

**SUMMARY OF PROPOSED COMMITTEE DRAFT:**

**RESOLUTION 16-93  
APPROVING THE DEPARTMENT OF TRANSPORTATION SERVICES  
2016 PUBLIC TRANSIT TITLE VI PROGRAM PURSUANT TO THE  
FEDERAL TRANSIT ADMINISTRATION TITLE VI CIRCULAR 4702.1b  
REQUIREMENTS AND GUIDELINES**

**PROPOSED CD1:**

- A. Refers to the DTS 2016 Public Transit Title VI Program as "Attachment 1".
- B. Corrects various drafting errors and makes miscellaneous technical and non-substantive amendments for purposes of clarity and style.



## RESOLUTION

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APPROVING THE DEPARTMENT OF TRANSPORTATION SERVICES 2016 PUBLIC TRANSIT TITLE VI PROGRAM PURSUANT TO THE FEDERAL TRANSIT ADMINISTRATION TITLE VI CIRCULAR 4702.1.B REQUIREMENTS AND GUIDELINES.

WHEREAS, Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.) prohibits discrimination on the basis of race, color, or national origin for recipients of federal financial assistance; and

WHEREAS, the Department of Transportation Services (DTS), as a recipient of Federal Transit Administration (FTA) financial assistance for the public transit system, must prepare and submit to the FTA a Title VI Program that is compliant with FTA Circular 4702.1B Title VI Requirements and Guidelines for FTA Recipients (Circular); and

WHEREAS, DTS prepared the attached 2016 Public Transit Title VI Program documenting compliance with the requirements set forth in the Circular, including the compilation of fixed route service performance data and identification of discrepancies that require mitigation; and

WHEREAS, pursuant to the Circular's Requirements and Guidelines for Fixed Route Transit Providers, the 2016 Public Transit Title VI Program must be approved by the Honolulu City Council prior to submission to the FTA; now, therefore

BE IT RESOLVED by the Council of the City and County of Honolulu that the DTS 2016 Public Transit Title VI Program in substantially the form attached hereto as Attachment 1 is approved for submission to the FTA; and

BE IT FURTHER RESOLVED that the DTS Director may make technical and non-substantive changes to the DTS 2016 Public Transit Title VI Program, provided that no substantive additions or deletions may be made; and



**RESOLUTION**

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BE IT FINALLY RESOLVED that a copy of this resolution be transmitted to the DTS Director at the Fasi Municipal Building, 650 South King Street, 3<sup>rd</sup> Floor, Honolulu, Hawaii 96813.

INTRODUCED BY:

Ernest Martin (BR)

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DATE OF INTRODUCTION:

April 18, 2016  
Honolulu, Hawaii

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Councilmembers

**2016**  
**Public Transit Title VI Program**  
**City and County of Honolulu**  
**Department of Transportation Services**  
**Public Transit Division**

## **2016 Public Transit Title VI Program**

### **Introduction**

The City and County of Honolulu Department of Transportation Services (DTS) through its Public Transit Division (PTD) is responsible for providing fixed-route (TheBus) and para-transit (TheHandi-Van) service for the island of Oahu. TheBus and TheHandi-Van are operated and maintained by Oahu Transit Services, Inc., (OTS) a private, not for profit management firm under contract with DTS.

TheBus operates 101 routes serving the major regions on the island of Oahu: Windward (Kahuku to Makapuu), Leeward (Makaha to Waipahu), Central Oahu (North Shore to Mililani) and the primary urban corridor (Pearl City to East Honolulu). The 101 routes are categorized into eight modes of service operating at various times throughout the week: Community Access, Peak Express, Rapid Bus, Circulator, Suburban Feeder, Suburban Trunk, Urban Feeder, and Urban Trunk.

Title VI (codified at 42 U.S.C §2000d et seq.) was enacted as part of the landmark Civil Rights Act of 1964 prohibiting discrimination against a broad range of protected classes, including race, color, and national origin in programs and activities receiving federal financial assistance. As a recipient of federal grant funds, DTS-PTD certifies to the Federal Transit Administration (FTA), upon execution of a master grant agreement and accompanying assurances and certifications, that public transit services are provided in compliance with Civil Rights legislation.

Recipients of FTA grants are required to prepare and submit a report every 3 years to document that public transit services are provided in a nondiscriminatory manner. The requirements for preparing this Title VI Program report are outlined in Attachment 1, "FTA Title VI Circular C 4702.1B, Chapters 3 & 4".

Part I of this report addresses the general requirements for all FTA grantees. These requirements include: Documentation of "Notice to the Public" regarding Title VI protections against discrimination; Instructions and form for filing a Title VI discrimination complaint; Public Participation Plan emphasizing outreach to minority and Limited English Proficient populations.

Part II of this report addresses requirements applicable to fixed route transit providers who operate 50 or more fixed route vehicles in peak service and located in an urbanized area of 200k or more in population. The requirements include setting system-wide service standards and policies, collecting and reporting data, evaluating service and fare changes, and monitoring transit service.

The requirement to monitor transit service is fulfilled by Attachment 4, the monitoring report that documents TheBus service performance for all 101 routes against the system-wide service standards and policies to identify disparities between routes serving minority and non-minority populations.

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ATTACHMENT 1: Circular FTA C4702.1B: Title VI Requirements and Guidelines for Federal  
Transit Recipients .....

ATTACHMENT 2: 2016 Limited English Proficiency Plan.....

ATTACHMENT 3: Approval of the Title VI Program by Governing Entity .....

ATTACHMENT 4: 2016 System-wide Service Standards & Policies Monitoring Report.....

# I. GENERAL REQUIREMENTS AND GUIDELINES FOR ALL FTA RECIPIENTS

## Section 1: Requirement to Notify Beneficiaries of Protections Under Title VI

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***Title 49 CFR Section 21.9(b) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations, stops, and/or on transit vehicles. The notices shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.***

The Title VI Notice to the Public is posted on the City and County of Honolulu official DTS and TheBus websites:

<http://www.honolulu.gov/cms-dts-menu/site-dts-sitearticles/1883-thebus-non-discrimination-title-vi-policy.html>

<http://www.thebus.org/AboutTheBus/TitleVI.asp>

It is also on car cards within public transit vehicles. Examples of the Title VI car card are shown below.

# YOU HAVE RIGHTS

The Bus shall not discriminate based on race, color, national origin, gender, or disability and ensures transportation equity for all communities regardless of income level and social standing.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

# MERON KANG KARAPATAN

Ang The Bus ay walang pinagkakaitan na sinuman base sa kanyang lahi, kulay, orihinal na pinagmulan, kasarian, o kakulangan at pinapasiguro ang karapatan sa lahat ng pamayanan kahit na mababa ang kita o anumang katayuan nito sa buhay.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

# ADDA KARBENGAM

Ti The Bus ket haan nga mangiduma babaen ti lahi, kolor, nasyonal nga kapoonan, wenu kinakurang ken ipatalged na ti pada pada nga serbisyo ti sakop ti komunidad ti siasinuman uray kadaguiti nababa ti sapol na ken anyang man ti kinatao na.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

## Questions/complaints:

### Nu adda damagen

### wen reklamo:

City & County of Honolulu  
Department of Transportation Services  
Frank F. Fasi Municipal Building  
650 South King Street, 3rd Floor  
Honolulu, Hawaii 96813  
(808) 768-8396

Hawaii Civil Rights Commission  
Princess Keelikolani Building  
830 Punchbowl Street, Room 411  
Honolulu, Hawaii 96813  
(808) 586-8636

U.S. Department of Transportation  
Federal Transit Administration  
Office of Civil Rights, Region IX  
201 Mission Street, Suite 1650  
San Francisco, CA 94105-1839

For Title VI & Environmental Justice Information, go to: [www.honolulu.gov/dts](http://www.honolulu.gov/dts) or [www.thebus.org](http://www.thebus.org).

Paid for by the taxpayers of the City & County of Honolulu

## 貴方には権利があります

ザ・バスは人種、又は肌の色、出身地、性別、障害に基づいて差別をせず、所得水準と社会的地位に関係なく全ての地域社会へ対し公平な交通手段を提供しています。

~引用 1964年第四公民権運動 1994年環境正義

## 您有權

TheBus 公司不得依據族裔、膚色、原國籍、性別、或殘障而歧視，同時要確定所有社區人士，無論收入水平及社會標準，均享有交通平等權

~參考 1964 民權法案第六章及 1994 年環境正義

## 당신의 권리

TheBus 회사는 인종 피부색 출신국가 성별 장애자에 따라 차별하지 않습니다.

동시 지역사회의 모든 구성원 과 저소득 및 사회적 기준에 관계없이 동등한 트래픽 권리를 받습니다.

~참고 1964년 민권법 제6장 및 1994년 환경정의

### Questions/complaints:

質問・苦情:  
有問題/要投訴:  
문제시/불평 소송:

Hawaii Civil Rights Commission  
Princess Keelikolani Building  
830 Punchbowl Street, Room 411  
Honolulu, Hawaii 96813  
(808) 586-8636

U.S. Department of Transportation  
Federal Transit Administration  
Office of Civil Rights, Region IX  
201 Mission Street, Suite 1650  
San Francisco, CA 94105-1839

For Title VI & Environmental Justice Information, go to: [www.honolulu.gov/dts](http://www.honolulu.gov/dts) or [www.thebus.org](http://www.thebus.org).

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## **EWOR AM JIMWE**

TheBus ejelok an nirbotak jekdron armij eo ej jen ia, color in enbwinin, lal eo an, eman ak kora, ak wor mojno ilo enbwinin ak lale bwe en wor jimwe im jokin wot juon ial nan aolep weto ko mekarta weto ta im armij in ia.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

## **MI WOR OM PWUUNG**

EweBus esapw toongeni nifinifin aramas reen sokkun aramas, onuwen aramas, aramasen ekis, niemwan/niefefin, ika aramas mei ter inisiir, nge epwe wenechar aan angang ngeni meinisin ina mwo ika mi osupwang ika ese pwan wor itan non nonnomwun.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

## **BẠN CỐ QUYỀN**

TheBus sẽ không dựa vào chủng tộc, màu da, nguồn gốc quốc gia, giới tính, hoặc khuyết tật v.v. của hành khách mà có sự phân biệt đối xử, và đảm bảo giao thông vận chuyển công bằng cho tất cả các cộng đồng bất kể mức thu nhập và địa vị xã hội của họ.

### **Questions/complaints:**

#### **Câu hỏi/ khiếu nại:**

City & County of Honolulu  
Department of Transportation Services  
Frank F. Fasi Municipal Building  
650 South King Street, 3rd Floor  
Honolulu, Hawaii 96813  
(808) 768-8364

Hawaii Civil Rights Commission  
Princess Keelikolani Building  
830 Punchbowl Street, Room 411  
Honolulu, Hawaii 96813  
(808) 586-8636

U.S. Department of Transportation  
Federal Transit Administration  
Office of Civil Rights, Region IX  
201 Mission Street, Suite 1650  
San Francisco, CA 94105-1839

For Title VI & Environmental Justice information, go to: [www.honolulu.gov/dts](http://www.honolulu.gov/dts) or [www.thebus.org](http://www.thebus.org).

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## Section 2: Requirement to Develop Title VI Complaint Procedures and Complaint Form

***In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations.***

***In addition to developing complaint procedures, recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website. Links to DTS-PTD and TheBus websites:***

[http://www.honolulu.gov/rep/site/dts/ptd/fr\\_docs/2.\\_\\_\\_Complaint\\_Form.pdf](http://www.honolulu.gov/rep/site/dts/ptd/fr_docs/2.___Complaint_Form.pdf)

<http://www.thebus.org/AboutTheBus/policies/Non-DiscriminationComplaintForm.pdf>

The Complaint Process displayed below has been extracted from the official City and County of Honolulu DTS website. A copy of the Complaint Form is included and is available in the following languages: Japanese, Chinese, Korean, Ilocano, Tagalog, Vietnamese, Chuukese, and Marshallese at the DTS and TheBus websites above or by calling at DTS at (808)768-8396 or emailing [TheBusStop@honolulu.gov](mailto:TheBusStop@honolulu.gov).

## TheBus Non-Discrimination (Title VI) Policy

The City & County of Honolulu, Department of Transportation Services (DTS), as a recipient of Federal funds, has certified and provided assurances that it, and Oahu Transit Services, Inc. (OTS), the non-profit corporation contracted by DTS to provide TheBus and TheHandi-Van services, will fully comply with Title VI of the Civil Rights Act of 1964. DTS, and OTS, are committed to ensuring that no person using public transit services is discriminated against on the basis of race, color, national origin, low income, or limited English proficiency, particularly in the following service areas:

- Scheduling
- Quality of service
- Frequency of service
- Age and quality of vehicles assigned to routes
- Quality of stations serving different routes
- Location of routes

## What is Title VI?

Title VI of the Civil Rights Act of 1964 prohibits discrimination in programs and activities receiving Federal financial assistance on the basis of race, color, or national origin.

The City & County of Honolulu, Department of Transportation Services (DTS), and the non-profit corporation it has

contracted to provide fixed route services, "TheBus," and paratransit services, "TheHandi-Van," are committed to ensuring that no person is discriminated against while using TheBus or TheHandi-Van as prohibited by Title VI of the Civil Rights Act of 1964. Any person using TheBus or TheHandi-Van who believes he or she is a victim of such discrimination may file a complaint with DTS.

Title VI protections have been extended via two Presidential Executive Orders to Environmental Justice, which also protects persons of low income, and Limited English Proficiency.

## Who can complain?

Anyone who believes that he or she has been discriminated against while using TheBus or TheHandi-Van may file a Title VI complaint with DTS.

## How to file a discrimination (Title VI) complaint

If a person believes he or she has been discriminated against in using TheBus or TheHandi-Van, they may file a signed, written complaint within one hundred eighty (180) days of the date of alleged discrimination. Complaints should provide the following information:

- Complainant's name, address, and contact information (telephone number, email address, etc.)
- How, when, where, and why the complainant believes he or she was discriminated against
- Location, names, and contact information of any witnesses

File the complaint in writing with DTS, Public Transit Division, Fixed Route Operations at:

Public Transit Division, Fixed Route Operations  
Department of Transportation Services  
City & County of Honolulu  
Frank F. Fasi Municipal Building  
650 South King Street, Third Floor  
Honolulu, Hawai'i 96813-3017

Email: [TheBusStop@honolulu.gov](mailto:TheBusStop@honolulu.gov)

Phone: (808) 768-8396

If the complainant is unable to write a complaint, DTS will provide assistance.

### Printable Complaint Forms:

- [English](#) (80KB PDF)
- [Chinese 中文](#) (156KB PDF)
- [Japanese 日本語](#) (144KB PDF)
- [Korean 한국어](#) (229KB PDF)
- [Tagalog](#) (348KB PDF)
- [Ilokano](#) (296KB PDF)
- [Chuukese Kapasen Chuuk](#) (106KB PDF)

- [Marshallese Kajin Majol](#) (106KB PDF)
- [Vietnamese Tiếng Việt](#) (146KB PDF)

In addition to the Title VI complaint process at DTS, a complainant may also file a Title VI complaint with an external entity, such as:

- U.S. Department of Transportation  
Federal Transit Administration  
Office of Civil Rights, Region IX  
201 Mission Street, Suite 1650  
San Francisco, California 94105-1839
- Other agency, Federal or state
- A court, Federal or state

If a complaint is filed with both DTS and an external entity, the external complaint will supersede the DTS complaint and DTS' complaint procedures will be suspended until the external entity produces its findings.

## **How DTS handles complaints**

Complaints that allege discrimination while using TheBus or TheHandi-Van services, provided by DTS, through OTS, will be recorded in the Discrimination Complaint Log and immediately assigned a complaint number by DTS, Public Transit Division, Fixed Route Operations (FRO).

FRO will review the Title VI complaint and will provide appropriate assistance to complainants, including those persons with disabilities, or who have limited English proficiency (LEP).

DTS will contact the complainant in writing within fifteen (15) working days for additional information, if needed, to investigate the complaint. If the complainant fails to provide the requested information by a certain date, the complaint could be administratively closed.

DTS will investigate a formal Title VI complaint within ten (10) working days of receiving the complaint. Based upon all of the information received, DTS will prepare a draft written response, subject to review by the City & County of Honolulu's Corporation Counsel.

Corporation Counsel will determine if the complaint may be administratively closed after the draft is written, or if a final written response is needed. If a final written response is needed, DTS will send the response to the complainant and advise the complainant of his or her right to file a complaint externally.

The complainant also will be advised of his or her right to appeal the response to Federal and state authorities as appropriate. DTS will diligently attempt to respond to a complaint within sixty (60) working days of its receipt by DTS, unless it was also filed with an outside agency, as noted above.

## **How DTS notifies complainant of the outcome**

DTS will send a final written response to the complainant and advise the complainant of his or her right to file a complaint externally. DTS will diligently attempt to respond to complaints within sixty (60) workdays of its receipt.

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR  
HONOLULU, HAWAII 96813  
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov



**COMPLAINT FORM**

**Information/Instruction**

Title VI, Civil Rights Act, 1964 states "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 subjected to discrimination under any program or activity receiving Federal financial assistance." Two Executive Orders extend Title VI protections to Environmental Justice, which also protects persons of low income, and Limited English Proficiency (LEP).

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to: City & County of Honolulu, Department of Transportation Services, Public Transit Division, Fixed Route Operations Branch; 650 South King Street, 3<sup>rd</sup> Floor, Honolulu, HI 96813.

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

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

**Section 3: Requirement to Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits**

*In order to comply with the requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by the entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint.*

The table below lists the 2014 and 2015 Title VI complaints, investigations, and lawsuits filed against OTS. There were none for DTS-PTD. 2013 complaints were included in the revised 2013 Title VI Program.

	Date	Grounds of Complaint	Status	Action(s) Taken
<b>Investigations</b>				
1. M-006071K	8/26/2015	Race	Inconclusive	Dismissed
2. M-009610K	12/18/2015	Disability	Pending	
<b>Lawsuits</b>				
1.	1/13/2014	Race	Pending	
2.	6/30/2014	Disability	Pending	
3.	8/6/2014	Disability	Invalid	Dismissed
4.	9/26/2014	Disability	Valid	Settlement
5.	11/24/2014	Disability	Invalid	Dismissed
6.	2/2/2015	Disability	Invalid	Dismissed
7.	2/11/2015	Disability	Invalid	Dismissed
8.	3/4/2015	Disability	Invalid	Dismissed
9.	3/4/2015	Disability	Invalid	Dismissed
10.	8/4/2015	Disability	Invalid	Dismissed
11.	8/19/2015	Disability	Invalid	Dismissed
12.	9/23/2015	Disability	Pending	
13.	10/21/2015	Disability	Invalid	Dismissed
14.	11/4/2015	Disability	Invalid	Dismissed
15.	11/25/2015	Gender	Withdrawn	Settlement
16.	12/7/2015	Race/color/sex/national origin	Pending	
17.	12/7/2015	Disability	Pending	
<b>Complaints</b>				
1. M-001999M	3/16/2015	Race	Invalid	Dismissed

## Section 4: Promoting Inclusive Public Participation

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***The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan, which explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process.***

In an effort to receive feedback from the public and organizations involved with minority, low-income, and LEP populations, the following outreach measures were taken:

- Neighborhood Board Meetings: Notice and distribution of the program and availability of DTS-PTD staff to conduct a presentation was communicated to all 36 neighborhood boards.

Presentations and distributions of the program were made at 12 Neighborhood Boards: Nuuanu-Punchbowl, Kaimuki, Kalihi-Palama, Ala Moana-Kakaako, Palolo, Kahalu'u, Ewa, Koolauloa, Aiea, Waimanalo, Mililani-Mauka, and Wahiawa.

- Public Hearing: DTS-PTD conducted a public hearing pursuant to HRS Chapter 91 on April 8, 2016. Notice of the Public Hearing was published in the Honolulu Star-Advertiser (the City's main newspaper) on two separate occasions and sent to all Neighborhood Boards.
- Electronic Information  
The draft copy of the Title VI Program Report was posted to both the DTS and TheBus websites. This information was disseminated through the Neighborhood Board Press Announcements and Upcoming Events Report. Individuals were invited to use the provided public comment form, send comments via email, or call the number provided.
- Screen reader format for persons with low vision  
The draft copy of the Title VI Program Report was made available to persons with low vision using a screen reader format.
- Questions and comments in the following general categories were received:

How can the public access the Public Transit Title VI draft report and contact information to submit comments? What is the deadline to submit comments? Public Hearing date/time/location?

DTS provided to each Neighborhood Board one copy of the draft report and comment forms for the public that contained the information to these questions (website addresses to access the report, contact information to request a copy of the draft report/submit comments/feedback, deadline for comments, and information on the Public Hearing's date/time/location).

Does the draft report address past/existing service, or service going forward?

The report uses 2015 data.

Does the report include both the bus and Handi-Van?

The general requirements in Part I apply to both TheBus and TheHandi-Van. The fixed route requirements in Part II apply only to TheBus.

Does it include the recent audit of Handi-Van operations?

No.

Who is in charge of the Public Transit Title VI program at DTS?

The Public Transit Division, Fixed Route Operations Branch.

Post information on bus routes and service at each bus stop. At heavily used bus stops, provide electronic signs to tell people when the next bus is arriving.

Due to budget/resource limitations, it is not practical to post information at all of the approximately 4,000 bus stops. As funding becomes available, electronic signs will be installed at major transit centers, as feasible. Currently, only the Kalihi Transit Center has electronic signs.

Koolauloa is a low-income and minority area, and DTS discriminated when headways for Route 55 service were increased. No good connection to Windward Community College in Kaneohe. Increase weekend service. Restore original Route 55 terminus to Turtle Bay instead of Haleiwa Beach Park.

DTS is committed to improving bus service for the Koolauloa area and is evaluating existing service to identify areas where service can be redistributed to other routes, such as Route 55. Service to Windward Community College and changing the terminus location will be reviewed at upcoming Service Review Committee meetings. Increasing weekend service is constrained by budget limitations.

Extend Route 65 to the Hygienic Store or consider restoring the original route and improve connections for Windward side.

Route 65 will be evaluated at upcoming Service Review Committee meetings.

Public Participation Plan is insufficient in informing the public. Surveys should be a requirement, not an option. Advanced notice of service and bust stop changes should be made available three days prior to implementation.

The Plan will be reviewed and the comments considered.

Benches should be provided at all bus stops for special needs and seniors.

Benches are installed to the maximum extent feasible.

LEP individuals (residents and tourists) must have access to all services and protections. LEP Plan lacks input from LEP persons.

Plan will be reviewed and comments considered.

DTS should offer translation services for more languages upon request, i.e. Native Hawaiian.

DTS offers translations services to the maximum extent feasible.

TheBus website is not easily accessible for the Title VI Policy, Complaint Form, and the option to use the translation feature.

Comment will be forwarded to website designer.

The Service Availability Standard should be based on individuals who use the bus.

Service Availability Standard will be reviewed for 2019 Program.

What is the definition of a minority?

See: Geographic Distribution of Minority and Poverty Populations on Oahu 2010.

DTS should provide a better explanation for the bad on-time performance.

Additional monitoring and further analysis will be conducted.

DTS-PTD's Public Participation Plan is shown below.

**PUBLIC TRANSIT DIVISION**

CATEGORY: FIXED ROUTE OPERATIONS	Index Code: 7-3.5 Page 1 of 4
SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT OPERATIONS	
REFERENCE:	
<b>PURPOSE:</b> To establish procedures for implementing major and minor changes in public transit operations, including but not limited to service, fare, and bus stop modifications, and to identify methods for advising the public of these changes.	
<b>DEFINITIONS:</b>	
<ol style="list-style-type: none"><li>1. Changes in public transit operations include, but are not limited to fare media changes, establishment of new routes, extensions or modifications of existing routes, modifications to span of service/hours of operation or revenue hours, modifications to service headway/frequency or availability, realignment of bus stops along routes, and temporary service additions or changes.</li><li>2. Major changes are changes that will affect system wide public transit operations by ten (10) percent or more. All changes involving elimination of route segments or entire routes or temporary service additions or changes lasting longer than twelve months shall be considered major changes.</li><li>3. Minor changes are changes that will affect system wide bus services by less than ten (10) percent and/or changes that will be confined to a limited area within a community.</li><li>4. For the purposes of this section, suspended, altered, or special services instituted during emergency situations shall be exempt from these procedures.</li></ol>	
<b>PROCEDURES:</b>	
<ol style="list-style-type: none"><li>1. Solicitation of Public Comment  Prior to implementing changes that may impact the established ridership, feedback and comments on the proposed changes in public transit operations and/or policies, public comment will be solicited using the following methods:  <u>Neighborhood Boards</u>  Neighborhood Boards should be considered the primary entities from which PTD solicits public comments regarding public transit operational changes.</li></ol>	

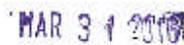
**PUBLIC TRANSIT DIVISION**

CATEGORY: FIXED ROUTE OPERATIONS	Index Code: 7-3.5 Page 2 of 4
SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT OPERATIONS	
REFERENCE:	
<p>Notice of minor changes may be transmitted to the affected Neighborhood Board fifteen (15) days or more prior to implementation, as appropriate and feasible. For major service changes, notification and/or a presentation will be made to the Neighborhood Board not less than thirty (30) days prior to the proposed implementation.</p> <p><u>Community/Business Organizations</u></p> <p>Upon request, PTD staff will make informational presentations regarding proposed service changes to affected community/business organizations, either separately or in conjunction with Neighborhood Board presentations.</p> <p><u>Public Transit Consumers</u></p> <p>For major changes, at designated transit centers and/or bus stops serving an affected neighborhood/community:</p> <ul style="list-style-type: none"><li>• Signs will be posted about the proposed change(s) with contact information for the public to call, email, or write.</li><li>• Staff will be present to provide informational material, answer questions, and accept comments regarding proposed change(s).</li></ul> <p>The above will be considered, as appropriate, for minor changes.</p> <p>On-board transit vehicles:</p> <ul style="list-style-type: none"><li>• Survey forms may be distributed to riders.</li><li>• Car card may be posted with contact information.</li></ul> <p><u>Special Services</u></p> <p>Depending on the need, PTD may utilize the specialized services of various agencies, for example, translations, to disseminate information to and receive feedback from individuals who may have special needs requiring additional accommodation that cannot be provided without assistance.</p>	

PUBLIC TRANSIT DIVISION

CATEGORY: FIXED ROUTE OPERATIONS	Index Code: 7-3.5 Page 3 of 4
SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT OPERATIONS	
REFERENCE:	
<p data-bbox="395 701 544 730"><u>Public Hearing</u></p> <p data-bbox="395 757 1214 936">As appropriate, PTD may convene a public hearing when considering major service changes covering a large service area(s). All public hearings shall be conducted in accordance with FTA requirements and Hawaii Revised Statutes, Chapter 91, including: (1) Publishing public notices in a publication of general circulation at least 30 days prior to the public hearing that describe the proposed changes, and the time and place of the Hearing; and (2) Making copies of the published notice and minutes of the public hearing available for public inspection.</p> <p data-bbox="357 965 1086 994">2. Advanced Notice of Proposed Changes in Public Transit Operations</p> <p data-bbox="395 1021 1225 1093">The following policy provides advanced notification of proposed changes that may significantly impact the established ridership and its habits and usage of the service. Advance notification may include, but is not limited to the following:</p> <ul data-bbox="427 1122 1214 1413" style="list-style-type: none"><li data-bbox="427 1122 1214 1227">• Press Release: For media release to the public via newspaper, radio, and television; not less than one (1) calendar day prior to implementation, as appropriate and feasible, with a goal of as much advanced notice as feasible.</li><li data-bbox="427 1234 1214 1305">• Website Notice: Notice may be posted on TheBus and DTS websites; not less than seven (7) days prior to implementation, as appropriate and feasible.</li><li data-bbox="427 1312 1214 1413">• Fliers: Includes description of changes, maps or other graphics, and contact information. Distribution includes but is not limited to the following, not less than seven (7) days prior to implementation, as appropriate and feasible.</li></ul> <p data-bbox="507 1442 842 1514" style="margin-left: 40px;">Car cards or hand-outs on buses At transit centers/bus stops Mail-out to residents/businesses</p> <ul data-bbox="427 1547 1214 1653" style="list-style-type: none"><li data-bbox="427 1547 1214 1653">• Posted Notices: Includes description of changes, maps or other graphics, and contact information. These notices may be posted at transit centers/bus stops, not less than seven (7) days prior to implementation, as appropriate and feasible.</li></ul>	

**PUBLIC TRANSIT DIVISION**

CATEGORY: FIXED ROUTE OPERATIONS	Index Code: 7-3.5 Page 4 of 4
SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT OPERATIONS	
REFERENCE:	
<ul style="list-style-type: none"><li>▪ Purchased Advertising: Notice may be published in a publication of general circulation and/or publications targeted to specific areas, organizations, or groups not less than seven (7) days prior to implementation, as appropriate and feasible.</li></ul> <p>3. Record of Public Comment on Proposed Service Changes</p> <p>Documentation of public participation and a record of their comments shall include but are not limited to the following records:</p> <ul style="list-style-type: none"><li>Correspondence (i.e. letters, email)</li><li>Meeting agendas and minutes (i.e. Neighborhood Board, Community Association)</li><li>Public Hearing transcript</li><li>Telephone call log</li><li>Memos for the file (Walk-in, telephone)</li></ul>	
ADOPTED:  MICHAEL D. FORMBY, Director	Revision No. 1  Date

## Section 5: Requirement to Provide Meaningful Access to Limited English Proficient Persons

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***Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient (LEP). The recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it services.***

DTS-PTD is committed to providing meaningful access to its services by Limited English Proficient (LEP) persons. The 2016 LEP Plan identifies appropriate language assistance measures needed to improve access to public transit services by LEP persons.

DTS-PTD utilizes contracted phone interpretation services (over 100 languages) and translates vital documents in the following languages: Chuukese, Marshallese, Ilocano, Tagalog, Chinese (simplified and traditional), Japanese, Korean, and Vietnamese. Translation assistance in other languages may be provided to the maximum extent feasible and on a case-by-case basis.

A copy of the 2016 LEP Plan can be found at Attachment 2.

## Section 6: Minority Representation on Planning and Advisory Bodies

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

The Honolulu City Council is DTS-PTD’s approving body and members are elected.

The Transportation Commission and Committee for Accessible Transportation (CAT) are two DTS-PTD advisory committees that are comprised of non-elected members. The Transportation Commission members are appointed by the Mayor and City Council. The CAT is comprised of seven agencies listed below who select their own representatives and one at large member selected by DTS. The racial breakdown for each committee is presented below.

	White/ Caucasian	African American	American Indian/ Alaska Native	Asian American	Native Hawaiian/ Pacific Islander	Hispanic/ Latino
Transportation Committee 7 members (1 vacancy)	1 (17%)	1 (17%)	0%	3 (50%)	1 (17%)	0%
Committee for Accessible Transportation 8 members (2 vacancies)	2 (33%)	0%	0%	4 (67%)	0%	0%

### Committee for Accessible Transportation Agencies

Adult Day Centers of Hawaii  
 Catholic Charities Hawaii  
 Easter Seals  
 Hawaii Disability Rights Center  
 Ho’opono Services for the Blind  
 Kokua Program – University of Hawaii Manoa  
 Lanakila Pacific  
 At Large

## Section 7: Monitoring Subrecipients

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

Currently, DTS-PTD has subrecipient agreements with Goodwill Industries of Hawaii, Inc. and Paratransit, Inc. DTS-PTD requires its subrecipients to submit FTA Title VI program updates to the City every three years; plans for both Goodwill and Paratransit, Inc. are on file with DTS-PTD. DTS-PTD conducts quarterly onsite reviews of all subrecipients, one of which focuses on key FTA Title VI documents including Public Notice, complaint procedures, public participation plans, and language access plans. DTS-PTD meets with subrecipients at least annually to discuss findings and make recommendations on each subrecipient's FTA Title VI program. When an area of non-compliance or potential non-compliance is identified, DTS-PTD informs the subrecipient and offers assistance as necessary to correct the deficiencies. DTS-PTD first allows subrecipients to gain compliance through voluntary means. Where voluntary compliance efforts are unsuccessful, DTS-PTD may refuse to grant or continue providing funding and the violation is referred to the FTA, which will then forward it to the U.S. Department of Justice for judicial consideration. Recently, a DTS-PTD review found that Goodwill's revised Kalaeloa Shuttle schedule did not include a required notice for the Limited English Proficiency (LEP) population. DTS-PTD notified Goodwill of the LEP requirement and Goodwill added the notice in the required languages voluntarily. No other deficiencies have been found since the last submittal of their Title VI program.

Goodwill operates a fixed route service in Kalaeloa, which consist of two vehicles. Per Title VI requirements, Goodwill's set system-wide service standards are included in their Title VI program.

## Section 8: Determination of Site or Location of Facilities

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***The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Facilities include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. Facilities do not include bus shelters and transit stations, power substations, etc. are evaluated during project development of the NEPA process.***

DTS is currently constructing a Joint Traffic Management Center adjacent to the Alapai Transit Center and determined a site analysis was not required because transit use of the property has been ongoing since the City took over the bus system from a private entity in 1973.

## **Section 9: Approval of the TVI Program by Governing Entity**

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***The recipient must provide a copy of board meeting minutes, resolutions, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved by the Title VI Program. The approval must occur prior to submission to the FTA.***

To be included upon approval by the Honolulu City Council as Attachment 3.

