrecipients prior to passing through FTA funds." For more information on certifications and assurances visit the FTA website ww.fta.gov. A detailed document on FTA fiscal year 2013 Certifications and Assurances can be reviewed using the following link: http://www.fta.dot.gov/documents/2013\_-\_Certifications\_and\_Assurances.pdf

The recipient's Title VI Program applies to their contractors and subcontractors. The recipient is "responsible for ensuring that contractors are following the Title VI Program, and complying with Title VI."

Subrecipients submit their Title VI Program to their primary recipient and if more than one, they are required to submit their Program to all primary recipients. "Subrecipients may choose to adopt the primary recipient's notice to beneficiaries, complaint procedures and complaint form, public

NOTES:	
	_

participation plan, and LAP where appropriate." The LAP may require modification by the subrecipient. Subrecipients are required to:

- "develop and submit to the primary recipient a list of complaints, investigations, or lawsuits"; and
- submit a table depicting the racial breakdown of the membership of a subrecipient's transitrelated non-elected planning boards, advisory councils, or committees, and a description of efforts made to encourage the participation of minorities on such committees.

Additionally, "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."

"FTA will review and concur, or request the recipient provide additional information."

### 3.0 Special Rules, First-Time Applicants, Exemptions

There may be special rules if you receive discretionary or specialized funding (e.g., TIGER, Livability Urban Circulator); non-traditional recipient of FTA funds or a first-time applicant for FTA funds. First-time applicants are required to submit a Title VI Program and submit that it will comply with Title VI. If an entity received funding from another Federal agency, the first-time applicant is required to provide a summary of its Title VI compliance history. "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."

NOTES:
<del></del>
<del></del>
<del></del>

"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. The 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"

### 4.0 Title VI Notice, List of Locations, Complaint Procedure and Form

Applicability: ALL Recipients/Purpose: Inform customers of their rights under Title VI

Subrecipients may adopt the Title VI Notice developed by the primary recipient. Subrecipients are required to notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.

### 4.1 Signed Title VI Policy Statement

Recipient should include a signed policy statement assuring compliance with Title VI of the Civil Rights

Act of 1964 and its amendments. The policy statement should include the following: It is the policy of

\_\_\_\_\_\_\_ that no person in the United States shall, on the grounds race, color, national origin, religion, age, marital status, sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### 4.2 Copy of Title VI Notice to the Public

Required to submit a copy of your Title VI Notice to Public

- indicates that the transit agency complies with Title VI, and
- informs members of the public of the protections against discrimination afforded to them by Title VI.

Wording should include at a minimum statements that contain the following:

NOTES:	
	-
	_
	_
	_

- That your agency 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 your agency.
- Advice to the public of where to obtain more information on the Agency's Title VI Program, obligations, procedures and/or to file a complaint, such as,
  - o Telephone number
  - TTY number (if available)
  - E-mail (if available)
  - Address of agency's Administrative Office
  - including procedures
- Provide agency's website address for more information
- Advise public that a complaint can be filed directly with FTA listing the following address:
   Federal Transit Administration Office of Civil Rights, Attention: Title VI Program Coordinator,
   East Building, 5th Floor TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.
- Title VI Notice is considered a "vital" document and as such, must be provided in languages spoken by LEP persons that meet the safe harbor threshold.
  - At a minimum, provide a statement on the Notice in any other language(s) spoken by LEP populations "a telephone number of where to call if the information is needed in another language."

The FTA Title VI Circular states that, "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."

TTY refers to text telephone and it is sometimes referred to TDD which means Telecommunication Device for the Deaf. This is a special device for the hearing or speech impaired.

Safe Harbor Threshold: "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 ... If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient ... 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."

### 4.3 Examples of Title VI Notice to the Public

The following is from the FTA Circular 4702.1B:

# 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 800-5551111); 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, 5<sup>th</sup> 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

"The City of USA" should be replaced with the transit agency's name, or in some cases the name of the city if the city is the entity that provides public transportation services.

NOTES:	
	_
	_
	_
	_
	_
	-
	-
	-
	-
	-
	-
	-
	-
	-
	_
	_
	_
	_
	_
	_
	_
	-
	-

The following is an example from Capital Area Transit:

#### Title VI Notice to the Public

Capital Area Transit (CAT) gives public notice that it complies with the Title VI of the Civil Rights Act of 1964 and all related statutes. Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." CAT operates its programs and services without regard to race, color, and national origin in accordance with Title VI.

For more information on CAT's Title VI Program, obligations, procedures and/or to file a complaint, please:

- Call (717) 233-5657 and ask for the Human Resources Manager (TTY XXX-XXX-XXX),
  - Mail complaint form: Title VI Coordinator, Human Resources
     Department, Capital Area Transit, 901 N. Cameron Street, Harrisburg,
     Pennsylvania 17101, or
- Visit our administrative office at 901 North Cameron Street, Harrisburg, PA.

Complaint procedures and forms are also available on CAT's website at www.cattransit.com.

A complaint may also be filed directly with the Federal Transit Administration or the U.S. Department of Transportation. The addresses are: Federal Transit Administration Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Ave., SE, Washington, DC 20590; U.S. Department of Transportation, Federal Transit Administration's Office of Civil Rights, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124.

If information is needed in another language, please call (717-238-8304). Si se necesita información en otro idioma, por favor llame al (XXX-XXX-XXXX).

NOTES:	

### 4.4 List of locations where Notice is posted

At minimum there is a requirement to submit a list of locations where Notice is posted:

- Posted on agency's website
  - o Public areas of agency's office(s) including reception desk and meeting areas.

### **4.5 Title VI Complaint Procedures**

Subrecipients may adopt the Title VI Complaint Procedure of the primary recipient.

There is a requirement to submit a copy of procedures or instructions to the public on how to file a Title VI discrimination complaint. Procedures should include the following:

- Indication of who may file a complaint such as, "Any person who believes she or he has been discriminated against on the basis of race, color, or national origin."
- Indication that the person can complete a complaint form, where they can obtain a form and where the form is to be sent.
- Indication of whether or not you accept other forms of filing a complaint, such as, telephone, in-person or in writing without a form and the respective details such as, telephone number and address.
- Indication that the compliant must be filed and received no more than 180 days after the alleged incident.
- Details of how the complaint will be processed, such as,
  - o Process only complaints that are complete.
  - o Acknowledgement letter informing whether the complaint will be investigated.
  - o Indicate the number of days it will take to investigate the complaint.
  - The process if the agency requires additional information, such as, a letter will be sent and complainant will be has XX businesses days to respond. If complainant does not respond by or contact by XX business days, the case can be closed administratively close the case.
  - o A complainant can at administratively close their claim if they so desire.
  - The results of the investigation will be sent by letter to the complainant. The
    case will either be closed because there was not a Title VI violation or the letter
    will indicate the findings and the actions the agency has taken to address the
    violation.

### Other posting location suggestions:

- transit facilities
- transfer centers
- transit shelters
- key bus stops
- transit stations
- transit vehicles

NOTES:

- A statement advising the complainant of the number of days to file an appeal and how and where to file the appeal.
- A statement advising that a complaint can be filed directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

### 4.6 Example of Complaint Procedure

Required to submit Complaint Procedure, the following example is from FTA Circular 4702.1B:

#### **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.

Complaint Procedure should be very specific and in language that is easy for the public at large to understand. The procedure should be provided in any other languages that meet your safe harbor threshold.

If you elect to permit complaints to be taken in-person or on the telephone, use a standardize form and consider requiring a signature.

NOTES:	

### 4.7 Copy of Title VI Complaint Form

Subrecipients may adopt the Title VI Complaint Form of the primary recipient.

There is a requirement to submit a copy of your Complaint Form. The form must:

- Be available on your website
- Specify the three classes protected by Title VI (race, color, and national origin)
- Permit complainants to select one or more protected classes as the basis/basis for discrimination
- Complaint form is a "vital" document and as such, the document should be provided in English and any other language(s) spoken by your LEP population(s) that meets the safe harbor threshold.

The form should be designed to determine the following:

- Complainant contact information
- Person completing form, i.e. complainant or another person
- If a third-party is completing the form, the third party has permission from the complainant to file the form
- If complainant needs an accessible format such as, Braille, large print, TDD/TTYs, audio tape, computer disk, other
- That the discrimination was based on race, color and/or national origin
- Date of alleged discrimination incident
- If complainant has previously filed a Title VI complaint with your agency
- If complainant has filed a complaint with a Federal, State, or local agency, or with any Federal or State court and if yes, request where complaint was filed and contact information.

The form should have space for the complainant to:

- Provide a detailed description of what happened and why he/she feels discriminated against.
- Provide names of persons involved (if known) and witnesses with any know contact information.
- Sign and date form.

#### **Accessible Formats:**

- The Federal Communications Commission has a fact sheet that explains telecommunication relay systems, the web address is: at www.fcc.gov/cgb/consum erfacts/trs.html.
- The following websites provide detailed technical information on webpage accessibility and alternative formats: http://askjan.org/links/we bpgaccess.htm and http://www.accessible.org /bobby-approved.html.

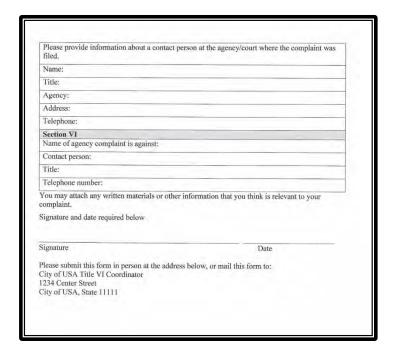
The form should also indicate where the form should be mailed.

### **4.8 Example of Title VI Complaint Form**

The following example is from FTA Circular 4702.1B:

Section I:				
Name:				
Address:				
Telephone (Home):	T	elephone (W	ork):	
Electronic Mail Address:				
Accessible Format	Large Print		Audio Tape	
Requirements?	TDD		Other	
Section II:				
Are you filing this comple	The state of the s		Yes*	No
*If you answered "yes" to	this question, go to Section I	11.		
If not, please supply the n for whom you are compla	name and relationship of the poining:	erson		
Please explain why you h	ave filed for a third party:			
Please confirm that you h	ave obtained the permission of	fthe	Yes	No
	filing on behalf of a third par		103	140
	-			
Section III:				
O TOTAL AREA	on I experienced was based or	(check all th	nat apply):	
	on I experienced was based or			
I believe the discrimination	Color []	National Ori	gin	
I believe the discrimination [ ] Race [ ] Date of Alleged Discrimination	Color [] nation (Month, Day, Year): _	National Ori	gin	
I believe the discrimination I Race I Race Date of Alleged Discrimination Explain as clearly as poss	Color [] nation (Month, Day, Year): _ tible what happened and why	National Ori	gin ————————————————————————————————————	criminated
I believe the discrimination I Bale [] Race [] Date of Alleged Discrimin Explain as clearly as possagainst. Describe all personal	Color [] nation (Month, Day, Year): _ sible what happened and why ons who were involved. Inclu-	National Ori	gin ou were disc	nformation of
I believe the discrimination  [ ] Race [ ]  Date of Alleged Discrimination  Explain as clearly as poss against. Describe all personates the person(s) who discriments.	Color [] nation (Month, Day, Year): _ tible what happened and why	National Ori you believe y le the name a	gin  you were disc and contact i	nformation of
I believe the discrimination  [ ] Race [ ]  Date of Alleged Discrimination  Explain as clearly as poss against. Describe all personates the person(s) who discriments.	Color [] nation (Month, Day, Year): iible what happened and why ons who were involved. Inclu- inated against you (if known)	National Ori you believe y le the name a	gin  you were disc and contact i	nformation of
I believe the discrimination  [ ] Race [ ]  Date of Alleged Discrimination  Explain as clearly as poss against. Describe all personates the person(s) who discriments.	Color [] nation (Month, Day, Year): iible what happened and why ons who were involved. Inclu- inated against you (if known)	National Ori you believe y le the name a	gin  you were disc and contact i	nformation of
I believe the discriminatic [ ] Race [ ] Date of Alleged Discrimi Explain as clearly as poss against. Describe all pers the person(s) who discrim of any witnesses. If more	Color [] nation (Month, Day, Year): iible what happened and why ons who were involved. Inclu- inated against you (if known)	National Ori you believe y le the name a	gin  you were disc and contact i	nformation of
I believe the discriminatic [ ] Race [ ] .  Date of Alleged Discrimi Explain as clearly as poss against. Describe all pers the person(s) who discrim of any witnesses. If more  Section IV	Color [] nation (Month, Day, Year): _ iible what happened and why ons who were involved. Inclu- ninated against you (if known) space is needed, please use th	National Ori you believe y le the name as well as n e back of thi	you were disc and contact i ames and con s form.	nformation of ntact information
I believe the discriminatic [ ] Race [ ] .  Date of Alleged Discrimi Explain as clearly as poss against. Describe all pers the person(s) who discrim of any witnesses. If more  Section IV	Color [] nation (Month, Day, Year): iible what happened and why ons who were involved. Inclu- inated against you (if known)	National Ori you believe y le the name as well as n e back of thi	gin  you were disc and contact i	nformation of
I believe the discriminatic  [] Race [] Date of Alleged Discrimi  Explain as clearly as poss against. Describe all person the person (s) who discrim of any witnesses. If more  Section IV  Have you previously filed agency?	Color [] nation (Month, Day, Year): _ iible what happened and why ons who were involved. Inclu- ninated against you (if known) space is needed, please use th	National Ori you believe y le the name as well as n e back of thi	you were disc and contact i ames and con s form.	nformation of ntact information
I believe the discriminatic [ ] Race [ ] Date of Alleged Discrimi Explain as clearly as poss against. Describe all perse the person(s) who discrim of any witnesses. If more  Section IV Have you previously filed agency?  Section V	Color [] nation (Month, Day, Year): _ iible what happened and why ons who were involved. Inclu- ninated against you (if known) space is needed, please use th	National Ori you believe y de the name as well as n e back of thi	gin  you were disk and contact i ames and coi s form.	nformation of ntact information
I believe the discriminatic [ ] Race [ ] Date of Alleged Discrimi Explain as clearly as poss against. Describe all perse the person(s) who discrim of any witnesses. If more  Section IV Have you previously filed agency?  Section V Have you filed this comploor State court?	Color [] nation (Month, Day, Year): nation (Month, Day, Year): lible what happened and why ons who were involved. Inclu- ninated against you (if known) space is needed, please use the	National Ori you believe y de the name as well as n e back of thi	gin  you were disk and contact i ames and coi s form.	nformation of ntact information
I believe the discriminatic  [] Race [] Date of Alleged Discrimination  Explain as clearly as possing against. Describe all persons the persons against. Describe all persons are persons and the person of any witnesses. If more  Section IV  Have you previously filed agency?  Section V  Have you filed this comploor State court?  [] Yes	Color [] nation (Month, Day, Year): _ nation (Month, Day, Year): _ nible what happened and why ons who were involved. Inclu- ninated against you (if known) space is needed, please use the a Title VI complaint with thi laint with any other Federal, S	National Ori you believe y de the name as well as n e back of thi	gin  you were disk and contact i ames and coi s form.	nformation of ntact information
I believe the discriminatic  [] Race [] Date of Alleged Discrimination  Explain as clearly as possing against. Describe all persons the persons who discrimed from the person of any witnesses. If more  Section IV  Have you previously filed agency?  Section V  Have you filed this comploor State court?  [] Yes  If yes, check all that apply	Color [] nation (Month, Day, Year): _ nation (Month, Day, Year): _ iible what happened and why ons who were involved. Inclu ninated against you (if known) space is needed, please use the a Title VI complaint with thi laint with any other Federal, S [] No y:	National Ori you believe y de the name as well as n e back of thi	gin  you were disk and contact i ames and coi s form.	nformation of ntact information
I believe the discriminatic  [ ] Race [ ] Date of Alleged Discrimi  Explain as clearly as poss against. Describe all perse the person(s) who discrim of any witnesses. If more  Section IV  Have you previously filed agency?  Section V  Have you filed this complor State court?  [ ] Yes  If yes, check all that apply [ ] Federal Agency:	Color [] nation (Month, Day, Year): _ nation (Month, Day, Year): _ nible what happened and why ons who were involved. Inclu ninated against you (if known) space is needed, please use the a Title VI complaint with thi laint with any other Federal, S [] No	National Ori you believe y de the name a as well as n e back of thi	gin  /ou were disc and contact i ames and con s form.  Yes  agency, or v	No  No with any Federal
I believe the discriminatic  [] Race [] Date of Alleged Discrimination  Explain as clearly as possing against. Describe all persons the persons against. Describe all persons are persons and the person of any witnesses. If more  Section IV  Have you previously filed agency?  Section V  Have you filed this comploor State court?  [] Yes	Color [] nation (Month, Day, Year): _ nible what happened and why ons who were involved. Inclu- ninated against you (if known) space is needed, please use the la Title VI complaint with this laint with any other Federal, S [] No y:	National Ori	gin  you were disk and contact i ames and coi s form.	No No with any Federal

