



# CITY OF CERRITOS TITLE VI PROGRAM

A City of Cerritos policy document that establishes guidelines to effectively monitor and ensure that the Cerritos on Wheels and Dial-A-Ride transportation services are in compliance with Title VI of the Civil Rights Act of 1964.

May 2025



## CERRITOS TRANSIT TITLE VI PROGRAM

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## **CITY OF CERRITOS TRANSIT TITLE VI PROGRAM**

### **City of Cerritos Title VI Policy Statement**

The City of Cerritos is committed to ensuring that no person is excluded from participation in, or denied the benefits of, public transit services on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964. The City's objectives for this program include:

- Ensure that the level and quality of transportation service is provided without regard to race, color or national origin.
- Promote full participation of all members of the community in transportation-related issues and in the decision making process.
- Ensure meaningful access to transit programs by persons with Limited English Proficiency (LEP).

### **Adoption of the City of Cerritos Title VI Program - 2014**

In an effort to be in compliance with Federal Title VI, Civil Rights Act of 1964, the City of Cerritos adopted a Title VI Program in 2014, as part of the City's commitment to provide all members of the public with access to transportation services. In order to encourage participation from the public regarding the adoption of a Title VI Program in Cerritos, the City circulated a public hearing notice to solicit public input prior to City Council adoption. On May 19, 2014, the Cerritos City Council adopted the program, which was subsequently approved by the Los Angeles County Metropolitan Transportation Authority (Metro).

### **Amendments to the City of Cerritos Transit Title VI Program (2016, 2019, 2022, 2025)**

In order to maintain compliance with Federal transportation requirements, Metro requires that all cities which have adopted a Title VI Program, update their programs every three (3) years to make any necessary changes to the program, which includes updates to the United States Census Bureau data for the LEP section of the program. In 2016, the City amended the Title VI Program to include changes to the Limited English Proficiency (LEP) Plan and complaint form, which were translated into Chinese, Korean, and Tagalog languages (listed in alphabetical order). In addition, since adoption in 2014, amendments were made in 2016, 2019, and 2022 to update the Limited English Proficiency (LEP) Plan in order for demographic data to be consistent with statistics published by the United States Census Bureau. As part of the 2025 update, the City has amended the Title VI Program to include Spanish as a designated LEP language.

In order to solicit public input regarding amendments to the City's Title VI Program, every three (3) years, the City circulates public hearing notices ten (10) days prior to City Council consideration of such amendments. For the most recent updates (2025), the City published a public hearing notice on May 9, 2025, ten (10) days prior to City Council consideration.

## **I. INTRODUCTION**

The Federal Transit Administration (FTA) is responsible for ensuring that its funding recipients fully comply with Title VI of the Civil Rights Act of 1964 (Title VI) (see Attachment A, Excerpt: Title VI of the Civil Rights Act of 1964 Section 2000d). The City of Cerritos (City)

provides two (2) public transit services, which includes the Cerritos On Wheels (COW) and Cerritos Dial-A-Ride programs that have been the recipient of federal transit funds, pursuant to Title 49 U.S.C. Chapter 53, under the FTA. Accordingly, as a recipient of Federal funds, the City is required to develop a Title VI Program to comply with FTA Circular 4702.1B, which was adopted in 2012.

The purpose of this Title VI Program is to establish guidelines to effectively monitor and ensure that the COW and Dial-A-Ride services are in compliance with FTA Title VI requirements. Title VI states that:

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

The FTA is required to ensure that federally-supported transit services and related benefits are consistent with policies identified in Title VI. Accordingly, this program was developed in order to ensure compliance with the following Title VI requirements:

- Notice to beneficiaries of protection under Title VI;
- Complaint procedures and complaint form;
- Record and report transit-related Title VI investigations, complaints and lawsuits;
- Public participation and meaningful access to Limited English Proficiency (LEP); and
- Service standards and policies.

The City will ensure that its programs, policies, and activities comply with the United States Department of Transportation's (DOT) Title VI Regulations and with Limited English Proficient (LEP) Persons requirements. In addition, the City is committed to creating and maintaining a public transportation system that is free of all forms of discrimination and will take necessary corrective and disciplinary actions to stem behavior that violates this policy or the rights and privileges it is designed to protect. The City will document all complaints with DOT Title VI regulations by submitting a Title VI Program to Metro once every three (3) years.

This program applies to the City's COW and Dial-A-Ride transit services, which are operated by the City of Cerritos and contracted out to a private transit operator. The COW currently operates as a fixed-route bus service providing service by way of two (2) routes within City boundaries and connecting with six (6) other transit providers. The COW service operates Monday through Saturday with a fleet of five (5) buses. Annual ridership for the COW service in FY 2023-2024 was 21,318 passengers. The Dial-A-Ride service is a curb-to-curb shared transit service for seniors over 55 years of age and residents with disabilities. The program operates Monday through Sunday. Annual ridership for the Dial-A-Ride service in FY 2023-2024 was 14,804 passengers.

In 2023, the City of Cerritos conducted a comprehensive transit assessment with an extensive public outreach and community engagement campaign, in an effort to make amendments to both services to improve operational efficiency and effectiveness, and to help guide the future scope of transit services in the City. Based on public input received and the findings of the transit assessment, in FY 2025-2026, a new COW general public on-demand transportation service will replace the existing fixed-route service. The new reservation-based, on-demand transportation service will utilize a "corner-to-corner" service

approach, where passengers would be able to schedule local trips in a designated service area utilizing technology-based software. The existing Dial-A-Ride service will continue to be maintained, with minor improvements providing service to both sides of the streets that form the boundaries of the Tier 1 service area.

## **II. TITLE VI REQUIREMENTS**

### **1. Requirement to Notify Beneficiaries of Protection under Title VI**

In order to comply with 49 CFR, Section 21.9(d), the City provides information to the public regarding the City'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.

The City of Cerritos informs members of the public of their Title VI protection rights by posting a Notice of Rights under Title VI on the City's website, posting a notice inside all COW vehicles and by United States Postal Service mailings to passengers that utilize the Dial-A-Ride service (see Attachment B, Notice of Civil Rights). Additionally, newly registered passengers of the Dial-A-Ride service receive a copy of the notice with confirmation of registration.

### **2. Requirement to Develop Title VI Complaint Procedures and Complaint Form**

The City is required to develop procedures for investigating and tracking Title VI complaints filed against the City and to make these procedures for filing a complaint available to the general public. As such, the complaint procedures and complaint form are available on the City's website. The following complaint procedures have been established for the City's Title VI Program:

#### A. City of Cerritos Title VI Complaint Procedures

##### 1. Submission of Complaint

If a passenger believes he/she has received discriminatory treatment by a City of Cerritos transit employee on the basis of race, color or national origin, the passenger will have the right to file a complaint with the City. The complaint must be filed within sixty (60) calendar days of the alleged discriminatory incident, either in-person or by mail to:

City of Cerritos  
Department of Community Development  
18125 Bloomfield Avenue  
Cerritos, CA 90703

Title VI complaint forms are available in English, Chinese, Korean, Spanish, and Tagalog (listed in alphabetical order).

##### 2. Investigation of Complaints

Upon receipt of a complaint, the City will work with the transit contractor as appropriate to investigate the complaint. The investigation may include discussion(s) of the complaint with all affected parties to determine the issue. Based on information received, the City and transit contractor will prepare an investigation report for submittal to the Advance Planning Manager. The complainant will receive a letter from the City and/or transit contractor regarding

the decision/findings of the investigation within forty-five (45) calendar days of receipt of the complaint.

If more time is needed to review the complaint, the City will notify the complainant of the estimated time-frame for completing the review. Upon completing the review, the City shall make a recommendation in writing to the transit contractor regarding the merit of the complaint, whether remedial actions are available to provide redress, and whether improvements to the City's Title VI process are needed.

### 3. Request for Reconsideration

If the complainant disagrees with the City's and transit contractor's decision/findings, the complainant may request reconsideration by submitting a written request to the Director of Community Development within ten (10) calendar days of receipt of the City's decision. The complainant shall provide a detailed description of the request for reconsideration. The Director of Community Development will notify the complainant of his/her decision either to accept or reject the request for reconsideration within ten (10) calendar days. When the Director of Community Development agrees to reconsider the matter, the complaint shall be returned to the City's transit staff for re-evaluation in accordance with the "Investigation of Complaint" procedures described previously.

### 4. Appeal Process

If the request for reconsideration is denied, the complainant may appeal the Director of Community Development's response by submitting a written request to the City. The appeal request will be forwarded to the City Manager for final determination.

### 5. Submission of Complaint to the Department of Transportation

If the complainant is dissatisfied with the City's resolution of the complaint, he/she may submit a complaint to the Department of Transportation for investigation:

Federal Transit Administration  
Office of Civil Rights  
Attention: Compliant Team  
East Building, 5th Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

In accordance with Chapter 9, Complaints, of FTA Circular 4702.1B, such a complaint must be filed within 180 calendar days of the date of the alleged discrimination.

The City has developed a Title VI Complaint Form to document all complaints received by the City and/or transit contractor. This form is available on the City's website and at the City of Cerritos, Department of Community Development, 18125 Bloomfield Ave, Cerritos, CA 90703 (see Attachment C, Complaint Form). This form is available in English, Chinese, Korean, Spanish, and Tagalog (listed in alphabetical order).

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

The City is required to prepare and maintain a list of 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. The City maintains a list of Title VI investigations, complaints, and lawsuits, including a comprehensive summary and description of actions taken by the City, as required by Title VI regulations (see Attachment D, Title VI Investigation List). The list shall include the date that an investigation, lawsuit, or complaint is received, opened, or filed; a summary of an allegation(s); the status of an investigation, lawsuit, or complaint; and actions taken by the City or final findings related to an investigation, lawsuit, or complaint. The list is included in the City's Title VI submittal to FTA every three (3) years.

It should be noted that to date, no investigations, complaints, or lawsuits have been filed with the City of Cerritos for its Cerritos On Wheels or Dial-A-Ride transportation services.

### **4. Language Assistance Plan and Requirement to Provide Meaningful Access to LEP Persons**

The Title VI Limited English Proficiency (LEP) Plan includes two components: a Title VI Limited English Proficiency (LEP) Analysis and a Language Assistance Plan. The LEP Analysis includes a four (4) factor analysis, which includes (i) the number of LEP persons in the service area, (ii) frequency that LEP persons utilize transit services, (iii) the nature and importance of programs, activities or services provided to the LEP population, and (iv) resources available to the City and overall costs to provide LEP assistance. The LEP Plan explains the findings of the four (4) factor analysis and describes how the City provides language assistance (see Attachment E, City of Cerritos Title VI Limited English Proficiency – LEP Plan).

Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to benefits, services, information, and other important portions of programs and activities for individuals who are LEP. In addition to the steps outlined herein, the City collaborates with the Los Angeles County Metropolitan Transportation Authority (Metro) and other neighborhood stakeholders to ensure that limited English proficient persons have access to transit related information.

### **5. Promoting Inclusive Public Participation**

The City is required to develop a public participation plan with outreach efforts to engage community members, including low-income individuals, people with disabilities, minority and limited English proficient populations, as well as provide a summary of outreach efforts made since the last Title VI Program update. Since the adoption of the City's Title VI Program in 2014, public participation and/or outreach activities are on-going, which includes publishing and posting public hearing notices for the adoption of the amended versions of the City's Title VI Program. Additionally, Notice of Rights under Title VI are displayed on the City's website and inside all City of Cerritos transit vehicles (see Attachment B, City of Cerritos Notice of Civil Rights).

## Public Participation Plan

The City's Public Participation Plan is designed to encourage public participation with regard to transit activities. These activities include, but are not limited to, hosting public workshops, disseminating flyers for transit service changes, and coordination with other transit contractors that operate within City boundaries. Specific details for both components are included in the City's Public Participation Plan (see Attachment F, City of Cerritos Public Participation Plan). The following summarizes the City's implementation of its Public Participation Plan for service changes over the years:

### Dial-A-Ride Subcontractor Change (2016)

In 2016, a new subcontractor was utilized to provide transportation services for the City's Dial-A-Ride program. In an attempt to inform Dial-A-Ride passengers about the City's use of a new Dial-A-Ride subcontractor, the City mailed a letter to all Dial-A-Ride passengers informing them of the change and the new vehicles that would be operating the service. The City did not make any service modifications to the Dial-A-Ride service; however, the City wanted all passengers to be aware of the new vehicles to minimize any potential confusion and to seek passenger input related to the subcontractor change.

### Amended City Transit Services (2023-2025)

Beginning in 2023, the City conducted a comprehensive assessment of existing transit services with extensive public outreach and community engagement efforts, to solicit participation in the City's transportation planning efforts towards amended scopes of transportation services in the City of Cerritos. In accordance with the City's Title VI Public Participation Plan, public engagement efforts included an online survey, made available in all LEP languages, and in-person community workshops. To further promote public participation, information was also made available on the City's transit webpage, at various public facilities, on the City's social media platforms, in a Mayor 60 segment, on transit vehicles, via household mailers, and at informational booths at City events. These efforts resulted in nearly eight-hundred (800) valid survey responses received, thirty-seven (37) community workshop participants, and several public comments provided via telephone, in-person, email, and during public hearings. The City continues to provide ample opportunity for public input during the transition of services, pursuant to the City's Title VI Program.

## **6. Requirement to Provide Additional Information Upon Request**

At the discretion of the FTA, information other than that required by the referenced circular, may be requested in writing from a recipient in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements. The City of Cerritos is available to provide additional information, as needed, and to respond to any verbal or written complaint accordingly.

## **7. Requirement to Develop System-Wide Standards and Policies**

The FTA requires all fixed-route transit operators to develop quantitative service standards and policies for their fixed-route service. As such, the City has developed service standards and policies for its fixed-route system consistent with Title VI requirements. The standards include (a) vehicle load; (b) vehicle headway; (c) on-time performance; and (d) service availability. The policies include (a) the policy for the distribution of transit amenities and (b) vehicle assignment policies (see Attachment G, City of Cerritos Systems-Wide Standards and Policies).

## **8. Minority Representation on Planning or Advisory Board**

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, with 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.

This requirement does not apply to the City of Cerritos as the City does not have a transportation commission or non-elected transit advisory board to address transportation issues. Rather, the Cerritos City Council serves as the legislative body for all transportation related policy decisions. Therefore, reporting minority representation on a planning or advisory board does not apply to the City of Cerritos.

## **9. 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.”

The City of Cerritos did not use any Federal grant funds for the construction of any transit related facilities, such as storage, maintenance, or operational facilities. Therefore, this requirement does not apply to the City of Cerritos.