The DTS-PTD 2016 Title VI Program was originally scheduled to go before the Committee on Transportation on April 28, 2016 and then to City Council on May 4, 2016. Due to the cancellation of the Committee on Transportation meeting, the Title VI Program cannot go to City Council as planned. A copy of the cancellation notice can be found in Attachment 3. The Title VI Program is rescheduled to go before the Committee on Transportation on May 17, 2016 and then to City Council on June 1, 2016. Upon receipt of City Council approval, an updated 2016 Title VI Report and approval will be submitted to FTA.

## II. REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS

### Section 10: Requirement to Set System-wide Service Standards

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***This requirement applies to all fixed route providers of public transportation service. Appendix C to 49 CFR part 21 provides in Section (3)(iii) that “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.”***

System-wide Service Standards:

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

TheBus Service Modes:

- Community Access Routes
- Peak Hour Express Routes
- Rapid Bus (limited stop) Routes
- Circulator Routes
- Suburban Feeder
- Suburban Trunk Routes
- Urban Feeder Routes
- Urban Trunk Routes

**Vehicle Load**

Generally expressed as the ratio of passengers to the number of seats on a vehicle to determine maximum load capacity. For example, on a 40-seat bus, the 1.4 load factor equates to 56 passengers (40 seated, 16 standing).

Service Mode	Weekday				Weekend Holidays (all day)
	AM Peak (1 <sup>st</sup> Bus – 9am)	Mid-Day Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	
Community Access	1.4	1.2	1.4	1.2	1.2
Peak Hour Express	1.2	1.2	1.2	1.2	1.2
Rapid Bus	1.2	1.2	1.2	1.2	1.2
Circulator Routes	1.4	1.2	1.4	1.2	1.2
Suburban Feeder	1.4	1.2	1.4	1.2	1.2
Suburban Trunk	1.4	1.2	1.4	1.2	1.2
Urban Feeder	1.4	1.2	1.4	1.2	1.2
Urban Trunk	1.4	1.2	1.4	1.2	1.2

**Vehicle Headway**

Amount of time between two vehicles traveling in the same direction on the same route. Scheduling headway takes into consideration the following factors along a route: ridership, traffic congestion/conditions, population density, and demand generators.

Vehicle Headway Standard (in minutes)					
Service Mode	Weekday				Weekend Holiday (all day)
	AM Peak (1 <sup>st</sup> Bus – 9am)	Mid-day Base (9am – 2pm)	PM Peak (2pm – 6pm)	Nights (6pm – last Bus)	
Community Access	45-60	45-60	45-60	60-90	60-90
Peak Hour Express	As appropriate to meet demand				
Rapid Bus	15-30	15-30	15-30	30-45	30-60
Circulator Routes	45-60	45-60	45-60	60-90	60-90
Suburban Feeder	30-60	30-60	30-60	30-60	30-60
Suburban Trunk	30-60	30-60	30-60	60-90	30-60
Urban Feeder	15-45	30-60	15-45	30-60	30-60
Urban Trunk	15-30	15-45	15-30	30-60	30-60

**On-Time Performance**

Average measure of runs completed as scheduled.

- On-time is measured as 2 minutes before to 5 minutes after the scheduled arrival and departure times.
- Early is greater than 2 minutes before the scheduled departure time.
- Late is greater than 5 minutes after the scheduled arrival time.

<b>Service Type</b>	<b>On Time Performance Average for all periods</b>
Community Access	80%
Peak Hour Express	80%
Rapid Bus	80%
Circulator Routes	80%
Suburban Feeder	80%
Suburban Trunk	80%
Urban Feeder	80%
Urban Trunk	80%

**Service Availability**

A general measure of the distribution of routes within an agency’s service area.

Standard:

Route availability within a ½ mile radius for 70% of the population.

## Section 11: Requirement to Set System-wide Service Policies

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### ***Policies must include:***

- ***Distribution of transit amenities for each mode***
- ***Vehicle assignment for each mode***

### **Distribution of Transit Amenities**

Items of comfort, convenience, and safety (i.e. seating, shelter, trash receptacles).

#### Policy:

- All amenities shall comply with ADA Accessibility Guidelines (ADAAG)
- Installation at stops along bus routes are typically based on number of passenger boardings, number of routes served, transfer point, headways, and space requirements

<b>Amenities</b>	<b>Stop Characteristics for Distribution</b>
Shelter	Transfer points, two or more bus routes, headways >40 minutes, average to high proportion of passenger boardings in relation to route ridership
Bench	Transfer points, two or more bus routes, headways >30 minutes, average proportion of passenger boardings in relation to route ridership
Trash Receptacle	Transfer points, two or more bus routes, headways >15 minutes, medium to high proportion of passenger boardings in relation to route ridership and/or adjacent to trash receptacle use generator(s).
Provision of Information	As needed and appropriate

### **Vehicle Assignment**

Process by which transit vehicles are assigned to routes. All buses are wheelchair accessible and equipped with bike racks

#### Policy:

Vehicles assignments are based on the operating characteristics of the routes such as ridership, mode of service, and roadway conditions (narrow, steep, tight turns). Typically, 60-foot buses are assigned to Rapid bus, high ridership, or long-distance routes, 40-foot buses to urban and suburban routes, and the 30 & 35-foot buses to circulator routes and routes with narrow or steep streets, tight turns. High floor buses, while no longer manufactured and older in age, have a greater seating capacity than low floor buses and are equipped with a wheelchair lift instead of a ramp, and are therefore assigned to high ridership routes with unimproved right-of-ways or prone to flooding conditions.

## Section 12: Requirement to Collect and Report Demographic Data

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***Title 49 CFR 21.9 (b) states that recipients “should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.” FTA requires transit providers to prepare the following maps and charts:***

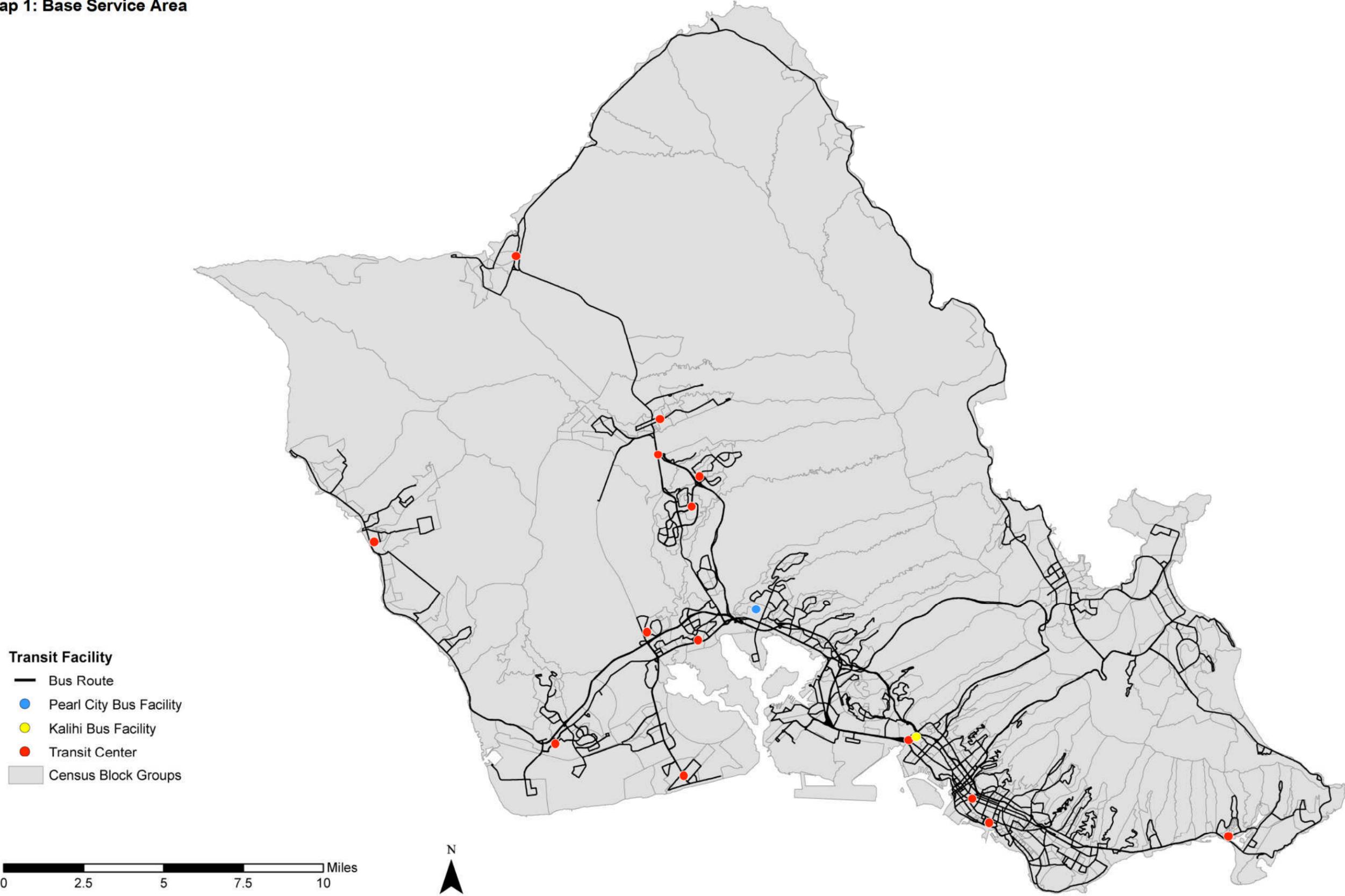
Demographic data for \*Maps 1 – 4 is based on the 2010 Census data. (\*For the purpose of this report, these maps are reduced samples of the full detail large scale maps available at DTS-PTD and contain only the details that were visible at the reduced scale)

- Map 1 Base Service Area showing the base map of the service area that overlays Census tract, Census block or block groups, or other locally available geographic data with transit facilities including transit routes, transit stops and stations, maintenance garage and facilities, and administrative buildings as well as major activity centers or trip generators, and major streets and highways.
- Map 2 Title VI Areas showing the demographic maps that plots the information listed in the base map and also shades those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole.
- Map 3 Environmental Areas for purposes of addressing environmental justice, and in order to evaluate the impacts of major service changes on low-income populations, demographic maps shall also depict those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.

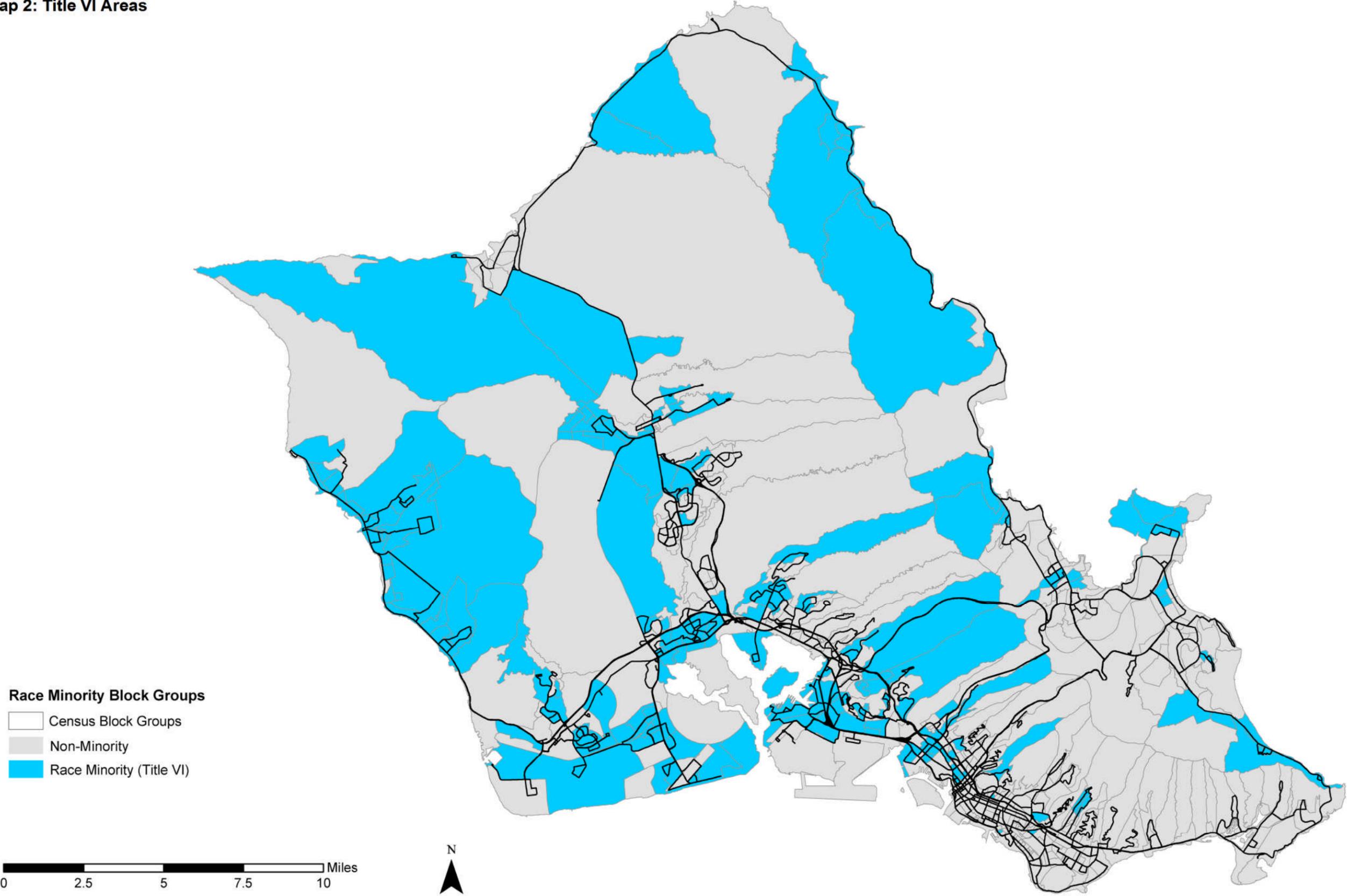
The following are also included:

- Map 4 showing the service area combining all TVI/EJ populations.
- Link to individual route maps: <http://www.thebus.org/Route/Routes.asp>.
- Figure 1 showing the ethnic group breakdown of Hawaii based on the 2010 Census.
- Figure 2 listing the 101 bus route service areas and the percentage of TVI/EJ populations in the service area.

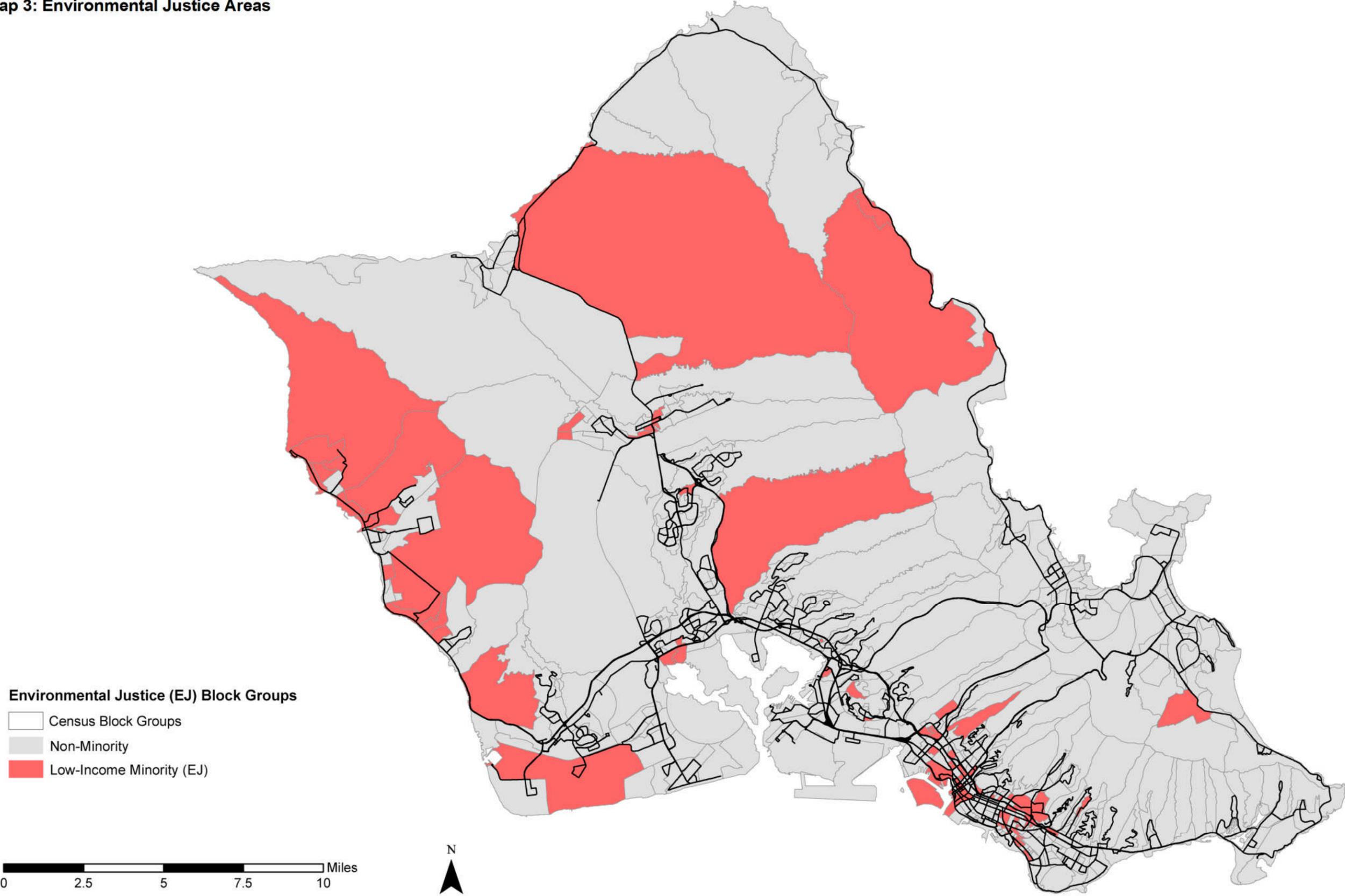
Map 1: Base Service Area



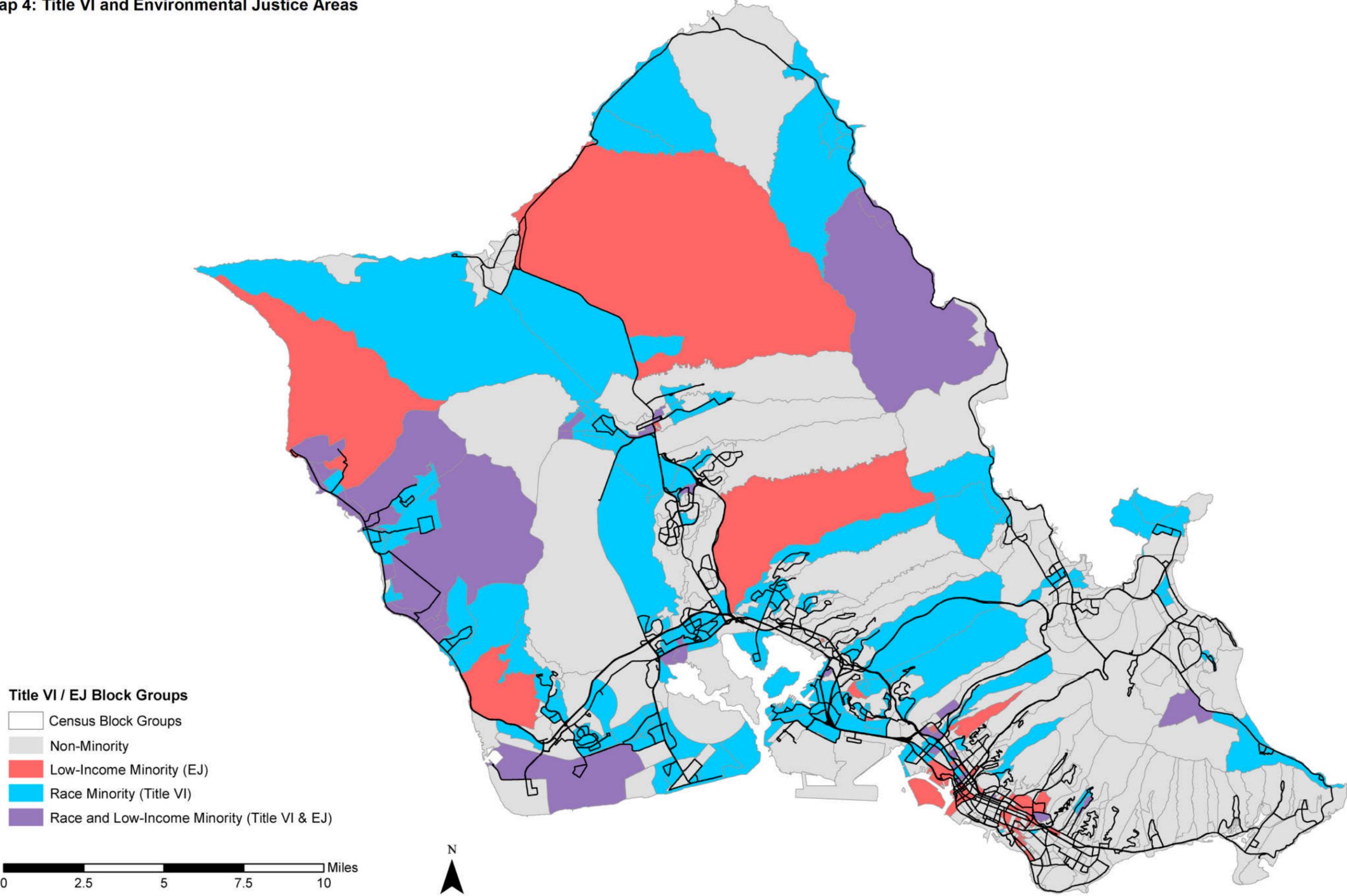
Map 2: Title VI Areas



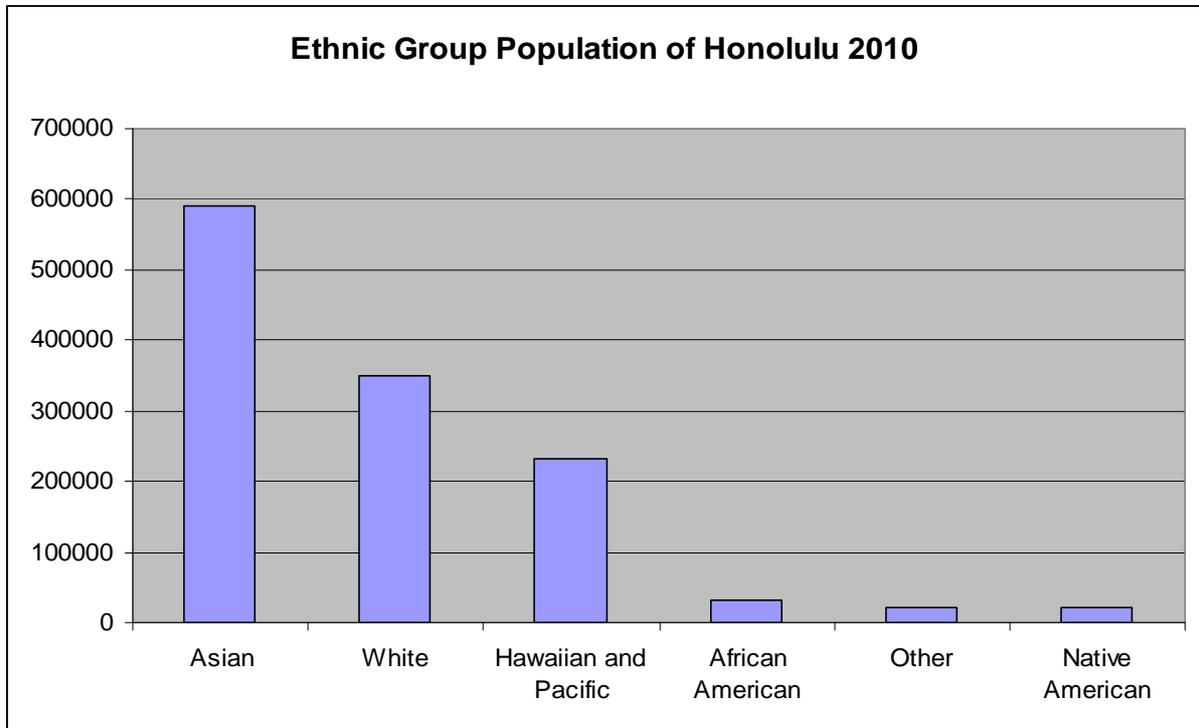
Map 3: Environmental Justice Areas



Map 4: Title VI and Environmental Justice Areas



**Figure 1**  
**Ethnic Breakdown**



Native American corresponds to U.S. Census category American Indian and Alaskan Native. Graph is based on "Race alone or in combination" counts, thus total more than 100%.

(Source: U.S. Census, American FactFinder, Table DP-1, Profile of General Population and Housing Characteristics: 2010.)

As of 2010, Honolulu had a population of about 953,000. The ethnic breakdown, based on U.S. Census categories were:

- Asian - 590,926
- White - 350,690
- Hawaiian & Pacific Islander - 233,637
- African American - 32,780
- Other - 21,915
- Native American - 20,482

**Figure 2**  
**Bus Route Summary: Proportion of TVI/EJ Served Populations**  
**(Title VI/EJ Routes Shaded)**

Route (Service Area)	% TVI/EJ in Service Area	Route (Service Area)	% TVI/EJ in Service Area	Route (Service Area)	% TVI/EJ in Service Area	Route (Service Area)	% TVI/EJ in Service Area
1	24	42	66	89	36	501	12
2	36	43	77	90	48	503	79
3	36	44	74	91	60	504	12
4	37	52	44	92	52	1L	22
5	23	53	42	93	84	2L	36
6	30	54	38	94	67	57A	10
7	71	55	45	96	49	80A	16
8	30	56	23	97	64	80B	14
9	45	57	26	98	59	84A	27
10	42	62	54	101	73	85A	35
11	59	65	22	102	48	88A	66
13	37	70	29	103	34	98A	32
14	4	71	9	234	0	9S	26
15	16	72	88	235	0	A	87
16	82	73	81	401	100	C	64
17	17	74	41	402	100	E	50
18	25	76	36	403	100	PH1	90
19	56	77	32	411	75	PH2	32
20	55	80	2	412	39	PH3	44
22	16	81	78	413	83	PH4	56
23	15	82	4	414	73	PH5	40
24	2	83	45	415	90	PH6	20
31	89	84	34	432	95	W1	56
32	50	85	26	433	60	W2	46
40	75	88	49	434	88	W3	40
41	73						

Figure 2 above displays the bus routes and the proportion of the service area (Census block groups) designated as Title VI/Environmental Justice (TVI/EJ). Routes were identified as TVI/EJ routes based on Census block groups that the route served. 47% is used as the minimum level for designating routes as TVI/EJ because it is the mean for all TVI/EJ populations among the routes. In order to find the mean, the total percentage of minority and/or low-income (TVI/EJ) among all 101 routes was totaled and divided by the total number of routes (101). A listing of the route numbers and names is displayed below.

Route No.	Initial	KALIHI DIVISION (53) ROUTE NAME	Route No.	Initial	PEARL CITY DIVISION (46) ROUTE NAME
PH4	KKPH	Kaneohe-Kahaluu-Pearl Harbor Exp.	A	CXA	City Express! A
PH5	WWPH	Windward-Pearl Harbor Express	C	CXC	Country Express! C
PH6	HKPH	Hawaii Kai-Pearl Harbor Express	E	CXE	Country Express! E
W3	KSX	Kalihi via School Street Express	PH1	WCPH	Waianae Coast-Pearl Harbor Express
1	KK	Kaimuki-Kalihi	PH2	MTPH	Mililani Town Pear-Harbor Express
1L	SHKL	School Street-Hawaii Kai Limited	PH3	WHPH	Wahiawa Heights-Pearl Harbor Exp.
2	WSM	Waikiki-School-Middle	W1	WFX	Waipahu via Farrington Express
2L	WSML	Waikiki-School-Middle Limited	W2	WPX	Waipahu via Paiwa Express
3	KSL	Kaimuki-Salt Lake	40	HM	Honolulu-Makaha
4	NP	Nuuuanu-Punahou	41	KEB	Kapolei-Ewa Beach
5	AMM	Aia Moana-Manoa	42	EBW	Ewa Beach-Waikiki
6	PW	Pauoa-Woodlawn	44	WEB	Waipahu-Ewa Beach
7	KV	Kalihi Valley	52	HMH	Honolulu-Mililani-Haleiwa
8	WAM	Waikiki-Aia Moana	53	HPP	Honolulu-Pacific Palisades
9	KPH	Kaimuki-Pearl Harbor	55	HKH	Honolulu-Kaneohe-Haleiwa
9s	PV	Paloio Valley	62	HW	Honolulu-Wahiawa
10	KAH	Kalihi-Aiewa Heights	65	HK	Honolulu-Kahaluu
11	MHA	Makalapa-Halawa-Aiea Heights	71	PN	Pearlridge-Newtown
13	LWU	Liliha-Waikiki-University	72	SWW	Schofield-Wahiawa-Whitmore
14	SM	St. Louis-Maunalani	73	LCC	Leeward Community College
15	MPH	Makiki-Pacific Heights	76	WH	Waialua-Haleiwa
16	MV	Moanalua Valley	81	WX	Waipahu Express
17	MAM	Makiki-Aia Moana	83	WTX	Wahiawa Town Express
18	UAM	University-Aia Moana	84	MXN	Mililani Express-North
19	WAH	Waikiki-Airport-Hickam	84A	MXS	Mililani Express-South
20	WP	Waikiki-Pearlridge	88	KAX	Kahaluu-Ahuimanu Express
22	BB	Beach Bus	88A	NSX	North Shore Express
23	HKS	Hawaii Kai-Sea Life Park	90	PCX	Pearl City Express
24	KAH	Kapahulu-Aina Haina	91	EBX	Ewa Beach Express
31	TM	Tripler-Mapunapuna	92	MCX	Makakilo City Express
32	KP	Kalihi-Pearlridge	93	WCXC	Waianae Coast Express-CBD
43	WHA	Waipahu-Honolulu-Alapai	96	WGX	Waipio Gentry Express
54	HPC	Honolulu-Pearl City	101	EGX	Ewa Gentry Express
56	HKK	Honolulu-Kailua-Kaneohe	102	VKX	Villages of Kapolei Express
57	KWS	Kailua-Waimanalo-Sea Life Park	401	WV	Waianae Valley
57A	KEL	Kailua-Enchanted Lake	402	LH	Lualualei Homestead
70	LM	Lanikai-Maunawili	403	NMW	Nanakuli-Maui-Waianae
74	AHH	Aiea-Halawa Heights	411	MH	Makakilo Heights
77	WK	Waimanalo-Kaneohe	412	PP	Panana-Palahia
80	HKPR	Hawaii Kai Park & Ride Express	413	CIP	Campbell Industrial Park
80A	HKPU	Hawaii Kai Park & Ride Express-UH	415	KTCK	Kapolei Transit Center-Kalaeloa
80B	UAX	Upper Aina Haina Express	432	EWV	East-West Waipahu
82	HKPR	Hawaii Kai Park & Ride Express	433	WWSC	Waipahu-Waikele Shopping Center
85	WWXK	Windward Express-Kailua	434	WVP	Waipahu-Village Park
85A	WWXH	Windward Express-Haiku	501	MM	Mililani Mauka
89	WKX	Waimanalo-Kailua Express	504	MS	Mililani South
94	VKKX	Villages of Kapolei-Kaupea Express			
97	VPX	Village Park Express			
98	WMPR	Wahiawa-Mililani Park & Ride			
98A	KWM	Kunia-Wahiawa-Mililani			
103	PWX	Paiwa-Waikele Express			
234	KMWN	Kahala Mall-Waiatae Nui			
235	KMWI	Kahala Mall-Waiatae Iki			
		<b>COMMUNITY ACCESS SERVICE (2)</b> (Operated by Paratransit/Handivan)			
414	PMK	Palahia-Makakilo-Kapolei			
503	MLV	Mililani-Launani Valley			

## Section 13: Demographic Ridership and Travel Patterns

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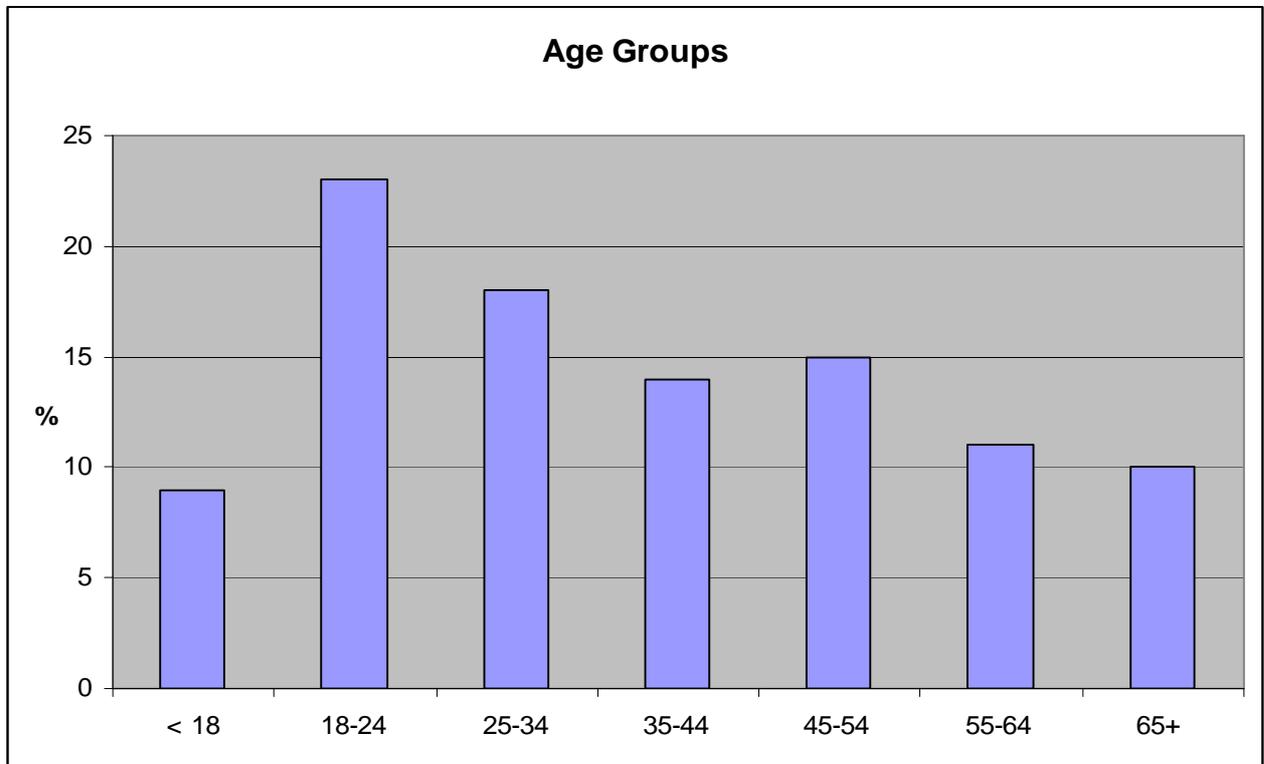
***Fixed route providers shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority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

In 2012, the Honolulu Authority for Rapid Transportation conducted a survey to identify ridership demographics and origin/destination patterns.

