



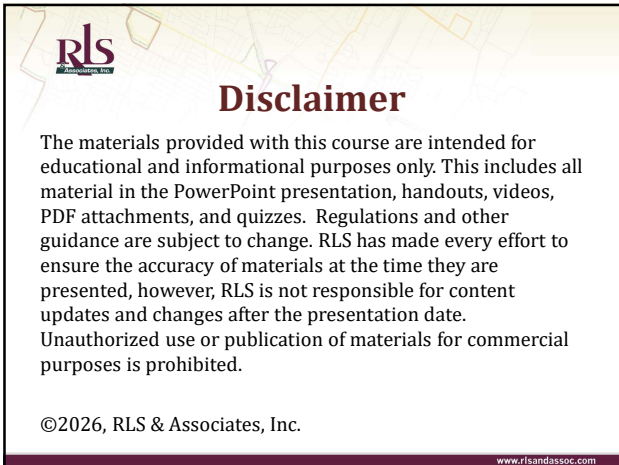
RLS
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Moving Public Transportation
Into the Future

FTA Title VI Requirements

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Session Content

-  1. Historical Overview
-  2. Requirements Under Title VI
-  3. Components of a Title VI Plan
-  4. Common Compliance Findings

Section 1

HISTORICAL OVERVIEW

Historical Perspective

- ◆ Before the Civil Rights Act, Public Transit Was Highly Segregated
- ◆ Signs Directed Passengers to the “Correct” Section of the Bus, and to Separate Lavatories and Water Fountains



Historical Perspective

- ◆ This Prompted Protests Against Segregation in Public Transit and Other Areas of Daily Life
- ◆ Rosa Parks



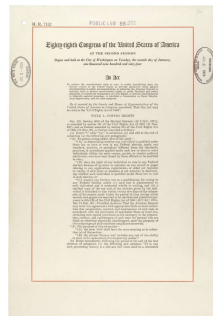
Historical Perspective

- ◆ In Brown v. Board of Education, the Supreme Court Unanimously Ruled Segregation in Public Schools was Unconstitutional
- ◆ Ended "Separate but Equal"



Historical Perspective

- ◆ In Response, Congress Passed the Civil Rights Act of 1964 (Pub. L. 88-352)
- ◆ Arguably the Most Significant Legislation of the 20th Century
- ◆ Signed July 2, 1964





Historical Perspective

- ◆ The Civil Rights Act of 1964 Consisted of Twelve Titles That Covered a Range of Activities and Places
- ◆ Title VI Outlawed Discrimination on the Basis of Race, Color, or National Origin

Historical Perspective

- ◆ Applicability of Title VI
 - Title VI Prohibited Discrimination In Connection with Programs and Activities Receiving Federal Financial Assistance
 - Broad, Institution-Wide Application
 - Encompasses All Programs and Activities of the Covered Entity
- ◆ This Presentation is Designed to Address Transit Services
 - Does Not Relieve the Obligation of the Entity to Comply with Other Title VI Requirements



Historical Perspective

- ◆ **Basic Principle of Title VI:**
 - **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**

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Principles Under Title VI

- ◆ Level and Quality of Public Transportation Service Is Provided In a Nondiscriminatory Manner
- ◆ Promote Full and Fair Participation In Public Transportation Decision-Making Without Regard to Race, Color, or National Origin
- ◆ Ensure Meaningful Access To Transit-Related Programs and Activities By Persons With Limited English Proficiency

Discrimination Prohibited

- ◆ Code of Federal Regulations: Title 49, Section 21.5(b) A recipient under any federal program may not:
 - Deny an individual a benefit
 - Provide different benefits
 - Subject an individual to segregation or separate treatment
 - Restrict individual enjoyment or privilege enjoyed by others
 - Base qualifications on different sets of criteria
 - Deny participation of service

What Does Title VI Not Cover?