## **III. ATTACHMENTS**

- A. Title VI of the Civil Rights Act of 1964 Section 2000d
- B. City of Cerritos Notice of Civil Rights
- C. City of Cerritos Title VI Complaint Form
- D. List of Transit Related Title VI Investigations, Complaints, and Lawsuits
- E. City of Cerritos Title VI Limited English Proficiency (LEP) Plan
- F. City of Cerritos Public Participation Plan
- G. City of Cerritos System-Wide Standards and Policies

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# **ATTACHMENT A**

Title VI of the Civil Rights Act of 1964  
Section 200d  
&  
Federal Circular FTA C 4702.1B

## 42 U.S.C.

United States Code, 2008 Edition  
Title 42 - THE PUBLIC HEALTH AND WELFARE  
CHAPTER 21 - CIVIL RIGHTS  
SUBCHAPTER V - FEDERALLY ASSISTED PROGRAMS  
From the U.S. Government Publishing Office, [www.gpo.gov](http://www.gpo.gov)

### SUBCHAPTER V—FEDERALLY ASSISTED PROGRAMS

#### **§2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin**

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.

(Pub. L. 88–352, title VI, §601, July 2, 1964, 78 Stat. 252.)

#### **COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF PROVISIONS**

For provisions relating to the coordination of implementation and enforcement of the provisions of this subchapter by the Attorney General, see section 1–201 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note under section 2000d–1 of this title.

#### **EX. ORD. NO. 13160. NONDISCRIMINATION ON THE BASIS OF RACE, SEX, COLOR, NATIONAL ORIGIN, DISABILITY, RELIGION, AGE, SEXUAL ORIENTATION, AND STATUS AS A PARENT IN FEDERALLY CONDUCTED EDUCATION AND TRAINING PROGRAMS**

Ex. Ord. No. 13160, June 23, 2000, 65 F.R. 39775, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 921–932 of title 20, United States Code; section 2164 of title 10, United States Code; section 2001 *et seq.*, of title 25, United States Code; section 7301 of title 5, United States Code; and section 301 of title 3, United States Code, and to achieve equal opportunity in Federally conducted education and training programs and activities, it is hereby ordered as follows:

**SECTION 1.** *Statement of policy on education programs and activities conducted by executive departments and agencies.*

1–101. The Federal Government must hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance. Existing laws and regulations prohibit certain forms of discrimination in Federally conducted education and training programs and activities—including discrimination against people with disabilities, prohibited by the Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, as amended, employment discrimination on the basis of race, color, national origin, sex, or religion, prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–17 [42 U.S.C. 2000e *et seq.*], as amended, discrimination on the basis of race, color, national origin, or religion in educational programs receiving Federal assistance, under Title VI of the Civil Rights Acts of 1964, 42 U.S.C. 2000d [et seq.], and sex-based discrimination in education programs receiving Federal assistance under Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.* Through this Executive Order, discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent will be prohibited in Federally conducted education and training programs and activities.

1–102. No individual, on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in, a Federally conducted education or training program or activity.

**SEC. 2.** *Definitions.*

2–201. “Federally conducted education and training programs and activities” includes programs and activities conducted, operated, or undertaken by an executive department or agency.

2–202. “Education and training programs and activities” include, but are not limited to, formal schools, extracurricular activities, academic programs, occupational training, scholarships and fellowships, student internships, training for industry members, summer enrichment camps, and teacher training programs.

2–203. The Attorney General is authorized to make a final determination as to whether a program falls within the scope of education and training programs and activities covered by this order, under subsection 2–202, or is excluded from coverage, under section 3.

2–204. “Military education or training programs” are those education and training programs conducted by the Department of Defense or, where the Coast Guard is concerned, the Department of Transportation, for the primary purpose of educating or training members of the armed forces or meeting a statutory requirement to educate or train Federal, State, or local civilian law enforcement officials pursuant to 10 U.S.C. Chapter 18.

2–205. “Armed Forces” means the Armed Forces of the United States.

2–206. “Status as a parent” refers to the status of an individual who, with respect to an individual who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- (a) a biological parent;
- (b) an adoptive parent;
- (c) a foster parent;
- (d) a stepparent;
- (e) a custodian of a legal ward;
- (f) in loco parentis over such an individual; or
- (g) actively seeking legal custody or adoption of such an individual.

*SEC. 3. Exemption from coverage.*

3–301. This order does not apply to members of the armed forces, military education or training programs, or authorized intelligence activities. Members of the armed forces, including students at military academies, will continue to be covered by regulations that currently bar specified forms of discrimination that are now enforced by the Department of Defense and the individual service branches. The Department of Defense shall develop procedures to protect the rights of and to provide redress to civilians not otherwise protected by existing Federal law from discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent and who participate in military education or training programs or activities conducted by the Department of Defense.

3–302. This order does not apply to, affect, interfere with, or modify the operation of any otherwise lawful affirmative action plan or program.

3–303. An individual shall not be deemed subjected to discrimination by reason of his or her exclusion from the benefits of a program established consistent with federal law or limited by Federal law to individuals of a particular race, sex, color, disability, national origin, age, religion, sexual orientation, or status as a parent different from his or her own.

3–304. This order does not apply to ceremonial or similar education or training programs or activities of schools conducted by the Department of the Interior, Bureau of Indian Affairs, that are culturally relevant to the children represented in the school. “Culturally relevant” refers to any class, program, or activity that is fundamental to a tribe's culture, customs, traditions, heritage, or religion.

3–305. This order does not apply to (a) selections based on national origin of foreign nationals to participate in covered education or training programs, if such programs primarily concern national security or foreign policy matters; or (b) selections or other decisions regarding participation in covered education or training programs made by entities outside the executive branch. It shall be the policy of the executive branch that education or training programs or activities shall not be available to entities that select persons for participation in violation of Federal or State law.

3–306. The prohibition on discrimination on the basis of age provided in this order does not apply to age-based admissions of participants to education or training programs, if such programs have traditionally been age-specific or must be age-limited for reasons related to health or national security.

*SEC. 4. Administrative enforcement.*

4–401. Any person who believes himself or herself to be aggrieved by a violation of this order or its implementing regulations, rules, policies, or guidance may, personally or through a representative, file a written complaint with the agency that such person believes is in violation of this order or its implementing regulations, rules, policies, or guidance. Pursuant to procedures to be established by the Attorney General, each executive department or agency shall conduct an investigation of any complaint by one of its employees alleging a violation of this Executive Order.

4–402. (a) If the office within an executive department or agency that is designated to investigate complaints for violations of this order or its implementing rules, regulations, policies, or guidance concludes that an employee has not complied with this order or any of its implementing rules, regulations, policies, or guidance, such office shall complete a report and refer a copy of the report and any relevant findings or supporting evidence to an appropriate agency official. The appropriate agency official shall review such material and determine what, if any, disciplinary action is appropriate.

(b) In addition, the designated investigating office may provide appropriate agency officials with a recommendation for any corrective and/or remedial action. The appropriate officials shall consider such recommendation and implement corrective and/or remedial action by the agency, when appropriate. Nothing in this order authorizes monetary relief to the complainant as a form of remedial or corrective action by an executive department or agency.

4–403. Any action to discipline an employee who violates this order or its implementing rules, regulations, policies, or guidance, including removal from employment, where appropriate, shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act of 1978, Public Law No. 95–454, 92 Stat. 1111 [see Tables for classification].

*SEC. 5. Implementation and Agency Responsibilities.*

5-501. The Attorney General shall publish in the Federal Register such rules, regulations, policies, or guidance, as the Attorney General deems appropriate, to be followed by all executive departments and agencies. The Attorney General shall address:

- a. which programs and activities fall within the scope of education and training programs and activities covered by this order, under subsection 2-202, or excluded from coverage, under section 3 of this order;
- b. examples of discriminatory conduct;
- c. applicable legal principles;
- d. enforcement procedures with respect to complaints against employees;
- e. remedies;
- f. requirements for agency annual and tri-annual reports as set forth in section 6 of this order; and
- g. such other matters as deemed appropriate.

5-502. Within 90 days of the publication of final rules, regulations, policies, or guidance by the Attorney General, each executive department and agency shall establish a procedure to receive and address complaints regarding its Federally conducted education and training programs and activities. Each executive department and agency shall take all necessary steps to effectuate any subsequent rules, regulations, policies, or guidance issued by the Attorney General within 90 days of issuance.

5-503. The head of each executive department and agency shall be responsible for ensuring compliance within this order.

5-504. Each executive department and agency shall cooperate with the Attorney General and provide such information and assistance as the Attorney General may require in the performance of the Attorney General's functions under this order.

5-505. Upon request and to the extent practicable, the Attorney General shall provide technical advice and assistance to executive departments and agencies to assist in full compliance with this order.

*SEC. 6. Reporting Requirements.*

6-601. Consistent with the regulations, rules, policies, or guidance issued by the Attorney General, each executive department and agency shall submit to the Attorney General a report that summarizes the number and nature of complaints filed with the agency and the disposition of such complaints. For the first 3 years after the date of this order, such reports shall be submitted annually within 90 days of the end of the preceding year's activities. Subsequent reports shall be submitted every 3 years and within 90 days of the end of each 3-year period.

*SEC. 7. General Provisions.*

7-701. Nothing in this order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order 12250 [42 U.S.C. 2000d-1 note].

*SEC. 8. Judicial Review.*

8-801. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701, *et seq.*

WILLIAM J. CLINTON.

**§2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action**

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the

department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

(Pub. L. 88-352, title VI, §602, July 2, 1964, 78 Stat. 252.)

#### **DELEGATION OF FUNCTIONS**

Function of the President relating to approval of rules, regulations, and orders of general applicability under this section, delegated to the Attorney General, see section 1-101 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out below.

#### **EQUAL OPPORTUNITY IN FEDERAL EMPLOYMENT**

Nondiscrimination in government employment and in employment by government contractors and subcontractors, see Ex. Ord. No. 11246, eff. Sept. 24, 1965, 30 F.R. 12319, and Ex. Ord. No. 11478, eff. Aug. 8, 1969, 34 F.R. 12985, set out as notes under section 2000e of this title.

#### **EXECUTIVE ORDER NO. 11247**

Ex. Ord. No. 11247, eff. Sept. 24, 1965, 30 F.R. 12327, which related to enforcement of coordination of nondiscrimination in federally assisted programs, was superseded by Ex. Ord. No. 11764, eff. Jan. 21, 1974, 39 F.R. 2575, formerly set out below.

#### **EXECUTIVE ORDER NO. 11764**

Ex. Ord. No. 11764, Jan. 21, 1974, 39 F.R. 2575, which related to coordination of enforcement of provisions of this subchapter, was revoked by section 1-501 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72996, set out below.

#### **EX. ORD. NO. 12250. LEADERSHIP AND COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF NONDISCRIMINATION LAWS**

Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 3 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

##### **1-1. DELEGATION OF FUNCTION**

1-101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

##### **1-2. COORDINATION OF NONDISCRIMINATION PROVISIONS**

1-201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

- (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).
- (b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).
- (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

1-202. In furtherance of the Attorney General's responsibility for the coordination of the implementation and enforcement of the nondiscrimination provisions of laws covered by this Order, the Attorney General shall review the existing and proposed rules, regulations, and orders of general applicability of the Executive agencies in order to identify those which are inadequate, unclear or unnecessarily inconsistent.

1-203. The Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.

1-204. The Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance.

1-205. The Attorney General shall establish and implement a schedule for the review of the agencies' regulations which implement the various nondiscrimination laws covered by this Order.

1-206. The Attorney General shall establish guidelines and standards for the development of consistent and effective recordkeeping and reporting requirements by Executive agencies; for the sharing and exchange by agencies of compliance records, findings, and supporting documentation; for the development of comprehensive employee training programs; for the development of effective information programs; and for the development of cooperative programs with State and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

1-207. The Attorney General shall initiate cooperative programs between and among agencies, including the development of sample memoranda of understanding, designed to improve the coordination of the laws covered by this Order.

### 1-3. IMPLEMENTATION BY THE ATTORNEY GENERAL

1-301. In consultation with the affected agencies, the Attorney General shall promptly prepare a plan for the implementation of this Order. This plan shall be submitted to the Director of the Office of Management and Budget.

1-302. The Attorney General shall periodically evaluate the implementation of the nondiscrimination provisions of the laws covered by this Order, and advise the heads of the agencies concerned on the results of such evaluations as to recommendations for needed improvement in implementation or enforcement.

1-303. The Attorney General shall carry out his functions under this Order, including the issuance of such regulations as he deems necessary, in consultation with affected agencies.

1-304. The Attorney General shall annually report to the President through the Director of the Office of Management and Budget on the progress in achieving the purposes of this Order. This report shall include any recommendations for changes in the implementation or enforcement of the nondiscrimination provisions of the laws covered by this Order.

1-305. The Attorney General shall chair the Interagency Coordinating Council established by Section 507 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794c).

### 1-4. AGENCY IMPLEMENTATION

1-401. Each Executive agency shall cooperate with the Attorney General in the performance of the Attorney General's functions under this Order and shall, unless prohibited by law, furnish such reports and information as the Attorney General may request.

1-402. Each Executive agency responsible for implementing a nondiscrimination provision of a law covered by this Order shall issue appropriate implementing directives (whether in the nature of regulations or policy guidance). To the extent permitted by law, they shall be consistent with the requirements prescribed by the Attorney General pursuant to this Order and shall be subject to the approval of the Attorney General, who may require that some or all of them be submitted for approval before taking effect.

1-403. Within 60 days after a date set by the Attorney General, Executive agencies shall submit to the Attorney General their plans for implementing their responsibilities under this Order.

### 1-5. GENERAL PROVISIONS

1-501. Executive Order No. 11764 is revoked. The present regulations of the Attorney General relating to the coordination of enforcement of Title VI of the Civil Rights Act of 1964 [this subchapter] shall continue in effect until revoked or modified (28 CFR 42.401 to 42.415).

1-502. Executive Order No. 11914 is revoked. The present regulations of the Secretary of Health and Human Services relating to the coordination of the implementation of Section 504 of the Rehabilitation Act of 1973, as amended [29 U.S.C. 794], shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General.

1-503. Nothing in this Order shall vest the Attorney General with the authority to coordinate the implementation and enforcement by Executive agencies of statutory provisions relating to equal employment.

1-504. Existing agency regulations implementing the nondiscrimination provisions of laws covered by this Order shall continue in effect until revoked or modified.

JIMMY CARTER.

## **EX. ORD. NO. 13166. IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY**

Ex. Ord. No. 13166, Aug. 11, 2000, 65 F.R. 50121, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

### SECTION 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to

improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

*SEC. 2. Federally Conducted Programs and Activities.*

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

*SEC. 3. Federally Assisted Programs and Activities.*

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

*SEC. 4. Consultations.*

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

*SEC. 5. Judicial Review.*

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON.

## **§2000d–2. Judicial review; administrative procedure provisions**

Any department or agency action taken pursuant to section 2000d–1 of this title shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 2000d–1 of this title, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with chapter 7 of title 5, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that chapter.