Results can be seen in Figures 3 - 10.

- Figure 3: Age
- Figure 4: Gender
- Figure 5: Ethnicity
- Figure 6: Languages
- Figure 7: Income
- Figure 8: Disability
- Figure 9: Generated Trips by Zip Code Area
- Figure 10: Destination Zip Code Areas

**Figure 3**  
**Age**



(Source: Honolulu 2012 On-Board Transit Survey, ETC Institute, March, 2013.)

Ridership shows a very broad range of groups that use the bus in Honolulu. The age of riders is dominated by the college age group.

- Under 18 - 8%
- 18-24 - 23%
- 25-34 - 18%
- 35-44 - 14%
- 45-54 - 16%
- 55-64 - 12%
- 65+ - 10%

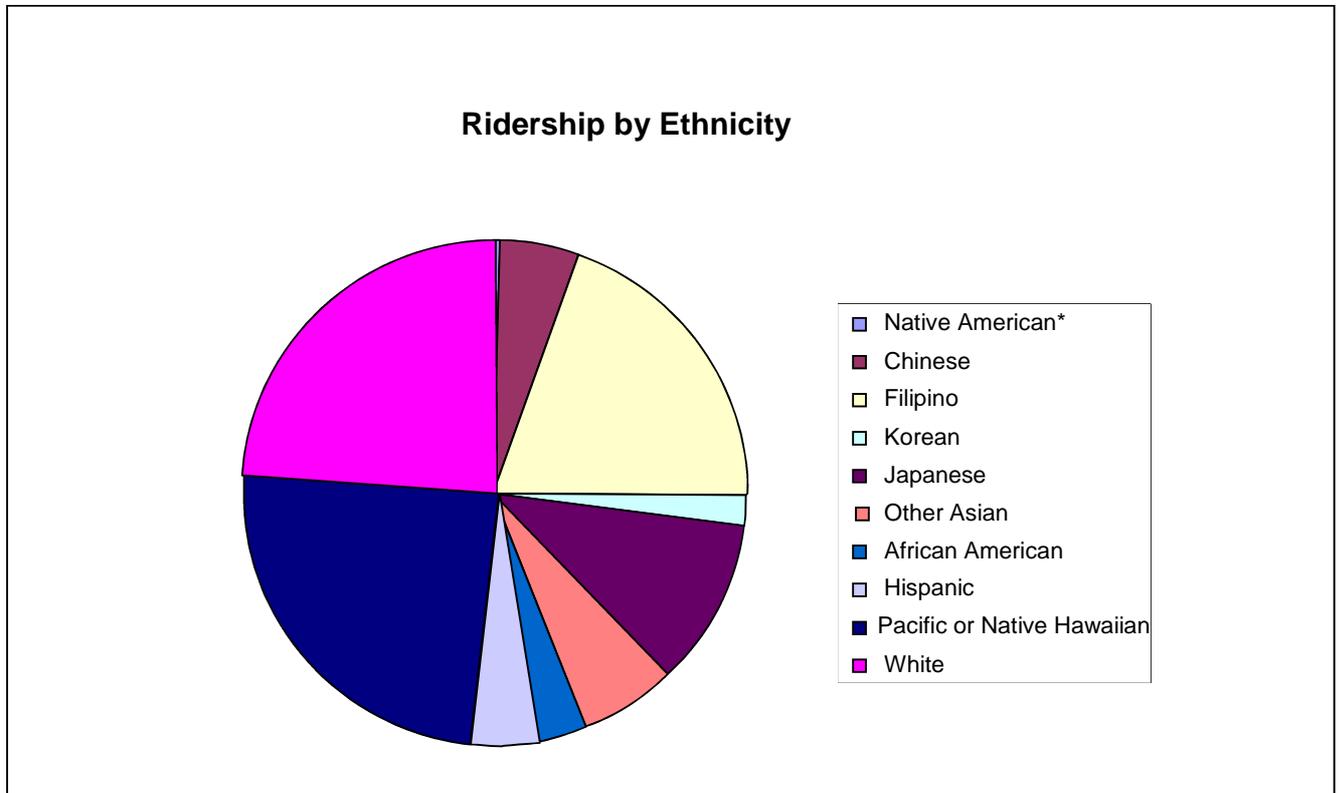
**Figure 4**  
**Gender**



(Source: Honolulu 2012 On-Board Transit Survey, ETC Institute, March, 2013.)

Among visitors using the bus, females made up slightly less than half of the ridership, whereas they make up the majority of residential riders.

**Figure 5  
Ethnicity**



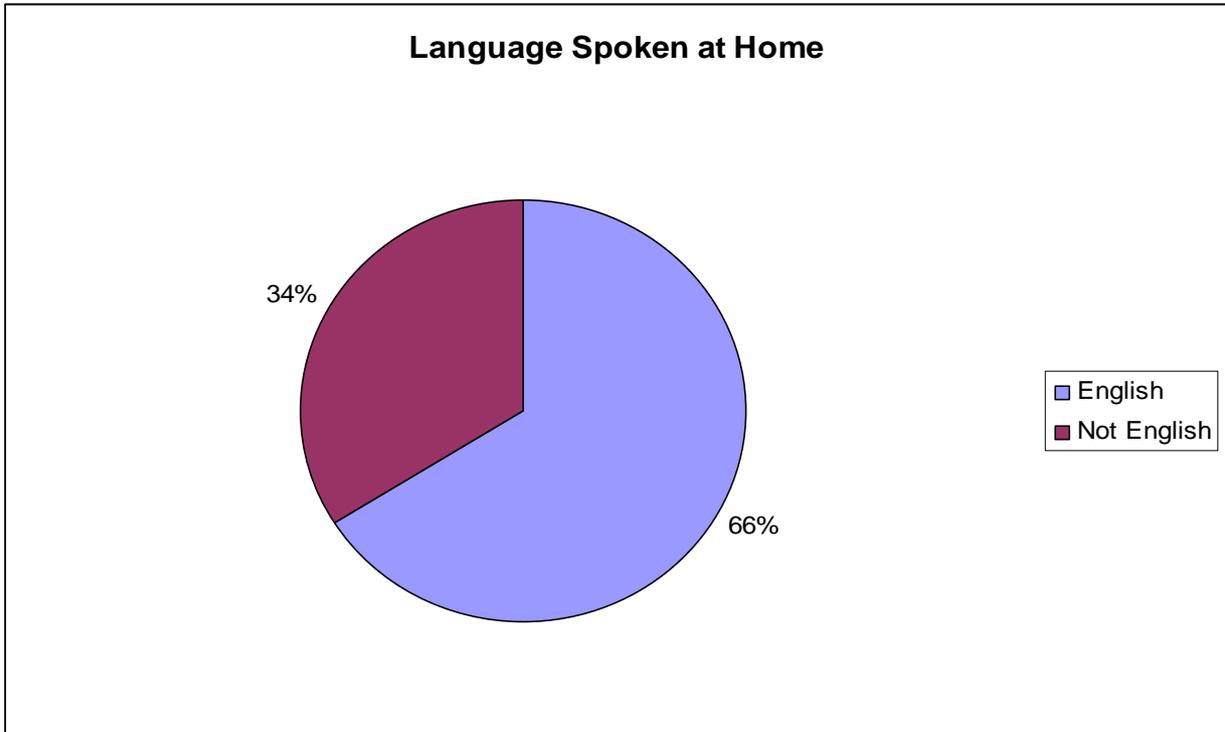
(Source: Honolulu 2012 On-Board Transit Survey, ETC Institute, March, 2013.)

\* Survey question reads American Indian or Alaska Native

Ethnic groups in Honolulu are extremely diverse. Among the ridership, the four dominant groups are: Filipinos, Whites, Pacific Islanders or Native Hawaiians, and Japanese.

- American Indian or Alaska Native - 1%
- Chinese - 5%
- Filipino - 20%
- Korean - 2%
- Japanese - 11%
- Other Asian - 7%
- Black or African American - 3%
- Hispanic or Latino - 4%
- Pacific Islander or Native Hawaiian - 24%
- American Indian or Alaska Native - 1%
- White - 23%

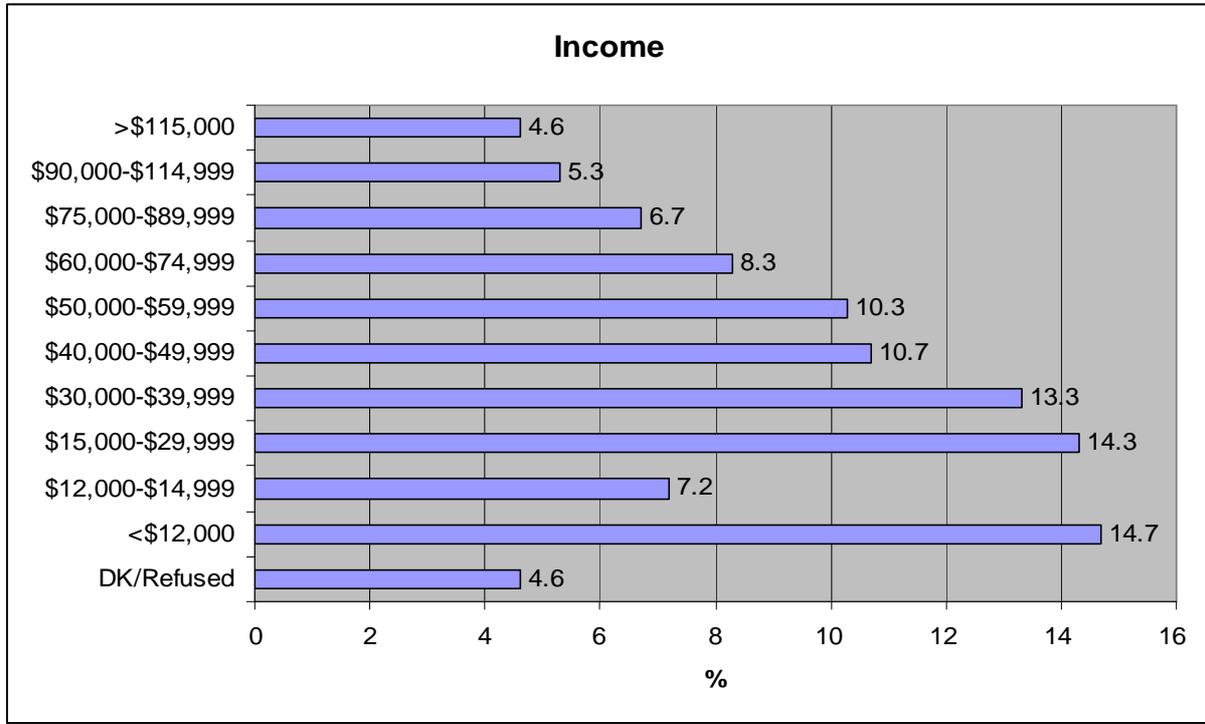
**Figure 6**  
**Languages**



(Source: Honolulu 2012 On-Board Transit Survey, ETC Institute, March, 2013.)

A corollary of ethnicity is the language a person speaks at home, as illustrated in the graph above. It is recognized that non-English speakers face additional challenges when accessing mass transit. Over 100 languages other than English were used at home by the riders.

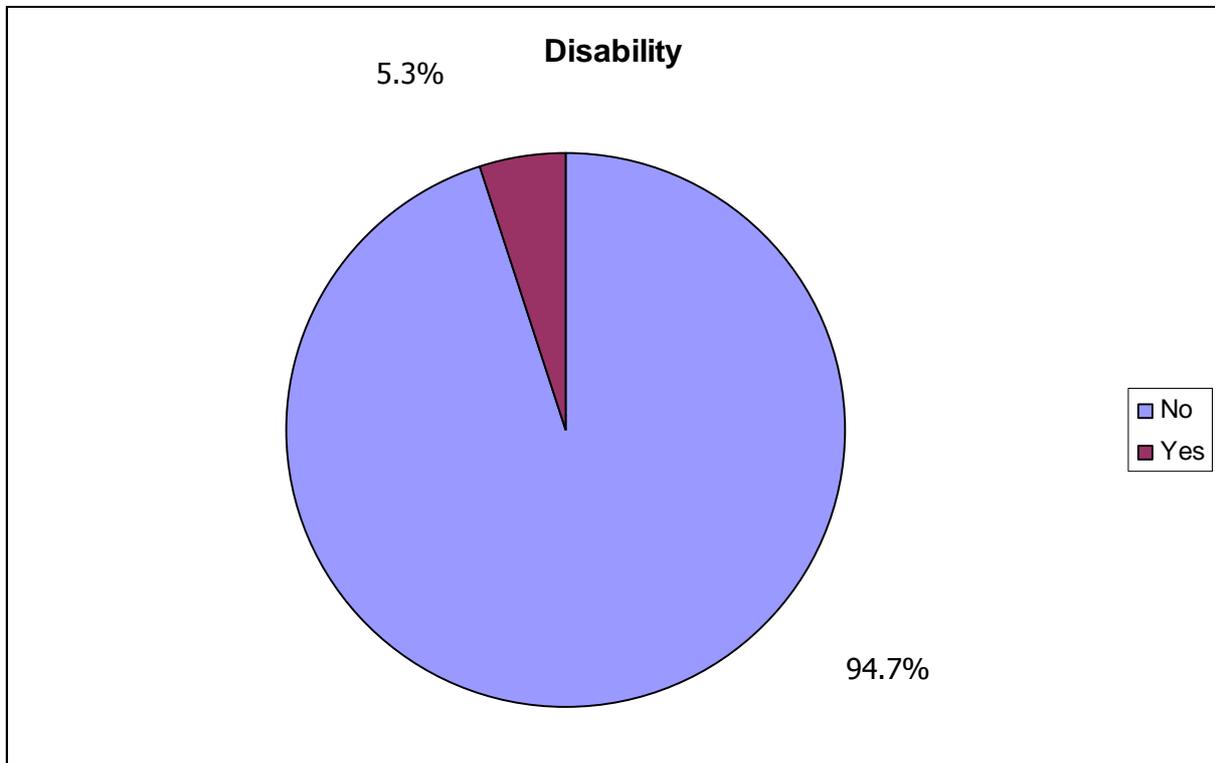
**Figure 7**  
**Income**



(Source: Honolulu 2012 On-Board Transit Survey, ETC Institute, March, 2013.)

Income has an inverse relationship with ridership; there are more riders in lower-income groups.

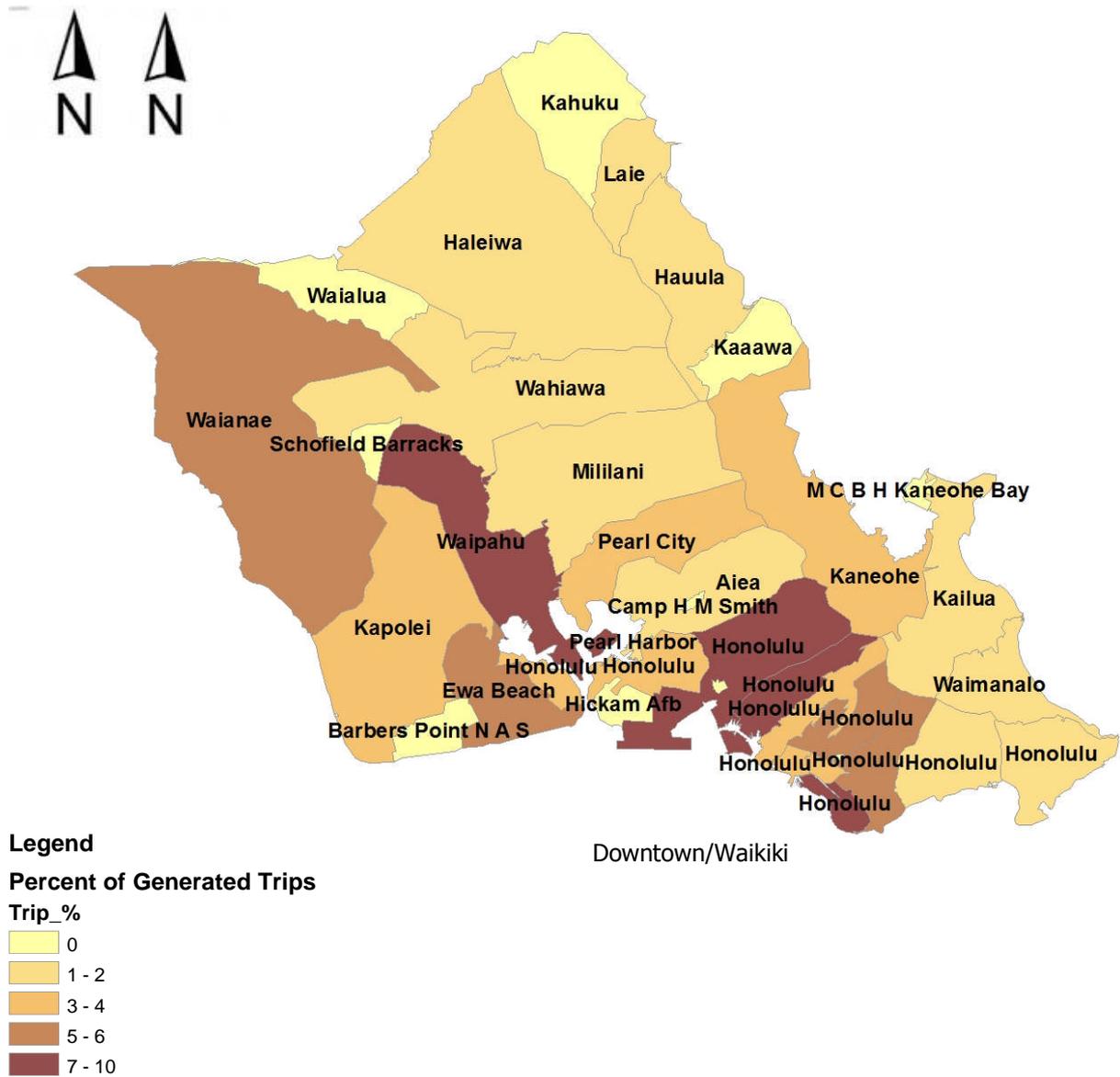
**Figure 8**  
**Disability**



(Source: Honolulu 2012 On-Board Transit Survey, ETC Institute, March, 2013.)

Self-reporting of disability status resulted in 5.3% of the ridership having a disability.

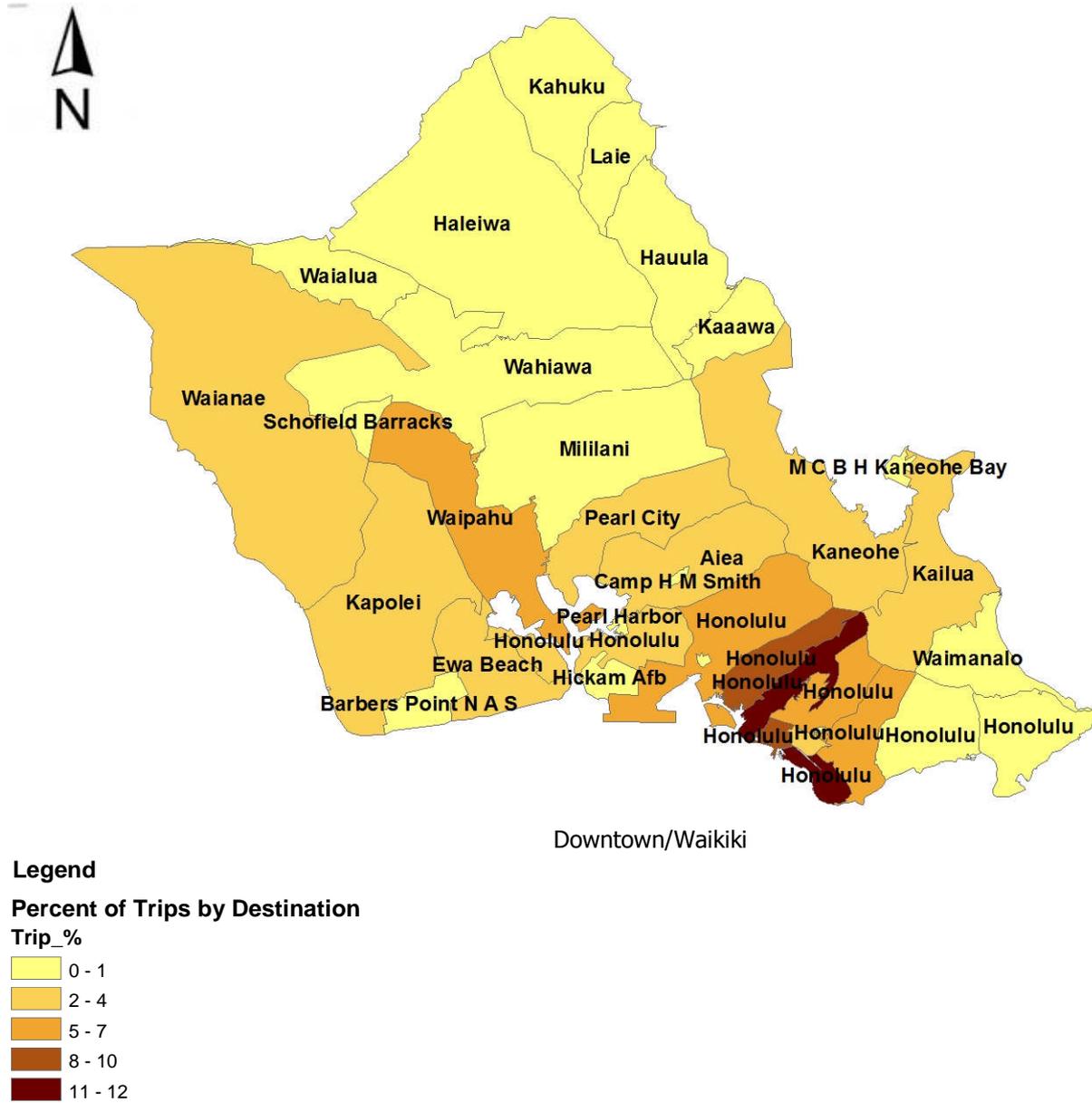
**Figure 9**  
**Generated Trips by Zip Code Area**  
**(Residents and Visitors)**



(Source: Honolulu 2012 On-Board Transit Survey, ETC Institute, March, 2013.)

Figure 9 displays the geographic distribution of trip origins in Honolulu. The dominant generators are Waipahu in Central O’ahu, some western sections of the Honolulu Metropolitan area, and Waikiki.

**Figure 10**  
**Destination Zip Code Areas**



(Source: Honolulu 2012 On-Board Transit Survey, ETC Institute, March, 2013.)

Area destinations are similar to the generation of trips shown in Figure 10. Metro Honolulu, including Waikiki, and Waipahu area are the leading destinations.

## Section 14: Requirement to Monitor Transit Service

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***In order to ensure compliance with DOT's Title VI regulations, FTA requires transit agencies to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e. vehicle load, vehicle assignment, transit amenities, etc.) no less than every three years. Agencies shall submit the results of the monitoring program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the Board's consideration, awareness, and approval of the monitoring results to the FTA every three years as part of the Title VI Program.***

Results of DTS-PTD's monitoring report relative to the system-wide service standards and service policies is attached as Attachment 4.

### Findings

The results of TheBus service performance for all 101 routes are summarized below and indicated that for the most part, public transit services are provided in comparable and nondiscriminatory manner to TVI/EJ and non TVI/EJ populations with some degree of disparity affecting various TVI/EJ routes in vehicle loads and headways. While the results also confirm problems with on-time performance, it is a system-wide issue for a majority of the routes and does not disproportionately affect TVI/EJ routes.

The discrepancies identified in this report are currently being addressed and require additional monitoring and further analysis to redistribute service and/or implement other mitigation measures that align with current budget constraints.

### System-wide Service Standards:

- Vehicle Load: Various TVI/EJ routes experience load issues for Peak Express, Rapid Bus, Suburban Trunk, and Urban Trunk modes. Various non TVI/EJ routes experience load issues for Peak Express, Suburban Trunk, and Urban Trunk modes.
- Headway: With a few time period exceptions, most TVI/EJ and non-TVI/EJ routes aligned to the standards within reasonable tolerances. Discrepancies were identified in Peak Express, Circulator, and Urban Trunk for TVI/EJ routes; and Circulator, Urban Feeder, and Urban Trunk for non TVI/EJ routes.
- On-time performance: Generally most TVI/EJ and non-TVI/EJ routes did not align to the standards for all service modes and require additional analysis/monitoring, however on-time performance is affected by various external causes such as: traffic congestion, traffic accidents, and road/lane closures attributable to construction projects/road resurfacing or rehabilitation/rail construction; and are difficult to mitigate.
- Service availability: The standard was met for TVI/EJ and non-TVI/EJ populations.

### Service Policies:

- Transit amenities: Generally all TVI/EJ and non-TVI/EJ routes have comparable distribution percentages of amenities at bus stops.
- Vehicle assignment: Generally all TVI/EJ and non-TVI/EJ routes are assigned vehicles comparable in age with TVI/EJ route vehicles ranging between 3 – 5 years newer than the non-TVI/EJ route vehicles for each mode.

# **Attachment 1**

## **Circular FTA C 4702.1B**

### **Title VI Requirements and Guidelines for Federal Transit Administration Recipients**



U.S. Department  
of Transportation

**Federal Transit  
Administration**

# CIRCULAR

**FTA C 4702.1B**

October 1, 2012

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

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1. PURPOSE. The purpose of this Circular is to provide recipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out U.S. Department of Transportation (“DOT” or “the Department”) Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (“LEP”) Persons (70 FR 74087, December 14, 2005).
2. CANCELLATION. This Circular supersedes FTA Circular 4702.1A “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients,” dated May 13, 2007.
3. AUTHORITY.
  - a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
  - b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
  - c. 49 CFR § 1.51.
  - d. 49 CFR part 21.
  - e. 28 CFR § 42.401 et seq.
4. WAIVER. FTA reserves the right to waive any requirements of this Circular to the extent permitted by law.
5. FEDERAL REGISTER NOTICE. In conjunction with publication of this Circular, FTA published a notice in the *Federal Register* on August 28, 2012, addressing comments received during development of the Circular.
6. AMENDMENTS TO THE CIRCULAR. FTA reserves the right to update this Circular to reflect changes in other revised or new guidance and regulations that undergo notice and comment, without further notice and comment on this Circular. FTA will post updates on our

website at [www.fta.dot.gov](http://www.fta.dot.gov). The website allows the public to register for notification when FTA issues *Federal Register* notices or new guidance. Please visit the website and click on “Sign Up For Email Updates” for more information.

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

/s/  
Peter Rogoff  
Administrator

**TITLE VI GUIDELINES FOR FTA RECIPIENTS**

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## **CHAPTER I**

### **INTRODUCTION AND BACKGROUND**

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

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

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

2. **AUTHORIZING LEGISLATION**. Most Federal transit laws are codified at title 49 U.S.C. Chapter 53. Authorizing legislation is substantive legislation enacted by Congress that establishes or continues the legal operation of a Federal program or agency. FTA's most recent authorizing legislation is the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), Public Law 112-141, signed into law on July 6, 2012, and effective October 1, 2012.
3. **HOW TO CONTACT FTA**. FTA's regional and metropolitan offices are responsible for providing financial assistance to FTA recipients and oversight of grant implementation for most FTA programs. Certain specific programs are the responsibility of FTA headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which the recipient is located. See FTA's website for more information.

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

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

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

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

5. DEFINITIONS. All definitions in chapter 53 of title 49, United States Code, and in 49 CFR part 21 apply to this Circular, as well as the following definitions:
- a. Applicant means a person or entity that submits an application, request, or plan required to be approved by the FTA Administrator or by a primary recipient, as a condition of eligibility for financial assistance from FTA, and “application” means such an application, request, or plan.
  - b. Demand response system: Any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, non-profits, and private providers. An advance request for service is a key characteristic of demand response service.
  - c. Designated recipient means an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.
  - d. Direct recipient means an entity that receives funding directly from FTA. For purposes of this Circular, a direct recipient is distinguished from a primary recipient in that a direct recipient does not extend financial assistance to subrecipients, whereas a primary recipient does.
  - e. Discrimination refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.
  - f. Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.
  - g. Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.
  - h. Disparate treatment refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, or national origin.

- i. Fixed guideway means a public transportation facility—using and occupying a separate right-of-way for the exclusive use of public transportation; using rail; using a fixed catenary system; for a passenger ferry system; or for a bus rapid transit system.
- j. Fixed route refers to public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.
- k. Federal financial assistance refers to
  - (1) grants and loans of Federal funds;
  - (2) the grant or donation of Federal property and interests in property;
  - (3) the detail of Federal personnel;
  - (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
  - (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.
- l. Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.
- m. Low-income person means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.

Recipients are encouraged to use a locally developed threshold, such as the definition found in 49 U.S.C. 5302 as amended by MAP-21: “refers to an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section) for a family of the size involved” or another threshold, provided that the threshold is at least as inclusive as the HHS poverty guidelines.
- n. Low-income population refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy or activity.
- o. Metropolitan planning organization (MPO) means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

- p. Metropolitan transportation plan (MTP) means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.
- q. Minority persons include the following:
  - (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
  - (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
  - (3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
  - (4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
  - (5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- r. Minority population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- s. Minority transit route means a route that has at least 1/3 of its total revenue mileage in a Census block or block group, or traffic analysis zone(s) with a percentage of minority population that exceeds the percentage of minority population in the transit service area. A recipient may supplement this service area data with route-specific ridership data in cases where ridership does not reflect the characteristics of the census block, block group, or traffic analysis zone.
- t. National origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.
- u. Noncompliance refers to an FTA determination that the recipient is not in compliance with the DOT Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity on the basis of race, color, or national origin.
- v. Non-profit organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be

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

- w. Predominantly minority area means a geographic area, such as a neighborhood, Census tract, block or block group, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.
- x. Primary recipient means any FTA recipient that extends Federal financial assistance to a subrecipient.
- y. Provider of fixed route public transportation (or "transit provider") means any entity that operates public transportation service, and includes States, local and regional entities, and public and private entities. This term is used in place of "recipient" in chapter IV and is inclusive of direct recipients, primary recipients, designated recipients, and subrecipients that provide fixed route public transportation service.
- z. Public transportation means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and does not include Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intra-terminal or intra-facility shuttle services. Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.
- aa. Recipient as used in this Circular, means any public or private entity that receives Federal financial assistance from FTA, whether directly from FTA or indirectly through a primary recipient. This term includes subrecipients, direct recipients, designated recipients, and primary recipients. The term does not include any ultimate beneficiary under any such assistance program.
- bb. Secretary means the Secretary of the U.S. Department of Transportation.
- cc. Service area refers either to the geographic area in which a transit agency is authorized by its charter to provide service to the public, or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.
- dd. Service standard/policy means an established service performance measure or policy used by a transit provider or other recipient as a means to plan or distribute services and benefits within its service area.
- ee. Statewide transportation improvement program (STIP) means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

- ff. Subrecipient means an entity that receives Federal financial assistance from FTA through a primary recipient.
  - gg. Title VI Program refers to a document developed by an FTA recipient to demonstrate how the recipient is complying with Title VI requirements. Direct and primary recipients must submit their Title VI Programs to FTA every three years. The Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent.
  - hh. Transportation improvement program (TIP) means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.
  - ii. Transportation management area (TMA) means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by the Governor and the MPO and designated by the Secretary of Transportation.
6. ENVIRONMENTAL JUSTICE. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was signed by President Clinton on February 11, 1994. Subsequent to issuance of the Executive Order, the U.S. Department of Transportation (DOT) issued a DOT Order for implementing the Executive Order on environmental justice (EJ). The DOT Order (Order 5610.2(a), "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 77 FR 27534, May 10, 2012) describes the process the Department and its modal administrations (including FTA) will use to incorporate EJ principles into programs, policies, and activities.