NOTES:	
<del></del>	
<del></del>	·····
<del></del>	



### 5.0 Title VI Investigations, Complaints, and Lawsuits

**Applicability:** ALL Recipients/**Purpose:** Maintain a list of alleged discrimination on the basis of race, color, and/or national origin

### 5.1 Provide a list of public transportation related Title VI investigations, complaints, and lawsuits.

This list should contain Title VI investigations, complaints, and/or lawsuits:

- since the agency's last submission,
- that pertain to alleged discrimination on the basis of race, color, and/or national origin,
- that pertain to transit-related activities and/or programs, and
- that pertain to the agency submitting the report.

NOTEC	
NOTES:	

The list should at a minimum detail the following:

- Incident month, day and year
- Type: investigation, complaint and/or lawsuit
- Basis of complaint (race, color, or national origin)
- Summary of complaint
- Status
- Action(s) taken

Subrecipients shall develop and submit to the primary recipient a list of complaints, investigations, and/or lawsuits.

### **5.2 Example of List of Investigations, Lawsuits and Complaints:**

The following example is from FTA Circular 4702.1B:

	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.				

The following is a sample list of fields that Capital Area Transit (Harrisburg, PA) uses to track Title VI investigations, lawsuits and/or complaints:

#### List

You may want to maintain this list in a Spreadsheet and expand the list and use it as a tracking document. Other tracking items may include:

- Assign a case number for confidentiality)
- Date received
- Date acknowledgement letter sent
- Additional information requested and if yes, date and date response is due
- Date investigation assigned and date due
- Investigated by
- Date investigation completed
- Date complainant notified of decision
- Appeal date (if applicable)
- Status

Case Number

Case Type (Investigation, Lawsuit or

Complaint

Complainant Name Complainant Address

Complaint Basis (race, color and/or

national origin)

**Summary of Complaint** 

**Date Submitted** 

Date of Alleged Incident

Complaint Complete

Acknowledgement Due Acknowledgement sent

Decision to Investigate (Yes or No)

Complainant Notification Due

Actual Date Complainant Notified Investigation Completion Due Date

Actual Investigation Completed Date

**Date Complainant Notified** 

Comments

Actions Taken

Status

### 6.0 Public Participation Plan

**Applicability:** ALL Recipients/**Purpose:** To promote inclusive public participation with specific outreach to minorities, low income and LEP populations.

Subrecipients may elect to adopt their primary recipients Public Participation Plan.

### **6.1 Develop Public Participation Plan or Process**

Public Participation Plan (PPP) document should "explicitly describe the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities." The PPP should be tailored to each program, plan or activity and the number and type of initiatives should vary based on the magnitude and impact on the community.

The principles of EJ should be considered through all agency public outreach and participation efforts. The principles that should be incorporated include:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and lowincome populations;
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and

This Public Participation Plan is in addition to other requirements such as, those for public hearings, required comment periods, and Commonwealth of Pennsylvania Sunshine Act activities.

Other public participation requirements include: "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) and FTA/FHWA (Federal Highway Administration) joint planning regulations (23 CFR part 450)."

All major transportation plans and initiatives should be coordinated with the agency's Metropolitan or Rural Planning Organization.

Consideration should be given to reviewing and incorporating some or all of their PPP.

• Prevent the denial of, reduction of, or significant delay in the receipt of benefits by minority and low-income populations.

EJ principles and public participation plans should be integrated in all NEPA decision making and documented accordingly.

Transit agencies are required to specifically engage the public in the following:

- Major service change policy
- Disparate impact policy
- Disproportionate burden policy
- Disparate impact threshold

### 6.2 Suggestions for Plan Steps

- 1. Learn about the people in the agency's service area and identify any "linguistic, institutional, cultural, economic, historical, or other barriers" that prevent or reduce community members from active participation. To accomplish this, the following are of activities to participate in:
  - community activities, and
  - partner and reach out to the community including neighborhood groups, educational institutions, faith-based organizations, businesses, social services, advocacy groups, organizations and agencies
- 2. Develop partnerships with community organizations including those who serve the underrepresented populations.
- 3. Develop ways to reduce or eliminate barriers to participation including LEP persons.
- 4. Identify the program, plan or activity.
- 5. Obtain and analyze demographics of areas impacted.
  - Minority
  - LEP persons
  - Low income
- 6. Conduct an EJ analysis if minority and/or low income populations will be affected. *These analyses are conducted separately.*
- 7. Conduct equity analysis for fare and major service changes.
- 8. Identify the degree of impact that the program, plan or activity will have on the community.
- 9. If affected demographics show an impact on minority, low income and/or LEP persons, develop an outreach plan identifying desired outcomes.

The creation of a formal Citizen's Advisory Committee can be a *starting* point for engaging communities and **developing partnerships**.

Demographics: Consider adding all underserved populations to your PPP such as, senior citizens and disabled persons.

The purpose of an EJ Analysis is to determine whether or not your proposed activity, plan, policy, or program will have a negative impact on minority and/or low-income population. Specifically, the results on the analysis will determine whether if there is a "disproportionately high and adverse human health or environmental effects on EJ populations."

- 10. Implement proactive strategies (consistent with the magnitude of activity and resources) to encourage the affected group(s) participation.
- 11. Develop a PPP strategy for the program, plan or activity to be undertaken
  - Determine desired outcome of strategy.
  - Determine type of PPP strategy from basic to comprehensive.
  - Determine audience based on topic and demographic analyses activity impact. Audience
    can be the community-at-large and/or community segments with or without targeted
    group(s).
  - Determine type of public outreach such as printed material, direct mail, surveys, or meetings. If a meeting, further define, such as, formal public meeting, informal public meeting, public hearing, town hall, open house, community forum, workshop, focus group and non-traditional (i.e. community led meetings or partnerships).
  - Determine public outreach format such as formal, informal, questions and answer, participatory, brainstorming, charrette, informational kiosks or public feedback.
  - Determine meeting logistics including number of meetings, location, room size, time, registration table, flexible set-up, audio-visual equipment, flip charts, event signage, accessibility issues (disabled, LEP and low income), etc.
    - ✓ Flexible set-up to change the arrangement and format of the room and meeting to accommodate the room to the number of attendees. For example, if there is a large turnout you may want to restrict the public comments to "x" minutes.
    - ✓ Meeting time and location must be convenient and accessible for minority, LEP communities, low income and disabled persons.
    - ✓ Meeting location accessible by transit.
    - ✓ Meeting room should be comfortable.
    - ✓ Meeting time should be selected for maximum participation of minority and low income populations.
  - Determine the audience's preferred communication method and identify presenters and facilitators.
  - Identify a person responsible for ensuring that the meeting is accessible to all including accommodating the needs of persons who are linguistically and culturally isolated and LEP persons and disabled persons.
  - Identify presentation materials, handouts and visualization techniques including PowerPoint, flyers, posters, brochures, flip charts, etc. Material should be designed to reach multiple educational levels and learning styles including visual (charts, graphs,

The key to success is establishing "meaningful" public participation initiatives. Educating and informing the public are important; however, obtaining feedback and two-way communication will provide effective results. Open and honest communication will enable you to build trust with your community representatives. Involve the public early and often. Know your audience and respect their values.

NOTES:
<del></del>
<del></del>

- photos, maps) and tactile tools. Ensure material meets the community needs, i.e. LEP and disabled persons.
- Determine the process for obtaining public comments such as written, personal interviews, audio and video.
- Determine who and how the public outreach will be documented including public comments.
- Develop meeting notice and determine how the notice will be advertised which include: radio, television, local and community newspapers, ethnic or community media, audio programs on podcasts, targeted billboards, community businesses, event booths, transit stops, transit shelters, transfer center, on transit vehicles (flyers and bus advertisement), CAT website, other websites and/or digital media including video sharing, social networking and blogs.
  - ✓ Accessible formats including LEP and disabled persons such as, printings in another language and braille.
- Notice, presentations, documents and materials should be written in clear, concise and plain language.
  - ✓ Use words that the audience will clearly understand. Avoid technical terminology and acronyms.
  - ✓ Information and materials should be electronically accessible.
- 12. Post notices.
- 13. Post major activity documents on website and other community sites, such as, local public library branches.
- 14. Conduct meeting.
- 15. If applicable, monitor and conduct follow-up.
- 16. Evaluate public input and if appropriate take actions to avoid, minimize or mitigate negative effects on minority, low income, LEP persons and disabled persons.
- 17. Incorporate public input (early and continuous) into agency's program, plan or activity.
- 18. Document public participation plans, desired outcomes, efforts and results.

### 7.0 Summary of Outreach Efforts

**Applicability:** ALL Recipients/**Purpose:** To provide documentation of outreach efforts with specific emphasis on minorities, low income and LEP populations.

NOTES	:		

Required to submit a summary of outreach efforts made since the last Title VI submissions and the requirement specifically refers to including targeted PPP for minority populations. A more comprehensive PPP that includes other underserved populations, such as low-income and disabled is recommended. Engaging minority and low income populations (EJ populations) in your transportation decision-making process will result in better decisions.

Consider developing a table to track your public engagement efforts. The efforts should include all initiatives from an information pieces (media outreach) to community-at-large meetings. Following are suggestions tracking:

- Plan, program, policy or activity
- PPP goal and desired outcome
- Date(s) of initiative
- Type of initiative(s)
- Detailed description of initiative(s)
- Targeted audience(s)
- Number of people reached and/or participated
- Summary of results including any changes to plan, program, policy or activity based on feedback received
- Lessons learned

### 8.0 Limited English Proficiency/Language Assistance Plan

**Applicability:** ALL Recipients/**Purpose:** To demonstrate that an agency has taken "responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP)."

Subrecipients may elect to adopt their primary recipient's LEP/LAP that may require modifications.

"Limited English Proficient (LEP) 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." Title VI prohibits

The FTA Environmental Justice Circular indicates that "engaging EJ populations in the decision-making process should not be regarded as "extra" or "special" effort; rather, public engagement of underrepresented groups such as EJ populations is the cornerstone to an inclusive and effective public engagement process."

The EJ Circular further states that "with a robust and inclusive public engagement program, you will be in a better position to know whether your plans or projects as implemented will prevent the denial of, reduction in, or significant delay in the receipt of benefits by environmental justice populations. "

the denial of meaningful access for limited English proficient (LEP) persons and prohibits conduct that has a disproportionate effect on LEP persons.

Reaching out to LEP populations through needs assessment and implementing a LAP will result in "sending a positive message that their business is valued" and enable transit agencies to identify transportation needs of LEP populations.

Agencies are required to develop a LAP based on the Department of Transportation LEP Guidance and as such, the following steps are primarily from the Federal Transit Administration Office of Civil Rights guidebook entitled "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons - A Handbook for Public Transportation Providers." Please note that LEP Plan and LAP can be used interchangeably and there is overlap in steps.

NOTES:	
	<u> </u>
	<u> </u>
	· · · · · · · · · · · · · · · · · · ·
	· · · · · · · · · · · · · · · · · · ·

### 8.1 Four-Factor Analysis

Prior to developing a LAP a transit agency needs to conduct an analysis to ascertain its LEP populations and develop language assistance measures that can be implemented within available resources. This analysis is an internal or self-assessment.