(Pub. L. 88–352, title VI, §603, July 2, 1964, 78 Stat. 253.)

### **CODIFICATION**

“Chapter 7 of title 5” and “that chapter” substituted in text for “section 10 of the Administrative Procedure Act” and “that section”, respectively, on authority of Pub. L. 89–554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees. Prior to the enactment of Title 5, section 10 of the Administrative Procedure Act was classified to section 1009 of Title 5.

**§2000d–3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment**

Nothing contained in this subchapter shall be construed to authorize action under this subchapter by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

(Pub. L. 88–352, title VI, §604, July 2, 1964, 78 Stat. 253.)

**§2000d–4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty**

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

(Pub. L. 88–352, title VI, §605, July 2, 1964, 78 Stat. 253.)

**§2000d–4a. “Program or activity” and “program” defined**

For the purposes of this subchapter, the term “program or activity” and the term “program” mean all of the operations of—

(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 7801 of title 20), system of vocational education, or other school system;

(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

(Pub. L. 88–352, title VI, §606, as added Pub. L. 100–259, §6, Mar. 22, 1988, 102 Stat. 31; amended Pub. L. 103–382, title III, §391(q), Oct. 20, 1994, 108 Stat. 4024; Pub. L. 107–110, title X, §1076(y), Jan. 8, 2002, 115 Stat. 2093.)

**AMENDMENTS**

2002—Par. (2)(B). Pub. L. 107–110 substituted “7801” for “8801”.

1994—Par. (2)(B). Pub. L. 103–382 substituted “section 8801 of title 20” for “section 198(a)(10) of the Elementary and Secondary Education Act of 1965”.

**EFFECTIVE DATE OF 2002 AMENDMENT**

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

### EXCLUSION FROM COVERAGE

This section not to be construed to extend application of Civil Rights Act of 1964 [42 U.S.C. 2000a et seq.] to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see section 7 of Pub. L. 100–259, set out as a Construction note under section 1687 of Title 20, Education.

### ABORTION NEUTRALITY

This section not to be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion, see section 8 of Pub. L. 100–259, set out as a note under section 1688 of Title 20, Education.

## **§2000d–5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act**

The Secretary of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], by the Act of September 30, 1950 <sup>1</sup> (Public Law 874, Eighty-first Congress), or by the Cooperative Research Act [20 U.S.C. 331 et seq.], on the basis of alleged noncompliance with the provisions of this subchapter for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 2000d–1 of this title, such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Secretary, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of this subchapter: *Provided*, That, for the purpose of determining whether a local educational agency is in compliance with this subchapter, compliance by such agency with a final order or judgment of a Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with this subchapter, insofar as the matters covered in the order or judgment are concerned.

(Pub. L. 89–750, title I, §182, Nov. 3, 1966, 80 Stat. 1209; Pub. L. 90–247, title I, §112, Jan. 2, 1968, 81 Stat. 787; Pub. L. 96–88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 103–382, title III, §392(b)(1), Oct. 20, 1994, 108 Stat. 4026.)

### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 89–750, Nov. 3, 1966, 80 Stat. 1191, as amended, known as the Elementary and Secondary Education Amendments of 1966. For complete classification of that Act to the Code, see Short Title of 1966 Amendment note set out under section 6301 of Title 20, Education, and Tables.

The Elementary and Secondary Education Act of 1965, referred to in text, is Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27, as amended, which is classified generally to chapter 70 (§6301 et seq.) of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

Act of September 30, 1950, referred to in text, is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, popularly known as the Educational Agencies Financial Aid Act, which was classified generally to chapter 13 (§236 et seq.) of Title 20 prior to repeal by Pub. L. 103–382, title III, §331(b), Oct. 20, 1994, 108 Stat. 3965. For complete classification of this Act to the Code, see Tables.

The Cooperative Research Act, referred to in text, is act July 26, 1954, ch. 576, 68 Stat. 533, which was classified generally to chapter 15 (§331 et seq.) of Title 20, and terminated on July 1, 1975, under provisions of section 402(c)(1) of Pub. L. 93–380, title IV, Aug. 21, 1974, 88 Stat. 544. See section 1851 et seq. of this title. For complete classification of this Act to the Code, see Tables.

### CODIFICATION

Section was enacted as part of the Elementary and Secondary Education Amendments of 1966, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

### AMENDMENTS

1994—Pub. L. 103–382, which directed amendment of this section by striking out “by the Act of September 23, 1950 (Public Law 815, 81st Congress),”, was executed by striking out “by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress)” before “or by the Cooperative” to reflect the probable intent of Congress.

1968—Pub. L. 90–247 inserted proviso.

### EFFECTIVE DATE

Section 191 of Pub. L. 89–750 provided that: “The provisions of this title [enacting this section and sections 241m, 871 to 880, and 886 of Title 20, Education, amending sections 241b, 241c, 241e, 241f, 241g, 241h, 241j, 241k, 241l, 244, 331a, 332a, 332b, 821, 822, 823, 841, 842, 843, 844, 861, 862, 863, 864, 883, and 884 of Title 20, repealing section 241d of Title 20, and enacting provisions set out as notes under sections 241a, 241b, and 241c of Title 20] shall be effective with respect to fiscal years beginning after June 30, 1966, except as specifically provided otherwise.”

#### **TRANSFER OF FUNCTIONS**

“Secretary of Education” and “Secretary” substituted in text for “Commissioner of Education” and “Commissioner”, respectively, pursuant to sections 301(a)(1) and 507 of Pub. L. 96–88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education of Department of Health, Education, and Welfare to Secretary of Education.

*[See References in Text note below.](#)*

### **§2000d–6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies**

#### **(a) Declaration of uniform policy**

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and section 182 of the Elementary and Secondary Education Amendments of 1966 [42 U.S.C. 2000d–5] dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

#### **(b) Nature of uniformity**

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

#### **(c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements**

Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.].

#### **(d) Additional funds**

It is the sense of the Congress that the Department of Justice and the Secretary of Education should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

(Pub. L. 91–230, §2, Apr. 13, 1970, 84 Stat. 121; Pub. L. 96–88, title III, §301, title V, §507, Oct. 17, 1979, 93 Stat. 677, 692.)

#### **REFERENCES IN TEXT**

The Civil Rights Act of 1964, referred to in subsecs. (a) and (c), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (§2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

#### **CODIFICATION**

Section was enacted as part of the Elementary and Secondary Education Amendments of 1969, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.

#### **TRANSFER OF FUNCTIONS**

“Secretary of Education” substituted for “Department of Health, Education, and Welfare” in subsec. (d) pursuant to sections 301 and 507 of Pub. L. 96–88, which are classified to sections 3441 and 3507 of Title 20, Education, and which transferred functions and offices (relating to education) of Department and Secretary of Health, Education, and Welfare to Secretary of Education.

### **§2000d–7. Civil rights remedies equalization**

**(a) General provision**

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

**(b) Effective date**

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

(Pub. L. 99–506, title X, §1003, Oct. 21, 1986, 100 Stat. 1845.)

**REFERENCES IN TEXT**

The Education Amendments of 1972, referred to in subsec. (a)(1), is Pub. L. 92–318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of Title 20, Education. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of Title 20 and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (a)(1), is title III of Pub. L. 94–135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (a)(1), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to this subchapter (§2000d et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

**CODIFICATION**

Section was enacted as part of the Rehabilitation Act Amendments of 1986, and not as part of the Civil Rights Act of 1964, title VI of which comprises this subchapter.



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

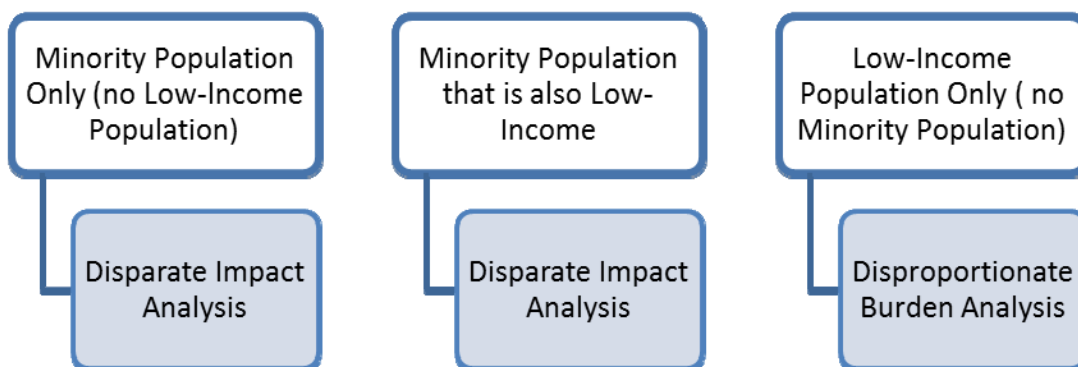
subject to this requirement are responsible for complying with the DOT Title VI regulations which prohibit disparate impact discrimination, and therefore should review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color,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

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

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**Section IV**

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

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes                       No

If yes, check all that apply:

Federal Agency: \_\_\_\_\_

Federal Court \_\_\_\_\_                       State Agency \_\_\_\_\_

State Court \_\_\_\_\_                       Local Agency \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Section VI**

Name of agency complaint is against: \_\_\_\_\_

Contact person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_

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

Signature and date required below

\_\_\_\_\_  
Signature Date

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

**APPENDIX E**

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

**Background**

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

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

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

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

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

	<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)**

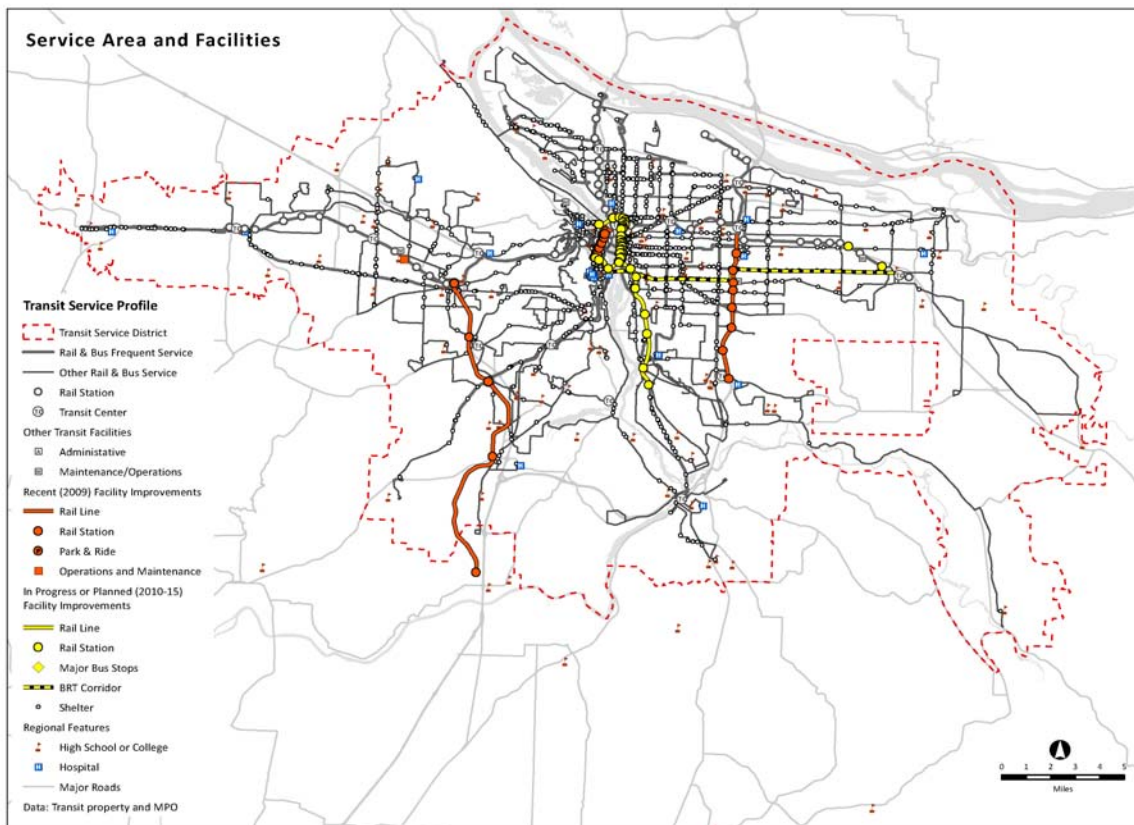
**Background**

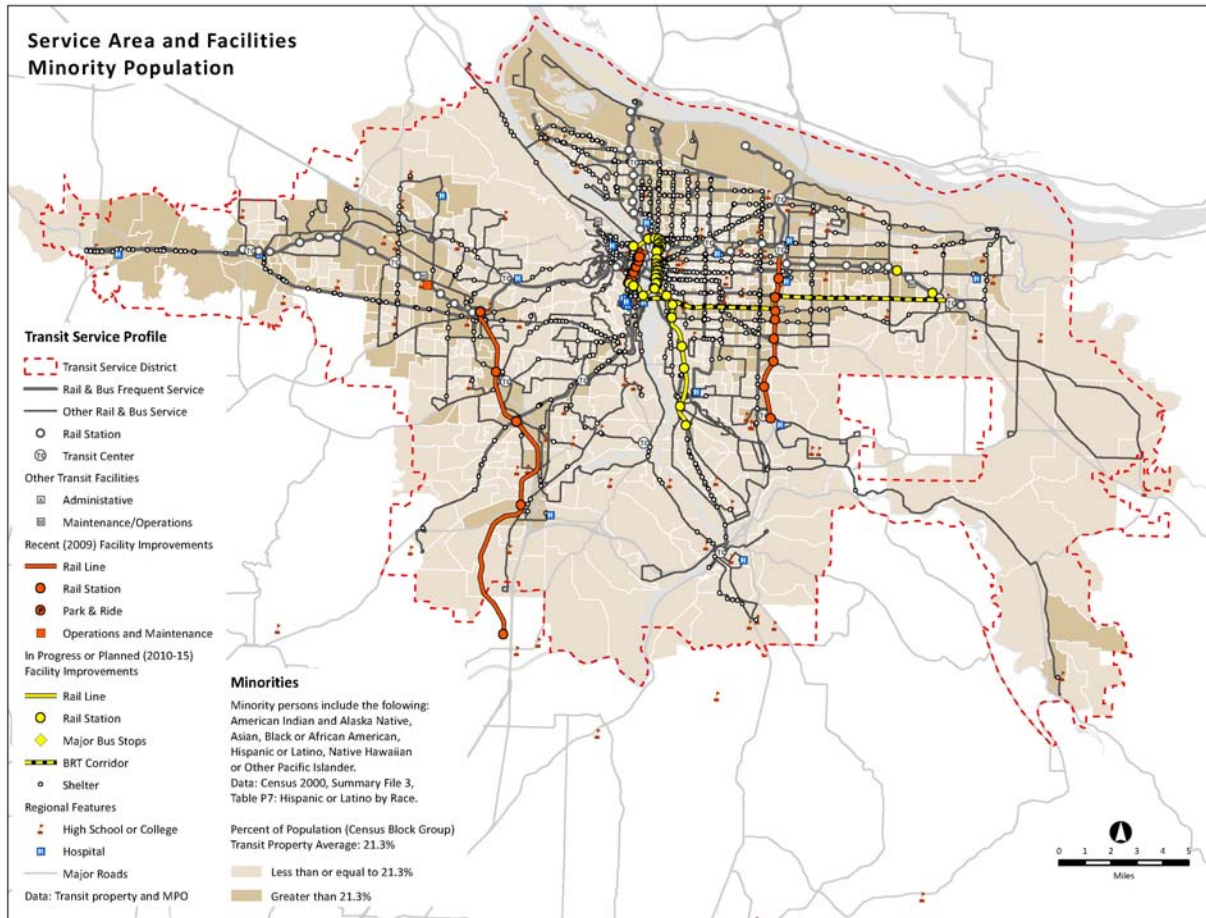
Transit service providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, are required to prepare demographic and service profile maps and charts to determine whether 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*