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

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

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<sup>1</sup> See Title VI Legal Manual, U.S. Department of Justice Civil Rights Division (2001), page 59.

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

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

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

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

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

Key Aspects of the Authorities	Title VI	Environmental Justice
<b>What is the basis for the authority?</b>	Title VI is a Federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving	The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to “make achieving environmental justice part of its mission.” The EO is intended to improve the internal management of the

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

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

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

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

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

## **CHAPTER II**

### **PROGRAM OVERVIEW**

1. **PROGRAM OBJECTIVES.** The direction, guidance and procedures in this document will help FTA recipients to:
  - a. Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
  - b. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
  - c. Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.
2. **STATUTORY AUTHORITY.** Section 601 of Title VI of the Civil Rights Act of 1964 states the following:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

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

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

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

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

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

4. ADDITIONAL DOCUMENTS. In addition to the above-listed statute and regulations the following documents incorporate Title VI principles:
  - a. The Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.
  - b. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that recipients agree to comply, and assure the compliance of each subrecipient, lessee, third party contractor, or other participant at any tier of the Project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21. Except to the extent FTA determines otherwise in writing, recipients agree to follow all applicable provisions of the most recent edition of FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," and any other applicable Federal directives that may be issued. Unless FTA states otherwise in writing, the Master Agreement requires all recipients to comply with all applicable Federal directives.
5. REPORTING REQUIREMENTS. Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with [49 CFR part 21]." FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years. The Title VI Program must be approved by the direct or primary recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the Board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

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

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

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



## **CHAPTER III**

### **GENERAL REQUIREMENTS AND GUIDELINES**

1. **INTRODUCTION**. This chapter describes requirements that all FTA recipients must follow to ensure that their programs, policies, and activities comply with DOT's Title VI regulations.
2. **REQUIREMENT TO PROVIDE TITLE VI ASSURANCES**. In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA. Primary recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. The text of FTA's annual certifications and assurances is available on FTA's website.
3. **REQUIREMENTS FOR FIRST-TIME APPLICANTS**. First-time applicants must submit a Title VI Program that is compliant with this Circular, and submit an assurance (as noted in Section 2 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years. The summary shall include:
  - a. The purpose or reason for the review.
  - b. The name of the agency or organization that performed the review.
  - c. A summary of the findings and recommendations of the review.
  - d. A report on the status and/or disposition of such findings and recommendations. This information shall be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.

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

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

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

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

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

- (1) A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. A sample Title VI notice is in Appendix B.
- (2) A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in Appendix C, and a sample Title VI complaint form is in Appendix D.
- (3) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. See Appendix E for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.
- (4) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to

- include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
- (5) A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
  - (6) Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
  - (7) Primary recipients shall include a narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.
  - (8) If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.
  - (9) Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a fixed route transit provider, a State, or an MPO.
- b. Upload Title VI Program to TEAM. Direct and primary recipients must upload their Title VI Program into FTA's Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program shall be attached via the paper clip function on the Civil Rights screen, and not attached to a particular grant. Recipients must also notify their FTA Regional Civil Rights Officer via email that they have uploaded their Title VI Program to TEAM. The Title VI Program must be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program.
- c. Determinations. The status of a direct or primary recipient's Title VI Program will be noted in TEAM. The three status determinations are:
- (1) Concur. This status indicates that the recipients' Title VI Program meets the requirements as set out in this Circular. The recipient may receive grant funds.
  - (2) In review. This status indicates that the recipient's Title VI Program is being reviewed by FTA staff and a determination as to sufficiency has not yet been made. "In review" status is only effective for sixty days and grants may be processed while a Title VI Program has an "in review" status.
  - (3) Expired/Expiration. This status indicates that the recipients' Title VI Program has expired and that an updated Title VI Program must be submitted. A recipient with an expired Title VI Program may have its draw-down privileges suspended and grants may not be processed.

- d. Reporting Requirement Exemptions. Recipients whose only FTA funding is through FTA's University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or the Public Transportation on Indian Reservations program are exempt from submitting a Title VI Program to FTA. In addition, FTA may exempt a recipient, upon receipt of a request for a waiver submitted to the Director of the Office of Civil Rights, from the requirement to submit a Title VI Program, or from some elements of the Title VI Program. The absence of the requirement to submit a Title VI Program does not obviate the underlying obligations to comply with DOT's Title VI regulations. Furthermore, with the exception of the Public Transportation on Indian Reservation program, FTA may, at any time, request information from an exempt recipient in order to determine compliance with Title VI regulations and statutes.
5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI. Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles. A sample Title VI notice to the public is provided in Appendix B.
    - a. Contents. The Title VI notice shall include:
      - (1) A statement that the agency operates programs without regard to race, color, or national origin.
      - (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.
      - (3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.
    - b. Effective Practices for Fulfilling the Notification Requirement.
      - (1) Dissemination. Agencies shall inform the public of their rights under Title VI through such measures as posting the Title VI notice on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's discretion, as long as the type, timing, and frequency are sufficient to notify passengers and other interested persons of their rights under DOT's Title VI regulations with regard to the recipient's program.
      - (2) Document translation. Notices detailing a recipient's Title VI obligations and complaint procedures shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.

- (3) Subrecipients. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the primary recipient; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.
6. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM. In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures and complaint form developed by the primary recipient. Sample complaint procedure and complaint forms are located in Appendices C and D. See Chapter IX of this Circular for more information on complaints.
7. REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS. In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years. See Appendix E for an example of how to report this information.
8. PROMOTING INCLUSIVE PUBLIC PARTICIPATION. The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities). Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process. FTA has developed a Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," that includes many examples of effective strategies for engaging minority and low-income populations. FTA

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

- a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- b. Employing different meeting sizes and formats.
- c. Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- e. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

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

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

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

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

- (a) How LEP persons interact with the recipient's agency;
- (b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;
- (c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and
- (d) Whether LEP persons are underserved by the recipient due to language barriers.

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

- (a) Use of bus and rail service;
- (b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;
- (c) Participation in public meetings;
- (d) Customer service interactions;
- (e) Ridership surveys;
- (f) Operator surveys.

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

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

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

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

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

- (a) Include the results of the Four Factor Analysis, including a description of the LEP population(s) served;
- (b) Describe how the recipient provides language assistance services by language;
- (c) Describe how the recipient provides notice to LEP persons about the availability of language assistance;
- (d) Describe how the recipient monitors, evaluates and updates the language access plan; and
- (e) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

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

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

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

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

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

11. **PROVIDING ASSISTANCE TO SUBRECIPIENTS.** Title 49 CFR Section 21.9(b) states that if “a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.” See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT’s Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient. Primary recipients should provide the following information to subrecipients; such information, forms, and data may be kept in a central repository and available for all subrecipients:
- a. Sample notices to the public informing beneficiaries of their rights under DOT’s Title VI regulations, procedures on how to file a Title VI complaint, and the recipient’s Title VI complaint form.
  - b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when the primary recipient expects the subrecipient to notify the primary recipient of complaints received by the subrecipient.
  - c. Demographic information on the race and English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.
  - d. Any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI.
12. **MONITORING SUBRECIPIENTS.** In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.
- a. In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:
    - (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.
    - (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
    - (3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of

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

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

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

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less

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

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

**CHAPTER IV**

**REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS**

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

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

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

<b>Requirement</b>	<b>Transit Providers that operate fixed route service</b>	<b>Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population</b>
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: <ul style="list-style-type: none"> <li>• Demographic and service profile maps and charts</li> <li>• Survey data regarding customer demographic and travel patterns</li> </ul>
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required

a. If a transit provider:

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

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

- b. If a fixed route transit provider does not meet the threshold in paragraph a, then the transit provider is only required to set system-wide standards and policies, as further described below.
- c. Threshold. FTA requires all transit providers to submit a Title VI Program to comply with DOT Title VI regulations; the threshold provides a distinction regarding the degree of evidence a fixed route transit provider must provide to demonstrate compliance with those regulations.
- d. Determination. As of the effective date of this circular (4702.1B), those transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population, are required to meet all requirements of this chapter (i.e., setting service standards and policies, collecting and reporting data, monitoring transit service, and evaluating fare and service changes).

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

- a. All fixed route transit providers with Title VI Programs that do not expire between October 1, 2012, and March 31, 2013, are required to develop or update their system-wide standards and policies and submit them into TEAM by March 31, 2013.
- b. Title VI Programs due to expire on or after April 1, 2013, must comply with the reporting requirements of this Circular, 4702.1B.
- c. Service Equity Analyses. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and have major service changes scheduled between October 1, 2012 and March 31, 2013, may follow the service equity analysis guidance provided in FTA Circular 4702.1A. A transit provider may conduct a service equity analysis consistent with the new Circular for major service changes occurring prior to April 1, 2013, but is not required to do so. All major service changes occurring on or after April 1, 2013 must be analyzed with the framework outlined in section 7 of this chapter.

- d. Surveys. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and that have not conducted passenger surveys in the last five years will have until December 31, 2013, to conduct these surveys.
3. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. As stated in Chapter III of this Circular, in order to ensure compliance with the reporting requirements of 49 CFR Section 21.9(b), FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all transit providers (including subrecipients), the Title VI Program must be approved by the transit provider's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Transit providers shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, on a schedule to be determined by the primary recipient, in order to assist the primary recipient in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
    - a. Contents of the Title VI Program. Providers of fixed route public transportation shall include the following information in their Title VI Program.
      - (1) All fixed route transit providers shall submit:
        - (a) All general requirements set out in Section 4 of Chapter III of this Circular; and
        - (b) System-wide service standards and system-wide service policies, whether existing or new (i.e., adopted by the transit provider since the last submission) as described in this chapter.
      - (2) Transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall include the information in paragraph a(1) above, and will also include:
        - (a) A demographic analysis of the transit provider's service area. This shall include demographic maps and charts completed since submission of the last Title VI Program that contains demographic information and service profiles;
        - (b) Data regarding customer demographics and travel patterns, collected from passenger surveys;
        - (c) Results of the monitoring program of service standards and policies and any action taken, including documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results;

- (d) A description of the public engagement process for setting the “major service change policy” and disparate impact policy;
- (e) A copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the major service change policy and disparate impact policy.
- (f) Results of equity analyses for any major service changes and/or fare changes implemented since the last Title VI Program submission; and
- (g) A copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the equity analysis for any service or fare changes required by this circular.

4. REQUIREMENT TO SET SYSTEM-WIDE SERVICE STANDARDS AND POLICIES.

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

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

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

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

- a. Effective Practices to Fulfill the Service Standard Requirement. FTA requires all fixed route transit providers to develop quantitative standards for all fixed route modes of operation for the indicators listed below. Providers of public transportation may set additional standards as appropriate or applicable to the type of service they provide. See Appendix G for an example of how to report this information.
- (1) Vehicle load for each mode. Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e., bus, express bus, bus rapid transit, light rail, heavy rail, commuter rail, passenger ferry, etc., as applicable), as the standard may differ by mode.
  - (2) Vehicle headway for each mode. Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle headway standard is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Transit providers may set different vehicle headway standards for different modes of transit service. A vehicle headway standard might establish a minimum frequency of service by area based on population density. For example, service at 15-minute peak headways and 30-minute off-peak headways might be the standard for routes serving the most densely populated portions of the service area, whereas 30-minute peak headways and 45-minute off-peak headways might be the standard in less densely populated areas. Headway standards are also typically related to vehicle load. For example, a service standard might state that vehicle headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.
  - (3) On-time performance for each mode. On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of

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

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

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

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

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

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

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

- (b) Bus and rail shelters and rail platform canopies
  - (c) Provision of information:
    - i. Printed signs, system maps, route maps, and schedules.
    - ii. Digital equipment such as next vehicle arrival time signs along bus routes and at fixed guideway stations (i.e., electronic signage that depicts when a transit vehicle will next arrive at the station or stop).
  - (d) Escalators
  - (e) Elevators
  - (f) Waste receptacles (including trash and recycling)
- (2) Vehicle assignment for each mode. Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider's system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area.
5. REQUIREMENT TO COLLECT AND REPORT DEMOGRAPHIC DATA. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in Urbanized Areas (UZA) of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. Title 49 CFR Section 21.9(b) requires recipients to keep records and submit compliance reports (a Title VI Program) to FTA. Title VI Programs shall contain "such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part." In addition, 49 CFR 21.9(b) states that recipients "should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." In order to ensure compliance with the regulation, FTA requires these transit providers to prepare data regarding demographic and service profile maps and charts as well as customer demographics and travel patterns.
- In order to comply with the reporting requirements in 49 CFR Section 21.9(b), transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall collect and analyze racial and ethnic data as described below in order to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.
- a. Demographic and Service Profile Maps and Charts. Transit providers shall prepare demographic and service profile maps and charts after each decennial census and prior to proposed service reductions or eliminations. Transit providers may use decennial census

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

- (1) A base map of the transit provider's service area that overlays Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities—including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings—as well as major activity centers or transit trip generators, and major streets and highways. Major activity centers and transit trip generators can include, but are not necessarily limited to, the central business district, outlying high employment areas, schools, and hospitals. This map shall overlay Census tract, block or block group data depicting minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways. Another map shall highlight those transit facilities that were recently replaced, improved or are scheduled (projects identified in planning documents) for an update in the next five years.
  - (2) A demographic map that plots the information listed in (1) above and also shades those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole. Transit providers may elect to produce maps that highlight separately the presence of specific minority populations if this information will assist the transit provider in determining compliance with Title VI and/or LEP. Transit providers shall also prepare a GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways.
  - (3) For purposes of addressing environmental justice, and in order to evaluate the impacts of major service changes on low-income populations, demographic maps shall also depict those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.
- b. Demographic Ridership and Travel Patterns. Fixed route providers of public transportation that meet the threshold in the Introduction section of this chapter shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders. Demographic information shall also be collected on fare usage by fare type amongst minority users and low-income users, in order to assist with fare equity

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

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

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

6. REQUIREMENT TO MONITOR TRANSIT SERVICE. This requirement applies only to providers of public transportation that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. In order to ensure compliance with DOT's Title VI regulations, FTA requires these transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e., vehicle load, vehicle assignment, transit amenities, etc.) not less than every three years using the following method:
  - a. Transit providers shall use the minority transit route definition to implement this monitoring program. Transit providers shall select a sample of minority and non-minority routes from all modes of service provided, e.g., local bus, bus rapid transit, light rail, etc. The sample shall include routes that provide service to predominantly minority areas and non-minority areas. Transit providers should bear in mind that the greater the sample size, the more reliable the results.

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

- adequate ridership data before making these determinations, and include that data in their analyses.
- b. Transit providers shall assess the performance of each minority and non-minority route in the sample for each of the transit provider's service standards and service policies.
  - c. Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.
  - d. For cases in which the observed service for any route exceeds or fails to meet the standard or policy, depending on the metric measured, the transit provider shall analyze why the discrepancies exist, and take steps to reduce the potential effects.
  - e. Transit providers shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.
  - f. Transit providers shall develop a policy or procedure to determine whether disparate impacts exist on the basis of race, color, or national origin, and apply that policy or procedure to the results of the monitoring activities;
  - g. Transit providers shall brief and obtain approval from the transit providers' policy-making officials, generally the board of directors or appropriate governing entity responsible for policy decisions regarding the results of the monitoring program;
  - h. Submit the results of the monitoring program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results to FTA every three years as part of the Title VI Program. See Appendix J for an example of how to report this information.

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

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

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

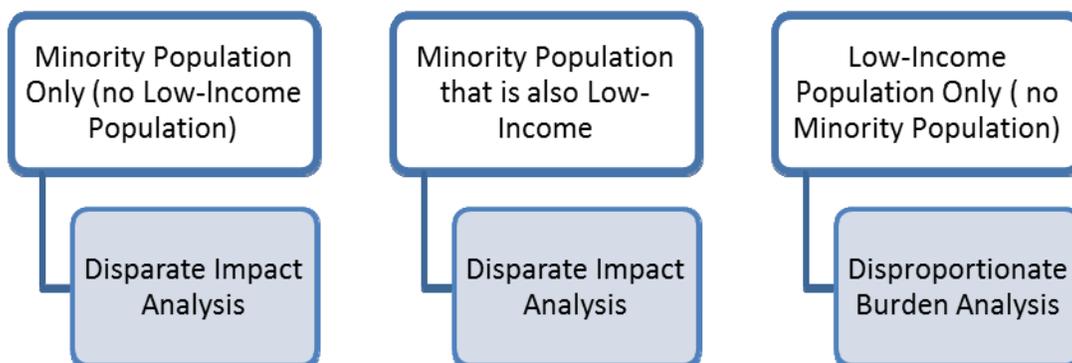
subject to this requirement are responsible for complying with the DOT Title VI regulations which prohibit disparate impact discrimination, and therefore should review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color,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

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

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

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

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



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

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

a. Service Equity Analysis

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

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

(1) Service Equity Analysis for Minority Populations:

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

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

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

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

- (b) Adverse Effects. The transit provider shall define and analyze adverse effects related to major changes in transit service. The adverse effect is measured by the change between the existing and proposed service levels that would be deemed significant. Changes in service that have an adverse effect and that may result in a disparate impact include reductions in service (e.g., elimination of route, shortlining a route, rerouting an existing route, increase in headways). Elimination of a route will generally have a greater adverse impact than a change in headways. Additions to service may also result in disparate impacts, especially if they come at the expense of reductions in service on other routes. Transit providers shall consider the degree of adverse effects, and analyze those effects, when planning their service changes.
- (c) Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impacts. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission.

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

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

- (d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the major service change policy and disparate impact policy.
- (e) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. For example, passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.
- (f) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on minority populations using the following framework:
  - (i) The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The population for a statistical measure of disparate impact is all persons that are either affected by the service or fare changes or that could possibly be affected by the service or fare change (e.g., potential passengers), thus the comparison population may vary depending on the type of change under evaluation. The transit provider shall include in the analysis the reason for the comparison population selected.

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

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

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

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

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

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

- (ii) Ridership Data. When the transit provider determines that the correct population base is ridership, the transit provider shall document the reasons for selecting this population base and analyze any available information generated from ridership surveys to determine the minority and non-minority population ridership of the affected route(s) and the minority and non-minority ridership of the entire system.
- (iii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
- (iv) Determination of Disparate Impact. Each service change analysis must compare existing service to proposed changes, and calculate the absolute change as well as the percent change. The transit provider shall use its adverse effects definition and disparate impact threshold to determine whether the proposed major service change will result in adverse effects that are disproportionately borne by minority populations, by comparing the proportion of minorities adversely affected to the proportion of non-minorities adversely affected. The transit provider shall consider the degree of the adverse effects when doing this analysis. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.

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

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

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

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

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

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

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

- (a) Major Service Change Policy. As described under the Service Equity Analysis for Minority Populations, the transit provider must first identify what constitutes a “major service change” for its system, as only “major service changes” are subject to a service equity analysis. The transit provider’s major service change policy will apply to both analyses.
- (b) Adverse Effects. As described under the Service Equity Analysis for Minority Populations, the transit provider shall define and analyze adverse effects related to major changes in transit service. The transit provider’s adverse effects policy will apply to both analyses.
- (c) Disproportionate Burden Policy. The transit provider shall develop a policy for measuring disproportionate burdens on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode.
- (d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the disproportionate burden policy.
- (e) Selection of Comparison Population. Transit providers may use ridership data or population of the service area for the comparison population. If a transit provider uses ridership as the comparison population for the Title VI (minority populations) service equity analysis, the transit provider should use ridership as the comparison population for the low-income equity analysis. Similarly, if the transit provider uses the service area as the comparison population for the Title VI (minority populations) analysis, the provider should use the service area as the comparison population for the low-income analysis.
- (f) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, or traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. [NOTE: Census tract level may be used if that is the smallest geographic area available for income data]. For example,

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

- (g) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on low-income populations using the following method:
- (i) Ridership Data. When the transit provider determines that the correct comparison population is ridership, the transit provider shall document the reasons for selecting this comparison population and analyze any available information generated from ridership surveys to determine the low-income and non-low-income population ridership of the affected route(s) and the low-income and non-low-income ridership of the entire system.
  - (ii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured/rerouted, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
  - (iii) Determination of Disproportionate Burden. Each service change analysis must compare existing service to proposed service, and calculate the absolute change as well as the percent change. The transit provider shall use its disproportionate burden threshold to determine whether the proposed change will result in adverse effects that are disproportionately borne by low-income populations, by comparing the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.
  - (iv) Avoid, Minimize, Mitigate. At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed major service change, the transit provider should take steps to avoid, minimize, or mitigate impacts where practicable. The provider should also describe alternatives available to low-income passengers affected by the service changes.
  - (v) FTA considers the disproportionate burden analysis for low-income populations described above to be important for planning and environmental justice analysis purposes; however, since low-income populations are not a protected class under Title VI, failure to complete this analysis will not result in a finding of noncompliance under Title VI.

b. Fare Equity Analysis

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

(a) Exceptions.

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

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

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

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

(i) Determine the number and percent of users of each fare media being changed;

(ii) Review fares before the change and after the change;

(iii) Compare the differences for each particular fare media between minority users and overall users; and

(iv) Compare the differences for each particular fare media between low-income users and overall users.

Please see Appendix K for a sample analysis.

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

- (a) Minority Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impact to determine whether minority riders are bearing a disproportionate impact of the change between the existing cost and the proposed cost. The impact may be defined as a statistical percentage. The disparate impact threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next Title VI Program submission.
- (b) Public Participation Process. The transit provider shall engage the public in the decision-making process to develop the disparate impact threshold.
- (c) Modification of Proposal. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize or mitigate those impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.
- (d) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed fare changes despite the disparate impact on minority ridership, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed fare change, the transit provider may implement the fare change only if:
- the transit provider has a substantial legitimate justification for the proposed fare change, **and**
  - the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

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

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

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

- (f) Low-Income Disproportionate Burden Policy. The transit provider shall develop a policy for measuring the burden of fare changes on low-income riders to determine when low-income riders are bearing a disproportionate burden of the change between the existing fare and the proposed fare. The impact may be defined as a statistical percentage. The disproportionate burden threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next program submission.
  - (i) The transit provider shall engage the public in the decision-making process to develop the disproportionate burden threshold.
  - (ii) At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize or mitigate impacts where practicable. The transit provider should describe alternatives available to low-income populations affected by the fare changes.
- c. Service and Fare Equity Analysis for New Starts and Other New Fixed Guideway Systems. Transit providers that have implemented or will implement a New Start, Small Start, or other new fixed guideway capital project shall conduct a service and fare equity analysis. The service and fare equity analysis will be conducted six months prior to the beginning of revenue operations, whether or not the proposed changes to existing service rise to the level of “major service change” as defined by the transit provider. All proposed changes to parallel or connecting service will be examined. If the entity that builds the project is different from the transit provider that will operate the project, the transit provider operating the project shall conduct the analysis. The service equity analysis shall include a comparative analysis of service levels pre-and post- the New Starts/Small Starts/new fixed guideway capital project. The analysis shall be depicted in tabular format and shall determine whether the service changes proposed (including both reductions and increases) due to the capital project will result in a disparate impact on minority populations. The transit provider shall also conduct a fare equity analysis for any and all fares that will change as a result of the capital project.



## **CHAPTER V**

### **REQUIREMENTS FOR STATES**

1. **INTRODUCTION**. This chapter provides requirements for States. States that receive financial assistance from FTA are also responsible for following:
  - a. The general requirements in Chapter III of this Circular; and
  - b. The requirements in Chapter IV of this Circular if the State is a provider of fixed route public transportation.
  
2. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM**. Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available “racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.” As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

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

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

- a. All general requirements set out in section 4 of Chapter III of this Circular;
- b. All requirements for transit providers set out in Chapter IV of this Circular if the State is a provider of fixed route public transportation services;
- c. A demographic profile of the State that includes identification of the locations of minority populations in the aggregate;
- d. Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in

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

- e. An analysis of impacts identified in paragraph d that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
  - f. A description of the statewide transportation planning process that identifies the transportation needs of minority populations;
  - g. A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner; and
  - h. A description of the procedures the State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.
3. PLANNING. All States are responsible for conducting planning activities that comply with 49 U.S.C. Section 5304, Statewide Transportation Planning, as well as subpart B of 23 CFR part 450, Statewide Transportation Planning and Programming. Since States “pass through” planning funds to the MPO, the State as primary recipient is responsible for collecting Title VI programs from MPOs on a schedule to be determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient.

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

- a. Analyzed regional demographic data to identify minority populations within the non-urbanized areas of the State.
- b. Where necessary, provided local service providers and agencies with data to assist them in identifying minority populations in their service area.
- c. Ensured that members of minority communities are provided with full opportunities to engage in the Statewide Transportation Planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.

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

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

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the agency's criteria for selecting entities to participate in an FTA grant program.

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



## CHAPTER VI

### REQUIREMENTS FOR METROPOLITAN TRANSPORTATION PLANNING ORGANIZATIONS

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

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

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

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

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

- a. In its regional transportation planning capacity, the MPO shall submit to the State as the primary recipient, and also to FTA:
  - (1) All general requirements set out in section 4 of Chapter III of this Circular;
  - (2) A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate;
  - (3) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process;

- (4) Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient;
  - (5) An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
- b. In its capacity as a direct recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter; and
  - (2) If the MPO is a provider of fixed route public transportation service, the information required under section 2 of chapter IV (Requirements and Guidelines for Fixed Route Transit Providers). The reporting requirements that the MPO must follow for the provision of public transportation service will be based on whether the MPO serves a large UZA with 200,000 or more in population and whether the number of fixed route vehicles in peak service is 50 or more.
- c. In its capacity as a primary recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter;
  - (2) A description of the procedures the MPO uses to pass through FTA financial assistance to subrecipients in a nondiscriminatory manner; and
  - (3) A description of the procedures the MPO uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

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

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

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

- a. Analyzed regional demographic data to identify minority populations within the region.
  - b. Where necessary, provided member agencies with regional data to assist them in identifying minority populations in their service area.
  - c. Ensured that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
  - d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPO passes funds through to subrecipients.
4. DESIGNATED RECIPIENT. MPOs sometimes serve the role of designated recipient. FTA apportions funds each year to the MPO as designated recipient, and the MPO, in turn, suballocates funds (without receiving the actual funds from FTA) to various entities and/or retains funds to carry out its own projects or activities, or to pass through to subrecipients. If the MPO as designated recipient simply suballocates the funds to other entities, and those entities apply to FTA directly for the funds, the MPO and each entity to which it suballocates funds enter into a “supplemental agreement.” Under a supplemental agreement, the direct recipient is responsible for demonstrating compliance with Federal law, including Title VI, and the MPO is not in any manner subject to or responsible for the direct recipient’s compliance with the DOT Title VI regulations.

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

5. DIRECT RECIPIENT. An MPO that receives funding directly from FTA for its own activities is a direct recipient, and therefore must develop a Title VI Program and report Title VI compliance to FTA for those activities for which it is a direct recipient. As a direct recipient, an MPO may also pass through funds to subrecipients. When an MPO receives funds directly from FTA and then passes funds through to subrecipients, the MPO becomes a primary recipient under the DOT Title VI regulations and is responsible for monitoring the compliance of its subrecipients with Title VI, unless that subrecipient is also an FTA direct recipient. Refer to Appendix L for clarification of reporting responsibilities by recipient category.
6. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass

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

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

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

## **CHAPTER VII**

### **EFFECTING COMPLIANCE WITH DOT TITLE VI REGULATIONS**

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

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

2. **PROCEDURES FOR SECURING VOLUNTARY COMPLIANCE**. FTA may determine a recipient is noncompliant with DOT's Title VI regulations following a compliance review or after FTA completes an investigation in response to a Title VI complaint. Prior to taking measures to effect compliance, FTA will attempt to resolve noncompliance informally and by using the following procedures.
  - a. **Notification to the Recipient**. When FTA has determined that a recipient is noncompliant with DOT's Title VI regulations, it will transmit a letter of finding to the recipient that describes FTA's determination and requests that the recipient voluntarily take corrective action(s) that FTA deems necessary and appropriate.
  - b. **Recipient Response**. Within 30 days of receipt of FTA's letter of finding, the recipient must submit a remedial action plan, including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations. The recipient's plan shall:
    - (1) List all corrective action(s) accepted by the recipient.
    - (2) Describe how the corrective actions will be implemented, and provide a timeline for achieving compliance.
    - (3) Include a written assurance that the recipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan.
    - (4) A copy of the board resolution, meeting minutes, or similar documentation with evidence that the board of directors or appropriate governing entity or official(s) has approved the remedial action plan.

- c. Request for Reconsideration. A recipient may request that FTA reconsider its finding. A request for reconsideration shall provide a justification for the request to reconsider, including any evidence or information supporting such a request, and include a written assurance that on the basis of the requested reconsideration, the agency is or otherwise will come into compliance with DOT's Title VI regulations. This request shall be submitted within 30 days of FTA's notification to the recipient.
  - d. FTA Review of the Recipient Response. Within 30 days after receiving the recipient's response, FTA will review the submitted remedial action plan and any request for reconsideration and decide what remedial action(s) are necessary and appropriate to bring the recipient into compliance. If necessary, before making a decision, FTA may conduct a site visit to substantiate information or statements contained in the recipient's response. FTA will issue a decision, including its findings and recommendations, as part of a final remedial action plan. The final remedial action plan will be sent to the recipient for review and consent. Consent means the recipient agrees to initiate action(s) specified in the plan.
  - e. Conditions for Declining the Remedial Action Plan. The recipient has 15 days from the date of notification by FTA to agree or disagree with the final remedial action plan. If a recipient disagrees with this plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. Under those circumstances, the recipient will be considered in noncompliance, and FTA will schedule a meeting with the recipient within 30 days to resolve the disagreements.
3. PROCEEDINGS. When FTA and the recipient cannot agree on a final remedial action plan and the recipient continues to be in noncompliance with DOT Title VI regulations, in accordance with 49 CFR Section 21.13, FTA may suspend, terminate, or refuse to grant or continue Federal financial assistance to the recipient. This will generally occur when all means of informal resolution have failed to get the recipient to comply with the law. FTA may refer a matter to DOJ with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.
- a. Termination of or refusal to grant or to continue Federal financial assistance. In accordance with 49 CFR Section 21.13(c), FTA will not suspend, terminate, or refuse to grant or continue Federal financial assistance until:
    - (1) FTA has notified the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;
    - (2) FTA has found, after opportunity for a hearing, that the applicant or recipient has failed to comply with Title VI regulations;
    - (3) The action has been approved by the Secretary of Transportation; and
    - (4) 30 days have passed after FTA has filed with the Transportation and Infrastructure Committee of the House of Representatives; and the Banking, Housing and Urban

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

- b. Other means authorized by law. In accordance with 49 CFR Section 21.13(d), FTA will not refer the matter to DOJ or take any other action to effect compliance until:
- (1) FTA has determined that compliance cannot be secured by voluntary means;
  - (2) FTA has notified the recipient of its failure to comply and the action FTA intends to take; and
  - (3) At least 10 days have passed from the mailing of such notice to the recipient. During this 10-day period, FTA will make additional efforts to persuade the recipient to comply with the regulation and to take such corrective action as may be appropriate.
- c. Hearings. Whenever FTA has determined that it is appropriate to terminate or refuse to grant or continue Federal financial assistance, prior to such action FTA will provide the applicant or recipient with an opportunity for a hearing, in accordance with 49 CFR Section 21.15. FTA will provide reasonable notice of the hearing by registered or certified mail, return receipt requested, to the applicant or recipient. The notice will advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action. The notice will either:
- (1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the FTA Administrator that the matter be scheduled for hearing; or
  - (2) Advise the applicant or recipient that the matter in question has been scheduled for a hearing at a stated place and time. The time and place will be reasonable and subject to change for cause.
- The complainant, if any, shall be advised of the time and place of the hearing.
- d. Waiver of Hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under Section 602 of the Civil Rights Act of 1964 and 49 CFR Section 21.13(c), and consent to FTA making a decision on the basis of the available information.
- e. Time and Location of Hearing. Hearings will be held at the FTA Headquarters office in Washington, DC, at a time fixed by the FTA Administrator unless the convenience of the applicant or recipient or of FTA requires that another place be selected.

- f. Hearing officer. Hearings will be held before the Secretary of Transportation or before a hearing examiner appointed in accordance with Section 3105 of title 5, United States Code.
  - g. Right to counsel. In all proceedings carried out under the authority of 49 CFR Section 21.15, the applicant or recipient and FTA shall have the right to be represented by counsel.
  - h. Procedures, evidence, and record. Pursuant to 49 CFR 21.15(d), the hearing, decision, and any administrative review thereof shall be conducted in conformity with Sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper relating to the conduct of the hearing, giving of notices to the applicant or recipient, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. FTA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.
4. JUDICIAL REVIEW. When FTA issues a final order after a hearing on the record, such final action is subject to judicial review.