- ◆ Discrimination Based On:
 - Religion or Sex in the Workplace (Title VII/EEO)
 - Disability (ADA)
 - Age (Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967)

Section 2

REQUIREMENTS UNDER TITLE VI

Civil Rights Act Requirements

- ◆ All Federal Agencies Responsible Under the Civil Rights Act Must Promulgate Rules Implementing the Act
- ◆ Governing Documents
 - 49 CFR part 21 – DOT Civil Rights
 - FTA Circular 4702.1B

Civil Rights Act Requirements

- ◆ Under the Rules Promulgated by FTA:
 - All Direct and Primary Recipients Must Document Compliance by Submitting a Title VI Program to the Regional FTA Office Every Three Years
 - NHDOT is the Direct/Primary Recipient of FTA Funds

Civil Rights Act Requirements

- ◆ Subrecipient Responsibilities
 - “Stand in the Shoes”
 - Subrecipients Must Submit Title VI Programs to the Primary Recipient From Whom They Receive Funding
 - Subrecipients Assist the Primary Recipient In Its Compliance Efforts
 - Primary Recipient Determines Schedule

Civil Rights Act Requirements

- ◆ What About Agencies That Receive Grants Directly From FTA, Not NHDOT?
 - Primary Recipients Submit Their Title VI Programs Directly to FTA on a Schedule That is Prescribed by FTA
- ◆ My Agency Received Funding From Both FTA and NHDOT?
 - FTA is Responsible for Oversight
 - But, Send Plan to Both

Section 3

COMPONENTS OF A TITLE VI PROGRAM



Who Needs a Program

- ◆ Program Required:
 - Direct Recipients
 - Subrecipients
 - Lower Tier Subrecipients
- ◆ No Program Required:
 - Contractors
 - But, They Must Implement the Recipient's Plan

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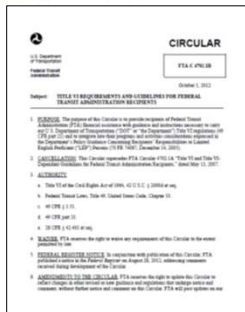
Basic Requirements

- ◆ Title VI Assurance
 - Must Accompany Every Application for Financial Assistance From FTA (“Standard Assurance”)
 - Must Submit Annual “Certs and Assurances”
 - Primary Recipients Collect and Submit Title VI Assurances From Subrecipients

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Program Preparation Guidance

- ◆ FTA Circular 4702.1B
- ◆ Effective October 1, 2012
- ◆ Download at:
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FIN_AL.pdf



Circular Overview

- ▶ **Chapter I:** Introduction and Background
- ▶ **Chapter II:** Program Overview
- ▶ **Chapter III:** General Requirements and Guidelines
- ▶ **Chapter IV:** Requirements and Guidelines for Fixed Route Transit Providers
- ▶ **Chapter V:** Requirements for States
- ▶ **Chapter VI:** Requirements for MPOs
- ▶ **Chapter VII:** Effectuating Compliance with DOT Title VI Regulations
- ▶ **Chapter VIII:** Compliance Reviews
- ▶ **Chapter IX:** Complaints
- ▶ **Appendices**

Circular Overview

◆ Applicability and Complexity of Program Submission Based on Entity/Mode

Entity/Mode	Compliance Requirement
Chapter I	All Recipients/Subrecipients
Chapter II	All Recipients/Subrecipients
Chapter III	All Recipients/Subrecipients
Chapter IV	Fixed Route Operators +50 Buses, 200,000 Population
Chapter V	State DOTs
Chapter VI	Metropolitan Planning Organizations (MPOs)

Circular Overview

- ◆ Applicable Provisions to Most Subrecipients
 - First Three Chapters
- ◆ Demand Response Providers
 - First Three Chapters
 - Chapters I, II – Information
 - Chapter III – Basic Plan Contents for ALL Entities

Circular Overview

- ◆ Chapter IV: Requirements for Fixed Route Transit Providers
 - Applies if:
 - In a UZA of 200,000 or More, and
 - 50 or More Buses in Peak Service
 - Note: This Metric Includes Both Federal AND Non-Federally Funded Buses

Program Elements

- ◆ Program Elements
 - Title VI Notice to the Public
 - Complaint Procedures
 - Complaint Form
 - List of Investigations, Lawsuits, and Complaints
 - Public Participation Plan
 - Language Assistance Plan
 - Information Regarding Siting of Fixed Facilities
 - Table Depicting Racial Composition of Membership of Non-Elected Boards/Committees