The following are the four factors to analyze:

#### Factor 3 Factor 2 The nature and The frequency with which importance of the LEP persons come into program, activity, or contact with the program. service provided by the program to people's lives. Factor 1 Factor 4 The number or proportion The resources available to of LEP persons eligible to the recipient for LEP be served or likely to be outreach, as well as the Analyze encountered by the costs associated with that program or recipient. outreach. 4 Factors and Develop Langauge Assistance Plan

NOTES:

#### 8.1 A Factor 1

Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population DOT Guidance states that "the greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed" and, "it is important to include language minority populations that are eligible beneficiaries of recipients' programs, activities, or services but may be underserved because of existing language barriers."

To determine the number and proportion of LEP persons served or encountered use multiple "data sources, including the following: 1) data from the U.S. Census; 2) data from state and local government agencies; 3) information from organizations that serve LEP persons" and information from your transit agency.

The number and proportion will vary depending on the type of program, plan or activity that is being undertaken. "In addition to the number or proportion of LEP persons served, the recipient's analysis should, at a minimum, identify:

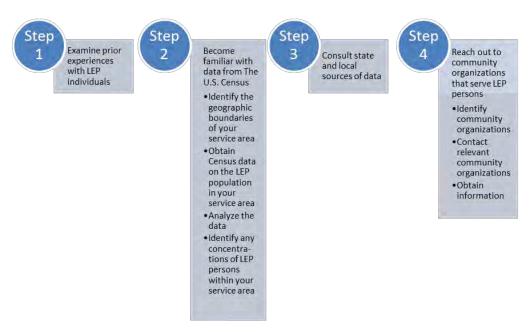
- 1. How LEP persons interact with the transit agency;
- 2. Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;
- 3. The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and
- 4. Whether LEP persons are underserved by the recipient due to language barriers."

### Examples of LEP data from state and local government include:

- Department of Education
- Modern Language Association
- LEP.gov a Federal interagency website
- Department of Labor
- Migration Policy Institute

NOTES:		

To accomplish Factor 1, the following 4 steps are recommended:



The following are suggestions for implementing the above 4 steps:

#### Step 1: Examine prior experiences with LEP individuals

Conduct an internal review of your agency to determine the frequency in which LEP persons come into contact with your various functions. A starting point would be to conduct an employee survey (employees include operators, customer service, receptionists, dispatchers, field personnel, public relations) to determine the following:

- Frequency they come in contact with LEP persons
- The language (if known) of LEP persons
- Whether or not they were successful in communicating with the person
- The type of requests such as ADA application, timetable, etc.
- The type of interaction (i.e. customer service call, purchasing a fare instrument, etc.)

NOTES:	
<del></del>	
<del></del>	

Following is an example of a simple employee survey:

Employee Na	me:						
How often do you come in contact with limited English proficient persons and what language (if know) do they speak?				Were you successful in communicating with limited English proficient persons?			
Language	Rarely	Occasionally	Frequently		Don't Know Unsuccessful Successful		
Spanish							
French							
German							
Vietnamese							
Other							
Unknown							
Please list the	e type of	request by the	limited English	р	erson, such as,	timetable, applic	cation, etc
Spanish							
French							
German							
Vietnamese							
Other							
Unknown							

The next step would be to review any surveys, public meetings, hearings and outreach conducted by your agency and the number of LEP persons identified or in attendance. The last step would be to determine the usage of any of the agency's language assistance products, such as, website translation and telecommunication relay service.

NOTES:

Telecommunications Relay Service (TRS) is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. This service is also available in non-English languages.

**Step 2**: Become familiar with data from the U.S. Census - Identify the geographic boundaries of the area that your agency serves, obtain Census data on the LEP population in your service area, analyze the data you have collected and identify any concentrations of LEP persons within your service area.

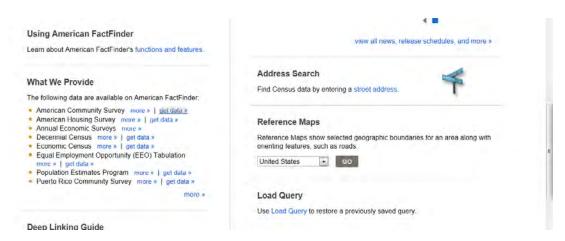
#### U.S. Census Data

There is a significant amount of census data, and becoming familiar with the U.S. Census data will enable you to search for information that is extremely helpful to the transit professional. The U.S. Census web address is www.census.gov. The U.S. Census Bureau, American Community Survey (ACS) provides 5-year estimates and the web address is: http://factfinder2.census.gov. ACS is updated every year. As with any website, there are many ways to access information, following is one example.

Enter the following address into your web browser: http://factfinder2.census.gov and press the enter key.



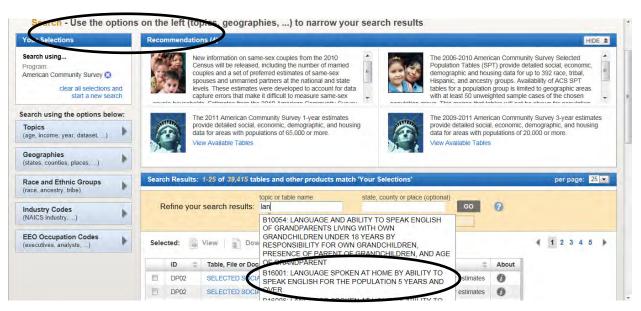
You will be directed to American Fact Finder Home page. Scroll down the page until you locate the section entitled "What We Provide". Click "get data" after the American Community Survey bullet.



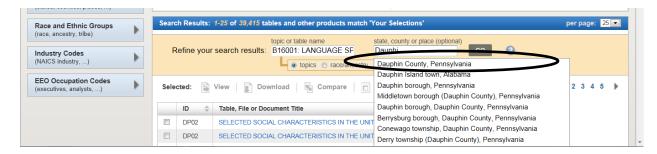
Service area refers either to the geographic area in which a transit agency is authorized by its charter to provide service to the public, or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.

NOTES:
<del></del>

In the section titled "refine your search results" begin typing the word language when options appear select B16001 language spoken at home by ability to speak English for the population 5 years and over.



Enter the state, county or place you are interested in obtaining data. For this example, I used Dauphin County, Pennsylvania.



NOTES:
<del></del>
<del></del>

After entering "Go" you will be directed to another page that lists available tables. Please note that the listed tables do not contain data for all locations. If the location you entered does not have data, select another table. For this example, the 2011 ACS 3-year estimates were selected below.



There are numerous tables and the information is displayed in multiple formats including detailed listings and summaries. The following is shows the top portion of the chart for "language spoken at home by ability to speak English for the population 5 years and over" for Dauphin County, PA.

NOTES:
<del></del>
<del></del>
<del></del>

		Dauphin County, Pennsylva	
		Estimate	Margin of Error
19	Total:	251,357	+/-6
	Speak only English	224,975	+/-1,552
	Spanish or Spanish Creole:	12,421	+/-891
	Speak English "very well"	7,329	+/-860
	Speak English less than "very well"	5,092	+/-729
	French (incl. Patois, Cajun):	738	+/-242
	Speak English "very well"	492	+/-189
	Speak English less than "very well"	246	+/-138
	French Creole:	154	+/-167
	Speak English "very well"	69	+/-108
	Speak English less than "very well"	85	+/-130
	Italian:	558	+/-190
	Speak English "very well"	448	+/-168
	Speak English less than "very well"	110	+/-76
	Portuguese or Portuguese Creole:	167	+/-120
	Speak English "very well"	167	+/-120
	Speak English less than "very well"	0	+/-10
	German:	1,136	+/-366
	Speak English "very well"	764	+/-216
	Speak English less than "very well"	372	+/-297
	Yiddish:	49	+/-60
	Speak English "very well"	35	+/-56
	Speak English less than "very well"	14	+/-24
	Other West Germanic languages:	1,268	+/-494
	Speak English "very well"	1,037	+/-479
	Speak English less than "very well"	231	+/-103
	Scandinavian languages:	21	+/-31
	Speak English "very well"	21	+/-31

Please note that you can copy this table into a Spreadsheet or you can also make changes to the table directly and compare tables directly on ACS website. For example, the above spreadsheet was placed into an Excel Worksheet, the "Speak English very well" rows were eliminated and a column was added to show the percentage of the total for the remaining rows. Spanish and Vietnamese languages for Dauphin County were highlighted because they are the highest percentage. Clearly, a LAP should incorporate Spanish and at a minimum additional research should be conducted for the Vietnamese language. Additional research would include concentrations of LEP persons, other data sources and public outreach. The following table shows the numbers for Spanish and Vietnamese:

Dauphin County, Pennsylvania	Estimate	% of Total
Total:	251,357	100.0%
Speak only English	224,975	89.5%
Spanish or Spanish Creole:	12,421	4.9%
Speak English less than "very well"	5,092	2.0%
Vietnamese:	1,965	0.8%
Speak English less than "very well"	1,438	0.6%

NOTES:	

The two tables in the ACS that provides LEP information are:

- B16001 "Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over".
   This provides the most extensive LEP information.
- B16004 "Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over". This table provides major language categories by English-speaking ability by age groups (5-17 year olds, 18-64 year olds, and 65+ years).

#### Identify the geographic boundaries of the area that your agency serves

It is important to determine the boundaries of your service area. The boundaries are the areas that your agency is authorized to serve. If your boundaries are the same as geographic boundaries in the Census (i.e. counties or municipalities) then you will be able to use the Census geographic data. If your agency's boundaries are different, then you will need to use the Census tract data. You can use Census tract data "to determine if LEP persons are concentrated in specific neighborhoods within your service area."

### Analyze the data you have collected

- Gather Census data
- Review census data in service area
- Identify areas for additional research (if applicable)

#### Identify any concentrations of LEP persons within your service area

The U.S. Census website has census tract maps that can assist you in determining census tracts for your service area. Using census tract data for LEP populations will enable you to determine concentrations in areas in and around your routes and facilities.

Step 3: Consult state and local sources of data

Purpose: Identify LEP communities, and assess the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group.

There are other agencies and businesses including Health and Human Services and educational institutions that have LEP Plans and/or services. In addition to the state Department of Education, local schools could also be an excellent resource. For example, in the Commonwealth of Pennsylvania, state regulations "declares: every school district shall provide a program for each student whose dominant

Analyze the data and consider establishing a "trigger point," such as any community where the LEP population is greater than 5% or 1,000 people automatically will receive language assistance services which includes vital document translations, website translations and oral translations.

NOTES:

language is not English for the purpose of facilitating the student's achievement of English proficiency and the academic standards under § 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a Second Language (ESL) instruction."

There are many websites that can also provide you with additional information or statistics such as, the Federal Interagency Website for LEP that has tools and resources, and can be found at: <a href="www.lep.gov">www.lep.gov</a>. Another website is provided by the Modern Language Association which has an interactive map that you can display language by county or zip code. The web address for the map is: <a href="http://www.mla.org/map\_main">http://www.mla.org/map\_main</a>. Please note that most websites including the U.S. Census Bureau will have a telephone number and/or e-mail address for additional information.

Other sources would include local colleges and universities, planning organizations (i.e. metropolitan planning organization, rural planning organization), libraries, chamber of commerce, language specific organization (i.e. Hispanic Chamber of Commerce, Asian Chamber of Commerce, and Pennsylvania Association of Latino Organizations).

**Step 4:** Reach out to community organizations that serve LEP persons - Identify community organizations, contact relevant community organizations and obtain information.

Reaching out to community organizations that serve LEP persons is essential. All data has limitations and therefore, it is important to reach out to agencies and organizations in your service area that serve LEP populations and/or work with them. The community outreach will enable you to refine your data and obtain additional information such as, "specific languages spoken by the LEP population, population trends, and what services are most frequently sought by the LEP population. The DOT LEP Guidance recommends that recipients consult data from the following entities:

- School systems;
- Community organizations;
- State and local governments;
- Religious organizations;
- · Legal aid entities."

#### **Identify community organizations**

Identifying and partnering with community organizations will enable you to develop effective LAPs. Community organizations that service and/or work with LEP persons can assist you with evaluating your

NOTES:	

plans to ensure that they meet the needs of LEP persons. LEP persons who speak the same non-English language may have different needs based on the country or region they immigrated rom.

#### **Contact relevant community organizations**

It is important to plan your contact with community organizations. Following are suggestions:

- Explain your agency's objectives and request information about the population served by the organization...,
- Place a phone call or transmit a letter to the organization that describes your agency's mission, discusses your attempt to improve the language services it provides, and invites the organization to partner with your agency.
- Clarify that you are not seeking information on specific individuals but are looking for general information on the area's LEP community in order to provide better transportation service.
- Although most community organizations include multilingual staff members or volunteers, your agency may want to translate the letter or have an interpreter present on a phone call."

#### **Obtain information**

The type of information that you want to obtain includes:

- Size of population organization serves
- Geographic area organization services
- Demographics of LEP persons (age, gender, country of origin, education level, languages spoken, dialects, etc.)
- Number of LEP persons the organization serves
- Types of services the organization provides to LEP persons
- Transportation and other needs of LEP persons
- Demographic trends of LEP persons
- Importance of transit services to LEP persons
- How often LEP persons use the agency's services
- How your agency can receive feedback and input from LEP persons
- The best way for your agency to reach out to LEP persons

When obtaining information, keep in mind that "the DOT LEP Guidance states that the nature of language assistance an agency provides should be based in part on the number and proportion of LEP persons served by the recipient, the frequency of contact between the recipient and the LEP population, and the importance of the service provided by the recipient to the LEP population."

NOTES:	

#### **8.1 B Factor 2**

Frequency with which LEP Individuals Come into Contact with your Programs, Activities, and Services
The type and degree of language assistance will depend on the frequency in which LEP persons have or
should have come in contact with your agency. An agency's LAP will include various strategies to address
LEP persons by language. The greater the frequency of a specific LEP language the more "intensified"
strategies in the LAP. Determining LEP persons who should have come in contact with your agency is an
important component to a LEP Plan and implementing targeted "outreach could increase the frequency
of contact with LEP language groups."

The FTA Title VI Circular indicates that "recipients should survey key program areas and assess major points of contact with the public, such as:

- Use of bus and rail service;
- Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;
- Participation in public meetings;
- Customer service interactions;
- Ridership surveys;
- Operator surveys."

and services

you provide

To accomplish Factor 2, the following 3 steps are recommended:

Review the relevant programs, activities,

Ster 2

Review information obtained from community organizations

Step

Consult directly with LEP persons

NOTES:
<del></del>

To accomplish the above 3 steps, the following are recommendations:

Step 1: Review the relevant programs, activities, and services you provide

The information from an employee survey (Factor 1, Step 1) will enable you to determine the programs, activities, and services with which LEP persons most frequently come in contact. In addition, you may want to supplement the information with a review your agency to identify areas that LEP persons should come in contact with.