## **CHAPTER VIII**

### **COMPLIANCE REVIEWS**

1. **INTRODUCTION**. This chapter describes the review process FTA will follow when determining whether a recipient is compliant or noncompliant with DOT Title VI regulations, subsequent to the award of Federal financial assistance, and describes the information and actions expected from recipients that are subject to these reviews.
2. **COMPLIANCE PROCEDURES**. Title 49 CFR Section 21.11(a) requires FTA to conduct compliance reviews of its recipients. These reviews are separate from and may be in addition to a Triennial Review, State Management Review, or Planning Certification Review and will be conducted either as a desk audit or an on-site visit. The review may cover all or a portion of the recipient's compliance with Title VI. Such reviews are conducted at the discretion of FTA, and the scope of a review is defined on a case-by-case basis.
3. **CRITERIA**. The following list of factors will contribute to the selection of recipients for compliance reviews:
  - a. Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging the recipient is noncompliant with DOT Title VI regulations;
  - b. Alleged noncompliance brought to the attention of FTA by other Federal, State, or local agencies;
  - c. A recipient submitting an incomplete or insufficient Title VI Program; and
  - d. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI.
4. **SCOPE**. In general, compliance reviews will assess the following information:
  - a. The recipient's documented efforts to meet the requirements under Chapter III and the program-specific sections of this Circular.
  - b. Other information that is necessary and appropriate to make a determination that the recipient is in compliance with Title VI.
5. **DETERMINATIONS**. After reviewing the recipient's or subrecipient's efforts to meet the general reporting and program-specific reporting sections of the Circular, FTA will issue a compliance report that includes findings of no deficiency, deficiency, or noncompliance.
  - a. **Findings of no deficiency** are determinations that no deficiency was found in review of the recipient's Title VI Program or after the results of an investigation or compliance review. Agencies are not expected to take any corrective action in response to findings of no deficiency except with regard to advisory comments. Advisory comments are recommendations that the recipient undertake activities in a manner more consistent with

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

- b. Findings of deficiency are determinations that the recipient has not complied with one or more of the pertinent provisions of this circular. Recipients are expected to take corrective actions in response to findings of deficiency and the compliance review will provide specific instructions to the recipient on how the corrective action shall be taken.
  - c. Findings of noncompliance are determinations that the recipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity; upon such determination, FTA will consider the recipient to be noncompliant with Title VI. If noncompliance cannot be corrected informally, the recipient may be subject to remedial action or proceedings under Chapter VII of this Circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.
6. RESULTS OF COMPLIANCE REVIEW ACTIVITIES. FTA will summarize the results of the review in a draft compliance report, which will include findings of no deficiency, findings of deficiency, and advisory comments, as appropriate. If findings of deficiency remain in the final compliance report, the recipient will be required to take corrective action, develop a timeline for compliance, and report on its progress to FTA on, at minimum, a quarterly basis. Once FTA determines that the recipient has satisfactorily responded to the review's findings, it will inform the recipient that the review process has ended and release it from further progress reporting in response to the review. FTA may follow up on a compliance review with additional reviews as necessary.
  7. EFFECTING COMPLIANCE. Consistent with the provisions of 49 CFR Sections 21.13, 21.15, and 21.17, and as explained in Chapter VII of this Circular, if a recipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate proceedings that could result in action taken by the U.S. DOT to suspend, terminate, refuse to grant or continue Federal financial assistance to a recipient, or may make a referral to the Department of Justice (DOJ) with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

## **CHAPTER IX**

### **COMPLAINTS**

1. **INTRODUCTION**. This chapter describes how FTA will respond to complaints filed with FTA alleging that an FTA recipient has violated the DOT Title VI regulations. FTA will promptly investigate all complaints in accordance with 49 CFR Section 21.11. FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.
2. **RIGHT TO FILE A COMPLAINT**. Any person who believes himself, herself, or any specific class of persons to be subjected to discrimination on the basis of race, color, or national origin may by himself or by a representative file a written complaint with FTA. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.
3. **COMPLAINT ACCEPTANCE**. Once a complaint has been accepted by FTA for investigation, FTA will notify the recipient that it is the subject of a Title VI complaint and ask the recipient to respond in writing to the complainant's allegations. If the complainant agrees to release the complaint to the recipient, FTA will provide the agency with the complaint, which may have personal information redacted at the request of the complainant. If the complainant does not agree to release the complaint to the recipient, FTA may choose to close the complaint.
4. **INVESTIGATIONS**. FTA will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with DOT's Title VI regulations. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with DOT's Title VI regulations occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with DOT's Title VI regulations.
5. **LETTERS OF FINDING**. After FTA has concluded the investigation, FTA's Office of Civil Rights will transmit to the complainant and the recipient one of the following letters based on its findings:
  - a. A letter of finding indicating FTA did not find a violation of DOT's Title VI regulations. This letter will include an explanation of why FTA did not find a violation. If applicable, the letter may include a list of procedural violations or concerns, which will put the recipient on notice that certain practices are questionable and that without corrective steps, a future violation finding is possible.
  - b. A letter of finding indicating the recipient is in violation of DOT's Title VI regulations. The letter will include each violation referenced to the applicable regulation, a brief description of proposed remedies, notice of the time limit on coming into compliance, the consequences of failure to achieve voluntary compliance, and an offer of assistance to the recipient in devising a remedial plan for compliance, if appropriate.

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

## **INTRODUCTION TO TECHNICAL APPENDICES**

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



## **APPENDIX A**

### **TITLE VI PROGRAM CHECKLIST**

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

#### **General Requirements (Chapter III)**

*All recipients must submit:*

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

#### **Requirements of Transit Providers (Chapter IV)**

*All Fixed Route Transit Providers must submit:*

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

- Vehicle load for each mode
- Vehicle headway for each mode
- On time performance for each mode
- Service availability for each mode
- Service policies
  - Transit Amenities for each mode
  - Vehicle Assignment for each mode

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

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

### **Requirements of States (Chapter V)**

*States must submit:*

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

### **Requirements of MPOs (Chapter VI)**

*Metropolitan Planning Organizations and other planning entities must submit:*

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

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



**APPENDIX B****TITLE VI NOTICE TO THE PUBLIC (GENERAL REQUIREMENT)****Background**

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

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

**SAMPLE Title VI Notification to the Public**

Notifying the Public of Rights Under Title VI  
**THE CITY OF USA**

- The City of USA operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- For more information on the City of USA's civil rights program, and the procedures to file a complaint, contact 800-555-1212, (TTY 800-555-1111); email [title.vi.complaint@city.ca.us](mailto: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](http://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*



## APPENDIX C

### TITLE VI COMPLAINT PROCEDURE (GENERAL REQUIREMENT)

#### Background

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

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

#### SAMPLE Title VI Complaint Procedure

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

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

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

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

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



**APPENDIX D**

**SAMPLE TITLE VI COMPLAINT FORM (GENERAL REQUIREMENT)**

**Background**

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

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

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



**APPENDIX E**

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

**Background**

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

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

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

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

**SAMPLE List of Investigations, Lawsuits and Complaints**

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



**APPENDIX F**

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

**Background**

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

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

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

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



**APPENDIX G**

**SERVICE STANDARDS (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)**

**Background**

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

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

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

**SAMPLE Standards**

***SAMPLE Vehicle Load Standards***

***1. Expressed in writing***

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

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

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

**SAMPLE Vehicle Headway Standards**

**1. Expressed in writing**

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

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

**2. Expressed in tabular format**

**POLICY HEADWAYS AND PERIODS OF OPERATION**

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

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

*"--" means no service is provided during that time period.*

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

*\* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm - Midnight;*

*"--" means no service is provided during that time period.*

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

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

***SAMPLE On-Time Performance Standards***

***Expressed in writing***

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

***SAMPLE Service Availability Standards***

***Expressed in writing***

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

***AND/OR***

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



## **APPENDIX H**

### **SERVICE POLICIES (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)**

#### **Background**

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

- Vehicle Assignment
- Transit Amenities

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

#### **Policies**

##### ***SAMPLE Vehicle Assignment Policy***

###### ***Expressed in writing***

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

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

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

##### ***SAMPLE Transit Amenities Policy***

###### ***Expressed in writing***

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



**APPENDIX I**

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

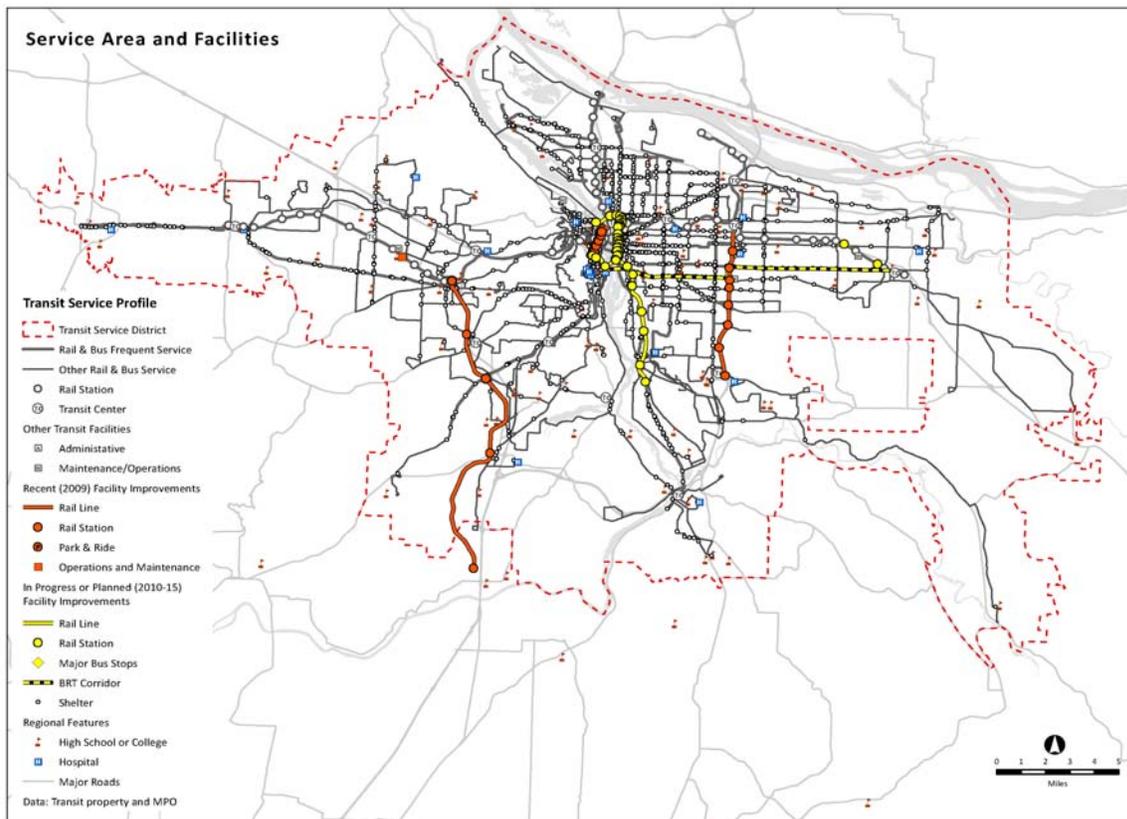
**Background**

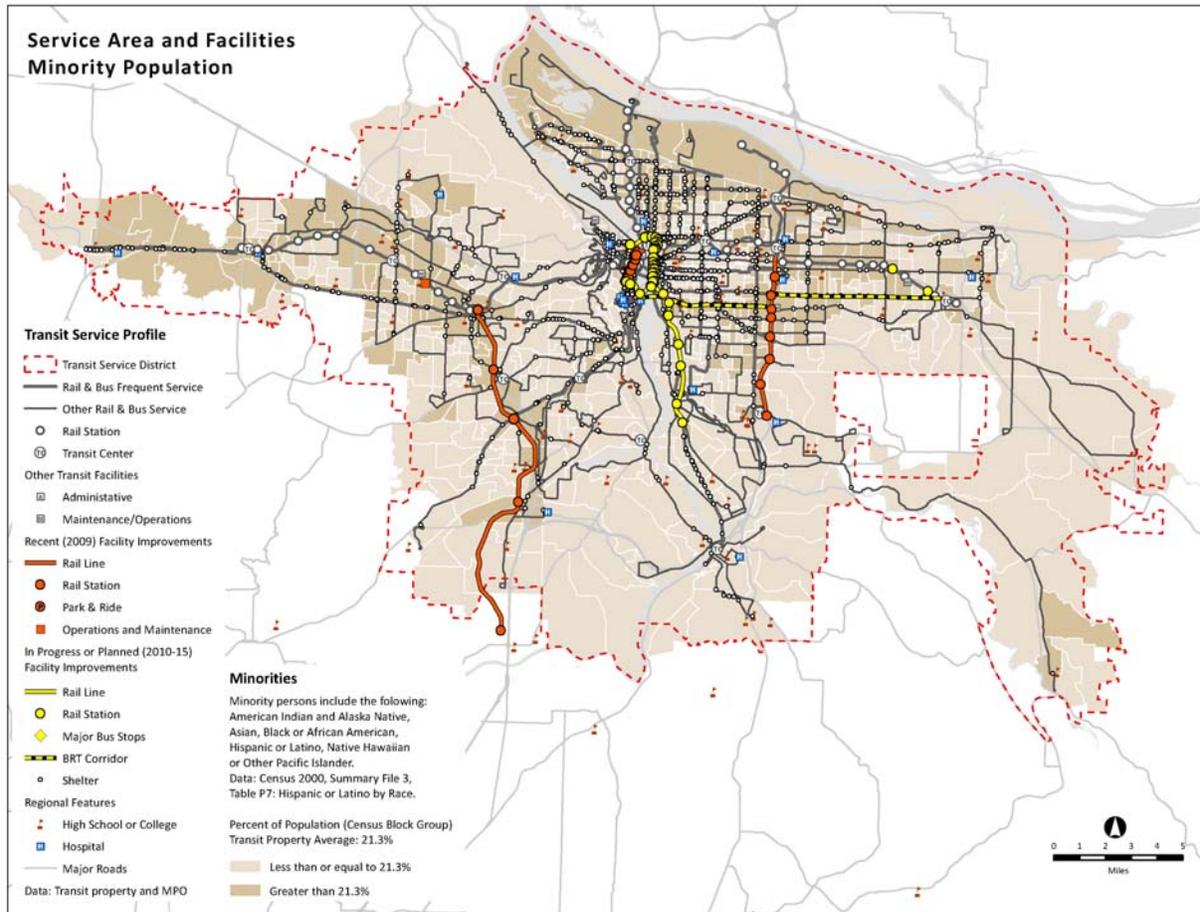
Transit service providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, are required to prepare demographic and service profile maps and charts to determine whether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

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

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

**SAMPLE Demographic and Service Profile Maps and Charts**





**Additional guidance**

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

## **APPENDIX J**

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

#### **Background**

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

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

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

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

#### **SAMPLE Methodology**

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

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

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

### **SAMPLE Monitoring of Service Standards**

#### ***SAMPLE Vehicle Load Monitoring***

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

**Table 1. SAMPLE Passenger Capacities**

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

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

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

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

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

In this example the transit provider uses quartiles to identify all Census Block Groups served by bus lines within  $\frac{1}{4}$  mile walking distance from bus stops and  $\frac{1}{2}$  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*

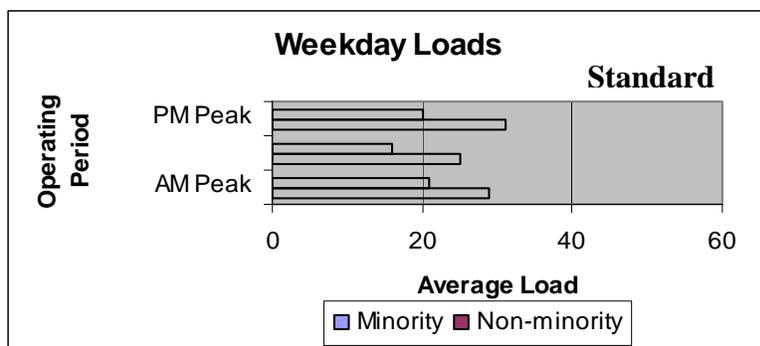
Lines and System	AM Peak IB		Midday IB & OB		PM Peak OB	
	Load/Seats	Avg Load	Load/Seats	Avg Load	Load/Seats	Avg Load
4th Quartile (Minority Population > 29%)	0.62	34	0.55	28	0.65	37
3rd Quartile (Minority Population > 21.6%)	0.60	24	0.54	21	0.62	24
2nd Quartile (Minority Population > 16.6%)	0.59	23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

Currently, no line exceeds the standard.

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

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

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



**SAMPLE Vehicle Headway Monitoring**

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

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

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

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

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

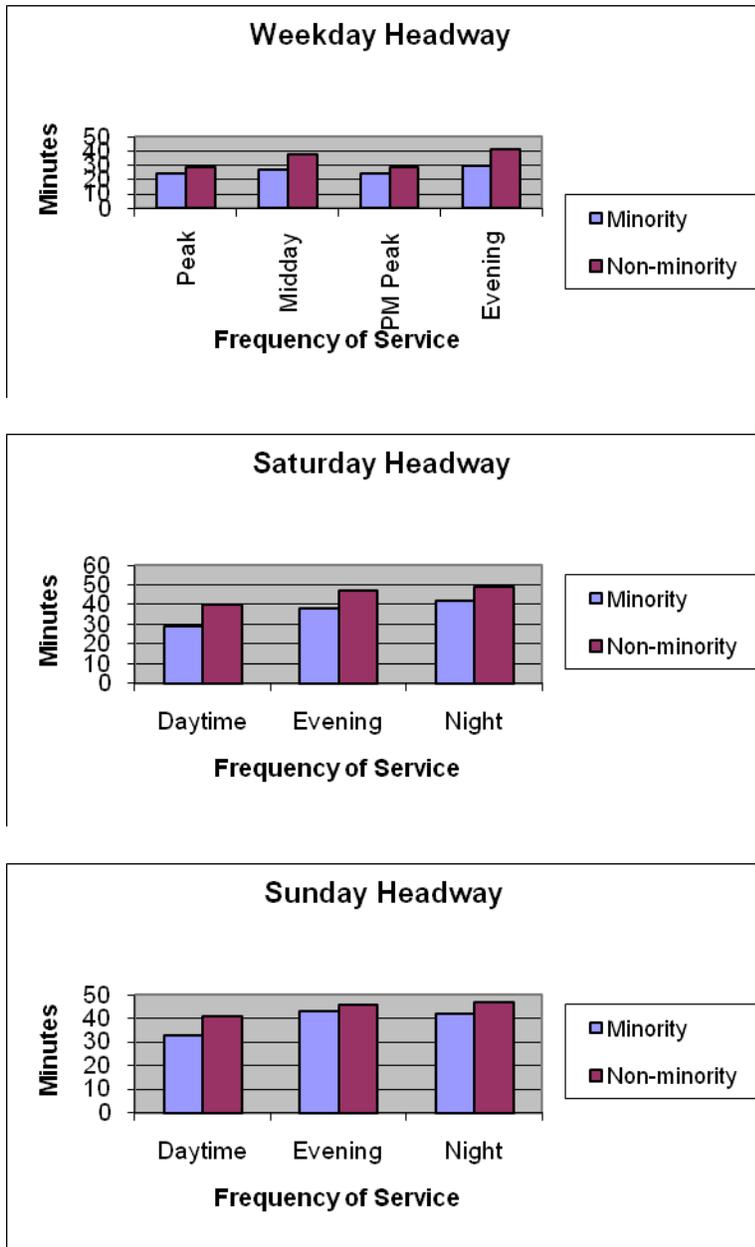
*Shaded cells represent minority lines.*

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

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

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

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

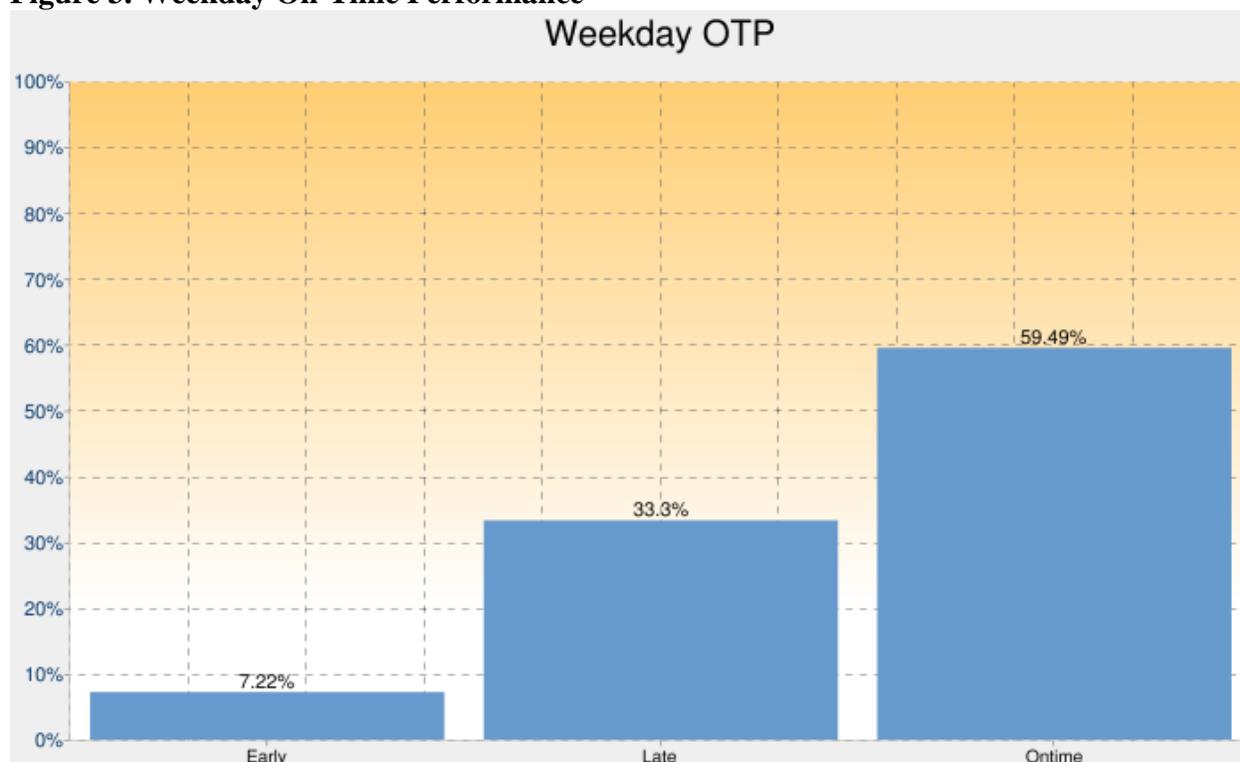


***SAMPLE On-Time Performance Monitoring***

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

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

**Figure 3. Weekday On-Time Performance**



Courtesy of ACE Transit

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

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

**SAMPLE Service Availability Monitoring**

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

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

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

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

Source: 2000 Census Block Group Data

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

**SAMPLE Monitoring of Service Policies**

***SAMPLE Vehicle Assignment Monitoring***

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

***SAMPLE Table:***

**Table 5. Vehicle Assignment**

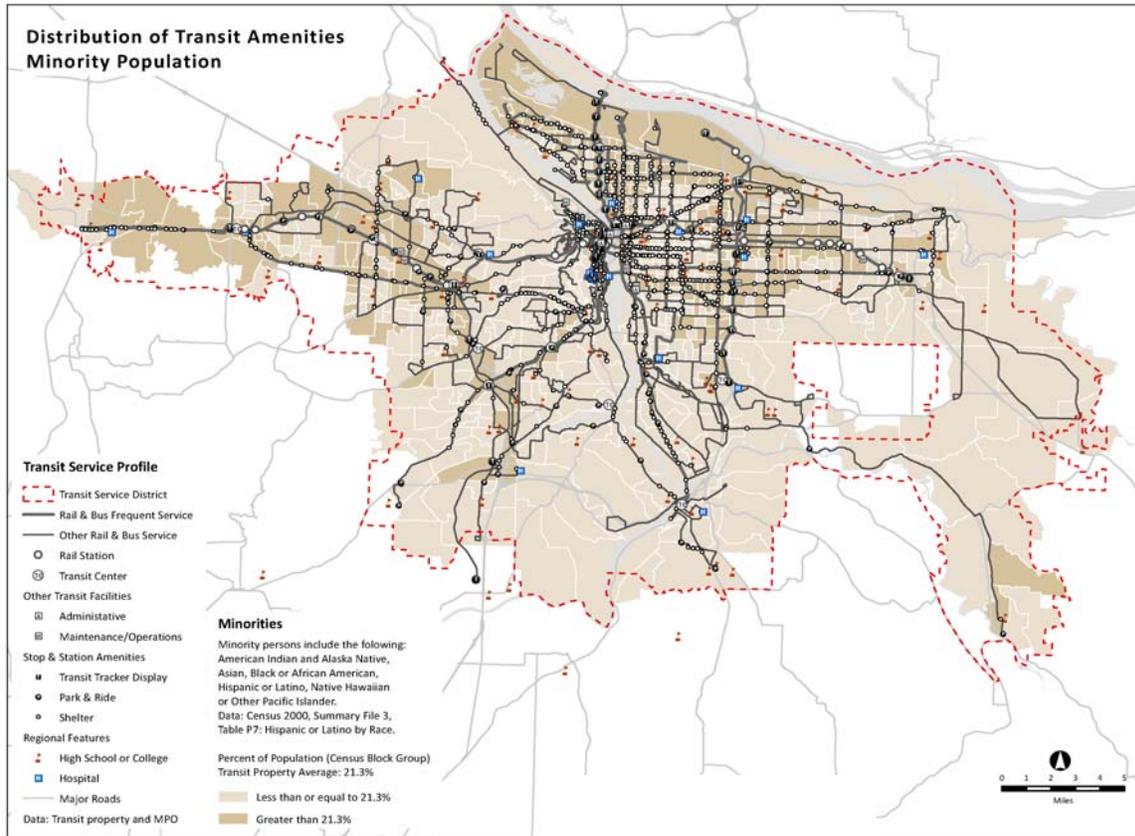
*Shaded Cells Represent Lines Serving Areas with Minority Percentages Above the Median*

Average Vehicle Age	Avg Date of Purchase	Avg Age of Buses	Lines with Low Floor Buses
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	9
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

***SAMPLE Transit Amenities Monitoring***

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

**Figure 4. Transit Amenities Overlay Map**



## APPENDIX K

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

#### Background

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

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

#### Service and Fare Equity Questionnaire Checklist

##### (1) Considerations for Service Equity Analysis

###### *A. Major Service Change Policy*

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

***B. Adverse Effects***

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

***C. Disparate Impact Policy***

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

***D. Disproportionate Burden Policy***

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

### *E. Analysis Framework*

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

### *F. Assessing Impacts*

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

- Clearly demonstrated that we analyzed alternatives to determine whether the proposed service changes are the least discriminatory alternative.
- ☐ We have used our adverse effects definition and our disproportionate burden policy and compared the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected.
- ☐ We have provided a step-by-step description of the analytical methodology we followed to determine whether the proposed change(s) would have a disproportionate burden on low-income populations.
- ☐ We have identified whether low-income populations will experience disproportionate burdens.
- ☐ If we have determined that a disproportionate burden exists, we have also taken steps to avoid, minimize, or mitigate impacts where practicable. We have also described alternatives available to low-income passengers affected by the service changes.
  - Note: Alternatives could include the availability of other lines or services, potentially involving transfers and/or other modes, which connect affected riders with destinations that they commonly access. Depending on the nature of impacts, service-related mitigation could include strategies such as alignment or frequency changes to nearby lines or services to offer more convenient access to affected areas.
- ☐ If we are proposing a service improvement, we have analyzed accrual of benefits for minority populations as compared to non-minority populations, and low-income populations as compared to non-low-income populations, using the comparison population we selected (i.e., ridership or service area).
- ☐ If service is proposed to be increased and/or expanded, but minority and/or low-income populations are not expected to benefit from the expansion as much as non-minority and/or non-low-income populations, then we have explained how our agency plans to improve service to the minority and/or low-income populations.
- ☐ We have described any plans our agency has developed to restore service as additional funds become available.

Exhibit 1.

**SAMPLE reporting of proposed headway change based on ridership.**

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

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

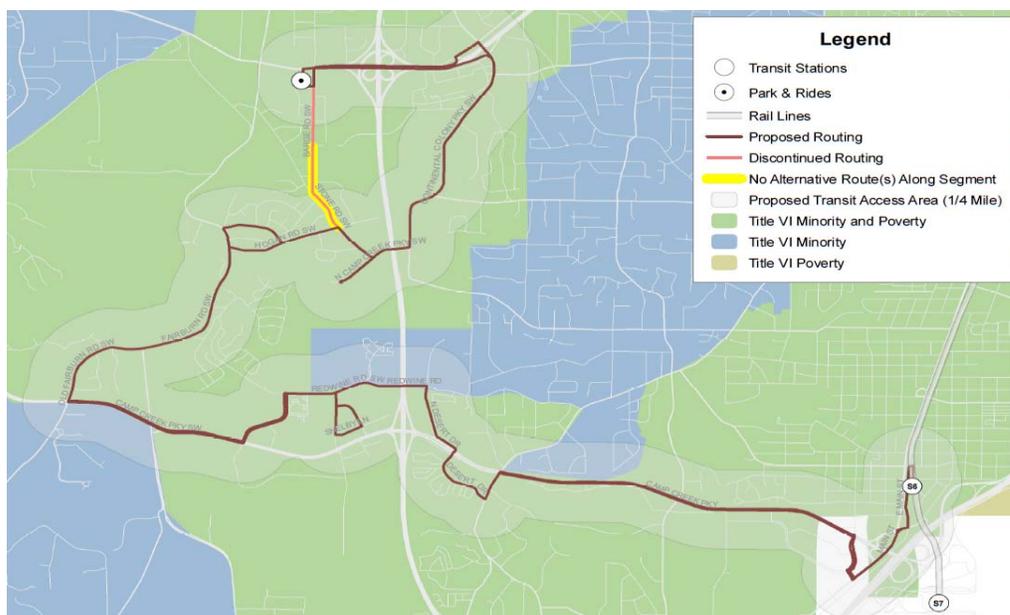
In the table above, an agency has assessed how proposed reductions in service frequency (headway changes) would impact minority and low-income passengers on a bus-only system. Here, the cumulative proposed reduction in service frequency will impact minority and low-income passengers slightly less than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

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

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

Exhibit 2.

**SAMPLE GIS map depicting proposed route changes and nearby minority and low-income concentrations.**



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

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

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

Exhibit 3.

**SAMPLE Population Comparison**

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

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

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

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

*Exhibit 4.***SAMPLE Ridership Comparison**

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

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

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

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

*Exhibit 5.*

**SAMPLE Impacts to passengers**

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

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

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

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

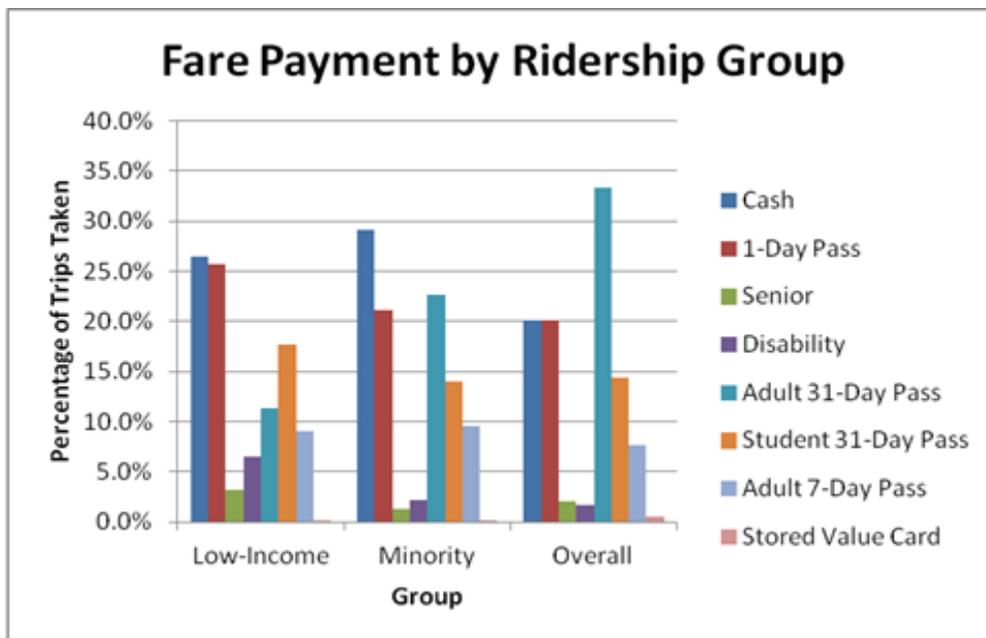
If the transit provider determines there is a disproportionate burden on low-income passengers, the transit provider should review alternatives to see if the impacts on the low-income passengers can be avoided, minimized, or mitigated.

## (2) Considerations for a Fare Equity Analysis

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

- Analysis shows whether vendors that distribute/sell the fare media are located in areas that would be convenient to impacted populations.
- ☐ We have identified whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists, we have considered modifying our proposal to remove these impacts. If we modified our proposal, we have analyzed the modified proposal to determine whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists and we will make the fare changes despite these impacts, we have also:
  - Clearly demonstrated that we have a substantial legitimate justification for the proposed fare changes; and
  - Clearly demonstrated that we analyzed alternatives to determine whether the proposed fare changes are the least discriminatory alternative.
- ☐ If we have documented a disparate impact or a disproportionate burden, we have explored alternatives and mitigation, including the timing of implementing the fare increases, providing discounts on passes to social service agencies that serve the impacted populations, and other alternatives as appropriate.

Charting fare payment by ridership group (as shown on the next page) can be a useful early step in a fare equity analysis to understand how fare media usage varies between low-income riders, minority riders, and overall ridership. Comparing fare payment patterns for minority versus non-minority and low-income versus higher-income riders can yield even clearer depictions of differences that should be considered when developing fare change proposals.