Program Elements

- ◆ A Note on Websites:
 - The following aspects of the Title VI Plan must be on the website
 - Title VI Notice to the Public
 - Complaint Procedures
 - Complaint Form

- A Note on Vehicles:
- The Title VI Notice to the Public must be on vehicles IF your Title VI Plan states that it will be

Board Approval

- ◆ There are several areas where you will need Board approval:
 - The Title VI Program of all recipients and sub-recipients
 - Certain elements within the Title VI Program must be approved:
 - Service standards (for all transit providers)
 - Major service change policy, disparate impact policy and disproportionate burden policy
 - Results of any service and fare equity analyses
 - Results of service monitoring

Notice to the Public

- ◆ Must Notify Beneficiaries of Protections Under Title VI
 - Beneficiaries = Public
 - Notice Must be on Website and in Public Areas of Agency's Office(s), Including the Reception Desk, Meeting Rooms Etc.
 - Notice Should Also be Posted at Stations or Stops and/or on Transit Vehicles
 - Where the Notice Will Be Posted Should Be Described in the Title VI Plan

Notice to the Public

- ◆ Must Notify Beneficiaries of Protections Under Title VI
 - Notice Must State that the Entity Complies With Title VI
 - Notice Must Include Basic Statement of Protections (See Next Slide)

Notice to the Public

- ◆ Notice Content
 - Statement That the Agency Operates Programs Without Regard to Race, Color, or National Origin
 - Procedures the Public Should Follow to Request Additional Information on the Recipient's Title VI Obligations
 - Procedures to File a Title VI Discrimination Complaint Against the Recipient

Notice to the Public

- ◆ Content: Where Do Agencies Find Notice Content?
 - Model Template in Circular (Appendix B)
 - Model Template Provided by NHDOT
 - Note: Do Not Expand on Categories

Notice to the Public

- ◆ Sample from FTA Circular 4702.1B

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

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

Notice to the Public

- ◆ Dissemination
 - Where Does the Transit Program or Agency Interface/Interact with the Public?
 - Agency Office
 - Buses
 - Website
 - FTA/NHDOT Are Not Prescriptive, But Your Program Should Document These Places

Notice to the Public

- ◆ Dissemination
 - Document Translation
 - The Notice Informs the Public Of the Recipient's Title VI Obligations and is a "Vital Document"
 - Must Be Translated Into Languages Other Than English
 - What Languages?
 - Translate Consistent With LEP "Four Factor" Analysis Outcome and Your Language Assistance Plan

Vital Documents

- ◆ What Must Be Translated?
 - Vital Documents
 - Consent Forms
 - Complaint Forms
 - Intake or Application Documents
 - Written Notices of Rights
 - Notices of Denials, Losses, or Decreases in Benefits or Services
 - Notices Advising LEP Persons of Language Assistance Services

A Note on Google Translate

- ◆ Can We Use Google Translate?
 - FTA Frowns on "Mechanical Translation"
 - Permissible for Non-Vital Documents
 - Must Confirm That Translated Vital Documents Accurately Convey Rights

Complaint Procedures

- ◆ All Covered Entities Must Develop Procedures For Investigating and Tracking Title VI Complaints
- ◆ The Procedures For Filing a Complaint Must Be Made Available to the Public
 - Should Allow Complaints to be Filed Within 180 Days of the Alleged Discrimination

Complaint Procedures

- ◆ Recipients Must Also Develop a Title VI Complaint Form
- ◆ The Form and the Procedure For Filing a Complaint Shall Be Available On The Recipient's Website
- ◆ Complaint Form and Procedure are Vital Documents and Must be Translated Per LAP

Complaint Procedures

Discrimination ADA/Title VI Complaint Form

Section I:			
Name: _____			
Address: _____			
Telephone (Home): _____		Telephone (Work): _____	
Electronic Mail Address: _____			
Accessible Format Requirements?			
<input type="checkbox"/> Large Print		<input type="checkbox"/> Audio Tape	
<input type="checkbox"/> TDD		<input type="checkbox"/> Other _____	
Section II:			
Are you filing this complaint on your own behalf? <input type="checkbox"/> Yes* <input type="checkbox"/> 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. <input type="checkbox"/> Yes <input type="checkbox"/> No			
Section III:			
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"/> Disability			
Date of Alleged Discrimination (Month, Day, Year): _____			