Step 2: Review information obtained from community organizations

Factor 1, Step 4 - Your interviews with community organization representatives, per Task 1, Step 4, will likely yield information on how frequently LEP persons use transit service, and what modes of service or particular routes are used most frequently.

The identification, contact and obtaining information of community organizations that serve LEP persons (Factor 1, Step 4) will provide you with additional data relative to your programs, activities, and services with which LEP persons most frequently come in contact.

Step 3: Consult directly with LEP persons

Consulting directly with LEP persons can provide you with an opportunity to identify whether the LEP population is "aware of the types of language assistance the agency provides, which of these forms are most beneficial, and what, if any, additional language assistance measures would be most beneficial." This information will allow you to develop an effective language assistance program.

Conducting meetings from one-on-one to large group will vary depending on the topic and the objective of the outreach initiative. Working with community organizations at the onset will improve your chances of both success and attendance. It is important to be prepared for the meetings and conduct them "during times of day and at locations that are convenient and accessible to the LEP population. Oral language interpreters should be present at the meeting and any written material you distribute should be translated. "

NOTES:	

Surveys are also an excellent way to obtain information about LEP populations. You can increase your chance of success by coordinating with community organizations not only of the survey logistics but also the questions of the survey. The survey should be provided in the specific LEP language. The survey questions could include usage of service by time-of-day and day-of-week, trip purpose, services used (bus, rail, inclined plane, fixed route, paratransit, dial-a-ride, etc.), satisfaction level, areas not served and suggestions for improvement.

#### 8.1 C Factor 3

The nature and importance of the program, activity, or service provided by the program to people's lives.

Title VI Circular states that "generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed." DOT LEP Guidance indicates that "...providing public transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment."

To accomplish Factor 3, the following two steps are recommended:

Step
1

Identify your agency's most critical services

Step
2

Review input from community organizations and LEP persons

NOTES:

### Step 1: Identify your agency's most critical services

A transit agency should begin with a detailed list of the programs, services and activities it provides and then determine which items from the list would have "serious consequences to individuals if language barriers prevent a person from benefiting from the activity. Your agency should also determine the impact on actual and potential beneficiaries of delays in the provision of LEP services."

Following is an example of a transit agency's critical service list:

- Fixed route services
- Paratransit services
- Emergency evacuation procedures
- Public service announcements (including onboard)
- System rules
- Safety Information
- Route and schedule information
- Fare and payment information
- How to ride information (fixed route and paratransit)
- Complaint and commendation forms
- Signage (including electronic)
  - Onboard
  - Major stops and stations
  - Transfer center

Step 2: Review input from community organizations and LEP persons

Transit agencies should consider prioritizing their critical service list with community organizations and LEP persons. Consideration should be given to review routes and services with the community to ascertain the "importance to the LEP population." Some agencies identify some of their routes as "life line" because of the type of service it provides to the community (i.e., work trips, medical trips, etc.)

NOTES:	

#### **8.1 D Factor 4**

The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

The goal for Factor 4 is to balance the demand for language assistance with the agency's resources. The DOT LEP Guidance states "a recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons."

An agency can reduce costs by developing partnerships with community organizations, "technological advances, reasonable business practices, and the sharing of language assistance materials and services" with peers and other agencies.

To accomplish Factor 4, the following 4 steps are recommended:

Inventory language assistance measures currently being provided, along with associated costs.

Determine what, if any, additional services are needed to provide meaningful

access

3 Analyze your budget

4 Consider cost effective practices for providing language services

NOTES:
<del></del>
<del></del>

**Step 1:** Inventory language assistance measures currently being provided, along with associated costs

An agency needs to list the language assistance measures it provides with current and projected costs. Language assistance measures could include the following:

- Bi-lingual or multi-lingual website
- Provide bi-lingual or multi-lingual notice of available language assistance services
- Bi-lingual or multi-lingual translation of "vital" documents
- Ticket vending machines with bilingual or multi-lingual functions
- Bi-lingual or multi-lingual revenue vehicle signage including fare boxes
- Bi-lingual or multi-lingual station and/or major stop signage
- Employee training
- "I Speak" cards for field personnel and operators
- Bi-lingual or multi-lingual on-board and/or station announcements
- Cost of interpreter
- Oral language translation
- Updating documents with pictographs
- Installing multi-lingual technology
- Cost of public outreach initiatives

In addition to the above, agencies should estimate the "number of staff and percentage of staff time that is associated with providing language assistance."

Language Assistance Measures	Estimated Total Cost	Scheduled Completion Date
Update website two languages	\$1100	6/1/2013
Non-technical vital document translation (.13¢ per word/\$45 per page)	22 pages x \$45 = \$990	8/1/2013
Instructions and training of customer service staff, operators and field personnel for successfully handling LEP persons.  Training 1 hour for 67 employees, plus materials (I Speak cards)	\$1500	7/31/2013

"I Speak" cards can be used to make interacting with LEP persons easier for your employees because they can identify the language and this will enable them to obtain assistance for the customer in his/her language. The U.S. Census Bureau (among others) have a card with the sentence in 38 languages and the English language reads "☐ Mark this box if you read or speak English." Some agencies use 38 languages while others reduce the number based on the prevalent languages in their service area. Agencies have also modified the card to provide a telephone number for information a specific language. One website address for the U.S. Census Bureau "I Speak" Card is: http://www.lep.gov/ISpeakCards200 4.pdf.

On-site interpreter \$95 per hour plus expenses	\$1140 + \$150 expenses	12/31/2013
6 meetings, 2 hours each	= \$1290	
Provide notice of right to language assistance, at		6/1/2013
no cost, on website, key documents and in	\$3600	
vehicles		
Bi-Lingual Staff (2 employees). Assists as needed.	\$0	N/A
Staff	Number	% of time
Customer Service Supervisor	1	10%
Customer Service Representative	2	5%
Field Supervisors	1	5%
Public/Media Relations Specialist	1	20%
Other Management	3	3%

Step 2: Determine what, if any, additional services are needed to provide meaningful access

Your LEP/LAP is a living document and will need to be routinely updated based on demographics, organizational changes and community outreach. An agency needs to determine and specifically list additional language assistance measures (if needed) to provide LEP persons with meaning access to your programs, services and activities. For example, an agency may decide to update the fare information on their fareboxes so that it is provided in two languages, a cost estimated at \$4500.

#### **Step 3:** Analyze your budget

An agency needs to review its budget and conduct a cost benefit analysis to determine the amount or percentage that can be "devoted to additional language assistance expenses."

### Step 4: Consider cost effective practices for providing language services

Transit agencies can reduce the costs of providing language assistance measures by being creative and developing partnerships. Other governmental agencies, educational institutions and businesses (i.e. medical providers) have LAPs and you may be able to use some of their resources. An agency's community outreach can also result in partnerships that can assist them with both written and oral translations at costs that are nominal or free.

### Outside sources for interpreter services include:

- contracting with interpreters,
- telephone services,
- internet services,
- language banks, and
- community organizations.

NOTES:

Your agency may have access to language assistance products that have been developed and paid for by local, regional, or state government agencies and may also have bilingual staff that could provide language assistance on an ad hoc or regular basis. These resources should be inventoried and taken into consideration as part of your assessment of total resources available.

Your agency may already have, or be able to establish arrangements with qualified community volunteers to provide written or oral language translation. It is important to note that it is the responsibility of the agency regarding translators "to verify that they can provide competent interpretation service and train them on their role within the agency. To ensure competency in oral and written language services, the DOT LEP Guidance indicates that "such policies could include the following provisions:

- The agency will ask the interpreter or translator to demonstrate that he or she can communicate or translate information accurately in both English and the other language;
- The agency will train the interpreter or translator in specialized terms and concepts associated with the agency's policies and activities;
- The agency will instruct the interpreter or translator that he or she should not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translator;
- The agency will ask the interpreter or translator to attest that he or she does not have a conflict of interest on the issues that they would be providing interpretation services. "

### 8.2 Language Assistance Plan

An agency's LAP should be based on the results of the Four Factor Analysis. Depending on the results, agencies programs will vary from simple to complex.

The FTA requires a LAP. A recipient may request an exemption from this requirement for reasons such as, limited resources or serving very few LEP persons.

A LAP or LEP Plan at a minimum shall have:

- "Results of the Four Factor Analysis, including a description of the LEP population(s) served;
- Description of how the recipient provides language assistance services by language;
- Description how the recipient provides notice to LEP persons about the availability of language assistance;

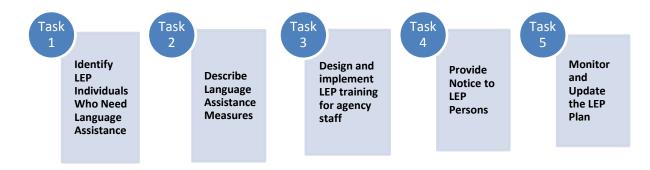
NOTES:	
	•

- Description how the recipient monitors, evaluates and updates the language access plan; and
- Description how the recipient trains employees to provide timely and reasonable language assistance to LEP populations."

Translation of "vital" documents is generally included in LAPs because "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." There is a "safe harbor provision" that applies ONLY to written documents. "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."

As with any plan, it is important for an agency to establish goals, objectives, accountability and establish a process for continuous improvement. The goals and objectives should be achievable and measureable. The LAP should be developed with public participation.

Following are 5 tasks identified in the LEP Handbook that can be undertaken to develop a LAP:



NOTES:	
	_

### Task 1: Identify LEP individuals who need language assistance

The results of the four-factor analysis will enable an agency to identify LEP persons who need language assistance. Maintaining records of all LEP plan initiatives will provide an agency with a foundation for plan adjustments.

The identification should be based on the following:

- prior experiences with LEP individuals
- U.S. Census, state and local data for service area
- concentrations of LEP persons in service area
- information obtained from community outreach initiatives,
- internal agency information

In addition, the assessment should "distinguish the native language spoken by these populations and geographic areas" and include "the frequency with which LEP individuals come into contact with the agency's particular services."

#### Task 2: Describe language assistance measures

An agency needs to provide a detailed description of the agency's language assistance measures and how the measures will be implemented. It is important to note that all language assistance measures are provided to LEP persons free of charge. The following table contains extracted information from the LEP Handbook:

Examples of information	How to implement
Types of language services available and how	List oral and written language services and where
staff can obtain those services	they can be obtained.
How to respond to LEP callers	Develop a procedure.
	"Ideally, the call taker will be able to forward the
	caller to a language line or to an in-house
	interpreter who can provide assistance."
How to respond to written communications	Develop a procedure.
from LEP persons	"Ideally, the agency staff person will be able to
	forward the correspondence to a translator who

NOTES:	

	can translate the document into English and translate the agency's response into the native language."
How to respond to LEP individuals who have in- person contact with recipient staff	Develop a procedure.
How to ensure competency of interpreters and translation services	<ul> <li>Develop a policy.</li> <li>Policy will include that an interpreter or translator:</li> <li>"will be required to demonstrate their ability to accurately communicate or translate information accurately in both English and the other language;</li> <li> will be provided training on specialized terms and concepts</li> <li>will be instructed not to deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translator;</li> <li> will be asked to attest that he or she does not have a conflict of interest on the issues that they would be providing interpretation services."</li> </ul>

Task 3: Design and implement LEP training for agency staff

The type of training will vary based on employee job function and the degree in which the employee comes in contact with LEP person. It is important that "staff members should know their obligations to provide meaningful access to information and services for LEP persons, and all employees in public contact positions should be properly trained." All management personnel should be knowledgeable in the LEP Plan to provide support.

- 1. Identify the employees who are likely to come in contact with LEP persons.
- 2. Identify all management personnel.

NOTES:	

- 3. Identify each employee's functional responsibilities as it relates to effectively implementing the LEP plan.
- 4. Determine type of training and length of training for employees.
- 5. Review other training programs such as, orientation or ADA to "integrate training."
- 6. Identify training modules
  - At a minimum, "FTA recommends that such training include the following information:
    - A summary of the transit agency's responsibilities under the DOT LEP Guidance;
    - A summary of the agency's language assistance plan;
    - A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
    - A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
    - A description of the agency's cultural sensitivity policies and practices."
  - Other considerations, such as,
    - LEP policies
    - LEP general procedures
    - LEP functional procedures (i.e. how a customer service representative responds to an LEP person on the telephone, how to effectively work with translators)
    - How to provide effective language assistance

### Task 4: Provide notice to LEP persons

Agencies must notify LEP persons of its language assistance services that are available free of charge. The notice should be provided "in languages LEP persons would understand." Notice should be provided on a regular basis.

The LEP Handbook suggests the following three steps:

- Step 1: Inventory the existing public service announcements and community outreach the agency currently performs.
- Step 2: Incorporate notice of the availability of language assistance into existing outreach.
- Step 3: Conduct targeted community outreach to LEP populations.

NOTES:
<u> </u>
<del></del>

The following are suggestions for how to provide notice taken directly from the LEP Handbook:

- Post signs in intake areas, entry points and other high access areas.
- Signs should state that free language assistance is available and be translated in the languages that are encountered the most at your agency.
- Advertise in materials and documents that you produce such as, brochures, timetables, community outreach documents, recruitment.
- Work with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services, including the availability of language assistance services.
- Use an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.
- Include notices in local newspapers in languages other than English.
- Provide notices on non-English-language radio and television stations about the available language assistance services and how to get them.
- Provide presentations and/or notices at schools and religious organizations.

Task 5: Monitoring and updating the LEP Plan

A process needs to be established to monitor and update your LEP Plan. The Plan needs to address demographic changes and be up-to-date with the agency's programs, services and activities. In essence, an agency will update their four-factor analysis. Following are the components:

- The number and proportion of LEP persons eligible in an agency's service area who may be served or who are likely to encounter by its programs, activities and services.
- The frequency with which LEP persons come in contact with an agency's programs, activities or services.
- The nature and importance of programs, activities or services provided by an agency to the LEP population.
- The resources available and overall cost to provide LEP assistance.