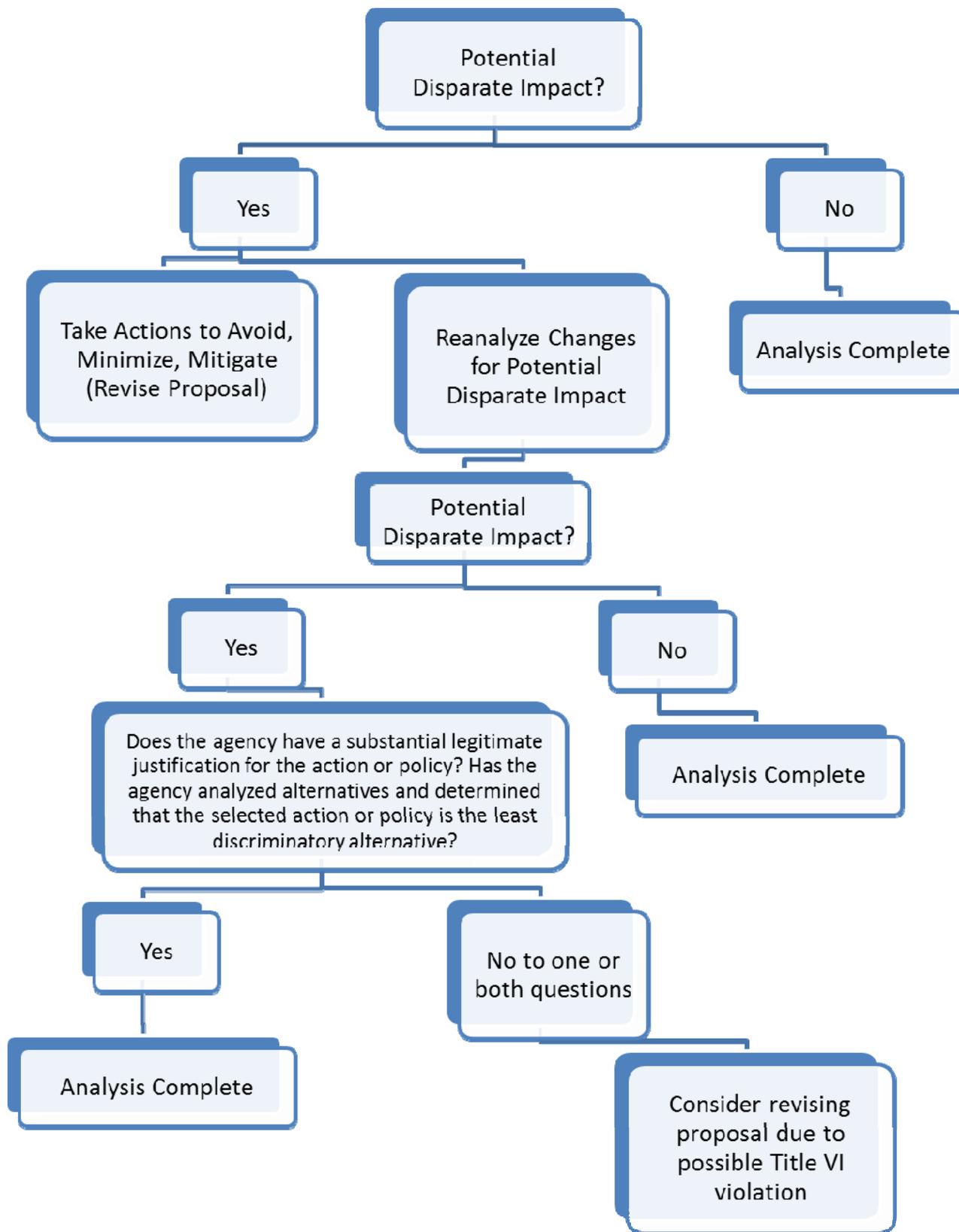
**SAMPLE Fare Equity Analysis**

Count	Cost		Change		Usage by Group		
	Existing	Proposed	Absolute	Percentage	Low-Income	Minority	Overall
Cash	\$1.50	\$2.00	\$0.50	33.3%	308,287	402,021	451,152
1-Day Pass	\$4.50	\$5.50	\$1.00	22.2%	299,880	290,456	448,907
Senior	\$0.50	\$0.75	\$0.25	50.0%	37,536	17,681	46,077
Disability	\$0.50	\$1.00	\$0.50	100.0%	75,440	29,280	38,600
Adult 31-Day Pass	\$57.00	\$63.00	\$6.00	10.5%	132,720	311,225	746,769
Student 31-Day Pass	\$30.00	\$35.00	\$5.00	16.7%	205,708	192,661	323,150
Adult 7-Day Pass	\$15.00	\$17.00	\$2.00	13.3%	105,831	132,135	170,300
10-Ride Card	\$13.50	\$18.00	\$4.50	33.3%	184	780	11,400
<b>Total</b>					<b>1,165,586</b>	<b>1,376,239</b>	<b>2,236,355</b>

% of Total	Cost		Change		Usage by Group		
	Existing	Proposed	Absolute	Percentage	Low-Income	Minority	Overall
Cash	\$1.50	\$2.00	\$0.50	33.3%	26.4%	29.2%	20.2%
1-Day Pass	\$4.50	\$5.50	\$1.00	22.2%	25.7%	21.1%	20.1%
Senior	\$0.50	\$0.75	\$0.25	50.0%	3.2%	1.3%	2.1%
Disability	\$0.50	\$1.00	\$0.50	100.0%	6.5%	2.1%	1.7%
Adult 31-Day Pass	\$57.00	\$63.00	\$6.00	10.5%	11.4%	22.6%	33.4%
Student 31-Day Pass	\$30.00	\$35.00	\$5.00	16.7%	17.6%	14.0%	14.4%
Adult 7-Day Pass	\$15.00	\$17.00	\$2.00	13.3%	9.1%	9.6%	7.6%
Stored Value Card	\$13.50	\$18.00	\$4.50	33.3%	0.0%	0.1%	0.5%
<b>Total</b>					<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

Here, an agency has presented a fare increase proposal and determined fare media usage for low-income, minority and overall ridership from a rider survey. Although a price increase is proposed for all fare media, certain media used disproportionately by low-income and/or minority riders (such as cash fares, one-day passes, and disability fares) are proposed for more substantial price increases than other media used more commonly by other riders (particularly the adult 31-day pass). In order to make an appropriate assessment of disparate impact or disproportionate burden, the transit provider must compare the survey data, and show the number and percent of minority riders and low-income riders using a particular fare media. While the changes appear to affect low-income and minority riders more adversely than other riders, the agency's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

### Disparate Impact Analysis



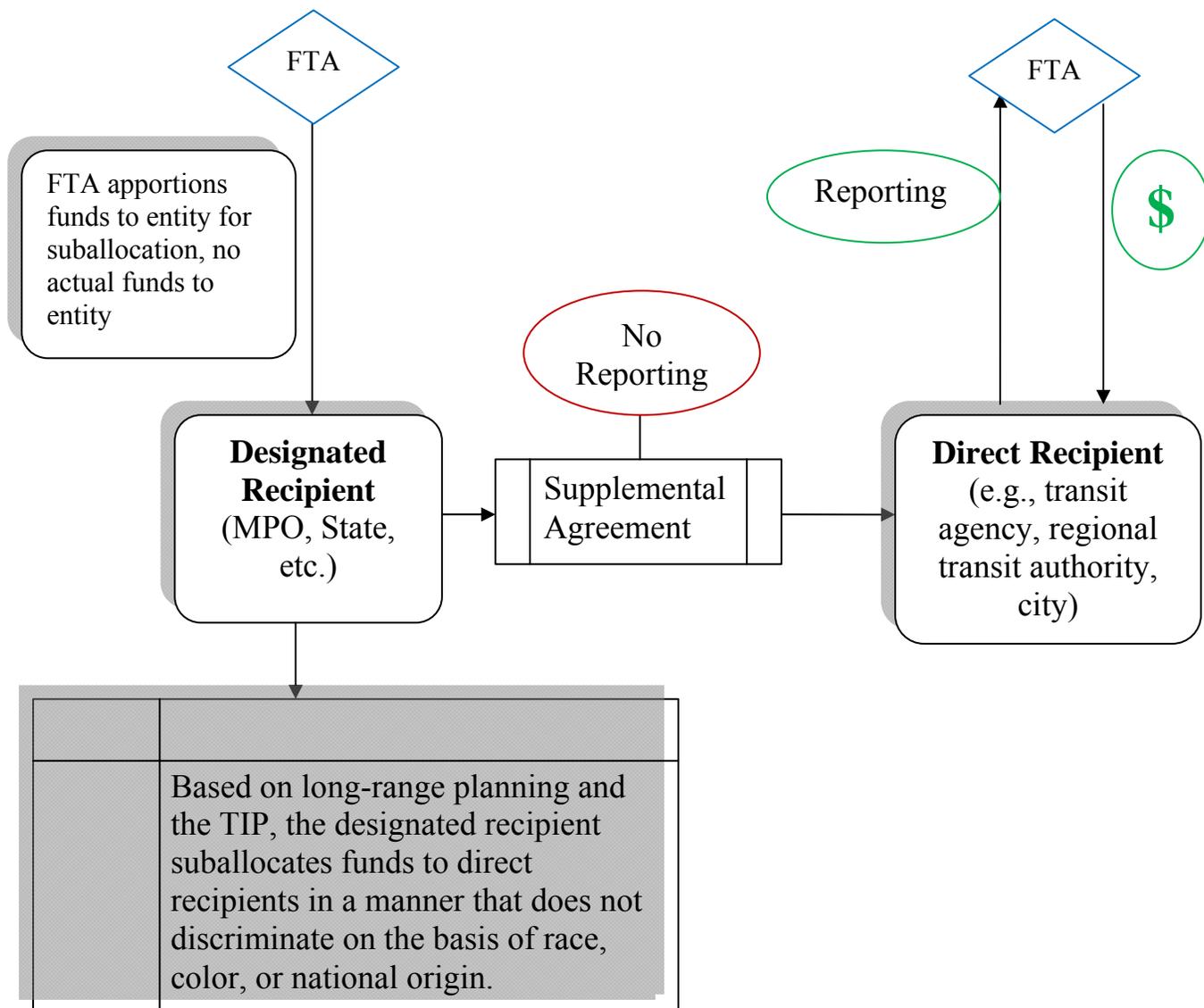
## APPENDIX L

### REPORTING REQUIREMENTS

1. RECIPIENT TYPE. This circular defines many types of recipients of Federal financial assistance: designated recipients, direct recipients, primary recipients and subrecipients. The reporting and monitoring requirements vary depending on what role an entity serves. One entity could be all four types of recipients, and therefore have many different reporting and monitoring requirements. The following questions are designed to assist recipients in determining what their responsibilities are:
  - a. Have you been designated by the Governor of your State or other local officials to receive and apportion funds from FTA? If yes, you are a ***designated recipient***.
  - b. Do you apply to FTA for funds for programs you operate/manage? If yes, you are a ***direct recipient***. You will submit a Title VI Program directly to FTA.
  - c. Do you pass through funds you receive directly from FTA to subrecipients? If yes, then you are a ***primary recipient*** and you must monitor your subrecipients' compliance with Title VI requirements, and collect Title VI Programs from them.
  - d. Do you receive funds from another FTA recipient, that is, are funds "passed through" to you from an entity that received those funds from FTA or another recipient? If yes, then you are a ***subrecipient***. You must submit a Title VI Program to the entity that passed funds through to you.
  - e. Do you suballocate funds to recipients that apply directly to FTA for their funds (i.e., direct recipients)? If yes, have you signed a supplemental agreement? If yes, you do not have any responsibility to monitor the Title VI Program of direct recipients, even if you also "pass through" funds to those recipients (i.e., subrecipients).
  - f. Do you receive discretionary, specialized funding (e.g., TIGER, Livability Urban Circulator)? If yes, do you regularly apply for funds from FTA, i.e., are you a traditional recipient of FTA funds? If you are not a traditional recipient of FTA funds, or are a first-time applicant for FTA funds, special rules may apply.

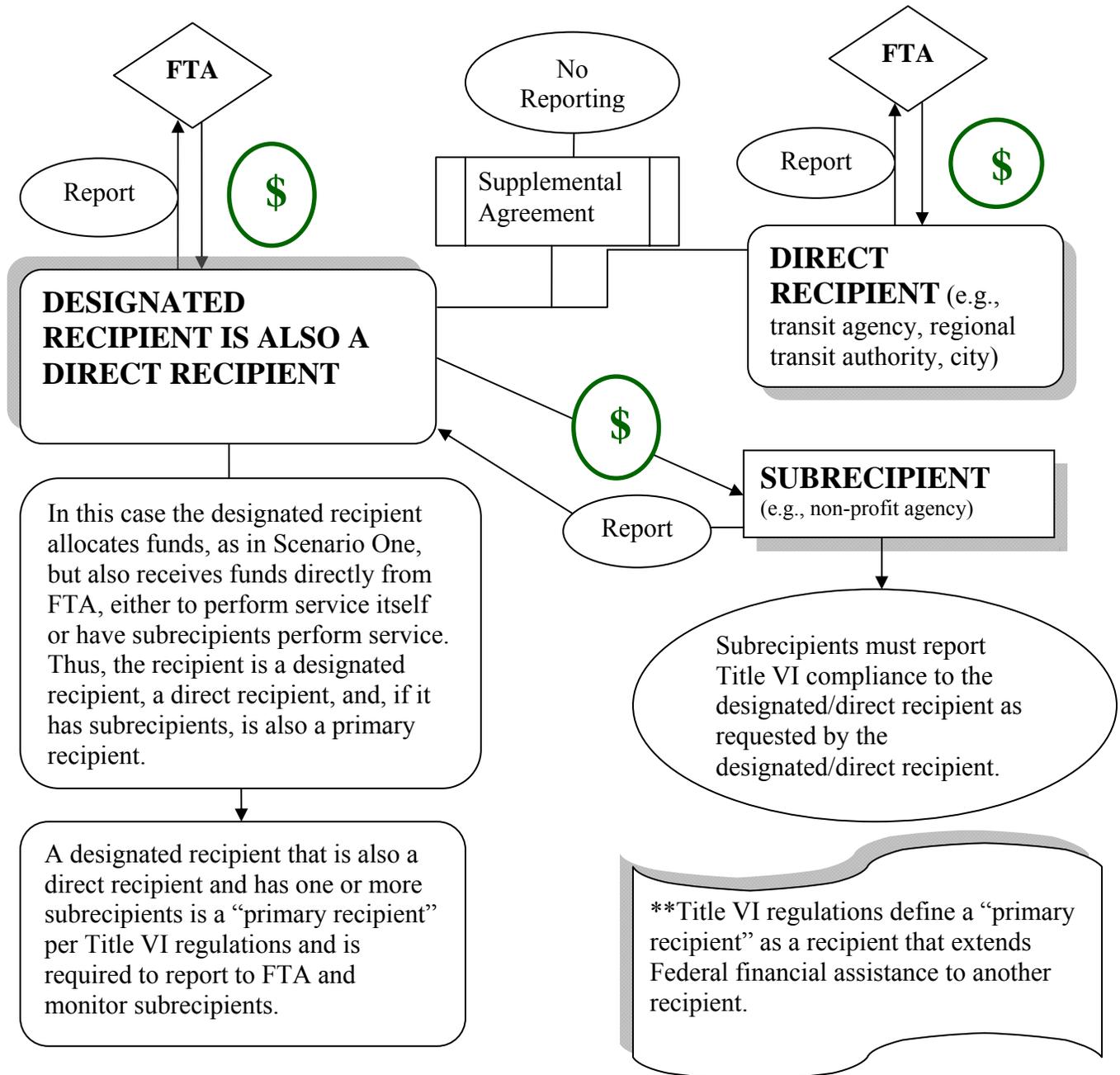
On the following pages are flowcharts that demonstrate the reporting requirements of various types of entities.

**Scenario One—States, Designated Recipients, MPOs, and Other Entities That Suballocate FTA Funds**



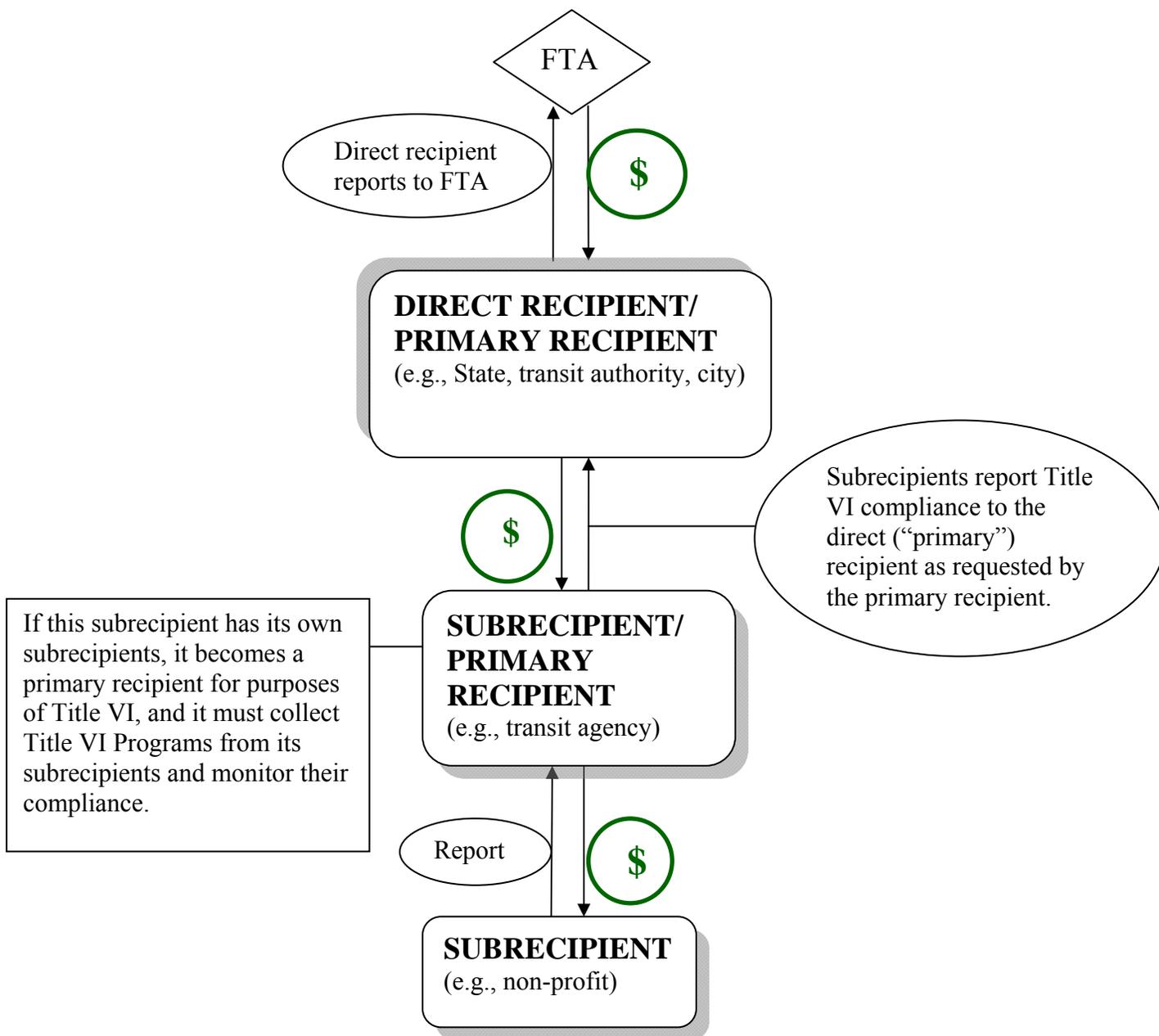
**Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives no funding from FTA; it only receives notice of an apportionment and then suballocates funds to direct recipients; therefore, the designated recipient has no oversight responsibility for direct recipients that receive their funding directly from FTA. Direct recipients submit Title VI reports to FTA.**

**Scenario Two—Designated Recipients That Are Also Direct Recipients**



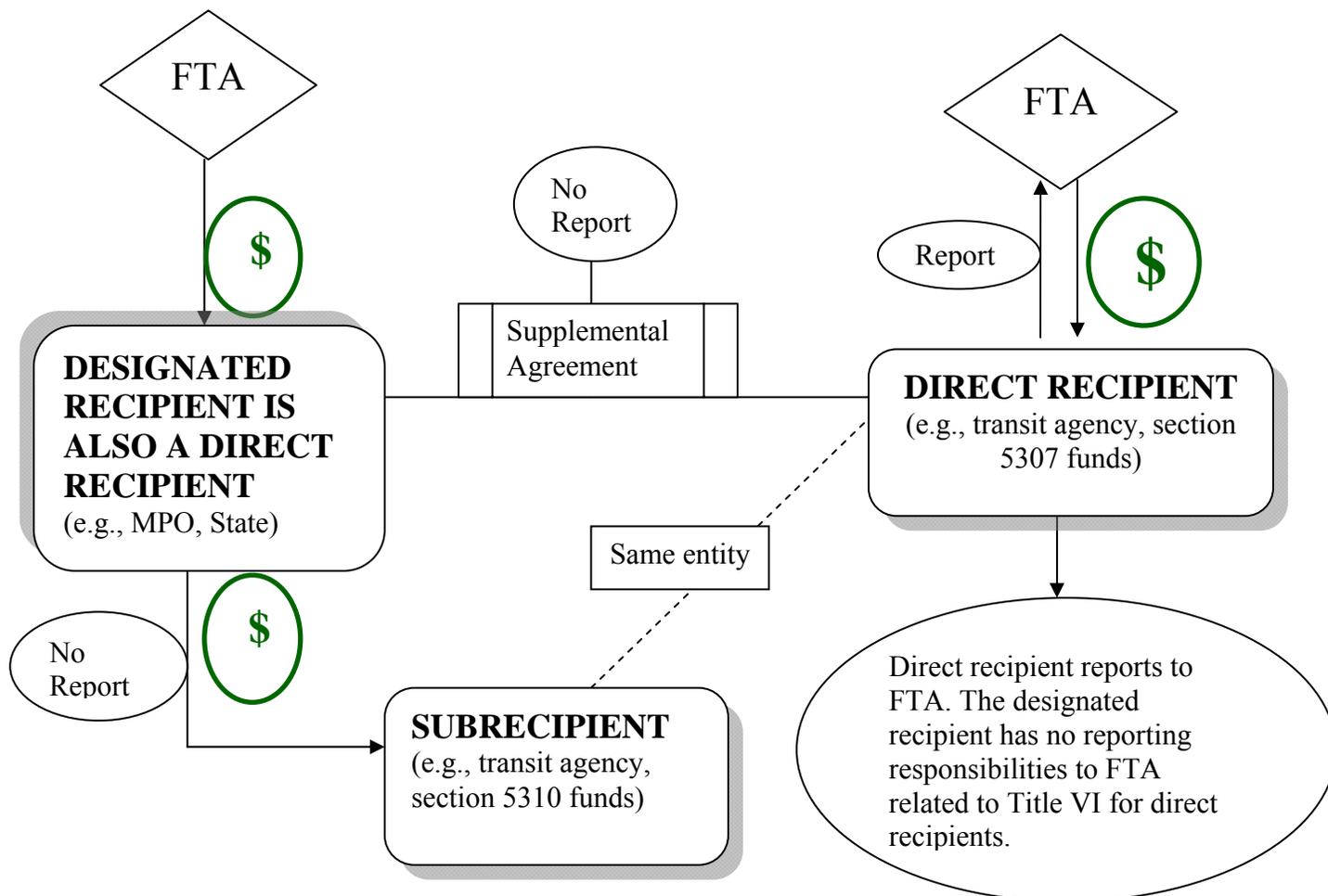
**Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives funding from FTA; therefore the designated recipient submits a Title VI Program to FTA and includes a description of how it monitors subrecipients. The designated recipient does not collect Title VI Programs from direct recipients to whom it only allocates funds. Direct recipients submit Title VI Programs to FTA.**

**Scenario Three—Direct Recipients, Including States**



**Reporting requirements follow the source of Federal funds. In this case, the direct (primary) recipient submits a Title VI Program to FTA and monitors subrecipients at all tiers.**

**Scenario Four—Designated Recipients That Pass Funds Through to Direct Recipients That Are Covered by a Supplemental Agreement**

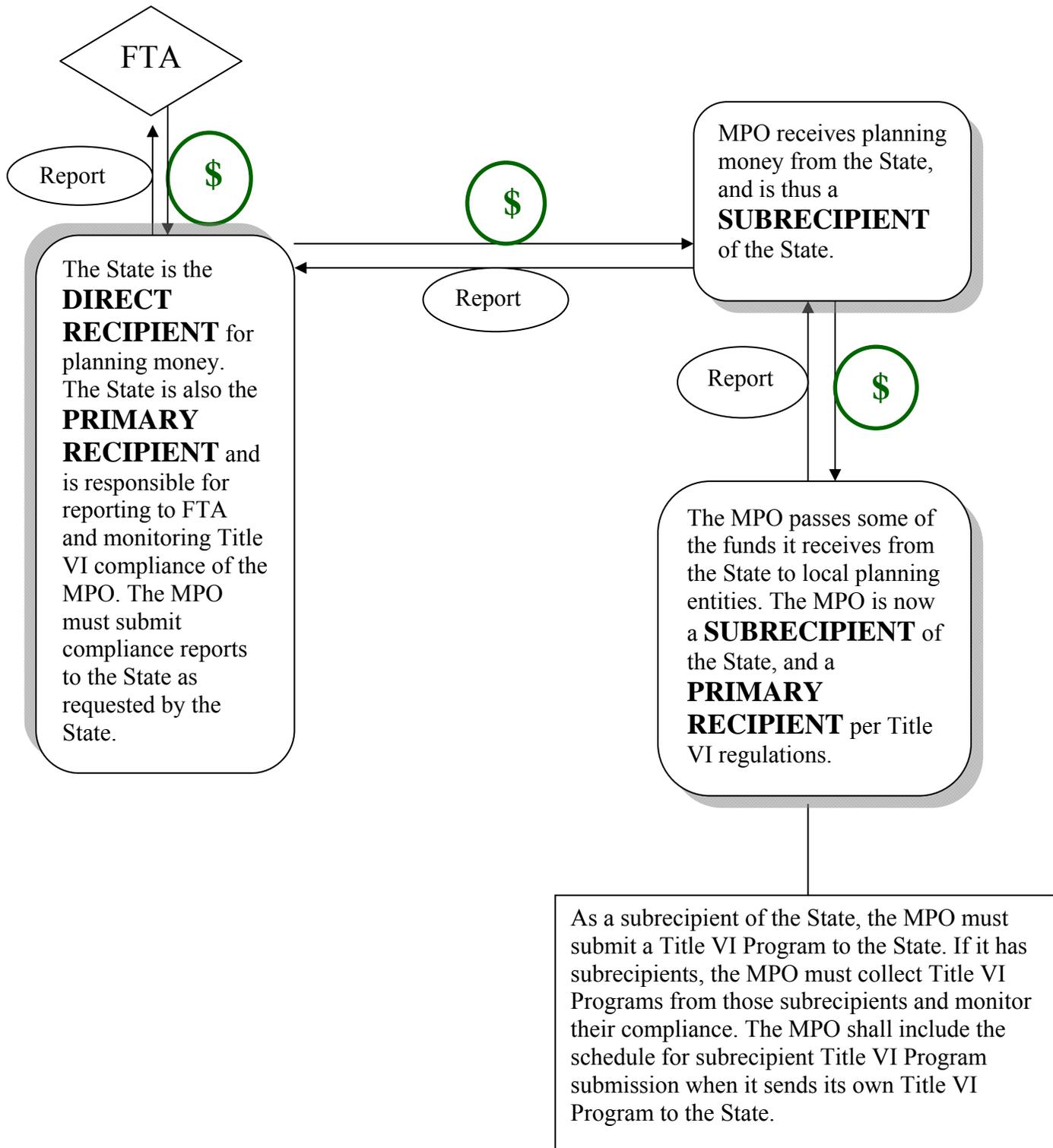


A subrecipient that is also a direct recipient is required to have an FTA approved Title VI Program in place, and the funds the subrecipient receives through the designated recipient must be utilized in accordance with that Title VI Program. Since the subrecipient/direct recipient must report compliance to FTA, it is not required to report to the designated recipient, and the designated recipient, consistent with the supplemental agreement, is not required to oversee the subrecipient’s Title VI Program.

**NOTE:** If the direct recipient relationship with FTA changes, such that the entity becomes only a subrecipient of the designated recipient, then the subrecipient will report to the designated recipient, and the designated recipient will report to FTA.

**NOTE also** that while the designated recipient is not reporting to FTA for the direct/subrecipient, when the designated recipient is also a direct recipient it will report directly to FTA, and it may also have other reporting responsibilities, as when the designated recipient is an MPO or provides transit service itself.

**Scenario Five—Role of MPOs and States With Regard to Planning Funds  
(Other Scenarios May Also Apply)**



## **APPENDIX M**

### **TITLE VI AND LIMITED ENGLISH PROFICIENCY TECHNICAL ASSISTANCE RESOURCES**

The following resources should help recipients integrate the guidance and procedures of this circular into their planning and operations. Recipients seeking additional resources that may have been published subsequent to the date of this circular may inquire with their local FTA Regional Office or FTA's Office of Civil Rights. Technical assistance resources will be published on the FTA Office of Civil Rights website, [http://www.fta.dot.gov/civil\\_rights.html](http://www.fta.dot.gov/civil_rights.html), on an ongoing basis.

1. **Relevant Websites.** Recipients and subrecipients are encouraged to review information on the following websites:
  - a. **FTA's Title VI Website.** [www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html). This website provides an overview of FTA's Title VI activities, including links to recent compliance reviews of recipients, related websites, policy guidance and procedures, and instructions on how to file a Title VI complaint.
  - b. **Federal Interagency Working Group on Limited English Proficiency.** [www.lep.gov](http://www.lep.gov) promotes a cooperative understanding of the importance of language access to Federal programs and Federally-assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and Federally-assisted programs, and other stakeholders.
  - c. **U.S. Department of Justice Civil Rights Division.** <http://www.justice.gov/crt/> The Civil Rights Division of the Department of Justice, established in 1957, is the program institution within the Federal government responsible for coordinating the implementation and enforcement of Federal statutes prohibiting discrimination on the basis of race, color, national origin, and other protected classes.
  - d. **Community Impact Assessment Website.** <http://www.ciatrans.net>. The Community Impact Assessment (CIA) website seeks to inform transportation officials and the general public about the potential impacts of proposed transportation actions on communities and their subpopulations.
  - e. **United We Ride.** [www.unitedweride.gov](http://www.unitedweride.gov). United We Ride is an interagency Federal national initiative that supports States and their localities in developing coordinated human service delivery systems originating from the Office of Program Management or the Federal Transit Administration. In addition to State coordination grants, United We Ride provides State and local agencies a transportation-coordination and planning self-assessment tool, help along the way, technical assistance, and other resources to help their communities succeed.

2. Technical Assistance Products. Recipients and subrecipients are encouraged to review information on the following technical assistance products. Interested parties can access these products through the relevant website or by contacting FTA's Office of Civil Rights.
  - a. "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision-making." <http://www.fhwa.dot.gov/hep/lowlim/>. This report documents "best practices" in identifying and engaging low-literacy and limited-English-proficiency populations in transportation decision-making. These "best practices" were collected during telephone interviews with individuals in 30 States.
  - b. "Disaster Response and Recovery Resource for Transit Agencies" <http://transit-safety.volpe.dot.gov/Publications/order/singledoc.asp?docid=437>. This resource provides local transit agencies and transportation providers with useful information and best practices in emergency preparedness and disaster response and recovery, including information on how to respond to the needs of low-income persons, limited English proficient persons, persons with disabilities, and older adults.

**REFERENCES**

- a. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000d.
- b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
- c. National Environmental Policy Act of 1969, as amended, 42 U.S.C. Section 4321 *et seq.*
- d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, *et seq.*
- e. U.S. Department of Justice regulations, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs,” 28 CFR part 42, Subpart F.
- f. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21.
- g. Joint FTA/Federal Highway Administration (FHWA) regulations, “Environmental Impact and Related Procedures,” 23 CFR part 771 and 49 CFR part 622.
- h. Joint FTA/FHWA regulations, “Planning Assistance and Standards,” 23 CFR part 450 and 49 CFR part 613.
- i. Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” Feb. 11, 1994, 59 FR 7629 (Feb. 16, 1994).
- j. Executive Order 13166, “Improving Access to Services for Persons With Limited English Proficiency,” Aug. 11, 2000, 65 FR 50121 (Aug. 16, 2000).
- k. U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations, 62 FR 18377 (Apr. 15, 1997).
- l. U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087 (Dec. 14, 2005).
- m. FTA Master Agreement, FTA MA (17), Oct. 1, 2010.



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## **Attachment 2**

**City and County of Honolulu  
Department of Transportation Services  
Public Transit Division**

**2016  
Limited English Proficient Plan  
(LEP Plan)**

## Contents

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## **I. Introduction**

The Department of Transportation Services (DTS) of the City and County of Honolulu and its contracted operator of public transit services, O'ahu Transit Services, Inc. (OTS) are committed to providing meaningful access to all patrons and users of Honolulu's public transit system who are Limited English Proficient (LEP).

The 2016 LEP Plan (Plan) was developed in accordance with the Federal Transit Administration (FTA) Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients dated October 1, 2012 (Circular). The Plan identifies the prevalent languages of LEP persons likely to be public transit users and specifies the types of language assistance services that DTS provides. DTS and OTS are committed to providing language assistance services for all LEP transit users to the maximum extent feasible.

## **II. Definition of a Limited English Proficient Person**

The Circular defines an LEP person as a person 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. Hawaii Revised Statute Section 321-C-2 defines LEP person as "an individual who, on account of national origin, does not speak English as the person's primary language and who self identifies as having a limited ability to read, write, speak, or understand the English language".