Complaint Procedures

- ◆ Note: In order to comply with due process requirements, you must grant a right to appeal to a complainant who is dissatisfied with the outcome of a complaint investigation.
 - The appeal must be to your agency
 - Although you can (and should) advise the public of their ability to file a complaint with the FTA Office of Civil Rights, this is merely a separate avenue to file a complaint, not an appeal.

Complaint Procedures

- ◆ Segregate This Complaint Process From General Customer Service Complaints
 - There is a difference between “My driver was rude” and “My driver was rude because of my race”
- ◆ NHDOT is Obligated to Report Title VI Complaints of Subrecipients to FTA
- ◆ Need to Record, Track, and Report Any Complaints

Best Practice

- ◆ Subrecipients May Adopt the Title VI Complaint Investigation, Tracking Procedures, and Complaint Form Developed By the Primary Recipient
 - But Note That These Must Be Included in the Subrecipient’s Title VI Plan



Tracking Complaints

- ◆ For Each Complaint, Track the Following:
 - The Date That The Investigation, Lawsuit, or Complaint Was Filed
 - A Summary of the Allegation(s)
 - The Status of the Investigation, Lawsuit, or Complaint
 - Actions Taken By The Recipient In Response to the Complaint or Final Findings Related to the Investigation, Lawsuit, or Complaint

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List of Investigations, Lawsuits and Complaints

- ◆ FTA reporting limited to **transit-related activities** of the recipient

Complainant	Date (Month, Day, Year)	Basis of Complaint (Race, Color, National Origin or Disability)	Summary of Allegation	Status	Action(s) Taken	Final Findings?
Investigations						
1)						
2)						
Lawsuits						
1)						
2)						
Complaints						
1)						
2)						



Tracking Complaints

- ◆ Potential Complaint Red Flags:
 - An Agency Has No Complaints
 - An Agency Has Complaints and the Resolution For All Complaints is "Unsubstantiated".

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Inclusive Public Participation

- ◆ The Recipient Must Develop a Public Participation Plan to Obtain Public Input on Transit Decisions
- ◆ The Title VI PPP Must Explicitly Describe
 - Proactive Strategies
 - Procedures
 - Desired Outcomes

Inclusive Public Participation

- ◆ Should Offer “Early and Continuous” Opportunities For the Public, Including Minority and LEP Populations, To Be Involved in Decision-Making Process

Inclusive Public Participation

- ◆ How, When, and How Often Specific Public Participation Activities Take Plan Should Be Based on Demographic Analysis of the Populations Affected, the Decisions or Services Under Consideration, and the Resources Available

Inclusive Public Participation

- ◆ Hold meetings at times and locations that meet community's needs
- ◆ Use varied meeting formats
- ◆ Collaborate with local organizations to plan and advertise meetings
- ◆ Use traditional and social media to promote meetings:
 - TV and radio public service announcements (PSAs)
 - Facebook, Twitter, podcasts, blogs, etc.
 - Bus advertising

Meaningful Access to LEP

- ◆ The Title VI Plan Must Provide Meaningful Access to LEP Persons
 - The Recipient "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)".

Meaningful Access to LEP

- ◆ This Element of the Title VI Plan Has Two Main Components
 - Development of Language Assistance Program (LAP)
 - Four Factor Analysis
- ◆ This May Be the Most Challenging Aspect of Title VI Program Development



Meaningful Access to LEP

- ◆ Four Factor Analysis
 - To Ensure Meaningful Access to Programs and Activities, the Recipient Must Use the Information Obtained Via the Four Factor Analysis to Determine the Specific Language Services That Are Appropriate to Provide

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Meaningful Access to LEP

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

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Meaningful Access to LEP

- ◆ How do you know which LEP groups are in your service area?
 - American Community Survey
<https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>
- ◆ Make sure that you identify languages that speak English "less than very well".
- ◆ Use the most recent demographic data available