An agency needs to determine if the LEP initiatives that were implemented were successful. This would include whether:

- Assistance is meeting the needs of LEP persons.
- Staff knows and understands the LEP plan and how to implement it.

NOTES:
<del></del>

• Sources for assistance are still available and viable.

The LEP Handbook recommends the following:

Step 1: Establish a process to obtain feedback on your agency's language assistance measures.

Step 2: Obtain feedback from community members and from agency staff.

An agency should determine from community and employees the following:

- LEP populations needs
- LEP populations demographic changes
- success of LEP Plan including
  - language assistance measures
    - written
    - oral
  - o notices
- LEP populations frequency of agency encounters
- LEP populations concentration in service area

In addition to obtaining feedback, community outreach provides an agency the opportunity to keep people informed of programs, plans and activities.

Step 3: Conduct internal monitoring

The LEP Handbook suggests "such monitoring might be best accomplished if the monitors pose as riders and observe how agency staff responds to their requests."

- Step 4: Make changes to the language assistance plan based on feedback received
- **Step 5:** Consider new language assistance needs when expanding service

Transit agencies should consider language assistance needs whenever they are making changes to its service, plans, activities and programs.

NOTES:	

### 9.0 Non-elected Committees and Councils

**Applicability:** ALL Recipients/**Purpose:** To demonstrate that an agency has taken steps to encourage minority participation on non-elected committees and councils.

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" are required to submit the following:

- a table that depicts the racial breakdown of the membership, and
- a description of the process the agency uses to encourage the participation of minorities on the committees.

The following table is an example of how to depict the racial breakdown:

	African American or Black	American Indian or Alaska Native	Asian American	Caucasian	Hispanic or Latino	Native Hawaiian or Other Pacific Islander
Transit Agency's Service Area Population	15%	1%	7%	48%	27%	2%
Transit Agency's Citizens for Accessible Transportation Committee	10%	0%	5%	75%	10%	0%
Transit Agency's Fixed Route Advisory Committee	35%	1%	9%	30%	20%	5%
Transit Agency's Community Information Committee	20%	0%	5%	44%	30%	1%

NOTES:

Based on the above example, an agency may want to take proactive steps to increase Hispanic/Latino participation on its Fixed Route Committee and increase African American and Hispanic/Latino participation on its Accessible Transportation Committee. As such, an agency should submit a description of its efforts to increase participation by minority populations and may include some of the following:

- attend community meetings,
- advertise in community publications,
- attend community activities,
- partner with a community business for assistance with outreach, and
- target marketing to specific minority populations.

### 10.0 Subrecipient Title VI Monitoring

**Applicability:** Primary Recipients/**Purpose:** To demonstrate that a primary recipient monitors its subrecipients for compliance with Title VI.

Primary recipients are required to provide a description of how it monitors subrecipients for Title VI compliance. The description needs to include the schedule of subrecipient Title VI Program submissions. Examples of monitoring activities that a primary recipient may undertake would include annually conduct audit of subrecipient's Title VI Program and/or on-site visits and review.

### 11.0 Title VI Equity Analysis

**Applicability:** All Recipients/**Purpose:** To demonstrate that an agency in determining the site or location of facilities did not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination."

Recipients are required to submit a Title VI equity analysis if it constructed a facility. "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." Facility includes, "storage facilities, maintenance facilities, operations centers, etc. "Facility does not include bus shelters which are considered transit amenities nor does it include transit stations, power substations, etc., which are "evaluated during project development and the NEPA process."

The following question was asked during a FTA Webinar and the associated response was provided by the FTA.

"Is it allowable to ask a person if he/she is a member of a minority population or what his/her income level is?"

Yes, grantees can inquire about a person's race or national origin and their income as part of a ridership survey. In addition, grantees may inquire about a person's race or national origin in order to comply with the Circular requirement to provide a table in the Title VI Program depicting the racial breakdown of planning and advisory committees, the membership of which is selected by the grantee.

- Conduct Title VI Equity Analysis during planning stage
  - Ideally at Census tract or block group level
  - Include analysis of equity impacts of location/siting alternatives
  - Analysis should include any cumulative adverse impacts (evaluate other area facilities with similar impacts)
  - o Analysis must occur before the selection of the preferred site
- Select location/site of facility without "regard to race, color, or national origin"
  - If selected location results in a disparate impact, to proceed, the agency must show through the analyses of alternatives that:
    - 1. there is a substantial legitimate justification for locating the project there, and
    - 2. that there are no alternative locations that would have a less disparate impact.
- Conduct and document public outreach with specific emphasis on populations impacted by location of facility.

The following is an overview of steps to conduct a Facility Equity Analysis:

- 1. Identification of potential locations/sites for facility
  - Ensure identification of alternative locations/sites
- 2. Analysis of demographic data at a level that will provide the community impact such as census tract or block group.
  - Minority population
  - Low income population
  - LEP population for public outreach initiatives
  - Comparison populations (such as, service area or project area)
- 3. Conduct separate analysis for minority and low income populations
- 4. Identify the effects of the facility on minority and low income populations
- 5. Identify benefits
- 6. Conduct innovative and non-traditional public outreach
  - Project overview
  - Adverse effects
  - Mitigation measures
  - Obtain feedback and input
- 7. Supplement data with community outreach information including a discussion of adverse effects
- 8. Identify adverse effects on minority and low income populations

The following definitions are from the Title VI Circular:

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.

Adverse effect means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to, things like: bodily impairment, illness, or death; air, noise, and water pollution and soil contamination; destruction of man-made or natural resources; destruction of community's economic vitality; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, or separation of individuals within a given community or from the broader community.

- Degree of effects
- 9. Identify whether adverse effects can be avoided, minimized, or mitigated
- 10. Identify mitigation and enhancement measures
- 11. Conduct Benefits ad Burden Analysis
  - "an evaluation comparing the impacts likely to be experienced by EJ populations against those likely to be experienced by non-EJ populations and the community as a whole"
- 12. Determine if effects are disproportionately high (consider the totality of the circumstances)
  - Disproportionately high if:
    - Effects predominately borne by EJ population, or
    - Effects suffered by EJ population are "appreciably more severe or greater in magnitude" than non-EJ populations
    - Determine if disparate impact
    - Determine if disparate treatment
    - Determine if disproportionate burden
- 13. Determine if further mitigation measures or alternatives are practicable, and if yes, implement
  - Practicable is determined by taking into account the "social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects."

### 12.0 Governing Entity Approval of Title VI Program

**Applicability:** All Recipients/**Purpose:** To provide documentation of governing entity approval of Title VI Program.

All recipients must provide documentation (board meeting minutes, resolution, etc.) showing that the Title VI Program was reviewed and approved by the "board of directors or appropriate governing entity or official(s) responsible for policy decisions. "The approval must occur prior to submission to FTA."

### 13.0 Service Standards and Service Policies

**Applicability:** All Fixed Route Transit Provider Recipients/**Purpose:** To provide documentation that an agency has developed service standards and policies for all fixed route modes of operation to "ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin."

The following definitions are from the Title VI Circular:

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.

**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.

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.

In general, agencies adopt service standards and service policies to assist them in providing effective, efficient and equitable transit services. The quantitative standards enable an agency to objectively review and assess services.

The following are a few excerpts from Title 49 in the Code of Federal Regulations (CFR) that provide what an agency is trying to achieve relative to Title VI and service standards and policies:

- "A recipient shall not utilize criteria or methods of administration which have the effect of subjecting persons to discrimination."
- "A recipient shall take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity"
- "No 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."
- "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."

Service standards and policies are required for each fixed route mode of service. "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."

An agency may develop standards and policies for basic fixed route "mode" of service, where mode refers to bus, rail, inclined plane, passenger ferry, monorail, people mover, magnetic levitation, etc. and other agencies may further define mode by both basis and then type of service (local, express, commuter, bus rapid transit, intercity, feeder service, circulators, etc.)

### 13.1 Service Standards

Transit agencies that provide fixed route service are required to adopt service standards for each mode it operates. At a minimum, an agency is required to have the following standards:

NOTES:		
	 	 —
		 —
		—
	 	 —

The Title VI Circular states that 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.

#### 1) Vehicle load for each mode

- Vehicle load is a measurement of the maximum amount of passengers that can be on board at one time.
- Vehicle load is the ratio of passengers to the total number of seats on a vehicle.
- Vehicle load may vary based on the type of service (express, local, etc.), time of day (peak, mid-day, night and other), day of week (weekdays, Saturdays, Sundays), or service frequency.

### 2) Vehicle headways for each mode

- Vehicle headway is a measurement of the level of service for a specific route.
- Vehicle headway is "one component of the amount of travel time expended by a passenger to reach his/her destination."
- Vehicle headway is expressed in time (minutes) and is a measurement of distance between two vehicles traveling in the same direction at a specific time point on a route.
- Vehicle headway can also vary by type of service, time of day, day of week, population density.
- Headway standards are usually "related to vehicle load.
  - 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 measurement of trips that arrive/depart within a pre-determined time frame (such as, -1 to 5 minutes) at a specific published time point.
- On-time performance is expressed as a percentage of the number of trips completed as scheduled.
- "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."
- Example: An agency's on-time performance standard may be that all trips system-wide are to operate 95% on-time and a trip is considered on-time if it arrives/departs within one minute earlier to five minutes later than the scheduled/published time.
  - Some agencies do not permit early arrivals/departures and as such, their standard may be between 0 to 5 minutes.
- On-time performance can be measured system-wide, by route, by time-of-day, by day type, etc.

Example of ratio of passengers to total number of seats: If a 40-foot bus has a maximum of 40 seats and the agency's load factor is 1.25 then maximum number of passengers is 50 (40 seated and 10 standing.

Some agencies have policies that limit or do not allow for standees and the policies may vary based on service type, i.e. prohibiting standees on park and ride routes.

### Title VI Circular examples of vehicle headways:

Peak: every 15 minutes
Off-peak: every 30 minutes Peak:
every 15 minutes for densely
populated areas

Peak Other: every 30 minutes Off-peak: every 30 minutes for densely populated areas.

Off-peak Other: every 40 minutes.

On-time performance is sometimes referred to as schedule adherence.

### 4) Service availability for each mode

- The FTA Title VI Circular defines service availability "a general measure of the distribution of routes within a transit provider's service area." Service availability can also be described a measurement of a passenger's ability to access and use transit.
- Possible measurements/standards include:
  - Distribute routes based on percentage service area population are within a specified walking distance of a bus stop.
    - Example: 80% of the agency's service area residents are within one-quarter mile walk of bus service.
    - The service area could be further defined with different criteria, such as urban/suburban or specified population density parameters. "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."
  - Maximum distance between stops or stations.
    - "Local bus stops will be not more than three blocks apart. Express bus stops will be one-half to three-quarters of a mile apart."
    - Different criteria could be used for population density. "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."

The service standards are established by the agency and must be provided in written and tabular formats.

### Other **service availability** measures may include:

- Employer measurements,
- Income measurements (household income, per capita, poverty etc.)
- Vehicle measurements (number of households with zero or one vehicle)

Example: Employers with 500 or more employees in an agency's service area will be evaluated for bus service.

NOTES:

The following are examples from the Title VI Circular of the four required measurements:

#### **Vehicle Load Standards**

Vehicle Load Standards					
Written Format	Tabular format				
The average of all loads during the peak operating period should	Vehicle Type	Seated	Standing	Total	Maximum Load Factor
not exceed vehicles' achievable capacities,	15' Mini-Bus	28	2	30	1.1
which are 30 passengers for a 15' mini-bus, 51 passengers for low-floor	40' Low Floor Bus	39	12	51	1.3
40-foot buses, 60 passengers for standard	40' Standard Bus	43	17	60	1.4
40-foot buses, and 133 passengers on a light rail car.	Light Rail Vehicle	64	69	133	2.1

### **Vehicle Headway Standards**

#### **Written Format:**

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

An agency may determine **headway** based on policy, demand or clock.

Policy headways are established by an agency through a policy, and the headways usually vary by day type (weekday, Saturday, Sunday), time-of-day (peak, mid-day, night other) and service type (local, express, etc.)

Demand headways are determined by calculating the minimum number of buses or trips needed to accommodate the maximum passenger volume within the agency's vehicle load standard.

Clock headways are the scheduled headways between vehicle trips that can be evenly divided into 60 minutes.

to the region's transportation plan, relationship to major transportation developments, land use connectivity, and transportation demand management.

#### **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			

<sup>\*</sup> Peak: 7-9 am and 4-6 pm; Base 9am - 4pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;

<sup>&</sup>quot;—" means no service is provided during that time period.

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

<sup>\*</sup> Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm – Midnight;

NOTES:
NOTES.
<del></del>

<sup>&</sup>quot;--" means no service is provided during that time period.

#### **On-time Performance Standard**

#### **Written Format:**

#### Sample 1:

• Ninety-five (95) percent of the City of USA's transit vehicles will complete their established runs no more than five 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 time-point no more than 1 minute
early and... no more than five 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.

#### **Service Availability Standard**

#### **Written Format:**

The City of USA will distribute transit service so that 90% of all residents in the service area are within a  $\frac{1}{2}$  mile walk of bus service or within a  $\frac{1}{2}$  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.

### **13.2 Service Policies**

Transit agencies that provide fixed route service are required to "adopt system-wide service policies." Service policies are different "from service standards in that they are not necessarily based on a quantitative threshold."

Fixed route transit providers are required to have at least two service policies that address equitable distribution across the system. The required service policies are:

#### 1. Distribution of transit amenities for each mode

NOTES:

Transit amenities and passenger amenities are similar terms and they refer to items of "comfort, convenience, and safety that are available to the general public."

- Policy(ies) should address "how these amenities are distributed within a transit system ... the manner of their distribution determines whether transit users have equal access to these amenities."
- Title VI Circular states "transit providers shall submit their siting policy where the definition of transit amenities includes but is not limited to:
  - Seating (i.e., benches, seats at stops/stations)
  - Bus and rail shelters and rail platform canopies
  - Provision of information:
    - Printed signs, system maps, route maps, and schedules.
    - 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).
  - Escalators
  - Elevators
  - Waste receptacles (including trash and recycling)"
- If transit amenities "are installed under a contract between the transit provider and a private entity" the agency is required to have a distribution policy. "In these cases, the transit provider shall communicate its service policy to the private entity."
- o The requirement for this policy:
  - "is not intended to impact funding decisions for transit amenities ... it applies after a transit provider has decided to fund an amenity."
  - "does not apply to transit providers that do not have decision-making authority over the siting of transit amenities."
  - "does not apply if the amenities 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."