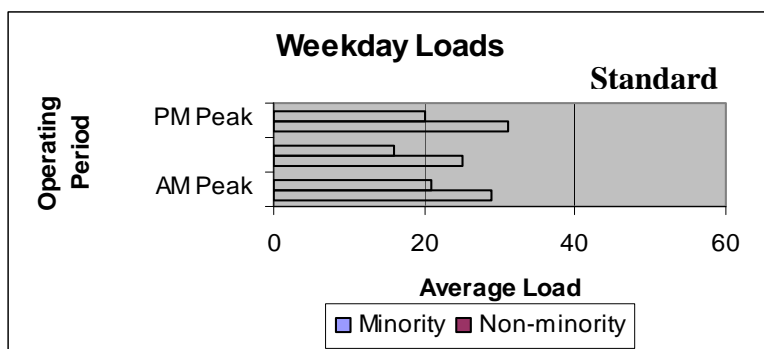
Lines and System	AM Peak IB		Midday IB & OB		PM Peak OB	
	Load/Seats	Avg Load	Load/Seats	Avg Load	Load/Seats	Avg Load
4th Quartile (Minority Population > 29%)	0.62	34	0.55	28	0.65	37
3rd Quartile (Minority Population > 21.6%)	0.60	24	0.54	21	0.62	24
2nd Quartile (Minority Population > 16.6%)	0.59	23	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

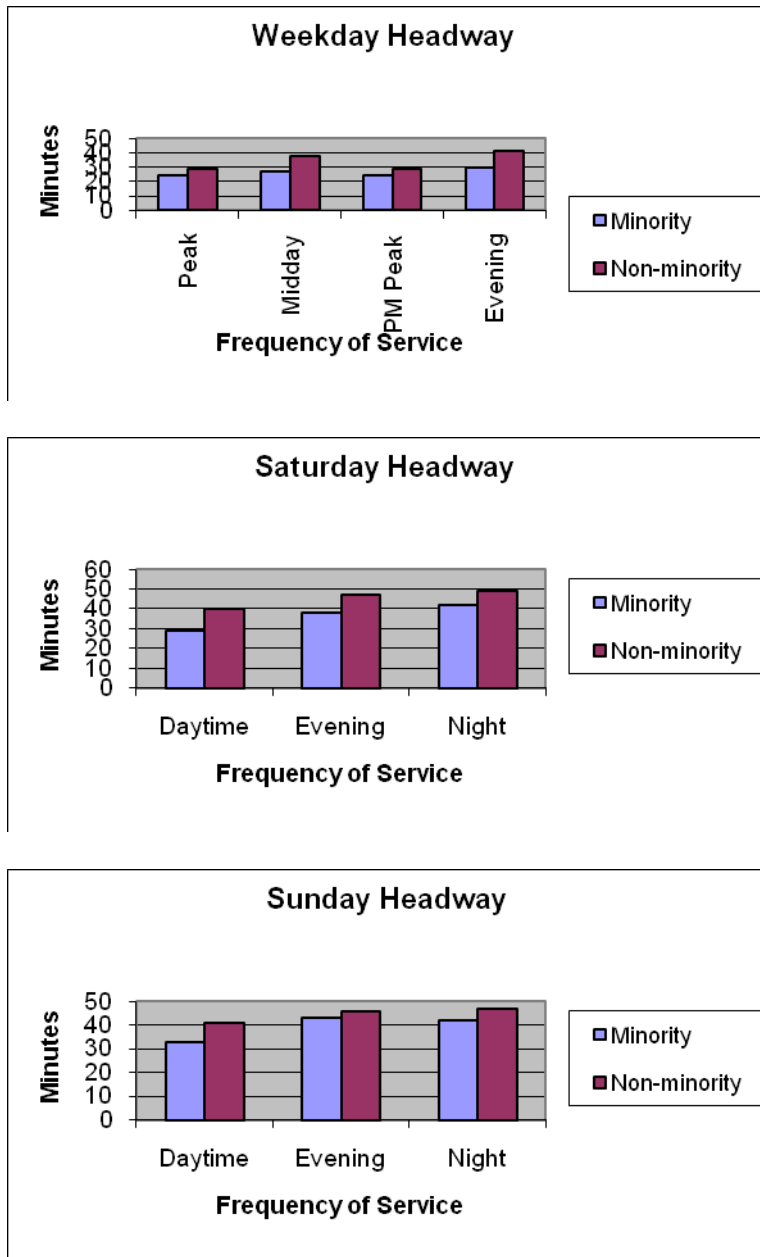
*Shaded cells represent minority lines.*

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**

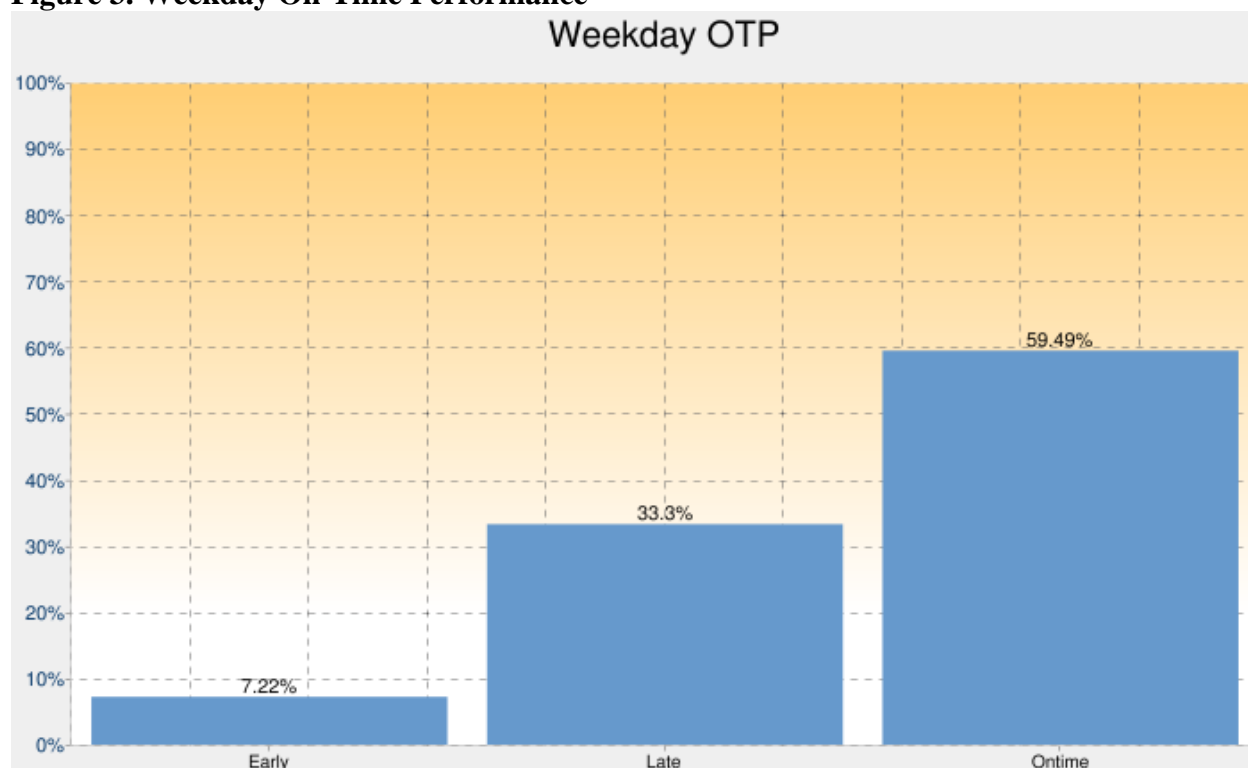


***SAMPLE On-Time Performance Monitoring***

- 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**

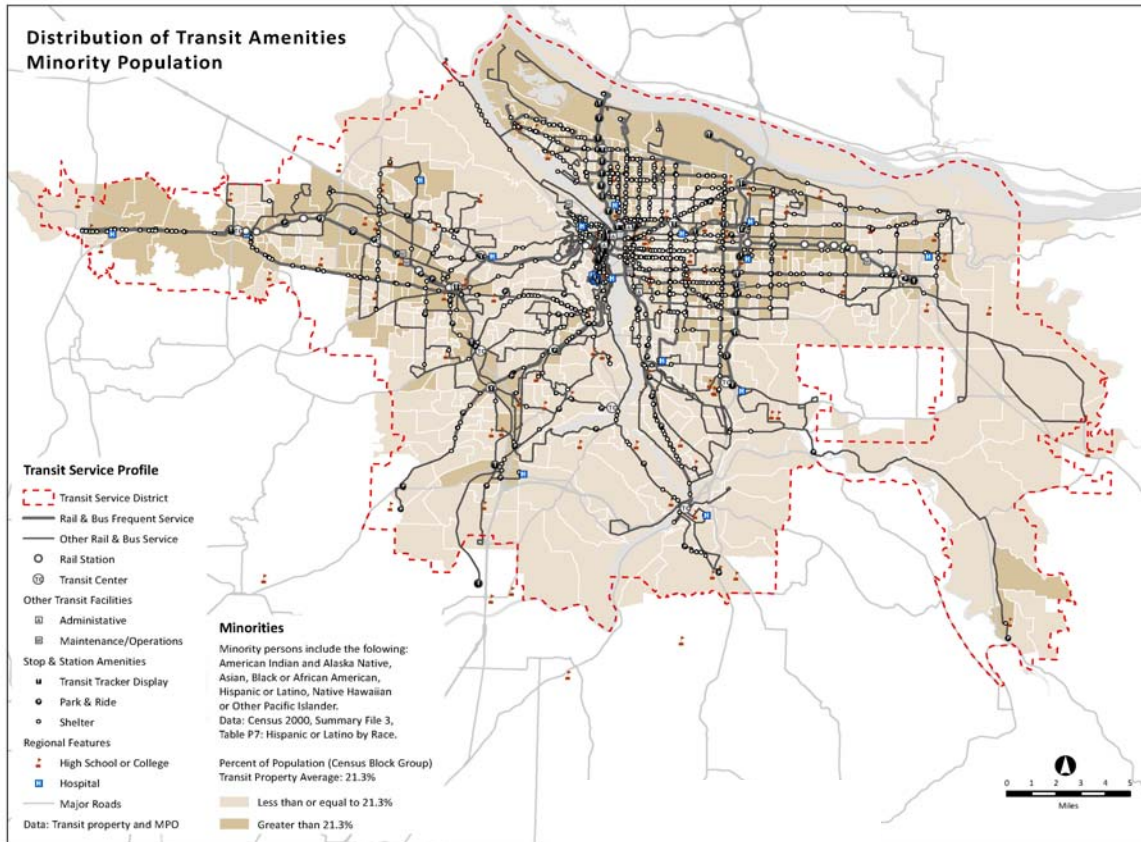
*Shaded Cells Represent Lines Serving Areas with Minority Percentages Above the Median*

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.

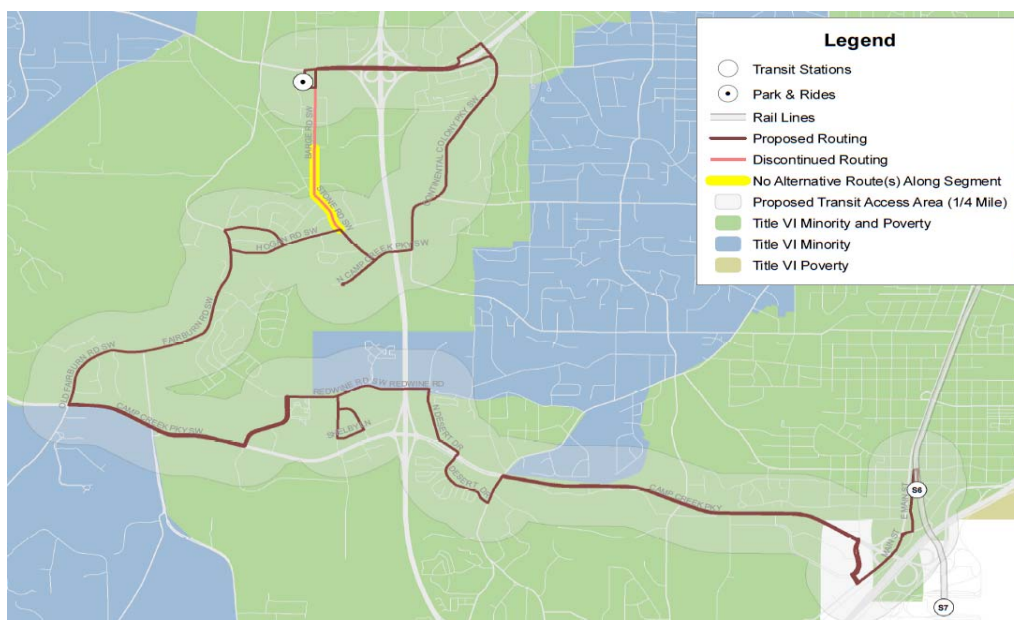
In the table above, an agency has assessed how proposed reductions in service frequency (headway changes) would impact minority and low-income passengers on a bus-only system. Here, the cumulative proposed reduction in service frequency will impact minority and low-income passengers slightly less than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

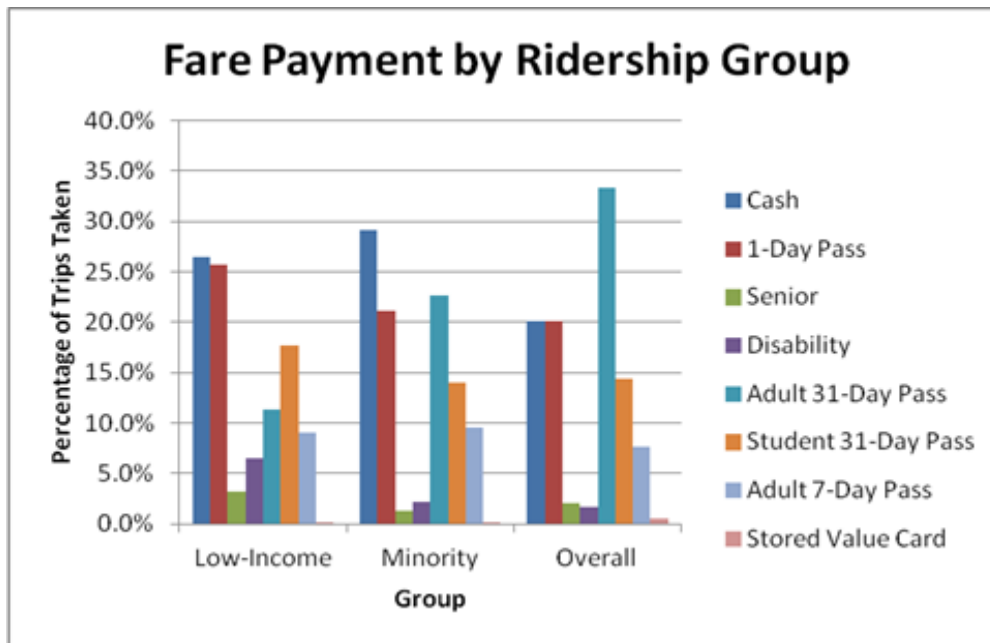
If the transit provider determines there is a disproportionate burden on low-income passengers, the transit provider should review alternatives to see if the impacts on the low-income passengers can be avoided, minimized, or mitigated.