## **III. Elements of the LEP Plan**

This section contains the essential elements prescribed under the Circular. DTS and OTS are responsible for implementing the plan.

### **a. Four Factor Analysis (FFA) Results**

The FFA, using American Community Survey (ACS) data (Source: U.S. Census Bureau, 2010-2014 5 Year American Community Survey), identified the proportion of LEP persons who speak English "less than very well" and who are likely to use public transit services.

**Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.**

Public transit services provided by DTS-PTD are available to the entire population of the City and County of Honolulu. The ACS was used to determine the number of LEP individuals in Honolulu. According to the data, 127,680 out of

911,999 people speak English less than "very well". This accounts for approximately 14% percent of Honolulu's total population. See Table 1.

Of the 127,680 people who speak English less than "very well" the five (5) languages most frequently spoken are:

- Other Pacific Island Languages (41,541 or ≈33%)
- Tagalog<sup>1</sup> (24,400 or ≈19%)
- Chinese (18,947 or ≈15%)
- Japanese (19,024 or ≈15%)
- Korean (10,442 or ≈8%)

<sup>1</sup> Although, the ACS only recognizes Tagalog, the data includes the more than 100 different dialects from the Philippines. Ilocano is one of the prevalent dialects spoken in Honolulu.

**Factor 2: The frequency with which LEP persons come into contact with the program.**

According to the 2014 National Transit Database, Honolulu's annual public transit ridership was 66.3M unlinked trips (passenger boardings) or approximately 182,000 daily unlinked trips. Using a factor of 1.5 as the daily average of unlinked trips per rider, daily ridership at 121,000 people. Based on the ACS percentage (14%) of the population that speaks English less than "very well", of the 121,000 daily riders, 14% or approximately 16,940 LEP persons are likely to use or may have contact with public transit services on a daily basis. See Table 2.

Applying the percentages in Factor 1 to the 16,940 LEP persons, the prevalent languages of the people who speak English less than "very well" are:

- Other Pacific Island Languages (5,511 or ≈33%)
- Tagalog (3,237 or ≈19%)
- Chinese (2,514 or ≈15%)
- Japanese (2,524 or ≈15%)
- Korean (1,384 or ≈8%)

Under the Safe Harbor Provision, LEP obligations include languages that constitute 5% or 1,000 persons, whichever is less of the people (16,940) who may use or have contact with public transit services and who speak English less than "very well". The 5% threshold is 845 persons.

**Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.**

Public transportation is a vital service for many people who are unable to drive for various reasons and those who do not have access to personal vehicles. They depend on the public transit system to take them to where they need to go for work, school, shopping, medical, recreation, and visiting friends and families. Therefore, providing language assistance for LEP public transit users is an important service to ensure they are able to understand how to use the public transit system to their advantage and benefit. According to data from the Honolulu 2012 On-Board Transit Survey of bus riders (ETC Institute, March 2013):

- 27% are totally dependent upon TheBus and would not be able to make their trip(s) if TheBus did not operate
- 47% do not have a driver's license
- 37% of households do not have vehicles
- 36% make less than \$30K annually
- Non-Caucasian ridership accounted for 67% of the ridership base
- 34% speak a language other than English at home.

**Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.**

DTS-PTD's annual operating budget includes funding for:

- Phone interpretation services: Professional phone interpretation services
- Translation services: Professional translation services
- Printing: Vital documents in identified languages
- Signage: In identified languages as applicable and necessary
- Advertisement: Notices in identified language publications as applicable and necessary
- Consultants: Professional services contracted as applicable and necessary to meet LEP requirements
- Other available resources:
  - Phone interpretation services: In-house staff, other government & non-profit agencies.
  - Partnering with other State, County, and non-profit agencies to provide transit information to the LEP community (i.e. State Office of Language Access, Citizen Corps language cards).
  - Translation services: In-house staff, other government & non-profit agencies.

## **b. Description of Language Assistance Services**

- **Types of Language Services Available**

Bus Information, Customer Service, Bus Pass, and TheHandi-Van utilize an interpreter service vendor to provide services to non-English speaking customers. These include Pacific Interpreters (primary) and Corporate Translation Services (CTS) Language Links (secondary).

- **How Staff Can Obtain These Services**

All service staff members have access to the interpreter vendor telephone numbers and codes.

- **Responding to LEP Callers**

1. Ascertain if the caller has any English comprehension to use simplified English.
2. If unable to use simplified English, ascertain the country of origin and/or language dialect to utilize in-house interpreter resources.
3. If unable to identify language or no in-house resource, call the interpreter vendor to provide language assistance via three-way conversation, LEP caller, staff member, and interpreter.

- **Responding to Written Communication from LEP Persons**

1. Identify language and ascertain if there are in-house staff for that language. OTS currently has Ilocano, Tagalog, Japanese, Chinese, and Korean written and spoken language proficient employees.
2. If no in-house staff, use translation vendor.

- **Responding to In-Person Contact with LEP Persons**

1. Identify language with language poster or cards.
2. Call interpreter vendor to provide language assistance via two-way conversation if no in-house resource.

- **Ensuring Competency of Interpreters and Translation**

1. Vendors are selected from the State of Hawaii Price and Vendor List Contracts. There is a screening and credentialing process for interpreter vendors.
2. OTS in-house staff is experienced with years of service.
3. Other agency resources are the Consulates and State Office of Language Access.

- **Documents Considered Essential for Translation**

There are vital documents TheBus considers essential for translation. These documents include: TheBus Non-Discrimination (Title VI) Policy, TheBus Non-Discrimination Complaint Form, “You Have Rights” car card referencing Title VI and Environmental Justice, Lost and Found Notification, Annual Bus Pass Application, Senior Citizen Bus Pass Application, Senior Citizen Annual Bus Pass Renewal Application, Person with a Disability Bus Pass Application, Request for Refund/Exchange/Adjustment, and Bus Pass Subsidy Program Application. These documents are translated in the following languages:

Chuukese & Marshallese (Other Pacific Island Languages)  
Tagalog & Ilocano  
Chinese (simple and traditional)  
Japanese  
Korean  
Vietnamese

All forms are available in hard copy and electronic format and can be requested via email ([thebustop@honolulu.gov](mailto:thebustop@honolulu.gov)), telephone (768-8367), or in person at DTS or TheBus Pass Office.

- **Subrecipient Monitoring**

DTS staff regularly monitors its subrecipients to ensure compliance with FTA LEP requirements through on-site visits and desk reviews of requested documents and records.

**c. Providing Notice to LEP Persons of Assistance**

TheBus communicates with LEP populations by posting signs, online information, outreach documents, and networking with community-based organizations and social service agencies.

**d. Monitoring and Updating the Plan**

Monitoring and updating the Plan will be conducted during the 3-year interval preceding the TVI submission year to FTA in accordance with FTA Circular 4702.1B. DTS will review and assess Plan applicability, availability of resources (staff, partner agencies, funding), LEP population needs, complaint logs, the most current data (i.e. Census/American Community Survey/State Databook), and relevant surveys/studies to complete Plan updates.

**e. Description of How the Recipient Trains the Employees to Provide Language Assistance**

DTS and OTS are currently working together to incorporate an LEP video presentation into TheBus operators' periodic training for correct handling of LEP riders and their safety. All other relevant employees will also be required to view the LEP training video on an annual basis to ensure they possess the knowledge and skills required to provide timely and reasonable language assistance to the LEP population. Training information will include: DTS LEP Plan, local demographic LEP population data, Hawaii Language Access Law background, printed LEP population vital documents/materials, and handling requests in foreign languages.

# Tables 1 and 2

B16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Population 5 years and over  
2010-2014 American Community Survey 5-Year Estimates

Table 1: ACS					Table 2: FFA: Public Transit LEP Ridership		
Honolulu County, Hawaii		Speaks English Less than "very well" (SE<VW)	Speaks English Less than "very well" (SE<VW)	911,999 x 14% = 127,680 SE<VW Persons	121,000 x 14% = 16,940 SE<VW Ridership	Speaks English Less than "very well" (SE<VW)	
Estimate	Margin of Error	Total	% of Total	Safe Harbor	SE<VW Total	% of Total	
Total:	911,999	*****	127,680	100.00%	16,940 x 5% = 845	16,940	100.00%
Speak only English	660,881	+/-3,978					
Spanish or Spanish Creole:	16,973	+/-1,191					
Speak English "very well"	12,274	+/-895					
Speak English less than "very well"	4,699	+/-694	4,699	3.68%		623	3.68%
French (incl. Patois, Cajun):	2,449	+/-388					
Speak English "very well"	2,043	+/-380					
Speak English less than "very well"	406	+/-130	406	0.32%		54	0.32%
French Creole:	308	+/-341					
Speak English "very well"	49	+/-40					
Speak English less than "very well"	259	+/-338	259	0.20%		34	0.20%
Italian:	399	+/-141					
Speak English "very well"	305	+/-119					
Speak English less than "very well"	94	+/-64	94	0.07%		12	0.07%
Portuguese or Portuguese Creole:	1,148	+/-405					
Speak English "very well"	991	+/-388					
Speak English less than "very well"	157	+/-85	157	0.12%		21	0.12%
German:	2,928	+/-530					
Speak English "very well"	2,365	+/-385					
Speak English less than "very well"	563	+/-333	563	0.44%		75	0.44%
Yiddish:	2	+/-5					
Speak English "very well"	2	+/-5					
Speak English less than "very well"	0	+/-26	-	0.00%		-	0.00%
Other West Germanic languages:	297	+/-149					
Speak English "very well"	267	+/-134					
Speak English less than "very well"	30	+/-30	30	0.02%		4	0.02%
Scandinavian languages:	390	+/-142					
Speak English "very well"	335	+/-118					
Speak English less than "very well"	55	+/-51	55	0.04%		7	0.04%
Greek:	145	+/-122					
Speak English "very well"	47	+/-40					
Speak English less than "very well"	98	+/-110	98	0.08%		13	0.08%
Russian:	676	+/-227					
Speak English "very well"	536	+/-187					
Speak English less than "very well"	140	+/-80	140	0.11%		19	0.11%
Polish:	378	+/-158					
Speak English "very well"	297	+/-145					
Speak English less than "very well"	81	+/-63	81	0.06%		11	0.06%
Serbo-Croatian:	160	+/-132					
Speak English "very well"	139	+/-121					
Speak English less than "very well"	21	+/-25	21	0.02%		3	0.02%
Other Slavic languages:	387	+/-216					
Speak English "very well"	315	+/-202					
Speak English less than "very well"	72	+/-62	72	0.06%		10	0.06%
Armenian:	8	+/-13					
Speak English "very well"	4	+/-10					
Speak English less than "very well"	4	+/-9	4	0.00%		1	0.00%
Persian:	313	+/-201					
Speak English "very well"	272	+/-194					
Speak English less than "very well"	41	+/-24	41	0.03%		5	0.03%
Gujarati:	13	+/-21					
Speak English "very well"	0	+/-26					
Speak English less than "very well"	13	+/-21	13	0.01%		2	0.01%
Hindi:	422	+/-224					
Speak English "very well"	238	+/-136					
Speak English less than "very well"	184	+/-137	184	0.14%		24	0.14%
Urdu:	32	+/-31					
Speak English "very well"	22	+/-20					
Speak English less than "very well"	10	+/-14	10	0.01%		1	0.01%
Other Indic languages:	385	+/-150					
Speak English "very well"	280	+/-123					
Speak English less than "very well"	105	+/-56	105	0.08%		14	0.08%
Other Indo-European languages:	1,031	+/-270					
Speak English "very well"	883	+/-261					
Speak English less than "very well"	148	+/-70	148	0.12%		20	0.12%
Chinese:	29,805	+/-1,491					
Speak English "very well"	10,858	+/-819					
Speak English less than "very well"	18,947	+/-1,074	18,947	14.84%		2,514	14.84%
Japanese:	38,220	+/-1,688					
Speak English "very well"	19,196	+/-1,183					
Speak English less than "very well"	19,024	+/-1,058	19,024	14.90%		2,524	14.90%
Korean:	15,579	+/-1,232					
Speak English "very well"	5,137	+/-701					
Speak English less than "very well"	10,442	+/-871	10,442	8.18%		1,385	8.18%
Mon-Khmer, Cambodian:	164	+/-99					
Speak English "very well"	125	+/-89					
Speak English less than "very well"	39	+/-43	39	0.03%		5	0.03%
Hmong:	33	+/-33					
Speak English "very well"	23	+/-28					
Speak English less than "very well"	10	+/-15	10	0.01%		1	0.01%

B16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Population 5 years and over  
 2010-2014 American Community Survey 5-Year Estimates

Table 1: ACS				Table 2: FFA: Public Transit LEP Ridership			
Honolulu County, Hawaii		Speaks English Less than "very well" (SE<VW)	Speaks English Less than "very well" (SE<VW)	911,999 x 14% = 127,680 SE<VW Persons	121,000 x 14% = 16,940 SE<VW Ridership	Speaks English Less than "very well" (SE<VW)	
Estimate	Margin of Error	Total	% of Total	Safe Harbor	SE<VW Total	% of Total	
Total:	911,999	*****	127,680	100.00%	16,940 x 5% = 845	16,940	100.00%
Thai:	1,446	+/-358					
Speak English "very well"	578	+/-166					
Speak English less than "very well"	868	+/-296	868	0.68%		115	0.68%
Laotian:	2,181	+/-819					
Speak English "very well"	833	+/-469					
Speak English less than "very well"	1,348	+/-489	1,348	1.06%		179	1.06%
Vietnamese:	8,871	+/-1,068					
Speak English "very well"	2,823	+/-473					
Speak English less than "very well"	6,048	+/-886	6,048	4.74%		802	4.74%
Other Asian languages:	832	+/-317					
Speak English "very well"	425	+/-190					
Speak English less than "very well"	407	+/-248	407	0.32%		54	0.32%
Tagalog:	45,658	+/-2,225					
Speak English "very well"	21,258	+/-1,125					
Speak English less than "very well"	24,400	+/-1,684	24,400	19.11%		3,237	19.11%
Other Pacific Island languages:	77,417	+/-2,978					
Speak English "very well"	35,876	+/-2,033					
Speak English less than "very well"	41,541	+/-2,028	41,541	32.54%		5,511	32.54%
Navajo:	37	+/-40					
Speak English "very well"	12	+/-20					
Speak English less than "very well"	25	+/-34	25	0.02%		3	0.02%
Other Native North American	731	+/-386					
Speak English "very well"	43	+/-44					
Speak English less than "very well"	688	+/-378	688	0.54%		91	0.54%
Hungarian:	77	+/-56					
Speak English "very well"	49	+/-44					
Speak English less than "very well"	28	+/-35	28	0.02%		3	0.02%
Arabic:	395	+/-195					
Speak English "very well"	317	+/-178					
Speak English less than "very well"	78	+/-87	78	0.06%		10	0.06%
Hebrew:	237	+/-143					
Speak English "very well"	183	+/-124					
Speak English less than "very well"	54	+/-54	54	0.04%		7	0.04%
African languages:	452	+/-216					
Speak English "very well"	224	+/-132					
Speak English less than "very well"	228	+/-125	228	0.18%		30	0.18%
Other and unspecified languages:	139	+/-73					
Speak English "very well"	102	+/-57					
Speak English less than "very well"	37	+/-44	37	0.03%		5	0.03%

## **Attachment 3**

### **Honolulu City Council Approval**

# **Attachment 4**

## **2016 Monitoring Report System-Wide Service Standards & Policies**

**City and County of Honolulu  
Department of Transportation Services  
Public Transit Division**

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## **Overview**

Federal Transit Administration (FTA) Circular 4702.1B Chapter 4 requires all transit providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area of 200,000 or more in population to include information about service standards and policies for each specific fixed route mode of service provided to ensure service design and operational practices do not result in discrimination on the basis of race/color/national origin (Title VI or TVI), or low-income status (Environmental Justice or EJ). In accordance with the FTA guidelines provided in Circular C 4702.1B, system-wide service standards address vehicle load, headway, on-time performance, service availability; and system-wide service policies include transit amenities and vehicle assignment.

Routes were identified as TVI/EJ routes based on the 2010 Census block groups that the route served. Census block groups were identified as TVI/EJ if the minority and/or low-income percentage in that Census block group was one standard deviation more than the mean percentage of minority and/or low-income in the whole population (of Oahu). Routes that exceed the mean TVI/EJ population (47%) among all routes are designated as TVI/EJ routes. The mean is based on the total TVI/EJ percentage of all routes divided by the total number of routes (101). See Figure 1.

The Service Standards Section reports the performance of TheBus service for all 101 routes based on 2015 data. The Service Policies Section reports the distribution of transit amenities along bus routes and vehicle assignment to the various bus routes based on the 2014 physical inventory taken of transit amenities and the current vehicle assignment roster.

## **Findings**

The results of TheBus service performance for all 101 routes are summarized below and indicated that for the most part, public transit services are provided in a comparable and nondiscriminatory manner to TVI/EJ and non-TVI/EJ populations with some degree of disparity affecting various TVI/EJ routes in vehicle loads and headways. While the results also confirm problems with on-time performance, it is a system-wide issue for a majority of the routes and does not disproportionately affect TVI/EJ routes.

The discrepancies identified in this report are currently being addressed and require additional monitoring and further analysis to redistribute service and/or implement other mitigation measures that align with current budget constraints.

### **System-wide Service Standards:**

- Vehicle Load: Various TVI/EJ routes experience load issues for Peak Express, Rapid Bus, Suburban Trunk, and Urban Trunk modes. Various non-TVI/EJ routes experience load issues for Peak Express, Suburban Trunk, and Urban Trunk modes.

- Headway: With the exception of a few time periods, most TVI/EJ and non-TVI/EJ routes aligned to the standards within reasonable tolerances. Discrepancies were identified in Peak Express, Circulator, and Urban Trunk for TVI/EJ routes; and Circulator, Urban Feeder, and Urban Trunk for non TVI/EJ routes.
- On-time performance: Generally most TVI/EJ and non-TVI/EJ routes did not align to the standards for all service modes and requires additional analysis/monitoring, however on-time performance is affected by various external causes such as: traffic congestion, traffic accidents, and road/lane closures attributable to construction projects/road resurfacing or rehabilitation/rail construction; and are difficult to mitigate.
- Service availability: The standard was met for TVI/EJ and non-TVI/EJ populations.

#### Service Policies:

- Transit amenities: Generally all TVI/EJ and non-TVI/EJ routes have comparable distribution percentages of amenities at bus stops.
- Vehicle assignment: Generally all TVI/EJ and non-TVI/EJ routes are assigned vehicles comparable in age with TVI/EJ route vehicles ranging between 3 – 5 years newer than the non-TVI/EJ route vehicles for each mode.

**Figure 1**  
**Bus Route Summary: Proportion of TVI/EJ Served Populations**  
**(Title VI/EJ Routes Shaded)**

Route (Service Area)	% TVI/EJ in Service Area	Route (Service Area)	% TVI/EJ in Service Area	Route (Service Area)	% TVI/EJ in Service Area	Route (Service Area)	% TVI/EJ in Service Area
1	24	42	66	89	36	501	12
2	36	43	77	90	48	503	79
3	36	44	74	91	60	504	12
4	37	52	44	92	52	1L	22
5	23	53	42	93	84	2L	36
6	30	54	38	94	67	57A	10
7	71	55	45	96	49	80A	16
8	30	56	23	97	64	80B	14
9	45	57	26	98	59	84A	27
10	42	62	54	101	73	85A	35
11	59	65	22	102	48	88A	66
13	37	70	29	103	34	98A	32
14	4	71	9	234	0	9S	26
15	16	72	88	235	0	A	87
16	82	73	81	401	100	C	64
17	17	74	41	402	100	E	50
18	25	76	36	403	100	PH1	90
19	56	77	32	411	75	PH2	32
20	55	80	2	412	39	PH3	44
22	16	81	78	413	83	PH4	56
23	15	82	4	414	73	PH5	40
24	2	83	45	415	90	PH6	20
31	89	84	34	432	95	W1	56
32	50	85	26	433	60	W2	46
40	75	88	49	434	88	W3	40
41	73						

Figure 1 above displays the bus routes and the proportion of the service area (Census block groups) designated as TVI/EJ. Routes were identified as TVI/EJ routes based on Census block groups that the route served. A threshold of 47% is used as the minimum level for designating routes as TVI/EJ because it is the mean for all TVI/EJ populations among the routes.

Figure 2 below identifies the route names.

Figure 2

TheBus

**ROSTER OF BUS ROUTES**

Effective 12/06/15

KALIHI DIVISION (53)			PEARL CITY DIVISION (46)		
Route No.	Initial	ROUTE NAME	Route No.	Initial	ROUTE NAME
PH4	KKPH	Kaneohe-Kahaluu-Pearl Harbor Exp.	A	CXA	City Express! A
PH5	WWPH	Windward-Pearl Harbor Express	C	CXC	Country Express! C
PH6	HKPH	Hawaii Kai-Pearl Harbor Express	E	CXE	Country Express! E
W3	KSX	Kalihi via School Street Express	PH1	WCPH	Waianae Coast-Pearl Harbor Express
1	KK	Kaimuki-Kalihi	PH2	MTPH	Mililani Town Pearl-Harbor Express
1L	SHKL	School Street-Hawaii Kai Limited	PH3	WHPH	Wahiawa Heights-Pearl Harbor Exp.
2	WSM	Waikiki-School-Middle	W1	WFX	Waipahu via Farrington Express
2L	WSML	Waikiki-School-Middle Limited	W2	WPX	Waipahu via Paiwa Express
3	KSL	Kaimuki-Salt Lake	40	HM	Honolulu-Makaha
4	NP	Nuuanu-Punahou	41	KEB	Kapolei-Ewa Beach
5	AMM	Alo Moana-Manoa	42	EBW	Ewa Beach-Waikiki
6	PW	Pauoa-Woodlawn	44	WEB	Waipahu-Ewa Beach
7	KV	Kalihi Valley	52	HMH	Honolulu-Mililani-Haleiwa
8	WAM	Waikiki-Alo Moana	53	HPP	Honolulu-Pacific Palisades
9	KPH	Kaimuki-Pearl Harbor	55	HKH	Honolulu-Kaneohe-Haleiwa
9s	PV	Palolo Valley	62	HW	Honolulu-Wahiawa
10	KAH	Kalihi-Alewa Heights	65	HK	Honolulu-Kahaluu
11	MHA	Makalapa-Halawa-Aiea Heights	71	PN	Pearlridge-Newtown
13	LWU	Liliha-Waikiki-University	72	SWW	Schofield-Wahiawa-Whitmore
14	SM	St. Louis-Maunalani	73	LCC	Leeward Community College
15	MPH	Makiki-Pacific Heights	76	WH	Waialua-Haleiwa
16	MV	Moanalua Valley	81	WX	Waipahu Express
17	MAM	Makiki-Alo Moana	83	WTX	Wahiawa Town Express
18	UAM	University-Alo Moana	84	MXN	Mililani Express-North
19	WAH	Waikiki-Airport-Hickam	84A	MXS	Mililani Express-South
20	WP	Waikiki-Pearlridge	88	KAX	Kahaluu-Ahuimanu Express
22	BB	Beach Bus	88A	NSX	North Shore Express
23	HKS	Hawaii Kai-Sea Life Park	90	PCX	Pearl City Express
24	KAH	Kapahulu-Aina Haina	91	EBX	Ewa Beach Express
31	TM	Tripler-Mapunapuna	92	MCX	Makakilo City Express
32	KP	Kalihi-Pearlridge	93	WCXC	Waianae Coast Express-CBD
43	WHA	Waipahu-Honolulu-Alapai	96	WGX	Waipio Gentry Express
54	HPC	Honolulu-Pearl City	101	EGX	Ewa Gentry Express
56	HKK	Honolulu-Kailua-Kaneohe	102	VKX	Villages of Kapolei Express
57	KWS	Kailua-Waimanalo-Sea Life Park	401	WV	Waianae Valley
57A	KEL	Kailua-Enchanted Lake	402	LH	Lualualei Homestead
70	LM	Lanikai-Maunawili	403	NMW	Nanakuli-Mali-Waianae
74	AHH	Aiea-Halawa Heights	411	MH	Makakilo Heights
77	WK	Waimanalo-Kaneohe	412	PP	Panana-Palahia
80	HKPR	Hawaii Kai Park & Ride Express	413	CIP	Campbell Industrial Park
80A	HKPU	Hawaii Kai Park & Ride Express-UH	415	KTCK	Kapolei Transit Center-Kalaeloa
80B	UAX	Upper Aina Haina Express	432	EWV	East-West Waipahu
82	HKPR	Hawaii Kai Park & Ride Express	433	WWSC	Waipahu-Waikele Shopping Center
85	WWXK	Windward Express-Kailua	434	WVP	Waipahu-Village Park
85A	WWXH	Windward Express-Haiku	501	MM	Mililani Mauka
89	WKX	Waimanalo-Kailua Express	504	MS	Mililani South
94	VKKX	Villages of Kapolei-Kaupea Express			
97	VPX	Village Park Express			
98	WMPR	Wahiawa-Mililani Park & Ride			
98A	KWM	Kunia-Wahiawa-Mililani			
103	PWX	Paiwa-Waikele Express			
234	KMWN	Kahala Mall-Waiatae Nui			
235	KMWI	Kahala Mall-Waiatae Iki			
<b>COMMUNITY ACCESS SERVICE (2)</b> (Operated by Paratransit/Handivan)					
414	PMK	Palahia-Makakilo-Kapolei			
503	MLV	Mililani-Launani Valley			

## **Route Description and Time Schedules**

All 101 Individual route maps and time schedules can be viewed by visiting the OTS website: <http://www.thebus.org/route/routes.asp>.

Hard copies of maps and schedules are available at all Satellite City Halls, DTS, and TheBus Pass Office. Upon request, call (808) 768-8396 or email [thebustop@honolulu.gov](mailto:thebustop@honolulu.gov) and copies will be mailed.

## **Service Standards**

Disparate impact determinations were based on the comparison of TVI/EJ route averages to non-TVI/EJ route averages for vehicle loads, headways, on-time performance, service availability, transit amenities, and vehicle assignment. A 10% or more difference indicates a disparate impact that requires additional analysis and monitoring for mitigation purposes.

### **A. Vehicle Loads**

Generally expressed as the ratio of passengers to the number of seats on a vehicle to determine maximum load capacity. For example, on a 40-seat bus, the 1.4 load factor equates to 56 passengers (40 seated, 16 standing).

<b>Vehicle Load Factor Standard</b>					
<b>Service Mode</b>	<b>Weekday</b>				<b>Weekend Holiday (all day)</b>
	<b>AM Peak (1<sup>st</sup> Bus – 9am)</b>	<b>Mid-day Base (9am – 2pm)</b>	<b>PM Peak (2pm – 6pm)</b>	<b>Nights (6pm – last Bus)</b>	
Community Access	1.4	1.2	1.4	1.2	1.2
Peak Hour Express	1.2	1.2	1.2	1.2	1.2
Rapid Bus	1.2	1.2	1.2	1.2	1.2
Circulator Routes	1.4	1.2	1.4	1.2	1.2
Suburban Feeder	1.4	1.2	1.4	1.2	1.2
Suburban Trunk	1.4	1.2	1.4	1.2	1.2
Urban Feeder	1.4	1.2	1.4	1.2	1.2
Urban Trunk	1.4	1.2	1.4	1.2	1.2

TheBus fleet is comprised of vehicles differing in size and models. Routes are assigned vehicles in accordance with the Vehicle Assignment Policy. The maximum load standards for vehicle sizes with models that vary in seated capacity have been averaged to account for the difference:

Vehicle Size	No. of Models	No of Seats	Avg No. of Seats	1.2 Max Capacity	1.4 Max Capacity
30 feet	2	23-29	26	32	36
35 feet	2	35	35	42	49
40 feet	14	36-45	46	55	64
60 feet	7	57-58	58	70	82

The vehicle load tables below show the total number of annual trips (January–December 2015) per service mode and the percentage of trips that exceeded the maximum load factor according to the vehicle assigned to each trip.

TVI/EJ routes are highlighted in red.

Community Access										
Standard	Vehicle size: 30 feet Maximum loads: 1.4 = 36 passengers; 1.2 = 32 passengers					1.4	1.2	1.4	1.2	1.2
Route	Total Number of Trips (annual)					% of Trips that Exceed the Maximum Load Standard				
	AM (first bus-9am)	Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)	AM (first bus-9am)	Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
414	303	301	237	31	384	0%	1%	0%	0%	0%
503	211	185	168	44	320	0%	0%	0%	0%	0%

Community Access – Both routes are TVI/EJ and meet the load standard.

Peak Express										
Standard	Vehicle size: 35, 40, 60 feet Maximum loads: 35 ft: 1.2 = 42 passengers; 40 ft: 1.2 = 55 passengers; 60 ft: 1.2 = 70 passengers				1.2	1.2	1.2	1.2	1.2	1.2
Route	Total Number of Trips (annual)					% of Trips that Exceed the Maximum Load Standard				
	AM (first bus- 9am)	Base (9am- 2pm)	PM (2pm- 6pm)	Night (6pm- last bus)	Weekend (all day)	AM (first bus- 9am)	Base (9am- 2pm)	PM (2pm- 6pm)	Night (6pm- last bus)	Weekend (all day)
80	740		296			0%		0%		
80A	30		65			0%		0%		
80B	145					0%				
81	644		487	98		32%		17%	0%	
82	379		246			0%		0%		
83	844		755	4		7%		1%	0%	
84	354		452	3		3%		0%	0%	
84A	235		430	1		2%		2%	0%	
85	437		495			0%		4%		
88	225		320			0%		0%		
88	225		320			0%		0%		
88A	534		73	191		1%		0%	0%	
89	215		172			0%		0%		
90	209		206			19%		0%		
91	437		326	84		9%		31%	10%	
92	387		302			14%		0%		
93	676		365	45		19%		5%	0%	
94	162		171			0%		0%		
96	218		183			10%		0%		
97	308		224			10%		8%		
98	237		133	1		3%		0%	0%	
98A	93		37			26%		5%		
101	271		348			16%		12%		
102	317		309			4%		0%		
103	210		170			0%		0%		
PH1	93		80			9%		0%		
PH2	162		124			0%		0%		
PH3	144		127			0%		0%		
PH4	79		27			0%		0%		
PH5	83		26			0%		0%		
PH6	80		97			0%		0%		
W1	245		180		170	12%		36%		51%
W2	339		63		78	23%		3%		15%
W3	230		109		161	20%		46%		17%

Peak Express – There are 34 routes: 16 TVI/EJ routes; 18 non-TVI/EJ routes. More TVI/EJ routes have load issues than non-TVI/EJ routes. Additional analysis/monitoring is required to redistribute service and/or implement other methods to mitigate overcrowding that aligns with current budget constraints.

Rapid Bus										
Standard	Vehicle size: 40, 60 feet Maximum loads: 40 ft: 1.2 = 55 passengers; 60 ft: 1.2 = 70 passengers					1.2	1.2	1.2	1.2	1.2
Route	Total Number of Trips (annual)					% of Trips that Exceed the Maximum Load Standard				
	AM (first bus-9am)	Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)	AM (first bus-9am)	Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
A	1790	1840	1240	628	1696	17%	8%	19%	3%	11%
C	939	807	542	503	1320	13%	9%	14%	5%	3%
E	970	838	578	580	617	17%	16%	22%	16%	25%

Rapid Bus – All routes are TVI/EJ and exceed the load standard requiring additional analysis/monitoring to redistribute service and/or implement other methods to mitigate overcrowding that aligns with current budget constraints.

Circulator										
Standard	Vehicle size: 30, 35, 40 feet Maximum loads: 30 ft: 1.4 = 36 passengers; 1.2 = 32 passengers 35 ft: 1.4=49 passengers; 1.2=42 passengers 40 ft: 1.4 = 64 passengers; 1.2 = 55 passengers					1.4	1.2	1.4	1.2	1.2
	Route	Total Number of Trips (annual)					% of Trips that Exceed the Maximum Load Standard			
AM (first bus-9am)		Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)	AM (first bus-9am)	Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
9s	2276	3168	2124	2992	3158	0%	0%	1%	0%	0%
16	756		215	18		0%		0%	0%	
44	785	658	552	489	1555	4%	0%	1%	0%	0%
70	1053	1480	1437	583	1551	0%	0%	0%	0%	0%
71	1280		906	39		0%		0%	0%	
72	1071	1283	962	534	1466	0%	0%	0%	0%	0%
74	220		277	43		0%		0%	0%	
77	1026	1342	903	49		0%	0%	0%	0%	
234	74		147	33		0%		0%	0%	
235	41		133	15		0%		0%	0%	
401	2002	1441	1392	1377	2627	0%	0%	0%	0%	0%
402	1780	1737	1224	1468	2587	0%	0%	0%	0%	0%
403	1808	1598	1408	1484	2553	0%	1%	0%	0%	0%
411	1490	1552	2541	1834	3125	0%	0%	0%	0%	0%
412	2122	2135	1660	550	2255	0%	0%	0%	0%	0%
413	961		754	2		0%		0%	0%	
415	922		601	298		0%		0%	0%	
501	178	248	206	160	372	0%	0%	1%	0%	0%
504	103	150	137	79	400	0%	0%	0%	0%	0%

Circulator – There are 19 routes: 9 TVI/EJ routes; 10 non-TVI/EJ routes. Generally all routes meet the load standard.