### 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."

- o Policy(ies) should address how vehicles are assigned throughout the system.
- o Examples:

NOTES:	
	·
	·
	<del></del>

- Policy based on age (age is used for condition), such as, the system-wide average age of all buses will be determined annually and buses assigned to each garage will not exceed the system-wide average.
- Policy based on vehicle type, such as, establishing "a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods."
- Policy based on service type, such as, "set a policy to assign specific types of vehicles to express or commuter service."
- Policy based on reduced emissions.

The following are examples from the Title VI Circular of the two required policies:

#### Sample Distribution of Transit Amenities' Policy

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

#### Sample Vehicle Assignment Policy

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.

NOTES:	
	· · · · · · · · · · · · · · · · · · ·
	<u> </u>
	· · · · · · · · · · · · · · · · · · ·

### 14.0 Demographic and Service Profile Maps and Charts

**Applicability:** All fixed route transit provider recipients that operate 50 or more (50+ peak) fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population; or has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator. **Purpose:** To graphically show selected elements of an entity's Title VI Program including "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA."

The transit providers outlined above in applicability will be referred to as "50+ Peak Transit Provider Recipients." These recipients are required to submit "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.

In addition to minority populations, an agency should conduct demographic analyses for low income populations for EJ analyses. They may want to consider LEP populations LEP/LAP and other underserved populations such as, disabled and senior populations.

The maps should show an agency's service area with its routes (routes can be colored coded by type) and transit amenities and then have overlays or separate maps showing each of the populations. This information should be updated from the previous Title VI submission.

The Title VI Circular provides the following relative to data and maps:

- use decennial census data to develop maps and charts until the next decennial census, or
- use American Community Survey (ACS) data between decennial censuses
- may be prepared using Geographic Information System (GIS) technology (alternate formats are acceptable)

Demographic and service profile maps and charts are required "after each decennial census and prior to proposed service reductions or eliminations." In addition, it is recommended they are also prepared for LEP and EJ initiatives.

NOTES:
<u>100123.</u>

50+ Peak Transit Provider Recipients are required to submit maps with census data. Census data as referenced in this section refers to Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data. The following are required maps and charts:

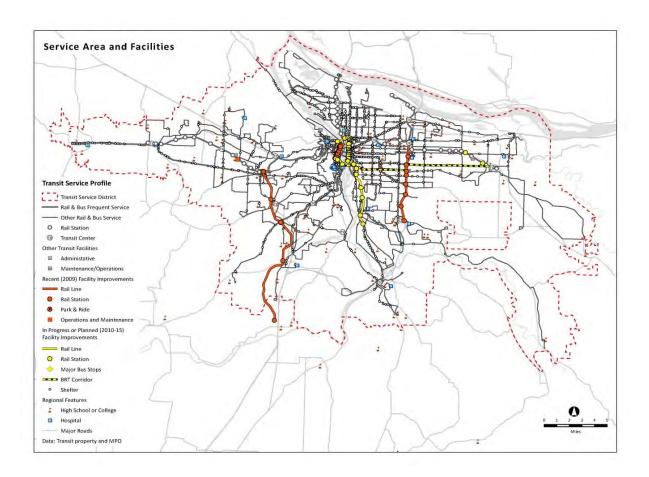
- A base map of the transit provider's service area that overlays Census data with "transit facilities—including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings—as well as major activity centers or transit trip generators, and major streets and highways."
  - Overlay this map with minority population Census data 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."
- A demographic map that plots the base map information and also shades Census data 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."
  - Maps can "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. "
- A "GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways."
- Demographic maps with Census data that show "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."

The Title VI Circular Appendix provides two sample demographic maps, which are depicted on the following pages.

The Title VI Circular indicates that "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."

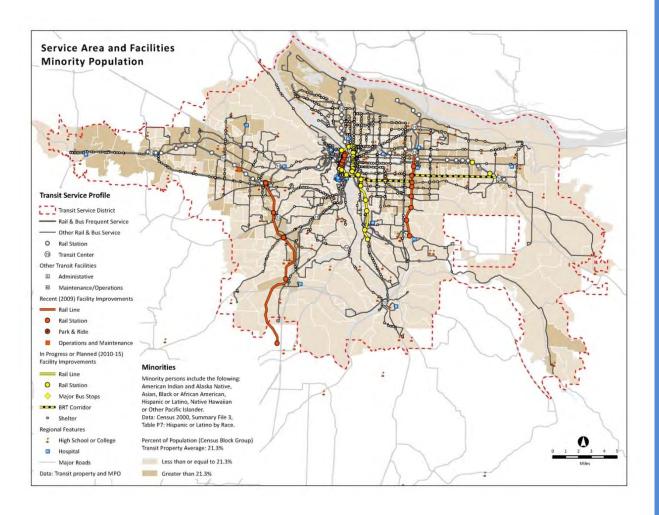
The Title VI Circular Appendix indicates that the "FTA will publish additional guidance, and/or update this appendix, with detailed approaches to data collection, surveys, and analysis methods."

#### **Service Area and Facilities**



NOTES:
<del></del>
<del></del>

### **Service Area and Facilities with Minority Populations**



NOTES:

### 15.0 Collecting and Reporting Data, Demographic Ridership and Travel Patterns

**Applicability:** All Fixed Route Transit Provider Recipients that operate 50 or more (50+ Peak) fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population; or has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator. **Purpose:** To collect and report data and develop demographic profile of underserved populations.

50+ Peak Transit Provider Recipients are required to conduct passenger surveys by December 31, 2013 unless they have conducted them within the last five years. Surveys can be integrated into other passenger surveys an agency may be conducting such as, customer satisfaction surveys and origin and destination surveys used to update travel demand models. Surveys are required no less than every five years.

The Title VI Circular specifically states that "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."

The surveys are to develop demographic profiles comparing minority and non-minority riders. It is recommended that demographic profiles should also be developed on low-income, LEP populations and any other underserved population. The demographic information shall be displayed in tabular format.

Surveys should be translated (or provide translation services) into the language or languages of an agency's LEP population(s) as identified in its LEP/LAP. Following is a list of information that should be collected:

- race, color, national origin,
- · English proficiency, language spoken at home,
- household income
- rider travel patterns
- trips taken
- method of fare payment, fare usage by fare type
- demographics of their riders using customer surveys

NOTES:		

Collecting method of fare payment, fare usage by fare type information amongst minority users and low-income users will "assist with fare equity analyses."

### 16.0 Results of Monitoring Program and Report

**Applicability:** All Fixed Route Transit Provider Recipients that operate 50 or more (50+ Peak) fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population; or has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator. **Purpose:** To provide results of monitoring program and report.

50+ Peak Transit Provider Recipients are required to monitor service standards and policies (at least every three years) and provide results. The agency must submit documentation of its "board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results. These transit providers are required to "compare actual/observed service" to its service policies and standards, at a minimum the following are required:

- Service Standards
  - Vehicle load for each mode
  - Vehicle headway for each mode
  - On-time performance for each mode
  - Service accessibility for each mode
- Service Policies
  - o Vehicle assignment for each mode
  - o Distribution of transit amenities (policy and standards) for each mode

Performance monitoring and the results are required to be submitted to the FTA every three years and the Title VI minority transit route definition must be used. An agency is assessing the level of service "to ensure the end result of policies and decision making is equitable." The assessment begins with determining the percentage of minority population in its service area and then comparing the percentages above and below. Following is the methodology from the Title VI Circular:

- 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. The greater the sample size, the more reliable the results.
- An agency can supplement minority transit route data with ridership data and adjust route designations accordingly. The data must be adequate to support a change in designation and changes should be included with the analyses in the monitoring/results report.

Examples of documentation include "a resolution, copy of meeting minutes, or similar" items.

Title VI Circular definition:

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.

- 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.
- Example: 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.
- 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.
  - Compare the transit service observed in the assessment to established service policies and standards.
    - Analyze discrepancies and take steps to reduce the potential effects when an observed service for any route exceeds or fails to meet the standard or policy, (depending on the metric measured).
  - Evaluate transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.
  - o Analyze monitoring results with Disparate Impact Policy (see Section 18.0).
    - If a disparate impact on the basis of race, color, or national origin is identified, the agency is required to take corrective action(s) to remedy disparities and provide this information in its Title VI Program report.

The following samples are from the Title VI Circular:

"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."

#### Sample Methodology

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

NOTES:	

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 Vehicle Load Monitoring**

Table 1 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 p.m. - 6 p.m.) and mid-day in both directions (9 a.m. -4 p.m.)

Table 2 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.

NOTES:
<del></del>
<del></del>

In this example the transit provider uses quartiles to identify all Census Block Groups served by bus lines within a quarter mile walking distance from bus stops and half 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 Pe	eak IB	Midday I	B & OB	PM Pe	ak 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

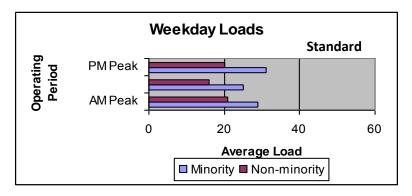
Currently, no line exceeds the standard.

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, mid-day, and AM peak as shown in Table 2 above, in comparison to the maximum capacity of 62 passengers for a 40-foot bus.

NOTES:

FIGURE 1: Vehicle Loads for Minority and Non-Minority Lines by Peak Period



#### **Sample Vehicle Headway Monitoring**

**Sample Assessment:** Table 3 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 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

NOTES:
<del></del>

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
Ond One the Afficial Provide Provide Control (10,000)	10	070/			0.50	40	40	40	0.50	
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, 11 minority lines and five 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.

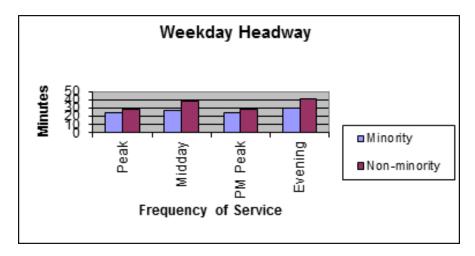
On Saturdays and Sundays, average daytime headways on minority lines were 29 and 33 minutes, respectively, versus 40 and 41 minutes, respectively, for non-minority lines. Average headways on minority lines during Saturday and Sunday evening and night periods were lower (i.e., provided more frequent service) 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.

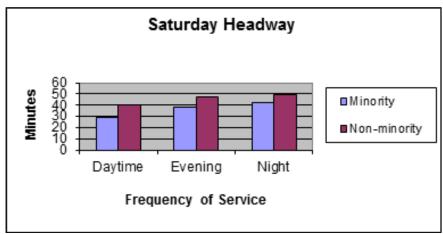
Figure 2 depicts weekday headways for minority and non-minority lines for AM peak, midday, PM peak, and evening. Saturday and Sunday headways for minority and non-minority lines are shown for daytime, evening, and night periods. In all days and time periods, average frequency of service on minority lines

NOTES:

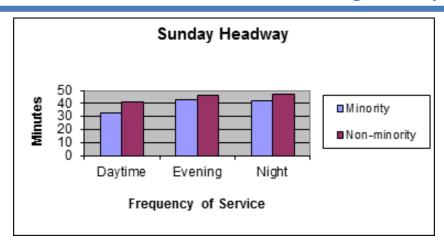
exceeded frequency of service on non-minority lines (i.e., the average headway in minutes was lower on minority lines).

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





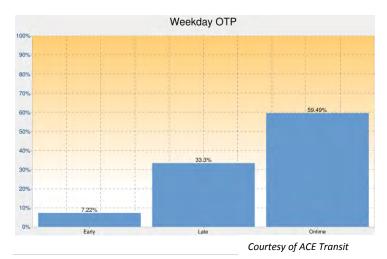
NOTES:
<del></del>



#### **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** 



NOTES:	

**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 percent were found departing a schedule time point late (i.e., more than five minutes after the departure time in the printed schedule). These routes on which late departures were observed were:

- o B07
- o R10
- o R24
- o 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 shows the percentages of minority and non-minority households served. The percentage of minority households within a half mile walk of stops and/or stations was 86.6%. The percentage of non-minority households within a half 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 half mile walk of a bus stop and/or rail station are considered within half mile of service.

NOTES:	

#### **Sample Monitoring of Service Policies**

#### **Vehicle Assignment Monitoring**

**Sample Assessment:** Table 5 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.

**TABLE 5: Vehicle Assignment** 

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

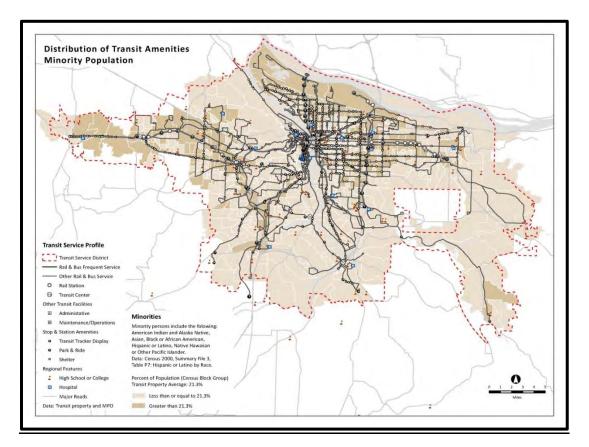
Shaded cells represent lines serving areas with minority percentages above the median

#### **Sample Transit Amenities Monitoring**

The overlay map 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.

NOTES:
l

**FIGURE 4: Transit Amenities Overlay Map** 



NOTES:

### 17.0 Major Service Change Policy

**Applicability:** All Fixed Route Transit Provider Recipients that operate 50 or more (50+ Peak) fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population; or has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator. **Purpose:** To document an agency's public engagement process for its major service change policy.

50+ Peak Transit Provider Recipients are required to "engage the public in the decision-making process to develop the major service change policy." The recipient submits documentation of its public engagement process and its "board's or governing entity or official(s)'s consideration, awareness, and approval."