## (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.



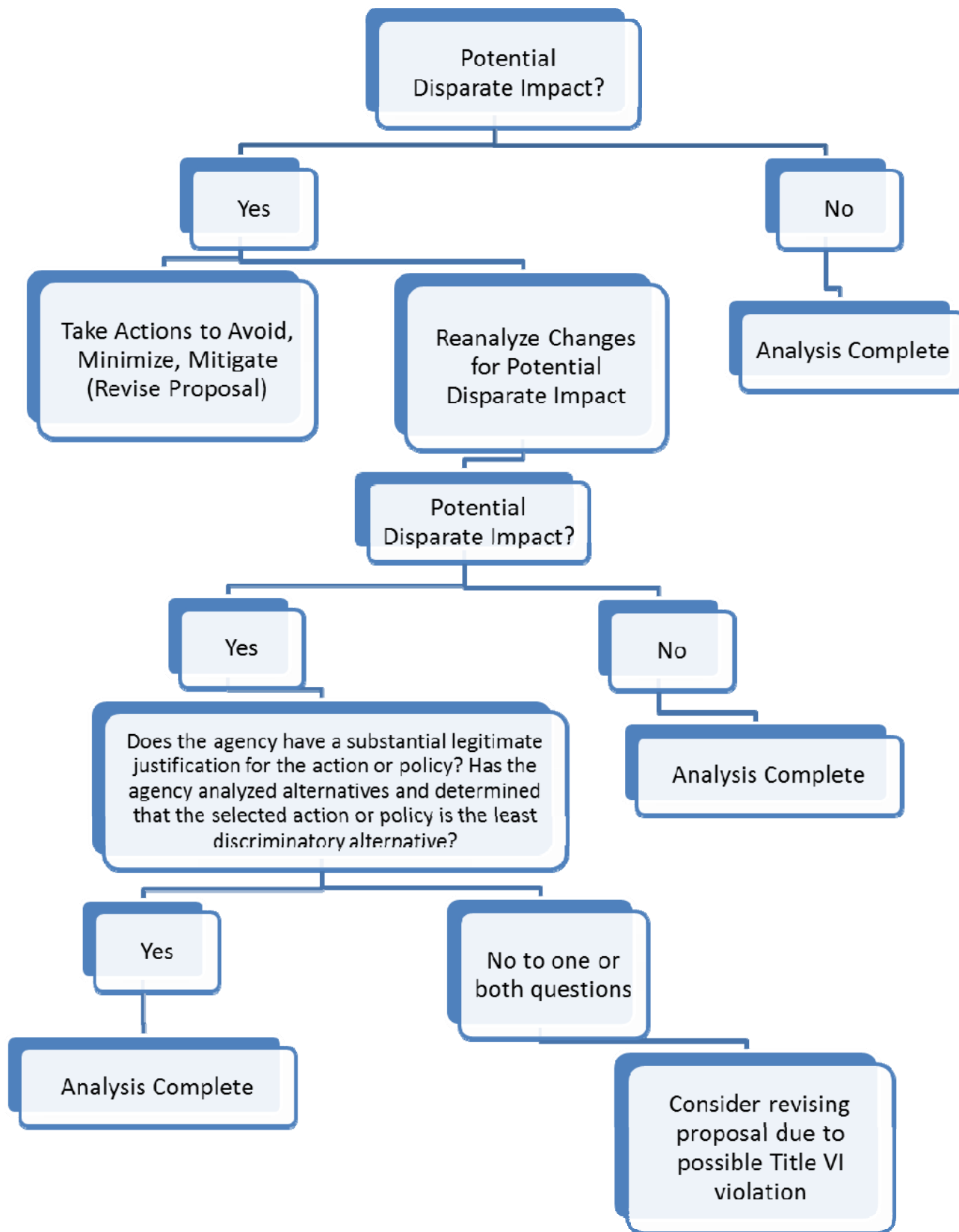
**SAMPLE Fare Equity Analysis**

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



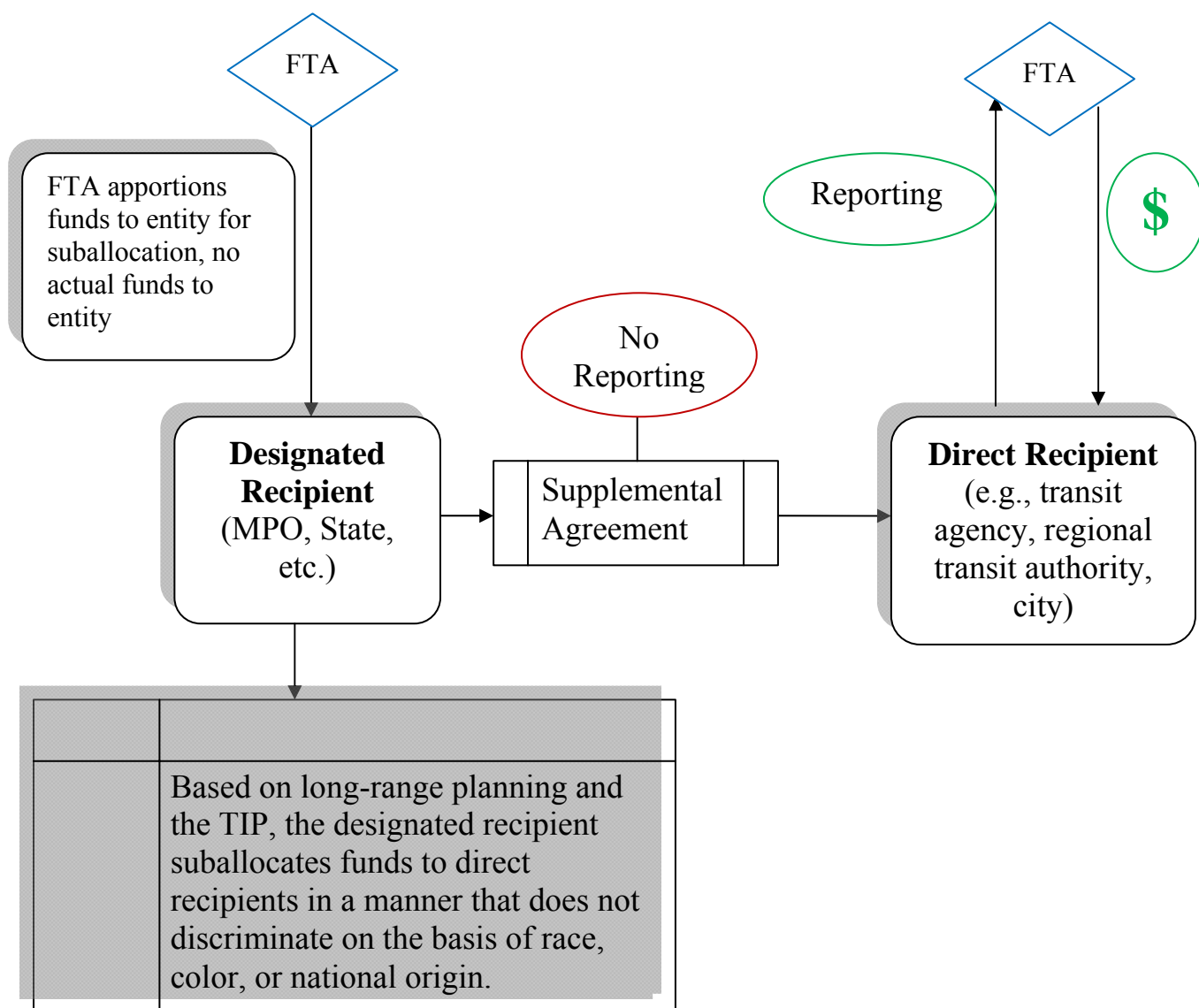
## APPENDIX L

### 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.

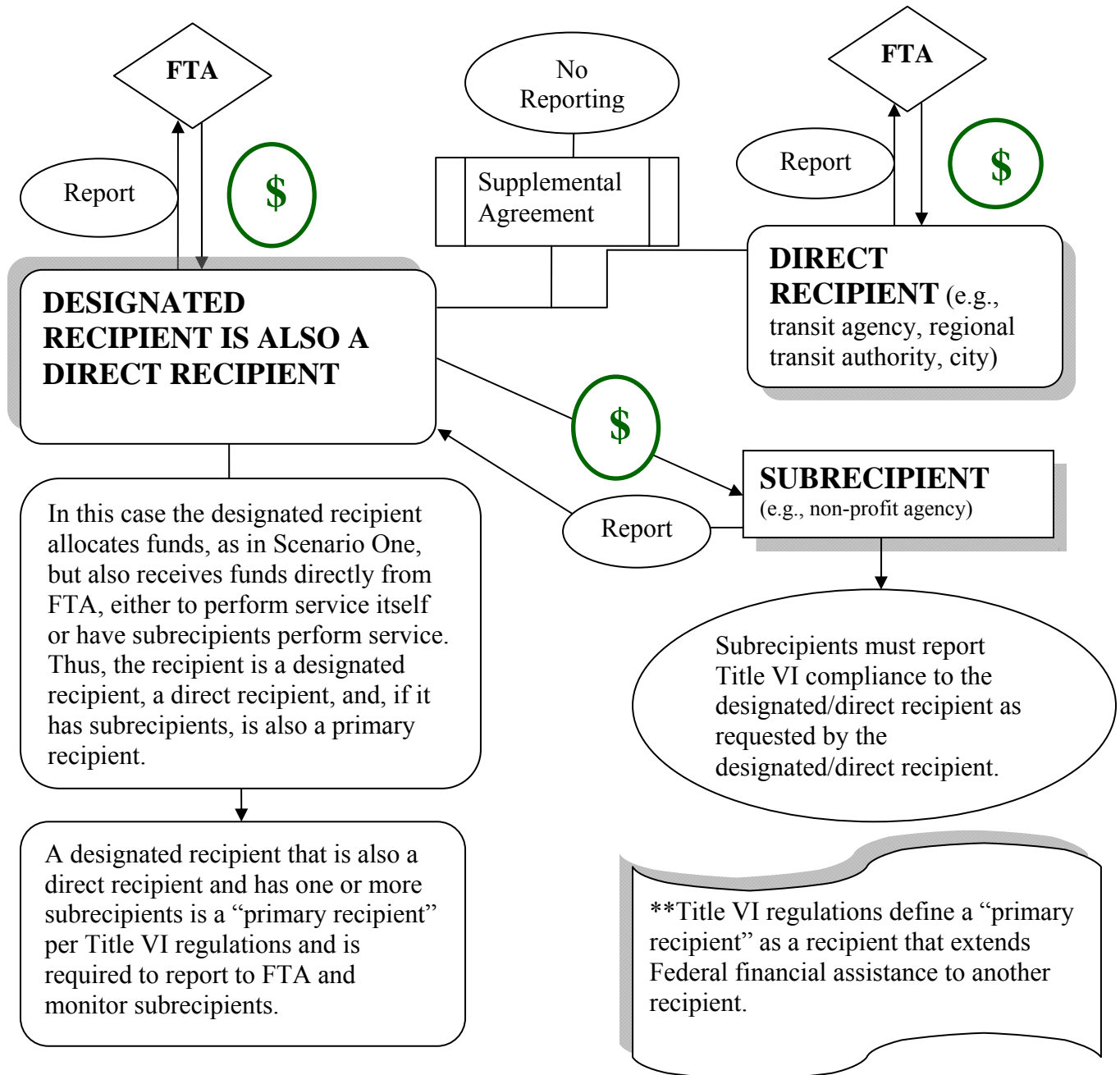
On the following pages are flowcharts that demonstrate the reporting requirements of various types of entities.