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Language Assistance Plan

- ◆ After Performing the Four Factor Analysis, Create the LAP. At a minimum, the LAP must contain:
 - The Results of the Four Factor Analysis
 - Description of How Language Assistance Services Will be Provided, by Language
 - How LEP Persons Are Notified of the Availability of Language Assistance

Language Assistance Plan

- ◆ LAP Contents (Cont.)
 - How the Recipient Monitors, Evaluates and Updates the Language Assistance Plan
 - How the Recipient Trains Employees to Provide Timely Language Assistance to LEP Populations

Safe Harbor

- ◆ 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 in its Service Area...
- ◆ ... Such Action Will be Considered Strong Evidence of Compliance

Advisory Committees - Minority Participation

- ◆ Must Identify Transit Related Planning and Advisory Boards Whose Membership is Selected by the Agency
- ◆ Must Provide a Table Depicting Racial Breakdown of Membership
- ◆ Must Describe Efforts Made to Encourage Participation of Minorities on Such Committees

Advisory Committees - Minority Participation

- ◆ Note: These are only boards whose memberships are selected by the agency (i.e. not elected boards or committees).
- ◆ It does not include an agency's governing board... only transit advisory boards
- ◆ When providing the racial breakdown, be specific.

Advisory Committees - Minority Participation

- ◆ Table depicting racial composition of membership of non-elected boards/committees

	African American/Black	American Indian/Alaskan Native	Native Hawaiian/Other Pacific Islander	Asian	Hispanic/Latino	White
Name of Body						

Local Adoption

- ◆ The Title VI Plan 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 NHDOT

New Facility Siting

- ◆ In determining the site of a new facility, a recipient may not make the selection with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any FTA-funded program on the grounds of **race, color, or national origin**
- ◆ Prior to the selection of the preferred site, a recipient must complete a **Title VI equity analysis** to determine whether the location would result in a **disparate impact**

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New Facility Siting

- ◆ **Disparate impact** refers to a facially neutral policy or practice that disproportionately and adversely affects members of a protected group; in the context of Title VI, these groups are race, color, and national origin.
 - Does not focus on the intent, but rather the effect of the policy or practice (contrast with disparate treatment)

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Executive Order 14281

- ◆ Issued April 23, 2025
- ◆ Orders federal agencies to “deprioritize enforcement” of federal statutes and regulations to the extent they include disparate impact liability
- ◆ No additional guidance or rulemaking has been issued since the EO
- ◆ Note that the EO does not alter the 49 CFR Part 21 or Title VI legislation
- ◆ Disparate impact remains a legal argument in a private right of action
- ◆ Many states have state level legislation/requirements that mirror federal Title VI legislation

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New Facility Siting

- ◆ A **Title VI facility equity analysis** must include the following elements:
 1. Determine whether the location of the facility would result in a disparate impact on the basis of race, color, or national origin
 - Analysis must consider 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

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New Facility Siting

- ◆ A **Title VI facility equity analysis** must include the following elements (continued):
 2. Summarize feedback received from public outreach efforts to those potentially impacted by the facility siting
 3. If a disparate impact is found, the equity analysis must compare the impacts of various alternative locations. The original location can be selected only if there is a substantial legitimate justification for locating the project there, AND there is no less discriminatory alternative

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New Facility Siting

- ◆ For purposes of the equity analysis requirement, the term “facilities” includes, but is not limited to, storage facilities, maintenance facilities, operations centers, etc.
 - Does not include bus shelters, as these are transit amenities
 - Does not include transit stations, power substations, etc., as those are evaluated during the NEPA (National Environmental Policy Act) process
 - While very similar in concept, an equity analysis under NEPA will not necessarily satisfy Title VI requirements (and vice versa)

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New Facility Siting

- ◆ Key differences between an equity analysis under Title VI and NEPA:
 - Analysis under NEPA seeks to determine if there are disproportionately high or **adverse environmental effects** (including human health, economic, and social effects) on **minority** or **low-income** populations
 - Analysis under Title VI does not include low-income populations (only race, color, and national origin)
 - A Title VI equity analysis generally applies when determining the site for construction of a new facility, while NEPA generally applies to projects having significant environmental effects