A major service change policy is developed by an agency to establish thresholds for determining what constitutes a major service change. When services changes are made and they meet or exceed the established threshold, the agency is required to conduct a service equity analysis (Section 20.0). The analysis is to determine if the planned major service changes will have a disparate impact based on race, color, or national origin, or whether potential service changes will have a disproportionately high or adverse impact on minority and/or low-income populations.

The major service change threshold applies to adding and reducing service and the threshold should "yield a meaningful result." Generally, the major service change policy is expressed "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." Following are examples:

- A change of 25% or more (increase or decrease) in weekly route revenue miles and/or route directional miles constitutes a major service change.
- A change on existing route or set of routes, with one or more net increases or decreases within a 12-month period of more than a 25% change in the daily in-service hours.
- A major service change is defined as any change in service on any individual route that would add or eliminate more than twenty percent of the route.

Some agencies have more elaborate policies that include:

A statement or detailed procedures for the required service equity analysis

NOTES:

A meaningful result means that it should "not be set so high so as to never require an analysis."

- Public engagement, public hearing and/or public comment procedures
- Statement indicating that new routes and restructuring of routes are considered major service changes
- A list of policy exemptions

The Title VI Circular states, "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 12 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."

#### **18.0 Disparate Impact Policy**

**Applicability:** All Fixed Route Transit Provider Recipients that operate 50 or more (50+ Peak) fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population; or has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator. **Purpose:** To document an agency's public engagement process for its disparate impact policy.

50+ Peak Transit Provider Recipients are required to "engage the public in the decision-making process to develop the disparate impact policy." The recipient submits documentation of its public engagement process and its "board's or governing entity or official(s)'s consideration, awareness, and approval."

A disparate impact policy is developed by an agency to establish thresholds for determining "when adverse effects of fare and 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. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy." The policy should describe the public engagement process for developing the disparate impact policy.

50+ Peak Transit Provider Recipients are required to evaluate proposed major service changes and fare changes to determine whether a disparate impact exits as a result of the proposed change.

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.

"Assessing routes separately or cumulatively can have a significant impact on your analysis."

The disparate impact threshold "must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission."

The following is an example for the Title VI Circular:

- A disparate impact policy provides for any time there is a difference in adverse impacts between minority and non-minority populations of plus or minus 10 percent, which is statistically significant, and such differences in adverse impacts are disparate.
  - o 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: 10 percent is not a suggested baseline or standard, and is used here solely as an example. Each transit provider will adopt a disparate impact policy.]

#### Following are other examples:

- A disparate impact occurs when the minority population adversely affected by a fare or service change is "x" percent more than the average minority population of "x's service area. New service, span of service or frequency changes will be analyzed using all routes together and segment elimination; rerouting or route elimination will be analyzed on a route-by-route basis. New service will be analyzed using all routes together.
- This policy was developed with extensive public participation including "X" small community focus group meetings. It is "X's" policy to evaluate fare and major service changes at the planning or programming stages to determine whether those changes will have a disparate impact on minorities (groups identified by race, color or national origin).

A threshold of 20% (established with public participation) which means that a disparate impact occurs when the fare or service change affects a minority population 20% more than a non-minority.

NOTES:		

Span of service or headway changes will be analyzed using all routes. All other changes will be evaluated on a route-by-route basis.

"X" will take corrective actions if the analysis shows a disparate impact. The goal is to avoid, minimize or mitigate the impacts. All corrective actions will be reanalyzed for disparate impacts. "X" may proceed if it can demonstrate a substantial legitimate justification for the fare or service change **and** there are no comparably effective alternative practices that would result in less disparate impacts.

Some agencies have more elaborate policies that include:

- A statement or detailed procedures that the agency will analyze alternatives and take the necessary steps to eliminate, modify, or mitigate the potential disparate impacts.
- Public engagement, public hearing and/or public comment procedures.
- A statement indicating that the proposed change will be carried out after evaluating alternatives
  and only if it "(1) can demonstrate a substantial legitimate justification for the program, policy, or
  activity; (2) there are no comparably effective alternative practices that would result in lessdisparate impacts; and (3) the justification for the program, policy or activity is not a pretext for
  discrimination.

#### 19.0 Disproportionate Burden Policy

**Applicability:** All Fixed Route Transit Provider Recipients that operate 50 or more (50+ Peak) fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population; or has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator. **Purpose:** To document an agency's public engagement process for its disproportionate burden policy.

50+ Peak Transit Provider Recipients are required to "engage the public in the decision-making process to develop the disproportionate burden policy." The recipient submits documentation of its public engagement process and its "board's or governing entity or official(s)'s consideration, awareness, and approval."

A disproportionate burden policy is developed by an agency to establish thresholds for determining when adverse effects of fare and service changes are borne disproportionately by low-income

NOTES:
<del></del>
<del></del>
<del></del>

Title VI Circular states:

"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."

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 policy should describe the public engagement process for developing the disproportionate burden policy.

50+ Peak Transit Provider Recipients are required to evaluate proposed major service changes and fare changes "to determine whether low-income populations will bear a disproportionate burden of the changes."

The disproportionate burden policy "must be applied uniformly, regardless of mode."

50+ Peak Transit Provider Recipients are required "to 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."

#### Following are examples:

- A disproportionate burden occurs when the minority population adversely affected by a fare or service change is "x" percent more than the average minority population of "x's service area.
- This policy was developed with extensive public participation including "X" small community
  focus group meetings. It is the policy of "X" to evaluate fare and major service changes at the
  planning or programming stages to determine whether those changes will have a
  disproportionate burden on low income populations.

"X" has established a threshold of 20% which means that a disproportionate burden occurs when the fare or service change affects a low income population 20% more than non-low income. Span of service or headway changes will be analyzed using all routes. All other changes will be evaluated on a route-by-route basis.

"X" will take corrective actions if the analysis shows a disproportionate burden. The goal is to avoid, minimize or mitigate the impacts. All corrective actions will be reanalyzed for disproportionate burden. "X" may proceed with the fare or service change if mitigation measures or alternatives are not practicable this would include taking into account the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects.

"Low-income means a person whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines. (You are encouraged to use a locally developed threshold, such as that used for FTA's grant program, or a percentage of median income for the area, provided that the threshold is at least as inclusive as the HHS poverty guidelines. Public Law 112-141 (MAP-21), revises 49 U.S.C. § 5302 to include a definition of "low-income individual" to mean "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.)"

Some agencies have more elaborate policies that include:

- A statement or detailed procedures that the agency will analyze alternatives and take the necessary steps to avoid, minimize or mitigate the disproportionate burden impacts.
- Public engagement, public hearing and/or public comment procedures.
- A statement indicating that the proposed change will be carried out after evaluating alternatives
  and only "if further mitigation measures or alternatives that would reduce the disproportionately
  high and 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."

#### 20.0 Results of Service and/or Fare Equity Analyses

**Applicability:** All Fixed Route Transit Provider Recipients that operate 50 or more (50+ Peak) fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population; or has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator. **Purpose:** Develop a process to evaluate changes before implementation to determine whether changes will have a discriminatory impact based on race, color, or national origin or a disproportionately affects low income populations.

50+ Peak Transit Provider Recipients are required to develop written procedures to evaluate, prior to implementation major service changes and fare changes and submit "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."

"All major service changes and fare changes occurring on or after April 1, 2013 must be analyzed with the framework outlined" in the FTA Title VI Circular.

Prior to conducting a fare or service equity analysis, the "FTA encourages transit providers to contact their FTA Regional Civil Rights Officer for technical assistance." The "FTA can provide technical assistance related to methodology and analysis prior to a transit provider's board of directors taking action."

NOTES:

This "How to Guide" provides an overview of the requirements and summarizes the elements for Service and Fare Equity Analysis. Recipients who are undertaking an analysis should refer to the EJ and Title VI Circulars. The Title VI Circular provides extensive appendices which include checklists for considerations for Service Equity Analysis and Fare Equity Analysis. The appendix also includes detailed examples with associated text, tabular, charts and maps.

Service and fare equity analyses are to be conducted prior to implementing major service changes (consistent with agency's policy, Section 17.0) and/or fare changes. The analyses are conducted to determine whether the planned changes will:

- have a disparate impact on the basis of race, color, or national origin; or
- whether low-income populations will bear a disproportionate burden of the changes.

Disparate impact is generally measured by comparing the proportion of persons in the protected class (such as, minority, national origin LEP persons) who are adversely affected or could possibly be affected by the change to the proportion of persons not in the protected class who are adversely affected.

Disproportionate burden is generally measured by comparing the proportion of low-income persons who are adversely affected or could possibly be affected by the change to non-, low-income persons.

#### **20.1 Service Equity Analysis**

Requirement to conduct service equity analysis on major service changes as established by the agency in its Major Service Change Policy (Section 17.0). Conduct two separate analyses to determine the impacts of proposed on minority and low-income populations.

#### **Service Equity Analysis for Minority Populations**

- 1) Using the agency's Major Service Change Policy Measurement/Threshold it determines if the proposed change meets or exceeds the measurement/threshold.
- 2) Identify and analyze adverse effects including the degree of the effects as they relate to the proposed change. "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.
- 3) Using the threshold established by the agency in its Disparate Impact Policy (Section 18.0), the transit provider will determine if the adverse effects of the proposed change will be borne

Title VI Circular provides the following:

"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."

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."

- 4) A description of the data analysis is required and it includes:
  - service equity analysis dataset(s)
  - techniques and/or technologies were used to collect the data.
    - o "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. 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."
- 5) Assess the impacts as follows:
  - Disparate Impact
    - Ocompare proportion of persons in the protected class who are adversely affected by the 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 change or that could possibly be affected by the change.
  - The comparison population may vary depending on the type of change under evaluation. The analysis shall include the reason for the comparison population selected.
  - "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."
  - Data
- o "Ridership Data. When the transit provider determines that the correct population base is ridership, the transit provider shall document the reasons for

Dataset(s) include using American Community Survey (ACS), Census blocks, block groups, traffic analysis zone (TAZ) level, or using ridership data.

Population to use for comparison purposes: "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.

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.

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."

- o "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."
- Determine Disparate Impact
  - o Compare existing service to each proposed change calculating the absolute change as well as the percent change.
  - Using disparate impact threshold determine whether the proposed 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."
  - o Analysis required to be e expressed as a percent change in tabular format.
- 6) Identify and Analyze Modifications
  - If potential disparate impacts are determined, the proposed change should be modified in order to "avoid, minimize, or mitigate potential disparate impacts.
  - All modification must be analyzed to determine if the modifications avoided, minimized, or mitigated disparate impacts.
- 7) Disparate impact identified
  - No modification to proposed change
    - "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

Population to use for comparison purposes (continued): 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."

#### **GIS or Alternative Maps**

"Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership."

- Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
- Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.

- 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."

#### Examine Alternatives

- Alternatives must be analyzed to determine that a proposed service change will have a disparate impact." The evaluation incudes an assessment whether alternatives exist that would serve the same legitimate objectives but with less of a disparate. 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."
- If justification is not supported by demonstrable evidence the disparate effects will violate Title VI and as such, the change must be revisited and adjustments made to "eliminate unnecessary disparate effects on populations defined by race, color, or national origin.

#### Public Comment

 "Meaningful opportunity for public comment on any proposed mitigation measures, including the less discriminatory alternatives that may be available" is required.

#### **Service Equity Analysis for Low-Income Populations**

- 1) Use the agency's Major Service Change Policy Measurement/Threshold to determine if the proposed change meets or exceeds the measurement/threshold.
- 2) Identify and analyze adverse effects including the degree of the effects as they relate to the proposed change. "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.
- 3) Using the threshold established by the agency in its Disproportionate Burden Policy (Section 19.0), the transit provider will determine if the adverse effects of the proposed change will be

NOTES:	
	•
	•
	•
	•
	•
	•
	•
	-
	•

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."

- 4) Selection of comparison populations
  - "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."
- 5) A description of the data analysis is required and it includes:
  - service equity analysis dataset(s)
    - o see Service Equity Analysis for Minority Populations for descriptions and examples.
    - o Census tract level may be used if that is the smallest geographic area available for income data.
  - techniques and/or technologies were used to collect the data.
- 6) Assess the impacts as follows:
  - Disproportionate burden
    - Compare proportion of low-income persons who are adversely affected by the change and the proportion of non-, low-income persons who are adversely affected.
  - Data
- o "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 lowincome and non-, low-income ridership of the entire system."
- o "GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider

NOTES:
<del></del>
<del></del>

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."

- 7) Determine disproportionate burden
  - Compare existing service to each proposed change calculating the absolute change as well as the percent change.
  - Using disproportionate burden threshold determine whether the proposed change "will
    result in adverse effects that are disproportionately borne by minority populations, by
    comparing the proportion of low-income population adversely affected to the
    proportion of non-, low-income persons adversely affected. The transit provider shall
    consider the degree of the adverse effects when doing this analysis."
  - Analysis required to be e expressed as a percent change in tabular format.
- 8) Disproportionate burden identified.
  - If disproportionate burden on low-income populations is determined, the transit agency should take steps to avoid, minimize, or mitigate impacts where practicable. The agency "should also describe alternatives available to low-income passengers affected by the service changes."
  - The proposed change should be carried out after evaluating alternatives and only "if
    further mitigation measures or alternatives that would reduce the disproportionately
    high and 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."

#### **20.2 Fare Equity Analysis**

#### **Fare Equity Analysis**

All fare changes (increase or decrease fares on the entire system, or on certain transit modes, or by fare payment type or fare media) require a Fare Equity Analysis for both Title VI protected populations and low-income populations.

Exceptions to the Fare Equity Analysis are:

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

NOTES:	
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-
	-

- 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.
- 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."

#### 1) Data Analysis

- 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.
- 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.
- Describe the dataset(s)
- Describe techniques and/or technologies used to collect the data
- All of the following are required:
  - "Determine the number and percent of users of each fare media being changed;
  - Review fares before the change and after the change;
  - Compare the differences for each particular fare media between minority users and overall users; and
  - Compare the differences for each particular fare media between low-income users and overall users."

#### 2) Assessing Impacts

Transit providers are required to conduct separate analysis to determine the impacts of proposed fare change(s) on minority and low-income populations.