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



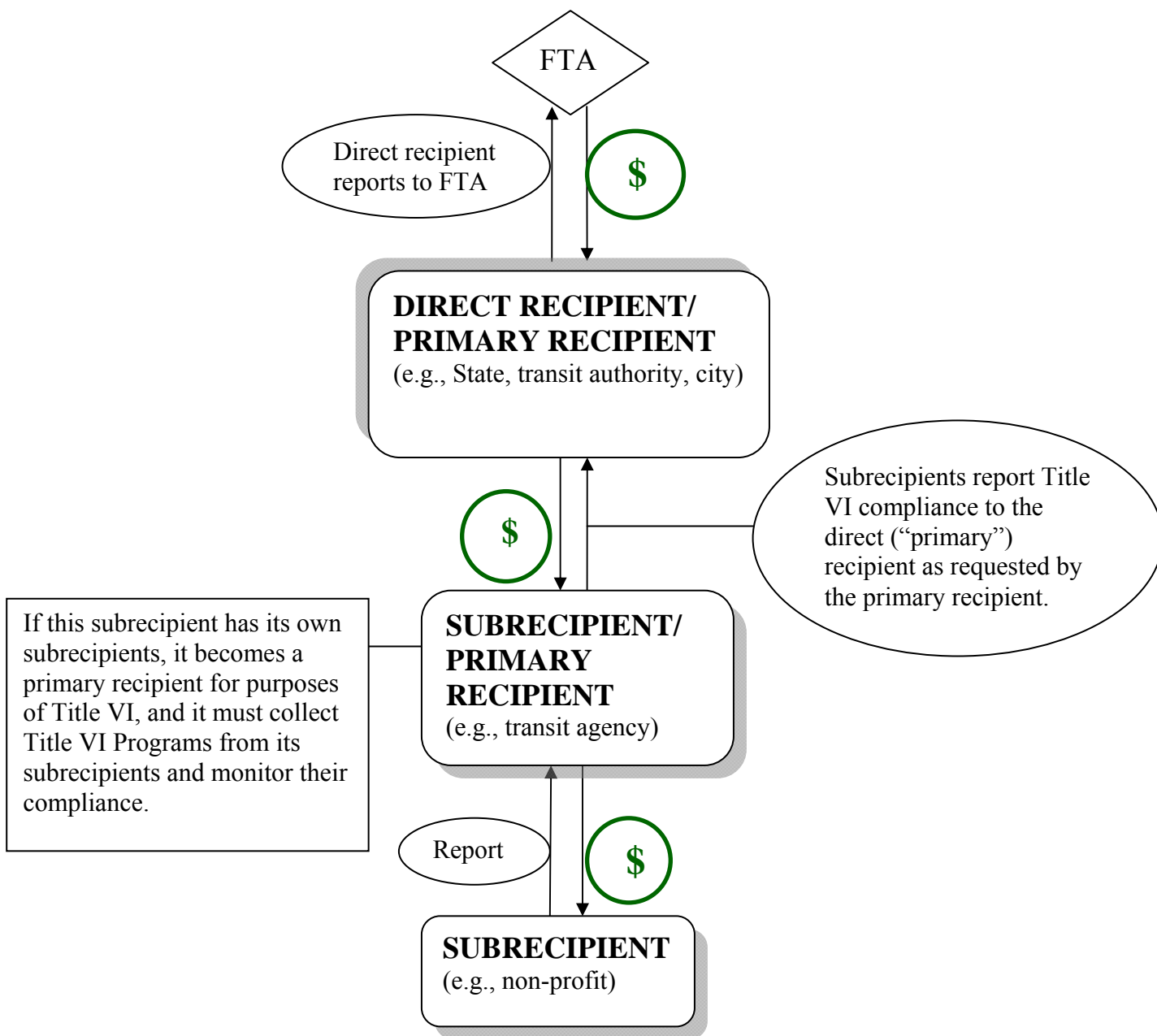
**Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives no funding from FTA; it only receives notice of an apportionment and then suballocates funds to direct recipients; therefore, the designated recipient has no oversight responsibility for direct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



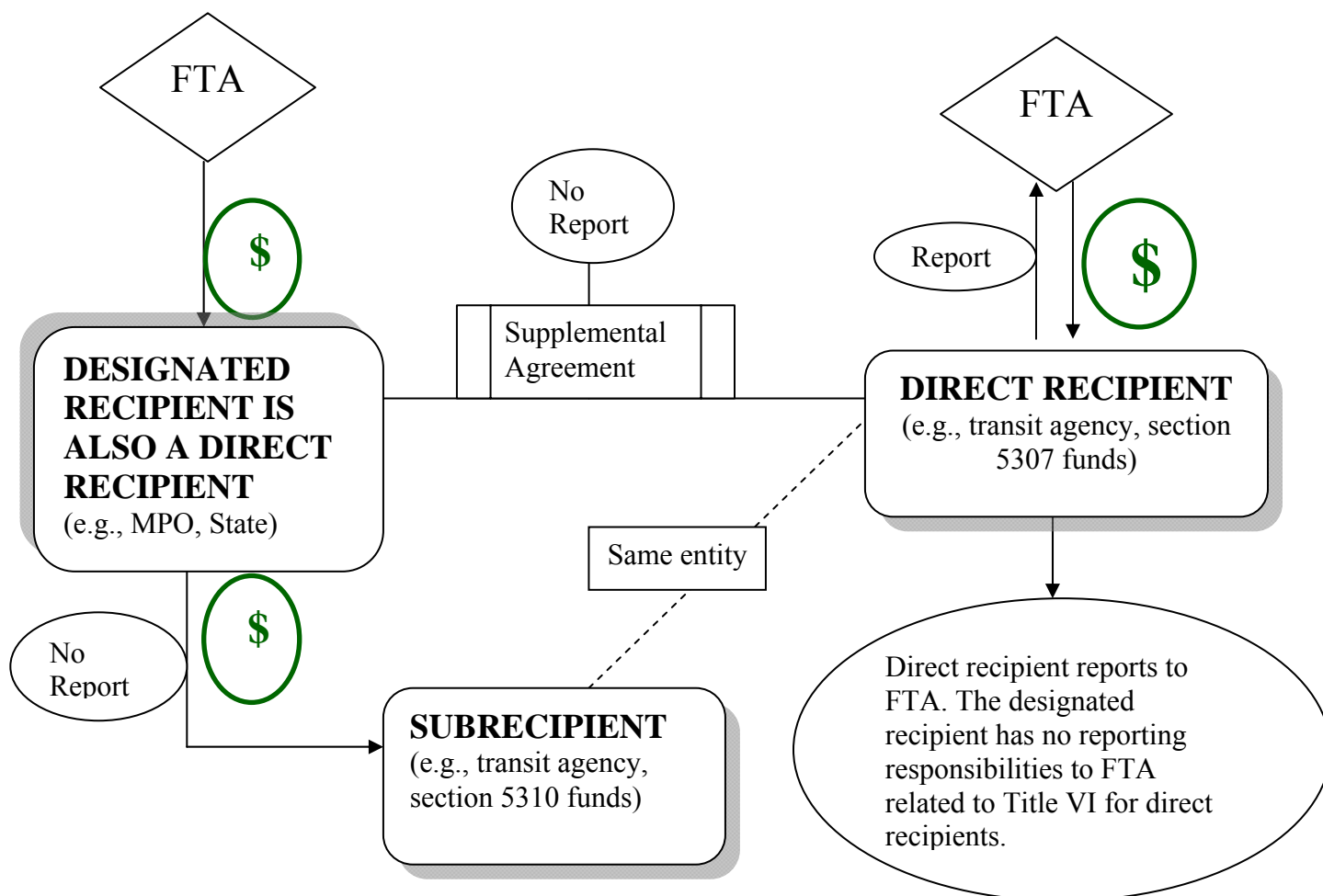
**Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives funding from FTA; therefore the designated recipient submits a Title VI Program to FTA and includes a description of how it monitors subrecipients. The designated recipient does not collect Title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

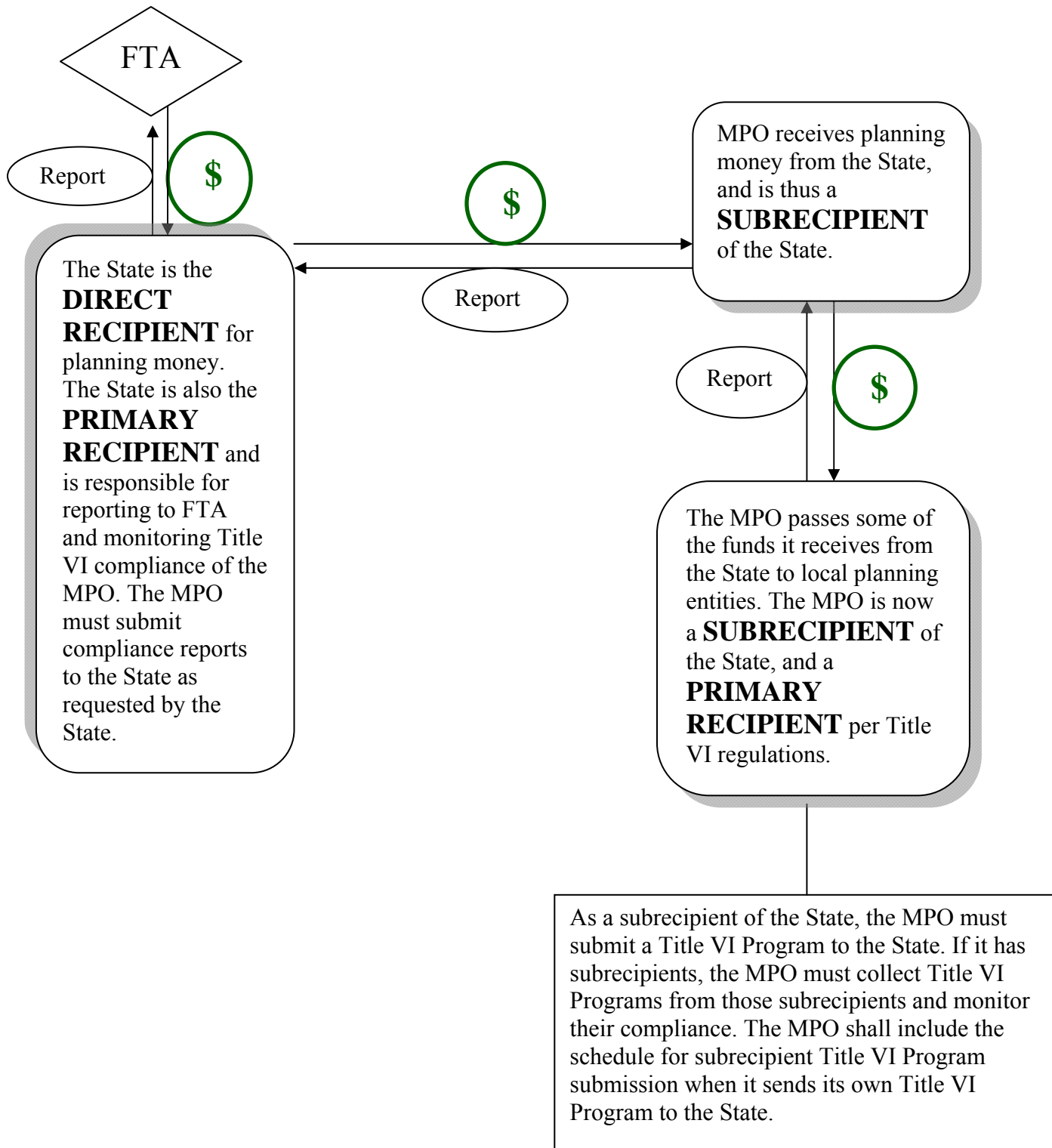


A subrecipient that is also a direct recipient is required to have an FTA approved Title VI Program in place, and the funds the subrecipient receives through the designated recipient must be utilized in accordance with that Title VI Program. Since the subrecipient/direct recipient must report compliance 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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System-wide Service Policy Requirements .....	Chap. IV-4, 5, 6
System-wide Service Standard Requirements	
Transit Amenities.....	Chap. IV-6
System-wide Service Standard Requirements	
On-time Performance.....	Chap. IV-4, 5, 6, App. J-6
Service Area Routes.....	Chap. IV-4, 5, 6
Vehicle Headway .....	Chap. IV-4, 5, 6, App. J-4
Vehicle Load.....	Chap. IV-4, 5, 6 App. J-2
Technical Assistance Resources .....	App. N-1, 2
Low-Literacy and LEP Best Practices .....	App. N-2
Title VI	
Complaint Procedures.....	Chap. III-4, 5
Determination of Compliance.....	Chap. VII-1, 2, 3, 4
FTA's Title VI Website.....	See Websites
General Requirements.....	Chap. III-1, 2-9
Letters of Finding and Resolution.....	Chap. VII-1, Chap. IX-2
Noncompliance Judicial Review.....	Chap. IV-4
Noncompliance Procedures .....	Chap. IV-1, 2, 3, 4
Noncompliance Proceedings.....	Chap. IV-1, 2, 3, 4
Objectives .....	Chap. II-1
Program	
Definition .....	Chap. I-6
Program Checklist.....	App. A-1
Program Checklist for State DOTs and Other Agencies .....	App. A-1
Record Keeping Requirements .....	Chap. III-1, App. L-1
Reporting Requirements .....	Chap. II-1, Chap. III-4, App. L-1
Transit Service Monitoring Requirements.....	App. L-1
Websites	
Civil Rights Division of the Department of Justice .....	App. M-1
Community Impact Assessment (CIA).....	App. M-1
FHWA/FTA's Environmental Justice.....	App. M-2
FTA's Title VI .....	App. M-1
Limited English Proficiency Interagency Working Group.....	App. M-1
United We Ride.....	App. M-1

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# **ATTACHMENT B**

City of Cerritos Notice of Civil Rights



# City of Cerritos Notice of Civil Rights

The City of Cerritos operates its programs and services (Cerritos on Wheels and Dial-Ride) without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act or any other protected classes as described by State or Federal Law.

Any person who believes he or she has been aggrieved by any unlawful discriminatory practice may file a complaint with the City of Cerritos. For more information on the City of Cerritos civil rights program and the procedure to file a complaint, please contact the City using the information listed below.

如需中文資訊，請洽喜瑞都市政府，電話號碼：(562) 916-1201。

만약 한국어로 안내가 필요하시면 세리토스 시에 (562) 916-1201 로 전화주십시오.

Si necesita asistencia en español, comuníquese a la oficina de la ciudad de Cerritos al teléfono (562) 916-1201.

Kung ang impormasyon ay kailangan sa Tagalog, mangyaring kontakin ang Lungsod ng Cerritos sa (562) 916-1201.

**City of Cerritos**  
**18125 Bloomfield Avenue, Cerritos, CA 90703**  
**Website: [cerritos.gov](http://cerritos.gov)**  
**Phone: (562) 916-1201**



# **City of Cerritos Notice of Civil Rights**

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**City of Cerritos**  
**18125 Bloomfield Avenue, Cerritos, CA 90703**  
**Website: [cerritos.gov](http://cerritos.gov)**  
**Phone: (562) 916-1201**



## 喜瑞都市 民權通知

喜瑞都市依據《民權法案》第六章 (Title VI of the Civil Rights Act) 及州或聯邦法律所規定的任何其他受保護類別，在運作其專案與服務 (Cerritos on Wheels 和 Dial-A-Ride) 時不因種族、膚色或原國籍而有差別待遇。

若有任何人士認為自身因非法歧視行為而受到損害，均可向喜瑞都市提出申訴。有關喜瑞都市民權計畫及申訴程序的詳盡資訊，請透過以下方式與本市聯絡。

喜瑞都市

18125 Bloomfield Avenue, Cerritos, CA  
90703

網站：[cerritos.gov](http://cerritos.gov)

電話號碼：(562) 916-1201



# 세리토스 시 민권 안내문

세리토스 시는 「민권법 제6장(Title VI of the Civil Rights Act)」 및 주 또는 연방법에서 규정한 기타 보호 대상에 따라, 인종, 피부색, 출신 국가에 관계없이 Cerritos on Wheels 및 Dial-A-Ride 프로그램과 서비스를 운영합니다.