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Subrecipient Assistance and Monitoring

- ◆ Each subrecipient develops its own Program but may use some elements of primary recipient’s Title VI Program
- ◆ Contractors must implement recipient’s Program

Subrecipient Assistance and Monitoring

- ◆ Primary recipients (i.e. NHDOT) should assist subrecipients by providing:
 - Sample public notices, Title VI complaint procedures, and the recipient's Title VI complaint form
 - Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient
 - Demographic information of residents served by the sub-recipient
 - Any other recipient-generated or obtained data

Fixed Route Requirements

Requirement	Fixed Route Transit Providers that do not meet the threshold	Transit Providers with 50 or more fixed route vehicles in peak service, located in large UZA
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: <ul style="list-style-type: none"> • Demographic and service profile maps and charts • Survey data regarding customer demographic and travel patterns
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required

Fixed Route Requirements

- ◆ These Additional Requirements DO NOT Apply to Demand Response Operations
 - Demand Response Includes:
 - Complementary Paratransit
 - General Public Demand Response
 - Client Only Section 5310 Services
 - Vanpool Operators
 - Rule Uses ADA Definitions

Fixed Route Requirements

- ◆ Set System-Wide Service Standards:
 - This requirement applies to all fixed route providers of public transportation service
 - All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide
 - Standards and policies must address how service is distributed across the transit system

Fixed Route Requirements

- ◆ Set System-Wide Service Standards:
- ◆ Effective practices to fulfill the service standard requirement
 - Vehicle load for each mode
 - Vehicle headway for each mode
 - On-time performance for each mode
 - Service availability for each mode
 - Distribution of transit amenities for each mode
 - Vehicle assignment for each mode

Service Standards

- ◆ Vehicle Load Factor
 - Definition:
The Ratio Of Passengers to the Total Number of Seats On a Vehicle
 - In Many Fixed Modes, Standees Are Permitted
 - A 1.3 Load Factor Standard on a 40-Passenger Bus Would Mean:
 - 40 Passengers Seated and Up to 12 Standees Before Standard Would be Exceeded

Service Standards

- ◆ Vehicle Load Factor
 - Peak and Off-Peak Standards
 - Define Peak Use Periods
 - May Vary by Mode
 - Radial
 - Crosstown
 - Express

Service Standards

- ◆ Vehicle Load Factor
 - In Smaller Transit Systems, It May Be Appropriate to Establish Different Load Factor Standards Based on Type of Vehicle

Service Standards

- ◆ Vehicle Headways
 - The Amount of Time Between Two Vehicles Traveling in the Same Direction on a Given Route
 - Expressed in Minutes
 - A Route With Sixty Minute Headways Means the Bus Would Leave a Downtown Transfer Center Every Hour

Service Standards

- ◆ Vehicle Headways
 - May Also Vary By
 - Service Type
 - Peak and Off-Peak

Service Standards

- ◆ On-Time Performance
 - A Measure of Runs Completed as Scheduled
 - Two Parts:
 - Define: "On-Time"
 - Establish Percentage of Runs to Be On-Time
 - Example:
 - On-Time = 0 Minutes Early/Five Minutes Late
 - Standard = 95 Percent of Runs On-Time

Service Standards

- ◆ Like Other Standards, It May Be Appropriate to Define Different On-Time Standards by Service Type and Peak/Off-Peak

Service Standards

- ◆ Service Availability
 - A General Measure of the Distribution of Routes Within a Transit Provider's Service Area
 - Frequently Referred to as Route Spacing
 - Route Spacing Outside Downtown Core = ½ Mile
 - May Also Be Expressed as Percent of Population Within Specified Distance to a Transit Route or Stop
 - 95% of Population Within ¼ Mile of Stop

Service Policies

- ◆ Distribution of Transit Amenities
 - Defined as Items of Comfort, Convenience, and Safety That Are Available To the General Riding Public
 - Shelters
 - Benches
 - Provision of Information
 - Applies Only to Situations Where the Transit Provider Has Control Over Amenity Distribution