Suburban Feeder										
Standard	Vehicle size: 30, 40 feet Maximum loads: 30 ft: 1.4 = 36 passengers; 1.2 = 32 passengers 40 ft: 1.4 = 64 passengers; 1.2 = 55 passengers					1.4	1.2	1.4	1.2	1.2
	Route	Total Number of Trips (annual)					% of Trips that Exceed the Maximum Load Standard			
AM (first bus-9am)		Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)	AM (first bus-9am)	Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
41	1666	1722	1383	1251	1322	0%	1%	1%	0%	0%
73	863	1123	719			0%	0%	0%		
76	1458	2418	1881	555	2756	0%	0%	0%	0%	0%
432	2729	2916	2364	3393	4556	0%	0%	0%	0%	0%
433	602	1441	1144	1254	1925	0%	1%	1%	0%	0%
434	1536	1956	1415	1898	1782	1%	1%	3%	0%	0%

Suburban Feeder – There are 6 routes: 5 TVI/EJ routes; 1 non-TVI/EJ route. Generally all routes meet the load standard.

Suburban Trunk										
Standard	Vehicle size: 40, 60 feet Maximum loads: 40 ft: 1.4 = 64 passengers; 1.2 = 55 passengers 60 ft: 1.4 = 80 passengers; 1.2 = 70 passengers					1.4	1.2	1.4	1.2	1.2
	Route	Total Number of Trips (annual)					% of Trips that Exceed the Maximum Load Standard			
AM (first bus-9am)		Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)	AM (first bus-9am)	Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
11	1289	1380	911	466	1478	0%	0%	0%	0%	0%
22	241	461	476		1197	8%	25%	11%		11%
23	1327	2253	1601	651	1542	6%	22%	9%	1%	20%
40	1083	1048	990	1506	1215	10%	24%	14%	15%	18%
42	894	744	697	990	1363	8%	22%	8%	7%	19%
43	1431	3507	1861			1%	6%	6%		
52	2961	2280	1664	1134	2264	5%	33%	16%	8%	16%
53	2113	1539	1648	1392	1438	1%	1%	3%	0%	0%
54	3925	3425	2280	803	3285	2%	1%	1%	1%	1%
55	2690	1602	1112	842	2206	3%	36%	11%	2%	11%
56	2264	1949	1493	1128	2645	1%	5%	3%	0%	2%
57	2767	2388	2198	1412	1975	2%	11%	11%	3%	11%
57A	1985	1298	833	59	1491	0%	5%	2%	0%	2%
62	2922	2009	1529	1526	2538	6%	9%	10%	5%	9%
65	1250	1238	1429	1174	1925	0%	1%	3%	0%	0%

Suburban Trunk – There are 15 routes: 5 TVI/EJ routes; 10 non-TVI/EJ routes. Proportionately, TVI/EJ routes have more load issues than non-TVI/EJ. Additional analysis/monitoring is required to redistribute service and/or implement other methods to mitigate overcrowding that aligns with current budget constraints.

Urban Feeder										
Standard	Vehicle size: 40, 60 feet Maximum loads: 40 ft: 1.4 = 64 passengers; 1.2 = 55 passengers 60 ft: 1.4 = 80 passengers; 1.2 = 70 passengers					1.4	1.2	1.4	1.2	1.2
	Total Number of Trips (annual)					% of Trips that Exceed the Maximum Load Standard				
Route	AM (first bus- 9am)	Base (9am- 2pm)	PM (2pm- 6pm)	Night (6pm- last bus)	Weekend (all day)	AM (first bus- 9am)	Base (9am- 2pm)	PM (2pm- 6pm)	Night (6pm- last bus)	Weekend (all day)
5	1954	1764	1160	1149	2594	0%	1%	0%	0%	0%
7	2582	1921	2243	1226	2689	5%	8%	6%	5%	5%
8	1220	7423	3430	3325	7194	1%	3%	7%	3%	7%
10	494	310	462	255	476	0%	0%	0%	0%	0%
14	3547	4538	3659	3251	6900	0%	0%	0%	0%	0%
15	383	268	692	238	731	0%	0%	0%	0%	0%
17	1852	2272	2295	1886	3556	0%	0%	0%	0%	0%
18	739	1480	1131	1121	1576	0%	0%	0%	0%	0%
24	846	1740	1089	585	1425	0%	0%	2%	0%	0%
31	2740	1490	1233	804	2480	0%	0%	0%	0%	0%
32	2645	2255	2961	1703	2593	0%	2%	1%	0%	0%

Urban Feeder – There are 11 routes: 3 TVI/EJ routes; 8 non-TVI/EJ routes. All routes generally align with the load standards within reasonable tolerances, however, additional analysis/monitoring will be conducted for routes 7 and 8.

Urban Trunk										
Standard	Vehicle size: 40, 60 feet Maximum loads: 40 ft: 1.4 = 64 passengers; 1.2 = 55 passengers 60 ft: 1.4 = 80 passengers; 1.2 = 70 passengers					1.4	1.2	1.4	1.2	1.2
	Route	Total Number of Trips (annual)					% of Trips that Exceed the Maximum Load Standard			
AM (first bus-9am)		Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)	AM (first bus-9am)	Base (9am-2pm)	PM (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
1	1672	1380	1270	1056	5242	8%	25%	15%	4%	14%
1L	585	998	497	3		4%	8%	4%	0%	
2L	376		332			12%		19%		
2	1549	1236	1265	1142	2452	12%	31%	22%	12%	20%
3	5259	4418	3380	2142	5791	10%	29%	23%	7%	14%
4	4305	4433	3656	1780	4965	5%	7%	10%	1%	1%
6	3985	4091	3209	2386	4593	1%	1%	1%	0%	0%
9	1636	1080	1175	1030	1920	5%	26%	18%	6%	5%
13	4980	5716	3956	2402	7578	20%	44%	39%	17%	28%
19	3215	2259	1976	3096	3760	7%	34%	27%	6%	14%
20	1797	2251	1643	115	1897	17%	47%	28%	2%	43%

Urban Trunk – There are 11 routes: 2 TVI/EJ routes; 9 non-TVI/EJ routes. With the exception of non-TVI/EJ route 6, all routes exceed the load standard and require additional analysis/monitoring to redistribute service and/or implement other methods to mitigate overcrowding that aligns with current budget constraints.

## B. Vehicle Headways

Amount of time between two vehicles traveling in the same direction on the same route. Scheduling headway across service modes and time periods is affected by the following factors, including but not limited to: ridership, route length, traffic congestion/conditions, population density, demand generators, and budget constraints.

<b>Vehicle Headway Standard (in minutes)</b>					
<b>Service Mode</b>	<b>Weekday</b>				<b>Weekend Holiday (all day)</b>
	<b>AM Peak (1<sup>st</sup> Bus – 9am)</b>	<b>Mid-day Base (9am – 2pm)</b>	<b>PM Peak (2pm – 6pm)</b>	<b>Nights (6pm – last Bus)</b>	
Community Access	45-60	45-60	45-60	60-90	60-90
Peak Hour Express	As appropriate to meet demand				
Rapid Bus	15-30	15-30	15-30	30-45	30-60
Circulator	45-60	45-60	45-60	60-90	60-90
Suburban Feeder	30-60	30-60	30-60	30-60	30-60
Suburban Trunk	30-60	30-60	30-60	60-90	30-60
Urban Feeder	15-45	1-30-60	15-45	30-60	30-60
Urban Trunk	15-30	15-45	15-30	30-60	30-60

Vehicle headways and standards for bus routes are detailed in the following tables according to periods (AM peak, mid-day base, PM peak, nights, and weekends). If there is only a single trip, there is no headway. TVI/EJ routes are highlighted in red.

<b>Community Access</b>					
<b>Standard (minutes)</b>	<b>45-60</b>	<b>45-60</b>	<b>45-60</b>	<b>60-90</b>	<b>60-90</b>
<b>Route</b>	<b>AM Peak first Bus-9 am</b>	<b>Mid-day Base 9am-2pm</b>	<b>PM Peak 2pm-6pm</b>	<b>Evening 6pm-last Bus</b>	<b>Weekend all day</b>
414	55	60	60	86	60
503	45	60	48	74	58

Community Access – There are 2 TVI/EJ routes which meet headway standards.

Peak Express					
Standard (minutes)	As appropriate to meet demand (system-wide average equals 27 min)				
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Evening 6pm-last Bus	Weekend all day
80	25		Single trip		
81	21		Single trip	Single trip	
82	30		Single trip		
83	22		Single trip		
84	30		Single trip		
85	16		Single trip		
88	24		Single trip		
89	30		Single trip		
90	30		Single trip		
91	25		Single trip		
92	30		Single trip		
93	20		Single trip		
94	30		Single trip	Single trip	
96	30		Single trip		
97	27		Single trip	Single trip	
98	30		Single trip		
101	24		Single trip		
102	30		Single trip		
103	30		Single trip		
80A	30		Single trip		
80B	Single trip				
84A	30		Single trip		
85A	20		Single trip		
88A	30		Single trip		
98A	38		Single trip		
PH1	Single trip		Single trip		
PH2	Single trip		Single trip		
PH3	Single trip		Single trip		
PH4	Single trip		Single trip		
PH5	Single trip		Single trip		
PH6	Single trip		Single trip		
W1	20		20		26
W2	25		25		34
W3	30		30		30

Peak Express – There are 34 routes: 16 TVI/EJ routes with average headway of 27 minutes; 18 non-TVI/EJ routes with average headway of 23 minutes.

Rapid Bus					
Standard (minutes)	15-30	15-30	15-30	30-45	30-60
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Evening 6pm-last Bus	Weekend all day
A	16	15	15	37	28
C	25	27	29	42	33
E	29	34	30	49	63

Rapid Bus – There are 3 TVI/EJ routes that generally align with the headway standards within reasonable tolerances.

Circulator					
Standard (minutes)	45-60	45-60	45-60	60-90	60-90
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Evening 6pm-last Bus	Weekend all day
9s	31	30	30	32	31
16	40		35		
44	51	75	60	87	71
70	69	86	69	53	73
71	46		38		
72	66	75	69	70	93
74	55				
77	84	86	96		
234	47		43		
235			38		
401	55	75	60	56	61
402	59	60	60	62	59
403	60	67	60	60	62
411	39	40	24	44	54
412	42	47	48	38	58
413	28		27		
415	25		22		
501	44	60	54	61	48
504	56	47	54	41	50

Circulator – There are 19 routes: 9 TVI/EJ routes; 10 non-TVI/EJ routes. Non-TVI/EJ routes 70 and 77 and TVI/EJ routes 72, 44, and 401 do not meet the headway standards for one of more time periods. All other routes generally align with the headway standards within reasonable tolerances.

Suburban Feeder					
Standard (minutes)	30-60	30-60	30-60	30-60	30-60
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Evening 6pm-last Bus	Weekend all day
41	33	38	35	43	65
73	22	38	29		
76	40	40	40	38	42
432	21	24	22	23	21
433	36	30	30	45	44
434	44	43	44	47	48

Suburban Feeder – There are 6 routes: 5 TVI/EJ routes; 1 non-TVI/EJ route. With the exception of TVI/EJ route 432 which had shorter headways, all other routes generally align with the headway standards within reasonable tolerances.

Suburban Trunk					
Standard (minutes)	30-60	30-60	30-60	60-90	30-60
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Evening 6pm-last Bus	Weekend all day
11	51	60	44	87	69
22	79	60	54		43
23	30	40	35	71	65
40	33	29	21	40	43
42	25	30	30	52	36
43	28	30	37		
52	24	30	29	65	47
53	23	38	29	52	59
54	25	30	20	57	37
55	27	43	44	88	55
56	33	47	40	71	56
57	19	38	24	59	52
62	19	30	29	55	41
65	42	55	44	61	63
57A	31	60	60	64	60

Suburban Trunk – There are 15 routes: 5 TVI/EJ routes; 10 non-TVI/EJ routes. All routes generally align with headway standards within reasonable tolerances.

Urban Feeder					
Standard (minutes)	15-45	30-60	15-45	30-60	30-60
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Evening 6pm-last Bus	Weekend all day
5	35	55	60	54	54
7	18	47	16	45	48
8	20	10	10	17	14
10	36	47	35	58	64
14	22	28	27	32	30
15	33	60	24	60	61
17	33	38	24	35	32
18	66	67	60	65	68
24	56	55	60	60	65
31	28	50	35	42	46
32	40	60	32	58	62

Urban Feeder – There are 11 routes: 3 TVI/EJ routes; 8 non-TVI/EJ routes. With the exception of non-TVI/EJ routes 18 and 24, all routes generally align with headway standards within reasonable tolerances. Non-TVI/EJ route 8 has shorter headways due to its shorter route.

Urban Trunk					
Standard (minutes)	15-30	15-45	15-30	30-60	30-60
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Evening 6pm-last Bus	Weekend all day
1	12	15	13	39	19
2	13	12	12	29	18
3	12	19	15	37	29
4	16	20	15	46	33
6	18	22	22	41	35
9	16	43	20	60	45
13	17	15	15	38	22
19	30	40	35	39	44
20	38	40	44		55
1L	36	30	40		
2L	27		25		

Urban Trunk – There are 11 routes: 2 TVI/EJ routes; 9 non-TVI/EJ routes. Except for the non-TVI/EJ route 1L and TVI/EJ route 20, all routes generally align with headway standards within reasonable tolerances.

### C. On-Time Performance

The average measure of runs completed as scheduled.

- On-time is measured as 2 minutes before to 5 minutes after the scheduled arrival and departure times.
- Early is greater than 2 minutes before the scheduled departure time.
- Late is greater than 5 minutes after the scheduled arrival time.

The Standard for all service modes is 80%.

On-time performance for bus routes are detailed in the following tables according to service modes and periods (AM peak, mid-day base, PM peak, evening, and weekends). TVI/EJ routes are highlighted in red.

Community Access					
Standard	80%	80%	80%	80%	80%
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Nights 6pm-last Bus	Weekends all day
414	87%	47%	14%		59%
503	83%	81%	87%	77%	77%

Community Access – Both routes are TVI/EJ. While Route 503 generally meets the on-time performance standard, Route 414 requires additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Peak Express					
Standard	80%	80%	80%	80%	80%
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Nights 6pm-last Bus	Weekends all day
80	86%		87%		
81	73%		81%	69%	
82	90%		65%		
83	92%		70%		
84	93%		72%		
85	79%		72%		
88	87%		72%		
89	78%		67%		
90	84%		75%		
91	83%		67%		
92	94%		70%		
93	94%		77%		
94	87%		85%	81%	
96	79%		71%		
97	83%		70%	67%	
98	83%		70%		
101	87%		70%		
102	87%		77%		
103	98%		62%		
80A	84%		85%		
80B	77%				
84A	79%		72%		
85A	78%		67%		
88A	83%		67%		
98A	80%		63%		
PH1	88%		73%		
PH2	89%		73%		
PH3	77%		77%		
PH4	86%		72%		
PH5	91%		75%		
PH6	82%		77%		
W1	84%		80%		48%
W2	94%		79%		69%
W3	92%		84%		77%

Peak Express – There are 34 routes: 16 TVI/EJ routes; 18 non-TVI/EJ routes. 6 non-TVI/EJ routes and 1 TVI/EJ route are below the standard in the 70% range for both AM and PM periods. Most PM peak periods are below the standard for all routes which requires additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Rapid Bus					
Standard	80%	80%	80%	80%	80%
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Nights 6pm-last Bus	Weekends all day
A	57%	57%	50%	50%	48%
C	57%	37%	33%	33%	64%
E	72%	44%	61%	61%	61%

Rapid Bus – The 3 routes do not meet the standard and requires additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Circulator					
Standard	80%	80%	80%	80%	80%
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Nights 6pm-last Bus	Weekends all day
9s	84%	77%	69%	73%	88%
16	90%		65%	81%	
44	76%	72%	60%	59%	76%
70	84%	74%	51%	76%	66%
71	78%	75%	52%	96%	
72	68%	74%	55%	56%	67%
74	92%		81%	90%	
77	64%	61%	45%	65%	
234	76%	63%	73%	57%	
235	69%		70%	70%	
401	77%	80%	70%	93%	83%
402	97%	61%	36%	68%	75%
403	86%	67%	57%	56%	65%
411	99%	93%	83%	68%	77%
412	94%	89%	87%	80%	55%
413	61%	40%	49%		
415	99%		96%	97%	
501	76%	83%	81%	97%	94%
504	84%	83%	86%	86%	77%

Circulator – There are 19 routes: 9 TVI/EJ routes; 10 non-TVI/EJ routes. Majority of the routes generally meet the standard for the AM peak period only. Additional analysis/monitoring is required to identify factors affecting on-time performance for mitigation purposes.

Suburban Feeder					
Standard	80%	80%	80%	80%	80%
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Nights 6pm-last Bus	Weekends all day
41	70%	60%	45%	63%	59%
73	57%	46%	44%		
76	92%	89%	77%	84%	83%
432	74%	79%	77%	83%	86%
433	73%	80%	63%	79%	68%
434	73%	70%	80%	70%	74%

Suburban Feeder – There are 6 routes: 5 TVI/EJ routes; 1 non-TVI/EJ route. All TVI/EJ routes require additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Suburban Trunk					
Standard	80%	80%	80%	80%	80%
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Nights 6pm-last Bus	Weekends all day
11	79%	65%	57%	72%	72%
22	85%	52%	49%		50%
23	58%	39%	31%	40%	44%
40	63%	50%	47%	47%	42%
42	70%	60%	45%	63%	59%
43	50%	40%	43%		
52	73%	67%	52%	59%	61%
53	72%	65%	52%	55%	82%
54	85%	71%	55%	69%	67%
55	68%	58%	49%	56%	55%
56	69%	64%	45%	53%	57%
57	74%	42%	37%	46%	44%
62	54%	52%	50%	48%	52%
65	69%	72%	62%	71%	75%
57A	78%	52%	39%	17%	54%

Suburban Trunk – There are 15 routes: 5 TVI/EJ routes, 10 non-TVI/EJ routes. All routes generally do not meet the standard which requires additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Urban Feeder					
Standard	80%	80%	80%	80%	80%
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Nights 6pm-last Bus	Weekends all day
5	85%	84%	90%	86%	88%
7	67%	79%	68%	60%	65%
8	94%	61%	59%	77%	65%
10	79%	79%	80%	83%	82%
14	60%	57%	52%	61%	70%
15	75%	67%	59%	70%	83%
17	77%	70%	77%	79%	76%
18	69%	55%	34%	52%	60%
24	70%	60%	34%	56%	58%
31	88%	91%	90%	91%	91%
32	78%	76%	64%	72%	78%

Urban Feeder – There are 11 routes: 3 TVI/EJ routes; and 8 non-TVI/EJ routes. With the exception of routes 5 and 31 all routes generally do not meet the standard requiring additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Urban Trunk					
Standard	80%	80%	80%	80%	80%
Route	AM Peak first Bus-9 am	Mid-day Base 9am-2pm	PM Peak 2pm-6pm	Nights 6pm-last Bus	Weekends all day
1	72%	79%	79%	76%	77%
2	64%	63%	53%	52%	60%
3	61%	63%	51%	60%	54%
4	68%	78%	64%	67%	76%
6	78%	64%	59%	49%	59%
9	56%	40%	36%	47%	37%
13	72%	62%	54%	46%	61%
19	75%	60%	50%	58%	55%
20	56%	55%	43%	36%	57%
1L	57%	63%	60%		
2L	69%	77%	72%		

Urban Trunk – There are 11 routes: 2 TVI/EJ routes; 9 non-TVI/EJ routes. All routes do not meet the standard which requires additional analysis/ monitoring to identify factors affecting on-time performance for mitigation purposes.

#### D. Service Availability

A general measure of the distribution of routes within an agency's service area.

Standard:

Route availability within a ½ mile radius for 70% of the population.

Service availability for bus routes are detailed in the following table.

<b>Service Availability (within a ½ mile radius of a bus route)</b>						
<b>Category</b>	<b>Over ½ mile</b>	<b>Within ½ mile</b>	<b>Total</b>	<b>Over ½ mile</b>	<b>Within ½ mile</b>	<b>Total</b>
Non-TV/EJ	125,879	385,933	511,812	25%	75%	100%
TV/EJ	124,219	317,176	441,395	28%	72%	100%
<b>Total</b>	<b>250,099</b>	<b>703,108</b>	<b>953,207</b>	<b>26%</b>	<b>74%</b>	<b>100%</b>

Source: 2010 Census Data

75% of non-TV/EJ and 72% of TV/EJ residents are within the ½ mile radius of a bus route. Overall 74% of all residents are within the ½ mile radius of a bus route.

## Service Policies

### A. Transit Amenities

Items of comfort, convenience, and safety (i.e. seating, shelter, trash receptacles).

Policy:

- All amenities shall comply with ADA Accessibility Guidelines (ADAAG)
- Installation at stops along bus routes are typically based on number of passenger boardings, number of routes served, transfer point, headways, and space requirements.

Amenities	Stop Characteristics for Distribution
Shelter	Transfer points, two or more bus routes, headways >40 minutes, average to high proportion of passenger boardings in relation to route ridership
Bench	Transfer points, two or more bus routes, headways >30 minutes, average proportion of passenger boardings in relation to route ridership
Trash Receptacle	Transfer points, two or more bus routes, headways >15 minutes, medium to high proportion of passenger boardings in relation to route ridership and/or adjacent to trash receptacle use generator(s)
Provision of Information	As needed and appropriate

Trash receptacles, shelters, benches, and lighting were tallied for each stop along a single route. Transit amenity distribution averages for TVI/EJ and non-TVI/EJ routes for each mode are detailed in the following tables. Service area may be a factor in determining the quantity of amenities along each route. TVI/EJ routes are highlighted in red.

Community Access					
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Lighting (%)
414	35	17%	20%	49%	100%
503	45	20%	16%	27%	96%

Community Access – All routes are TVI/EJ.

Peak Express					
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Lighting (%)
80	133	35%	20%	52%	100%
81	84	36%	38%	68%	85%
82	73	34%	33%	64%	100%
83	134	52%	50%	73%	97%
84	73	47%	48%	51%	97%
85	114	43%	45%	68%	93%
88	62	42%	44%	68%	100%
89	92	42%	35%	61%	95%
90	80	39%	45%	67%	100%
91	75	73%	68%	92%	88%
92	88	30%	31%	77%	100%
93	190	40%	43%	58%	82%
94	61	33%	28%	51%	100%
96	44	55%	57%	64%	100%
97	43	70%	53%	67%	100%
98	50	64%	70%	78%	98%
101	61	49%	51%	69%	98%
102	55	51%	49%	82%	100%
103	39	77%	79%	79%	100%
80A	155	24%	14%	51%	99%
80B	37	49%	35%	68%	97%
84A	67	55%	61%	64%	100%
85A	59	75%	67%	87%	98%
88A	200	40%	40%	69%	93%
98A	88	83%	82%	92%	97%
PH1	91	41%	45%	59%	84%
PH2	93	24%	31%	33%	90%
PH3	115	55%	46%	63%	92%
PH4	126	28%	30%	57%	94%
PH5	84	30%	42%	55%	87%
PH6	308	34%	22%	51%	95%
W1	98	66%	58%	87%	84%
W2	50	54%	40%	86%	100%
W3	49	84%	55%	92%	100%

Peak Express – There are 34 routes: 16 TVI/EJ routes; 18 non-TVI/EJ routes. On average, TVI/EJ routes have more shelters and benches, non-TVI/EJ routes have more trash receptacles and lighting as shown below:

- TVI/EJ: trash receptacles (47%), shelters (47%), benches (70%), and lighting (94%).
- Non-TVI/EJ: trash receptacles (50%), shelters (45%), benches (66%), and lighting (97%).

Rapid Bus					
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Lighting (%)
A	67	86%	79%	90%	89%
C	100	70%	63%	81%	91%
E	63	79%	63%	84%	82%

Rapid Bus – All routes are TVI/EJ.

Circulator					
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Lighting (%)
9s	41	35%	40%	84%	91%
16	31	26%	26%	35%	74%
44	150	20%	26%	48%	89%
70	126	19%	20%	34%	91%
71	70	7%	9%	16%	97%
72	67	53%	50%	81%	97%
74	56	9%	13%	46%	93%
77	111	43%	35%	64%	96%
234	33	22%	19%	28%	100%
235	27	31%	23%	50%	100%
401	62	16%	21%	32%	92%
402	42	9%	9%	42%	79%
403	91	12%	15%	29%	76%
411	55	22%	21%	69%	100%
412	37	27%	22%	78%	100%
413	22	32%	23%	32%	86%
415	10	50%	40%	50%	70%
501	37	22%	22%	24%	100%
504	41	5%	10%	17%	100%

Circulator – There are 19 routes: 9 TVI/EJ routes; 10 non-TVI/EJ routes. On average, TVI/EJ routes have more trash receptacles, shelters, and benches, non-TVI/EJ routes have more lighting as shown below:

- TVI/EJ: trash receptacles (27%), shelters (26%), benches (46%), and lighting (85%).
- Non-TVI/EJ: trash receptacles (22%), shelters (21%), benches (44%), and lighting (97%).

Suburban Feeder					
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Lighting (%)
41	64	41%	31%	75%	75%
73	33	20%	34%	59%	95%
76	45	33%	40%	67%	98%
432	37	15%	18%	53%	71%
433	53	47%	53%	65%	93%
434	38	44%	39%	59%	76%

Suburban Feeder – There are 6 routes: 5 TVI/EJ routes; 1 non-TVI/EJ route. On average, the amenity distribution is comparable, as shown below:

- TVI/EJ: trash receptacles (33%), shelters (35%), benches (62%), and lighting (82%).
- Non-TVI/EJ: trash receptacles (33%), shelters (40%), benches (67%), and lighting (98%).

Suburban Trunk					
Routes	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Lighting (%)
11	123	28%	34%	63%	93%
22	260	38%	25%	78%	89%
23	158	43%	35%	76%	95%
40	331	48%	49%	67%	84%
42	212	75%	72%	92%	90%
43	113	46%	41%	68%	82%
52	122	78%	77%	92%	96%
53	99	53%	61%	88%	100%
54	114	30%	41%	63%	98%
55	415	34%	33%	65%	93%
56	315	42%	44%	72%	97%
57	170	40%	38%	63%	93%
62	190	74%	68%	85%	97%
65	121	53%	59%	76%	98%
57A	100	52%	58%	75%	91%

Suburban Trunk – There are 15 routes: 5 TVI/EJ routes; 10 non-TVI/EJ routes. On average, the amenity distribution is comparable, as shown below:

- TVI/EJ: trash receptacles (54%), shelters (53%), benches (75%), and lighting (89%).
- Non-TVI/EJ: trash receptacles (46%), shelters (47%), benches (75%), and lighting (95%).

Urban Feeder					
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Lighting (%)
5	63	33%	32%	56%	94%
7	85	35%	33%	66%	86%
8	39	95%	85%	98%	95%
10	173	15%	11%	31%	92%
14	124	25%	23%	49%	97%
15	101	8%	10%	32%	92%
17	28	46%	50%	86%	96%
18	56	66%	55%	88%	93%
24	90	38%	35%	78%	97%
31	48	40%	44%	56%	89%
32	124	19%	20%	46%	81%

Urban Feeder – There are 11 routes: 3 TVI/EJ routes; 8 non-TVI/EJ routes. With the exception of non-TVI/EJ route 8, on average, the amenity distribution is comparable, as shown below:

- TVI/EJ: trash receptacles (31%), shelters (32%), benches (56%), and lighting (86%).
- Non-TVI/EJ: trash receptacles (33%), shelters (31%), benches (60%), and lighting (94%).

Urban Trunk					
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Lighting (%)
1	234	53%	41%	73%	98%
2	119	81%	64%	93%	99%
3	133	66%	54%	81%	93%
4	132	55%	55%	83%	95%
6	163	37%	39%	68%	94%
9	332	67%	62%	82%	92%
13	131	65%	58%	94%	96%
19	158	71%	63%	83%	90%
20	150	75%	73%	93%	94%
1L	318	46%	31%	67%	99%
2L	82	83%	66%	91%	99%

Urban Trunk – There are 11 routes: 2 TVI/EJ routes; 9 non-TVI/EJ routes. On average, TVI/EJ routes have more amenities as shown below:

- TVI/EJ: trash receptacles (73%), shelters (68%), benches (88%), and lighting (92%).
- Non-TVI/EJ: trash receptacles (61%), shelters (52%), benches (82%), and lighting (96%).

## B. Vehicle Assignment

Process by which transit vehicles are assigned to routes. All buses are wheelchair accessible and equipped with bike racks.

Policy:

Vehicles assignments are based on the operating characteristics of the routes such as ridership, mode of service, and roadway conditions (narrow, steep, tight turns). Typically, 60-foot buses are assigned to Rapid Bus, high ridership, or long-distance routes, 40-foot buses to urban and suburban trunk routes, and the 30 & 35-foot buses to circulator routes and routes with narrow or steep streets, and tight turns. High floor buses, while no longer manufactured and older in age, have a greater seating capacity than low floor buses and are equipped with a wheelchair lift instead of a ramp, and are therefore assigned to high ridership routes with unimproved right-of-ways or prone to flooding conditions.

A comparison of average vehicle age by vehicle assignments by TVI/EJ and non-TVI/EJ routes for each mode are detailed in the following tables. TVI/EJ routes are highlighted in red.

Community Access				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
414	30	3	Low	15
503	30	3	Low	15

Community Access – All routes are TVI/EJ.

Peak Express				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
80	40	9	High	20
81	40/60	15	High/Low	15
82	40	6	High	20
83	40	12	Low	10
84	40	6	Low	10
85	40	8	High	20
88	40	5	Low	10
89	40	3	High	20
90	40	2	Low	10
91	40/60	11	High/Low	15
92	40	4	Low	10
93	40	16	High/Low	14
94	40/60	4	High/Low	15
96	40	4	Low	10
97	40/60	8	High/Low	15
98	40	2	High	20
101	40/60	9	High/Low	13
102	40	6	High/Low	15
103	40	2	High	20
80A	40	5	High	20
80B	40	1	High	20
84A	40/ 60	7	High/Low	15
85A	40	9	High	20
88A	40	3	Low	10
98A	40	4	H	20
PH1	40	1	Low	10
PH2	35	2	Low	6
PH3	35	2	Low	6
PH4	40	2	High/Low	18
PH5	40	2	H	20
PH6	40	3	Low	14
W1	60	6	High/Low	12
W2	40	6	High/Low	14
W3	40	2	High	20

Peak Express – There are 34 routes: 16 TVI/EJ routes, 18 non-TVI/EJ routes. TVI/EJ routes have an average age of 13 years and non-TVI/EJ routes have an average age of 16 years.

Rapid Bus				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
A	60	55	High/Low	12
C	60	41	Low	13
E	40/60	25	High/Low	15

Rapid Bus – All routes are TVI/EJ.

Circulator				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
9s	40	3	Low	13
16	35	3	Low	6
44	40	11	High/Low	15
70	30	3	High	15
71	35	2	Low	6
72	35	3	Low	6
74	30	3	High	15
77	40	3	Low	10
234	30/35	4	High/ Low	11
235	30/ 35	2	Low/ High	11
401	35/40	4	Low	9
402	35/40	4	Low	9
403	35/40	12	Low	9
411	35/40	5	Low	9
412	30/35	8	Low	11
413	30/40	2	High/Low	9
415	35	1	Low	6
501	30	3	Low	15
504	30	3	Low	15

Circulator – There are 19 routes: 9 TVI/EJ routes; 10 non-TVI/EJ routes. TVI/EJ routes have an average age of 9 years and non-TVI/EJ routes have an average age of 12 years.

Suburban Feeder				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
41	40	10	Low	10
73	40	4	Low	10
76	30	3	Low	15
432	40	6	Low	10
433	40	6	Low	10
434	40	4	Low	10

Suburban Feeder – There are 6 routes: 5 are TVI/EJ routes; 1 non-TVI/EJ route. TVI/EJ routes have an average age of 10 years and non-TVI/EJ routes have an average age of 15 years.

Suburban Trunk				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
11	40	8	Low	12
22	40	9	Low	12
23	40	6	Low	12
40	40	47	High	16
42	40/60	37	High/Low	14
43	40	15	Low	12
52	40	29	High/Low	15
53	40	15	Low	12
54	40	19	Low	12
55	40	32	High/Low	15
56	40	22	Low	12
57	40	28	Low	12
62	40	31	High/Low	15
65	40	19	High/Low	15
57A	40	10	Low	12

Suburban Trunk – There are 15 routes: 5 TVI/EJ routes; 10 non-TVI/EJ routes. TVI/EJ routes have an average age of 14 years and non-TVI/EJ routes have an average age of 13 years.

Urban Feeder				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
5	40	5	Low	13
7	40	23	Low	13
8	40	22	Low	10
10	30	9	High	15
14	35	8	Low	6
15	30	7	High	15
17	40	3	Low	13
18	40	3	Low	13
24	40	7	Low	13
31	40	11	Low	13
32	35	12	Low	6

Urban Feeder – There are 11 routes: 3 TVI/EJ routes; 8 non-TVI/EJ routes. TVI/EJ routes have an average age of 11 years and non-TVI/EJ routes have an average age of 12 years.

Urban Trunk				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
1	40/60	53	High/Low	16
2	60	63	Low	11
3	40	51	High/Low	17
4	40	26	Low	13
6	40	21	Low	13
9	40	34	High	20
13	40	43	High	20
19	40	33	Low	10
20	40	3	Low	10
1L	40/60	26	High/Low	16
2L	60	12	Low	9

Urban Trunk – There are 11 routes: 2 TVI/EJ routes; 9 non-TVI/EJ routes. TVI/EJ routes have an average age of 10 years and non-TVI/EJ routes have an average age of 15 years.