불법적인 차별 행위로 인해 불이익을 받았다고 생각되는 사람은 세리토스 시에 민원을 제기할 수 있습니다. 세리토스 시의 민권 프로그램 및 민원 제기 절차에 대한 자세한 정보는 아래에 기재된 연락처를 통해 시에 문의하시기 바랍니다.

세리토스 시  
18125 Bloomfield Avenue, Cerritos, CA  
90703  
웹사이트: [cerritos.gov](http://cerritos.gov)  
전화: (562) 916-1201



## **Ciudad de Cerritos**

### **Aviso de programas o servicios sobre derechos civiles**

La ciudad de Cerritos ofrece sus programas y servicios (Cerritos on Wheels y Dial-Ride) sin distinción de raza, color u origen nacional, de conformidad con el Título VI de la Ley de Derechos Civiles y otras clases protegidas según lo establecido por la legislación estatal o federal.

Cualquier persona que considere haber sido agraviada por una práctica discriminatoria ilícita puede presentar una denuncia ante la ciudad de Cerritos. Para obtener más información sobre el programa de derechos civiles de la ciudad de Cerritos y el procedimiento para presentación de denuncias, comuníquese a las oficinas de la ciudad a través de cualquier medio que se presenta en la lista a continuación.

**Ciudad de Cerritos**  
**18125 Bloomfield Avenue, Cerritos, CA 90703**  
**Sitio web: [cerritos.gov](http://cerritos.gov)**  
**Teléfono: (562) 916-1201**



# **Lungsod ng Cerritos Paunawa ng mga Karapatang Sibil**

Ang Lungsod ng Cerritos ay nagpapatakbo ng mga programa at serbisyo nito (Cerritos on Wheels at Dial-Ride) nang hindi inaalintana ang lahi, kulay ng balat, at bansang pinagmulan alinsunod sa Titulo VI ng Batas sa mga Karapatang Sibil o anumang iba pang mga protektadong klase ayon sa itinakda ng Pang-estado o Pederal na Batas.

Ang sinumang indibidwal na naniniwala na siya ay naagrabyado ng anumang ilegal na mapandiskriminang gawain ay maaaring magsampa ng reklamo sa Lungsod ng Cerritos. Para sa karagdagang impormasyon tungkol sa programa ng mga karapatang sibil ng Lungsod ng Cerritos at sa proseso ng pagsasampa ng reklamo, mangyaring makipag-ugnayan sa Lungsod gamit ang impormasyong nakalista sa ibaba.

**Lungsod ng Cerritos**  
**18125 Bloomfield Avenue, Cerritos, CA**  
**90703**

**Website: [cerritos.gov](http://cerritos.gov)**  
**Telepono: (562) 916-1201**

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# **ATTACHMENT C**

City of Cerritos Title VI Complaint Form



**City of Cerritos**  
Title VI Program

Civil Rights Complaint Form

Title VI of the 1964 Civil Rights Act and related nondiscrimination statutes and regulations require that no person in the United States shall, on the ground of race, color and 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 following information is necessary to assist the City of Cerritos in processing a complaint related to a violation of the 1964 Civil Rights Act. Should you require assistance in completing this form, please contact the Department of Community Development at (562) 916-1201.

Complete and return this form to: City of Cerritos, Department of Community Development, 18125 Bloomfield Avenue, Cerritos, CA 90703.

1. Complainant's Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

4. Telephone Number (home): \_\_\_\_\_ (cell): \_\_\_\_\_

5. Person discriminated against (if someone other than the Complainant):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

- |   |  |
|---|--|
| <input type="checkbox"/> a. Race            | <input type="checkbox"/> f. Sex                |
| <input type="checkbox"/> b. Color           | <input type="checkbox"/> g. Age                |
| <input type="checkbox"/> c. National Origin | <input type="checkbox"/> h. Disability         |
| <input type="checkbox"/> d. Religion        | <input type="checkbox"/> i. Medical Condition  |
| <input type="checkbox"/> e. Marital Status  | <input type="checkbox"/> j. Sexual Orientation |

7. What date did the alleged discrimination take place? \_\_\_\_\_

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use an additional sheet of paper if additional space is required.

\_\_\_\_\_

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9. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? Yes:  No:

If yes, please check each box that applies:

Federal agency  Federal court  State agency

State court  Local agency

10. Please provide information about a contact person at the agency/court where the complaint was filed:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date



**City of Cerritos Title VI Program**  
**Civil Rights Complaint Form – Chinese**

## 公民權利申訴表格

1964 年《民權法案》第六章及相關的不歧視法律和法規規定，在美國，任何人皆不得因種族、膚色或出生國等理由，在任何接受聯邦財政援助的計劃或活動中被排除在外、被剝奪福利或受到歧視。

以下必要資訊可協助我們處理對違反 1964 年《民權法案》的相關申訴。如果您需要協助填寫此表格，請洽社區發展部，電話號碼：(562) 916-1201。

請填寫表格，並寄回以下地址：City of Cerritos, Department of Community Development, 18125 Bloomfield Avenue, Cerritos, CA 90703

1 申訴人姓名：\_\_\_\_\_

2 地址：\_\_\_\_\_

3 城市：\_\_\_\_\_州：\_\_\_\_\_郵遞區號：\_\_\_\_\_

4 電話號碼（住家）：\_\_\_\_\_（手機）：\_\_\_\_\_

5. 受歧視人士（如果非申訴人）

姓名：\_\_\_\_\_

地址：\_\_\_\_\_

城市：\_\_\_\_\_州：\_\_\_\_\_郵遞區號：\_\_\_\_\_

6. 以下哪一項最能描述您認為發生歧視的原因？是否因為您的：

a.  種族                      c.  出生國                      e.  婚姻狀態

b.  膚色                      d.  宗教                      f.  性別

g.  年齡                      h.  身心障礙                      i.  健康狀況

j.  性傾向

7. 指稱的歧視事件發生在哪一天？\_\_\_\_\_

8. 請用您自己的話描述所指稱的歧視事件。請說明發生了什麼事，以及您認為誰應該負責。如果需要更多書寫空間，請使用其他紙張補充。

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9. 您是否曾向任何其他聯邦、州或地方機構或任何聯邦法院或州法院提出同樣申訴？  
有： 沒有：

如果有，請勾選所有適用選項：

- 聯邦機構                       聯邦法院                       本州機構  
 本州法院                       地方機構

10. 請提供您遞交申訴的機構/法院聯絡人資訊。

姓名：\_\_\_\_\_

地址：\_\_\_\_\_

城市：\_\_\_\_\_州：\_\_\_\_\_郵遞區號：\_\_\_\_\_

11. 請在下面簽名。請附上任何您認為與申訴相關的書面資料或其他資訊。

\_\_\_\_\_  
申訴人簽名

\_\_\_\_\_  
日期



**City of Cerritos Title VI Program**  
**Civil Rights Complaint Form - Korean**

민권 민원 양식

1964년 민권법 제6장 및 관련 차별 방지 법령에 의거하여, 미국에 거주하는 어느 누구도 인종, 피부색 또는 출신국으로 인해 연방 재정 지원을 받는 모든 프로그램에 대한 참여가 제외되거나, 혜택을 거부당하거나, 차별적 대우를 받아서는 안 됩니다.

다음은 세리토스 시가 1964년 민권법 위반과 관련된 민원 제기를 처리하는 데에 도움이 되는 필수 정보입니다. 본 양식을 작성하기 위해 도움이 필요하신 경우 (562) 916-1201로 지역사회 개발 부서에 연락해 주십시오.

본 양식을 작성하신 후 다음 주소로 제출해 주십시오: City of Cerritos, Department of Community Development, 18125 Bloomfield Avenue, Cerritos, CA 90703.

1 민원인 성명: \_\_\_\_\_

2 주소: \_\_\_\_\_

3 시: \_\_\_\_\_ 주: \_\_\_\_\_ 우편번호: \_\_\_\_\_

4 전화 번호 (주택): \_\_\_\_\_ (휴대전화): \_\_\_\_\_

5. 차별 대우를 당한 사람 (민원인 자신이 아닌 경우)

성명: \_\_\_\_\_

주소: \_\_\_\_\_

시: \_\_\_\_\_ 주: \_\_\_\_\_ 우편번호: \_\_\_\_\_

6. 다음 중 차별 대우를 받았다고 생각되는 이유를 가장 잘 설명하는 것은 무엇입니까? 귀하가 차별 대우를 받은 이유:

a. 인종

b. 피부색

c. 출신국

d. 종교

e. 결혼 상태

f. 성별

g. 나이

h. 장애

i. 질환

j. 성적 지향성

7. 주장하신 차별 대우가 발생한 날짜는 언제입니까? \_\_\_\_\_

8. 발생하였다고 주장하는 차별 대우를 자신의 표현으로 설명하십시오. 어떤 일이 발생했으며, 누구에게 책임이 있었다고 생각하시는지 설명하십시오. 기재할 공간이 더 필요하신 경우, 종이를 추가로 사용하십시오.

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9. 이 민원을 다른 연방 기관, 주정부 기관, 현지 기관, 또는 연방 법정이나 주 법정에 제기하십니까? 예:  아니오:

“예”인 경우, 해당되는 각 사항에 체크 표시를 하십시오:

- 연방 기관                       연방 법정                       주정부 기관  
 주 법정                               지방 기관

10. 민원을 제기한 기관/법정의 연락 담당자에 관한 정보를 알려주십시오.

성명: \_\_\_\_\_

주소: \_\_\_\_\_

시: \_\_\_\_\_ 주: \_\_\_\_\_ 우편번호: \_\_\_\_\_

11. 아래에 서명하십시오. 귀하의 민원과 관련이 있는 것으로 생각되는 모든 서면 자료나 기타 정보를 첨부하실 수 있습니다.

\_\_\_\_\_  
민원인 서명

\_\_\_\_\_  
날짜



## Ciudad de Cerritos Programa del Título VI

### Formulario para la presentación de denuncias sobre derechos civiles

El Título VI de la Ley de Derechos Civiles de 1964 y los estatutos y reglamentos relacionados en materia de no discriminación prohíben excluir de la participación, negar el aprovechamiento de beneficios o someter a discriminación a cualquier persona en los Estados Unidos por motivos de raza, color u origen nacional en los programas o actividades que reciban subsidios federales.

La siguiente información se necesita para que la ciudad de Cerritos pueda procesar una denuncia en relación con una infracción a la Ley de Derechos Civiles de 1964. Si requiere ayuda para llenar este formulario, comuníquese al Departamento de desarrollo comunitario al (562) 916-1201.

Llene el formulario y envíelo a la siguiente dirección: City of Cerritos,  
Department of Community Development, 18125 Bloomfield Avenue, Cerritos, CA 90703.

1. Nombre de la persona denunciante: \_\_\_\_\_
2. Dirección: \_\_\_\_\_
3. Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_
4. Teléfono (casa): \_\_\_\_\_ (celular): \_\_\_\_\_
5. Persona objeto del acto discriminatorio (si es diferente a la persona denunciante):  
Nombre: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_
6. De las siguientes opciones, indique el motivo más adecuado por el cual usted considera que hubo discriminación: Indicar si fue por razón de:  

<input type="checkbox"/> a. Raza	<input type="checkbox"/> f. Sexo
<input type="checkbox"/> b. Color	<input type="checkbox"/> g. Edad
<input type="checkbox"/> c. Origen nacional	<input type="checkbox"/> h. Discapacidad
<input type="checkbox"/> d. Religión	<input type="checkbox"/> i. Padecimiento médico
<input type="checkbox"/> e. Estado civil	<input type="checkbox"/> j. Orientación sexual
7. Indique la fecha del presunto acto discriminatorio \_\_\_\_\_

8. Describa con sus propias palabras el presunto acto discriminatorio. Explique lo ocurrido y quién considera usted que fue el responsable. Si necesita más espacio para la explicación, puede agregar una hoja adicional.

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9. ¿Presentó esta denuncia ante alguna otra agencia federal, estatal o local, o ante algún tribunal federal o estatal? Sí:  No:

En caso afirmativo, marque todas las opciones que correspondan:

Agencia federal  Tribunal federal  Agencia estatal   
Tribunal estatal  Agencia local

10. Proporcione los datos de contacto de la agencia y/o tribunal ante el cual se haya presentado la denuncia.

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

11. Firme a continuación. Puede adjuntar documentos o cualquier otro dato que considere pertinente a la denuncia.

\_\_\_\_\_  
Firma de la persona denunciante

\_\_\_\_\_  
Fecha



**City of Cerritos Title VI Program**  
**Civil Rights Complaint Form - Tagalog**

Porma ng Reklamo na Kaugnay ng mga Karapatang Sibil

Ang Titulo VI ng Batas sa mga Karapatang Sibil ng 1964 at ang kaugnay na mga batas at regulasyon laban sa diskriminasyon ay nag-aatas na walang sinuman sa Estados Unidos ang dapat, nang dahil sa lahi, kulay ng balat at bansang pinagmulan, mapigilan na lumahok sa, o pagkaitan ng mga benepisyo ng, o isailalim sa diskriminasyon sa ilalim ng anumang programa o aktibidad na tumatanggap ng pederal na pinansiyal na tulong.

Ang sumusunod na impormasyon ay kailangan upang tulungan ang Lungsod ng Cerritos sa pagproseso ng reklamong nauugnay sa paglabag sa Batas sa mga Karapatang Sibil ng 1964. Kung nangangailangan ka ng tulong sa pagkumpleto ng pormang ito, mangyaring kontakin ang Department of Community Development sa (562) 916-1201.

Kumpletuhin at ibalik ang pormang ito sa: City of Cerritos, Department of Community Development, 18125 Bloomfield Avenue, Cerritos, CA 90703.

1. Pangalan ng Nagrereklamo: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Lungsod: \_\_\_\_\_ Estado: \_\_\_\_\_ Zip Code: \_\_\_\_\_

4. Numero ng Telepono (sa bahay): \_\_\_\_\_ (cell): \_\_\_\_\_

5. Taong dumanas ng diskriminasyon (kung hindi ang taong Nagrereklamo):

Pangalan: \_\_\_\_\_

Address: \_\_\_\_\_

Lungsod: \_\_\_\_\_ Estado: \_\_\_\_\_ Zip Code: \_\_\_\_\_

6. Alin sa mga sumusunod ang pinakamahasag na naglalarawan ng dahilan kung bakit naniniwala ka na nangyari ang diskriminasyon? Ito ba ay dahil sa iyong:

- |  |  |
|--|--|
| <input type="checkbox"/> a. Lahi                   | <input type="checkbox"/> f. Kasarian             |
| <input type="checkbox"/> b. Kulay ng balat         | <input type="checkbox"/> g. Edad                 |
| <input type="checkbox"/> c. Bansang Pinagmulan     | <input type="checkbox"/> h. Kapansanan           |
| <input type="checkbox"/> d. Relihiyon              | <input type="checkbox"/> i. Kondisyong Medikal   |
| <input type="checkbox"/> e. Katayuan sa Pag-aasawa | <input type="checkbox"/> j. Oryentasyong Sekswal |

7. Sa anong petsa nangyari ang ipinaparatang na diskriminasyon? \_\_\_\_\_

8. Sa iyong sariling mga salita, ilarawan ang ipinaparatang na diskriminasyon. Ipaliwanag ang nangyari at kung sino ang pinaniniwalaan mong responsable. Mangyaring gamitin ang likod ng pormang ito kung kailangan ng karagdagang espasyo.