Service Policies

- ◆ Vehicle Assignment
 - 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

Service Policies

- ◆ While Smaller Systems Do Not Have to Prepare Demographic and Service Area Maps, It is Difficult to Assess Disparate Levels of Service and Service Quality Without Such GIS Analysis
 - Geocoded Routes
 - Demographics
 - Locations of Existing Amenities

Fixed Route Requirements

- ◆ For Those Entities Above the Title VI Threshold:
 - Collect Demographic Data
 - Evaluate Major Service and Fare Changes
 - Determine if there is a disparate impact on minority populations or a disproportionate burden on low-income populations
 - Monitor Transit Service

Section 4

COMMON COMPLIANCE FINDINGS

Common Issues

- ◆ Adopting Another Agency's Plan Without Making It Your Own
- ◆ Notice
 - Not Posted at All Places Listed in the Plan
 - Not Posted in Public Places
- ◆ Lack of Evaluation in Outreach Efforts
 - How is public feedback actually being used and considered?

Common Issues

- ◆ Four Factor Analysis
 - Use of Improper Demographics
 - Ethnicity in Lieu of Language Spoken
 - Failure to Find Data in Census/American Community Survey
 - Failure to Use the Most Recent Census/American Community Survey Data

Common Issues

- ◆ Safe Harbor
 - Confusion that Safe Harbor is 5% Population or 1,000 People, Whichever is Higher, When in Fact it is Whichever is Lower
 - Not Translating All LEP Languages Above the Threshold or Not Justifying the Reason for Not Translating

Common Issues

- ◆ Complaint Process
 - No Information on How to File a Complaint Readily Available to the Public
 - No Formal Processes for
 - Tracking Complaints
 - Investigating Complaints
 - Resolving Complaints
 - Lack of Complaint Recordkeeping
 - Failure to Report Complaints to Primary Recipient

Common Issues

- ◆ Expanding Title VI Notice
 - Expanding the Title VI Notice Language Beyond Race, Color, and National Origin

Common Issues

- ◆ Website
 - Broken Website Links to Access the Title VI Plan and Complaint Form
 - Failure to Update the Website With the Most Recent Plan
 - Inconsistencies Between Internal Procedures and Those Held Out to the Public

Common Issues

- ◆ A Note on Website Content
 - Title VI Notice to the Public must be on the website and should be identical to the Notice contained in the Title VI Plan
 - Title VI Complaint Form must be on the website
 - Title VI Complaint Process must be on the website
 - Each of the above must also be on the website in translations consistent with the recipient's Title VI Language Assistance Plan/Four Factor Analysis

Common Issues

- ◆ A Note on Website Content re ADA
 - The ADA complaint process must be sufficiently advertised on the website
 - The availability of reasonable modifications to a recipient's policies and procedures must be communicated on the website
 - The availability of information about the recipient in alternative accessible formats (i.e. large print, relay, braille etc.) must be communicated on the website
 - Note that this is distinct from advertising the availability of Title VI translations

Common Issues

- ◆ Not Revising Title VI Plan On FTA Request
 - FTA Issues "Concur" Letters
 - Often, the Concurrence is Conditional on Making Additional Changes
 - Not Making Appropriate Revisions Prior to Next Review Often Results in a Deficiency

Common Issues

- ◆ Opportunity for Public Involvement
 - Failure to Provide Continuous Opportunity for Public Input
 - Language Assistance Needs
 - Availability of Language Assistance
 - Public Education on Title VI Protections
 - Fare Changes
 - Major Service Changes (major service change policy is by route not system)

Common Issues

- ◆ Translation of Vital Documents
 - Failure to Translate Vital Documents
 - Failure to Verify Accuracy of Translation

Common Issues

- ◆ Three Year Update Requirement
 - Failure to Prepare the Required Three Year Update (at least 60 days prior to expiration)
 - Failure of the Entity to Formally Approve the Update
 - Failure to Update the LAP Section
 - Reliance on Outdated Demographic Data

A faint map of a city street grid is visible in the background of the presenter information box.

Presenter

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