- Disparate Impact Policy
  - Based on policy, 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.
  - If potential disparate impacts are determined:
    - Modify proposal to avoid, minimize or mitigate those impacts.
    - Analyze modifications to "determine whether the modifications actually removed the potential disparate impacts of the changes."

NOTES:
<del></del>
<del></del>

- o If proposed fare change is not modified:
  - "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."

#### Examine Alternatives

- Alternatives must be analyzed to determine that a proposed fare change will
  have a disparate impact. "The evaluation incudes an assessment whether
  alternatives exist that would serve the same legitimate objectives but with less
  of a disparate. 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."
- If justification is not supported by demonstrable evidence the disparate effects will violate Title VI and as such, the change must be revisited and adjustments made to "eliminate unnecessary disparate effects on populations defined by race, color, or national origin."

#### Public Comment

 "Meaningful opportunity for public comment on any proposed mitigation measures, including the less discriminatory alternatives that may be available" is required.

NOTES:	

- Low Income Disproportionate Impact Policy
  - Based on policy, 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.
  - o If potential disproportionate burden on low-income persons is determined:
    - Required to take steps to avoid, minimize or mitigate impacts where practicable
    - Describe alternatives available to low-income populations affected by the fare changes.

### 20.3 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."

#### 21.0 Summary of Environmental Justice Provisions

Throughout this "How to Guide" EJ principles were incorporated into the respective Title VI requirements. This section provides a summary of the EJ provisions.

#### **Environmental Justice**

Entities that receive funding from the FTA are to incorporate EJ principles into plans, projects, and activities. The FTA Circular 4703.1 dated August 15, 2012 provides EJ policy guidance. Public

NOTES:	

transportation needs of EJ populations need to be considered in planning processes, service delivery through project development and design, and part of NEPA environmental review. Public engagement needs to be early, ongoing and at all stages of transportation decision making. The EJ Circular recommends that entity's work closely with their FTA Regional Office when conducting an EJ analysis.

The EJ provisions are consistent with the FTA/FHWA joint planning regulations that require entities "to seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services."

Compliance with EJ provisions requires conducting an EJ analysis and meaningful public engagement, determining effects and mitigating measures.

#### **EJ Analysis**

The purpose of an EJ analysis is to determine if an activity/action will affect minority and/or low income populations. EJ is based on effects, not population size. The analysis is to determine whether EJ populations would be subjected to disproportionately high and adverse human health or environmental effects of a public transportation project, policy, or activity.

Analysis includes proposed actions, planning activities and operational activities. For example, are services operated to an equivalent degree of safety in EJ areas as compared to non-EJ areas?

Basically, the EJ analysis is a four step process:

- 1. Know your community
- 2. Public participation and engagement plan/process tailored to community and action to achieve full and fair participation
- 3. Consider project and likely adverse effects and benefits
- 4. Select alternative, incorporate mitigation as needed

#### **Know Your Community**

- Obtain Data (data parameters will vary by each analysis)
  - o Minority, low-income and other socioeconomic statistics

NOTES:
_

- Include data from both traditional (i.e. Census) and non-traditional (community organizations) sources.
- Characteristics of transit customers
- Transit customer experiences
- o Performance of transit systems
- o Talk with community residents and leaders
- Create residential demographic profile
- Determine unit of geographic analysis (boundaries)/Planning Impact Area
  - Consider both within and in close proximity
- Identify minority populations
- Identify low-income populations
- Determine disproportionately high and adverse effects
  - Analyze environmental effects, including human health, economic, and social effects on EJ populations
  - Identify adverse effects
    - Direct, indirect and cumulative
    - The Appendix of the DOT Order indicates that adverse effects include:
      - Bodily impairment, infirmity, illness, or death.
      - Air, noise, and water pollution and soil contamination.
      - Destruction or disruption of man-made or natural resources.
      - Destruction or diminution of aesthetic values.
      - Destruction or disruption of community cohesion or a community's economic vitality.
      - Destruction or disruption of the availability of public and private facilities and services.
      - Vibration.
      - Adverse employment effects.
      - Displacement of persons, businesses, farms, or nonprofit organizations.
      - Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.

NOTES:
<del></del>
<del></del>
<del></del>

- The denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.
- Determine whether adverse effects are disproportionately high
  - Predominantly borne by EJ population, or
  - Appreciably more severe than suffered by non-EJ population.
  - Consider totality of circumstances (adverse effects and benefits)
- Determine benefits
  - Direct user benefits
  - Improved access
  - Improved traffic circulation
  - Improved service (travel times, reliability)
  - Livability
  - Environmental
  - Improved amenities
- Analysis reflects community input
- Determine mitigation, enhancements, and/or alternatives (if practicable).

  Practicable means taking into account "the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects."
  - o Avoid, minimize, mitigate
- Determine Title VI disparate impact
- Continued monitoring, surveying and updating data

Analysis of transit operations, management, maintenance relative to EJ and non-EJ populations (i.e. are services operated to an equivalent degree of safety in EJ areas and compared to non-EJ areas)

#### Meaningful Public Engagement with EJ Populations

A public participation plan is critical to success and the participation plan must be tailored to the scope of the plan, project or activity. FHWA and FTA joint planning regulations include the following elements for public participation:

- Document public involvement process
- Tailor public involvement to action
- Provide opportunities for public comment/review at key decision points
- Establish early and continuous public involvement opportunities

NOTES:

- Provide timely information
- Provide reasonable public access to technical and policy documents
- Provide adequate public notice for public involvement activities
- Provide adequate public for public review and comment
- Hold public meetings at convenient and accessible locations and times
- Use visualization techniques
- Make public information available in electronically accessible format and means
- Demonstrate explicit consideration and response to public input
- Include a process for seeking out and considering the needs of those traditionally underserved
- Provide for the periodic review of the effectiveness of the public involvement process

Meaningful public engagement begins with an aggressive effort to involve those affected by an action by providing an opportunity for them to participate in decisions and that their comments and concerns are considered in the decision and can influence the decision. Engaging the public is a critical element of success. The EJ provisions go beyond 49 U.S.C. 5307 that requires soliciting and considering public comment before raising a fare or carrying out a major service reduction.

The public engagement process should go beyond EJ and include LEP and disabled persons as well as any other underserved population. A public engagement plan that seeks out minority, low income, LEP persons and the disabled will result in successfully making informed transportation decisions. Public engagement at all stages is critical.

Developing and implementing an effective public engagement process that proactively strives for participation by EJ population will assist in achieving the EJ principle of "full and fair participation by all potentially affected communities in the transportation decision-making process." Additionally, engaging the EJ population assists in achieving the third EJ principle by providing information on whether or not an activity is preventing "the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations."

"The fundamental objective of public engagement programs is to ensure that the concerns and issues of everyone with a stake in transportation decisions are identified and

NOTES:
<del></del>

addressed in the development of the policies, programs, and projects being proposed in their communities."

Engaging EJ populations in current transit operations, management and maintenance is a requirement and includes service changes, fare changes, facilities, services, vehicles, system performance. Title VI has additional equity analysis requirements of proposed service and fare changes.

Strategies and techniques for effective public engagement of EJ population are detailed in EJ Circular. These strategies and techniques can be used in transportation planning and NEPA review. This Circular recommends review of the joint FTA/FHWA planning regulations for more details on public engagement.

Strategies and techniques included in the Circular include the following:

- Getting to know the community
  - Values
  - Traditions
  - Histories
- Public Outreach
  - Traditional/formal outreach
    - Open houses
    - Workshops
    - Focus groups
  - Non-traditional outreach
    - Informal group meetings
    - Faith based/local organizations
    - Traditional media
      - radio, TV, newspapers
    - Digital media
      - social media
    - Community group partnerships
      - advocates, advisory councils, leaders
    - Direct mail
    - Publications

NOTES:	
INUTES.	

- Traditional
  - rider alerts
  - on-board advertising
- Non-traditional
  - o community newsletters
  - o LEP persons publications
- Community-led events
- o Engaged dialogue
- o Reach out to those affected by action
- Successful hosting of public meetings
  - Convenient location
  - Convenient time
  - o Open format
  - Accessibility
    - Accommodate disabled including wheelchair access and hearing and visually impaired
    - Location
    - Documents
    - Information
    - Notices
  - o Follow-up on suggestions and comments received from public
  - o Employ visualization techniques to describe plan
  - Public information available in electronically accessible formats and means
  - o Add informal meetings with community groups
  - Clear communications
  - Effective Notice
- Periodic review and revisions of public engagement process
  - o Effectiveness of process
  - o Effectiveness of procedures
  - o Effectiveness of participation plan strategies
- Planning strategies
  - Engage EJ populations in a "dialogue focused on their accessibility and mobility needs"
- Keys to achieving full public participation

NOTES:
<del></del>
<del></del>

- Message
- Distribution
- Timing
- Collection of comments
- Keys elements in public participation in planning process
  - o Identification of transportation goals and visions
  - o Identification of goals and visions of both EJ and non-EJ populations
  - Role of transportation in achieving the identified goals and visions
  - Identification of extent and quality of transportation options for current and future mobility needs
  - Identification of accessibility and mobility needs
  - Identification of issues and concerns with current services and facilities
  - Identification and prioritizing of future projects and strategies to meet needs
  - o Ongoing public engagement
  - Monitoring
  - Updating plan

Transit agencies needs to work with state and MPO's by providing travel and demographic surveys and other studies and information to ensure their customers are included in their plans.

The National Environmental Policy Act (NEPA) requires the "federal government to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony." Federal agencies are required to consider the environment prior to undertaking any major action that significantly affects the environment. Environmental review is required for all Federally-funded projects. NEPA decision-making includes documentation in Environmental Impact Statements, Environmental Assessments, or Categorical Exclusions. This memorandum will not address the NEPA process and the requirements or the associated NEPA EJ requirements. Chapter V of FTA Circular 4703.1 provides guidelines for incorporating EJ Principles into the NEPA process.

NOTES:	

### 22.0 Appendix

#### 22.1 Overview

A FTA compliant Title VI program requires adherence to provisions of Title VI, LEP and EJ. There are legal rights and remedies associated with Title VI (including LEP) violations; however, there are no rights, remedies or court actions associated with EJ.

#### 22.2 Framework

#### Title VI

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin in programs or activities that receive federal financial assistance. Additionally, it provides that "no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation." DOT's Title VI regulations prohibit recipients from intentional discrimination and also from using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on race, color, or national origin." Neutral policies or practices that have discriminatory effects or disparate impacts violate this regulation unless the policy or practice is justified and there is no alternative that is less discriminatory.

#### **Limited English Proficiency**

The United States Department of Transportation (DOT) published guidance and states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP. Compliance with Title VI includes the requirement of a Language Assistance Plan (LAP) which outlines how an entity addresses the needs of persons with limited English proficiency. Please note that LEP Plan and LAP Plan are sometimes used interchangeably.

#### **Environmental Justice**

Executive Order 12898 requires DOT and FTA to make EJ part of their mission and DOT Order 5610.2(a) states that it is the policy of the DOT to consider EJ principles in "all DOT programs, policies, and activities. "EJ is achieved "by identifying and addressing, as appropriate, disproportionately high and

NOTES:	

adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations."

#### 22.3 Definitions

The following definitions are from the Title VI and EJ Circulars:

Adverse Effect means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.

Benefits and Burdens Analysis means an evaluation comparing the impacts likely to be experienced by EJ populations against those likely to be experienced by non-EJ populations and the community as a whole in order to address any disproportionate benefits or burdens between EJ populations and the population at large.

**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.

**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.

NOTES:

**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.

**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.

**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.

**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.

**Disproportionately High and Adverse Effect** on Minority and Low-income Populations means an adverse effect that:

- (1) is predominantly borne by a minority population and/or a low-income population, or
- (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

**EJ population** means low-income populations and/or minority populations.

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

NOTES:

**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.

**Low-income** means a person whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines. (You are encouraged to use a locally developed threshold, such as that used for FTA's grant program, or a percentage of median income for the area, provided that the threshold is at least as inclusive as the HHS poverty guidelines. Public Law 112-141 (MAP-21), revises 49 U.S.C. § 5302 to include a definition of "low-income individual" to mean "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.)

**Low-income population** means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed or transient persons who will be similarly affected by a proposed DOT program, policy or activity.

#### 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.

**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

NOTES	:	
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_
		_

migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

**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.

**National origin** means the particular nation in which a person was born, or where the person's parents or ancestors were born.

**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.

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

**Programs, Policies, and/or Activities** means all projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FTA. These include, but are not limited to, permits, licenses, and financial assistance provided by FTA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of addressing EJ concerns.

**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.

**Recipient** 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.

NOTES:			

**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.

**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.

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

**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.

#### 22.4 References

- Federal Transit Laws, Title 49, United States Code
- FHWA Resource Center, PLANNING TEAM, Public Involvement / Public Participation, Transportation Planning Process, Resource Guide
- FTA Circular, Environmental Justice Policy Guidance for Federal Transit Administration Recipients, FTA C 4703.1, August 15, 2012
- FTA Circular, Title VI Requirements and Guidelines for Federal Transit Administration Recipients,
   FTA C 4702.1B, October 1, 2012
- FTA's Office of Civil Rights, April 13, 2007 publication "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, A Handbook for Public Transportation Providers" (LEP Handbook)"
- National Environmental Policy Act of 1969, as amended
- Title VI of the Civil Rights Act of 1964, as amended
- U.S. DOT Regulations,49 Code of Federal Regulations (CFR)
- Joint FTA/Federal Highway Administration (FHWA) regulations, 23 and 49 CFR

NOTES:	

#### Websites

- How to Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation
   Decision-making, http://www.fhwa.dot.gov/planning/publications/low limited/webbook.pdf
- http://www.fhwa.dot.gov/resourcecenter/teams/planning/pppi\_guide.cfm
- Public Involvement Techniques for Transportation Decision-Making,
   http://www.fhwa.dot.gov/planning/public\_involvement/publications/techniques/chapter00.cfm
- Department of Justice website: http://www.justice.gov
- Federal Transit Administration, Civil Rights, http://www.fta.dot.gov/civil\_rights.html
- Federal Interagency Working Group on Limited English Proficiency. www.lep.gov
- Community Impact Assessment, http://www.ciatrans.net/cia\_resources.html

NOTES:	