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9. Naisampa mo na ba ang reklamong ito sa alinmang ibang pederal, pang-estado, o lokal na ahensiya; o sa alinmang pederal o pang-estadong hukuman? Oo:  Hindi:

Kung oo, tsekan ang bawat kahon na angkop:

Pederal na ahensiya  Pederal na hukuman  Pang-estadong ahensiya

Pang-estadong hukuman  Lokal na ahensiya

10. Mangyaring magbigay ng impormasyon tungkol sa isang makokontak na tao sa ahensiya/hukuman kung saan isinampa ang reklamo.

Pangalan: \_\_\_\_\_

Tirahan: \_\_\_\_\_

Lungsod: \_\_\_\_\_ Estado: \_\_\_\_\_ Zip Code: \_\_\_\_\_

11. Mangyaring pirmahan sa ibaba. Maaari kang maglakip ng anumang nakasulat na mga materyal o ibang impormasyon na sa palagay mo ay may-kaugnayan sa iyong reklamo.

\_\_\_\_\_  
Pirma ng Nagrereklamo

\_\_\_\_\_  
Petsa

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# **ATTACHMENT D**

List of Transit Related Title VI  
Investigations, Complaints, and Lawsuits

**City of Cerritos  
List of Transit-Related Title VI  
Investigations, Complaints and Lawsuits\***

<b>Action</b>	<b>Date (Month, Day, Year)</b>	<b>Summary (Basis of complaint: Race, Color, or National Origin)</b>	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>				
<b>Lawsuits</b>				
<b>Complaints</b>				

\*To date, no investigations, complaints, or lawsuits have been filed with the City of Cerritos for its Cerritos On Wheels or Dial-A-Ride transportation services.

# **ATTACHMENT E**

City of Cerritos Title VI Limited English  
Proficiency (LEP) Plan

**CITY OF CERRITOS  
TITLE VI LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

**May 2025**

**Introduction**

This Limited English Proficiency (LEP) Plan has been prepared to address the City of Cerritos' (City) transit responsibilities as a recipient of federal financial assistance as it relates to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1B dated October 2012, which states that no person shall be subjected to discrimination on the basis of race, color, or national origin.

In August 2000, Executive Order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency", was issued, proclaiming that differing treatment based on a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all State and local agencies which receive federal funds, including the City of Cerritos.

**Background**

The City administers the Cerritos On Wheels (COW) and Dial-A-Ride transit programs which are provided by a contracted transit service provider. Additionally, the Cerritos City Council is the policymaking body that provides policy direction for any service changes for the referenced transit programs. In accordance with Title VI requirements, the City has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access the City's transit services. As defined by Executive Order 13166, "LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English."

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, and procedures for notifying LEP persons that assistance is available. In order to prepare this plan, City staff implemented the United States Department of Transportation's (U.S. DOT) four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by or are likely to encounter the City's transit programs, activities, or services.
2. The frequency with which LEP persons utilize City transit services programs, activities, or services.
3. The nature and importance of programs, activities, or services provided by the City transit services to the LEP population.
4. Resources available to the City and overall cost to provide LEP assistance.

**Four-Factor Analysis**

In accordance with the factors outlined by the U.S. DOT with regard to analyzing the need for an LEP Plan, staff completed a thorough review of each of the four (4) factors to determine the scope of LEP services that the City will need to provide in order to be in compliance with Title VI requirements. The analysis, which is provided below, utilized the 2019-2023 American Community Survey Five Year Estimate from the United States Census Bureau to obtain demographic and language information used to shape the development of the City's LEP Plan.

As required by the FTA, the City is required to include any group that exceeds one-thousand (1,000) persons that speak English "less than very well", as part of the four-factor analysis. If the group contains less than one-thousand (1,000) persons that speak English "less than very well", then the City is not required to include this group of persons in its analysis.

**Factor #1:**

*Number or proportion of LEP persons in the service area who may be served by or are likely to encounter City transit programs, activities, or services.*

The City of Cerritos reviewed the 2019-2023 American Community Survey from the United States Census Bureau to assess the proportion of languages spoken in the City of Cerritos. The City of Cerritos determined that four (4) language groups – Chinese, Korean, Spanish and Tagalog (listed in alphabetical order) – meet or exceed the minimum threshold of one-thousand (1,000) persons that speak English "less than very well" for the four-factor analysis. Within these four (4) language groups, Cerritos has 7,340 individuals who speak English "less than very well" (approximately 16% of the City population). The referenced groups include Chinese, Korean, Hispanic, and Filipino residents who use English as their second language. Within the same four (4) groups, a total of 11,995 residents speak English "very well."

**Spoken Languages in Cerritos  
City of Cerritos Total Population (Age 5+) Estimate: 46,506  
(Shown in Alphabetical Order)**

**Chinese Speaking Persons (including Mandarin and Cantonese)**

<b>Language</b>	<b>Estimate</b>	<b>Percentage</b>
Speak English "very well"	2,880	50%
Speak English "less than very well"	2,821	50%
Total	5,701	100%

**Korean Speaking Persons**

<b>Language</b>	<b>Estimate</b>	<b>Percentage</b>
Speak English "very well"	2,262	49%
Speak English "less than very well"	2,354	51%
Total	4,616	100%

**Spanish Speaking Persons**

<b>Language</b>	<b>Estimate</b>	<b>Percentage</b>
Speak English "very well"	3,442	76%
Speak English "less than very well"	1,114	24%
Total	4,556	100%

**Tagalog Speaking Persons**

<b>Language</b>	<b>Estimate</b>	<b>Percentage</b>
Speak English "very well"	3,411	76%
Speak English "less than very well"	1,051	24%
Total	4,462	100%

**Total Group – Chinese, Korean, Spanish, and Tagalog**

<b>Cerritos</b>	<b>Estimate</b>	<b>Percentage</b>
Speak English "very well"	11,995	62%
Speak English "less than very well"	7,340	38%
Chinese, Korean, Spanish, and Tagalog Speaking Persons	19,335	100%

Source: 2019-2023 American Community Survey Five Year Estimate

**Factor #2:**

*The frequency with which LEP persons utilize Cerritos transit services programs, activities, or services.*

A portion of LEP populations use the COW service, but the majority are students from the ABC Unified and Bellflower Unified School Districts and Cerritos Community College, and they are generally proficient in English. The majority of the seniors over 55 and disabled residents utilizing Dial-A-Ride service speak English well enough to make their reservations and to communicate with drivers. In addition, staff has reported minor contact with LEP individuals during the sale of bus passes, nor customer service complaints at City Hall or via transit customer service phone lines.

**Factor #3:**

*The nature and importance of programs, activities, or services provided by City transit services to the LEP population.*

As mentioned previously, the majority of passengers utilizing the COW service are students from ABC Unified and Bellflower Unified School Districts and Cerritos Community College. A smaller minority of riders utilize the COW to travel to and from work within the area. In addition, passengers riding on the Dial-A-Ride program are seniors and disabled residents who utilize the service for transportation to medical appointments, specialized education programs, or essential shopping trips and errands. Based on an understanding of the usage patterns of riders of both transit services, it is apparent that the COW and Dial-A-Ride programs provide critical transportation services to a significant amount of the LEP population, including seniors and students.

**Factor #4:**

*The resources available to the City and overall cost to provide LEP assistance.*

City and transit contract staff have access to a variety of resources that can help with outreach activities and in providing LEP assistance at little-to-no cost. Some of these resources include the following:

1. Outreach to local community clubs and service organizations;
2. Utilization of various City-sponsored media channels, including the City of Cerritos website to provide announcements on the availability of the LEP Plan,

3. Advertisement and information placed within COW vehicles promoting the availability of the LEP Plan; and
4. Information provided to residents upon registration in the City's Dial-A-Ride Program.

The above community resources serve as a means to disseminate bilingual transit service information and announcements, and to notify the LEP population of workshops and outreach efforts as appropriate. Additionally, if necessary, the City could utilize a portion of the City's Proposition A and Proposition C funds to provide outreach activities and translation services based on the availability of funds. The City is confident that using these methods is sufficient to promote the availability of the City's LEP Plan.

Based on the four-factor analysis, the City has developed its LEP Plan as outlined in the following section:

### **Identification of LEP Population**

The City has developed several possible ways to assist in identifying LEP populations within the City, including but not limited to:

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events or meetings.
2. Have a staff person greet participants as they arrive to City transit-sponsored events. By informally engaging participants in conversation, it may be possible to gauge each attendee's ability to speak and understand English.
3. At City transit meetings and events, staff will provide surveys that will allow patrons to provide input and will provide a place for patrons to indicate primary language spoken. This will assist the City in identifying language assistance needs for future events and meetings.
4. Survey vehicle operators and other front-line staff with regard to their experience concerning any contact with LEP persons on an ongoing basis.
5. Network with local human services organizations (such as Los Angeles County Social Services) to assist in identifying LEP groups and individuals most in need of LEP assistance and to further facilitate dissemination of information about Cerritos transit programs.
6. Partner with Cerritos Senior Center staff in identifying LEP groups within the City.

### **Language Assistance Measures**

There are various ways in which the City of Cerritos responds to LEP persons, whether in person, by telephone, or in writing. These include, but are not limited to:

1. Post the City of Cerritos Title VI Policy and LEP plan on the City's website, in various languages, and in locations easily accessible by the public.

2. Translate vital documents into Chinese, Korean, Spanish, and Tagalog. Vital documents include but are not limited to: Civil Rights Notice, Complaint Procedures, etc.
3. When an interpreter is needed, in person or on the telephone, staff will attempt to utilize bilingual City staff or access language assistance services from community volunteers from community clubs and service organizations.
4. Providing advance notice in various publications that interpreter services may be available for meetings, based on availability.
5. Staff Training: City and transit provider employees will conduct an annual training with appropriate personnel to review and revise LEP policies and procedures, as appropriate.

Any request for translation, interpretation, or other means of language assistance, for Title VI Program documents or forms, can be appropriately directed to the City of Cerritos transportation services staff at (562) 916-1201. Upon request, staff will utilize its resources to have documents translated or explained in other languages to further assist the City's efforts in providing language assistance.

#### **Monitoring and Updating the LEP Plan**

The City will update the LEP Plan as required by the U.S. DOT. At a minimum, the plan will be reviewed and updated every three (3) years, when data from the U.S Census is available, or when higher concentrations of LEP individuals are identified in the City's transit service area. Updates will include the following:

1. Documentation of LEP personal contacts;
2. How the needs of LEP persons have been addressed;
3. Estimations of the current LEP population in the service area;
4. Determination as to whether the need for translation services has changed;
5. Determine whether local language assistance programs have been effective and sufficient to meet the need;
6. Determine whether City financial resources are sufficient to fund language assistance resources needed; and
7. Determine whether the City has fully complied with the goals of this LEP Plan.

# **ATTACHMENT F**

City of Cerritos Public Participation Plan

**CITY OF CERRITOS  
PUBLIC PARTICIPATION PLAN**

**May 2025**

**Introduction**

The City of Cerritos' Public Participation Plan has been prepared to ensure that no one is precluded from participating in Cerritos' transportation planning efforts, such as fare increases or service modifications. The goal is to include all stakeholders into the decision making process so the City Council can make an informed decision regarding the City's contracted transit services.

When the City is proposing a change to transportation services, staff will inform the public of the proposed changes with a minimum of ten (10) days and/or up to thirty (30) days depending on the level of service change. Major service changes such as a modification of Cerritos on Wheels routes, fares, and/or schedules will warrant a thirty (30) day notice; whereas, minor service changes, such as a change in transit provider or amendments to service contracts will warrant a ten (10) day notice as necessary. The City will provide an opportunity to the public to comment on any proposed change during the comment period and during the scheduled City Council public hearing for when the change will be considered.

When staff prepares a document or schedules a meeting for which the target audience is expected to include LEP individuals, the meeting notices, flyers, and agendas may be made available in an alternative language based on the known LEP population and based on available resources. Interpreters may be available based on availability.

It should be noted that any change to the City's transportation services as a result of Federal or State Executive Orders or mandates, will be implemented in accordance with applicable Federal or State law. In such scenarios where service changes are required immediately, the City will work diligently to notify the general public, including LEP populations, of the changes as quickly as possible. Public input received in response to these changes will be considered and discussed accordingly.

Public Outreach Activities

The City continues to directly reach out to the community through the dissemination of flyers, advertisements in local newspapers, notifications on the City's website, email notifications, advertisements on the City's local cable public access channel, posts on the City's social media channels, and by partnering with community clubs and service organizations. In addition, should there be a public hearing related to a fare or service change, agenda titles continue to be published in a local newspaper and posted at the City's four (4) posting boards.

Public Workshops

As necessary, the City periodically conducts public workshops with regard to fare or service changes to the transit programs prior to City Council consideration. These meetings serve as a means to engage the public and to obtain input for future service changes and are conducted at public facilities, such as local community centers. These public workshops serve as brainstorming sessions and provide vital information that can be used to assist in improving City's transit programs and in potentially identifying of LEP populations that may be in need of assistance.

These workshops are held in buildings that meet Americans with Disability Act requirements for accessibility and at various times/days to ensure that all community stakeholders have an opportunity to be a part of the decision making process.

### Community Events

The City participates in community events in order to promote its transit services. These activities include functions where the community can access available transit information, including schedules, brochures and fliers. For example, each year, transit staff attends the City's Senior Health Fair and disseminates information on the COW and Dial-A-Ride programs. Additionally, the City will continue to identify community events in which the public can be made aware of the City's transportation programs.

During the City's 2024 transit assessment and transition of provided transit services, City staff has been actively engaging with the community through various events to promote and gather feedback on the new on-demand service. An informational booth has been set up at key City events, allowing residents to access transit information and ask questions. Additionally, community workshops at different community centers were held to encourage direct interaction and feedback from the public. These community events play a critical role in raising awareness about the new service and ensuring that residents have an opportunity to participate and provide input leading up to its launch in 2025.

### **Assurances**

The City of Cerritos and its transit contractor will ensure that no person, on the grounds of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of the City's contracted transportation services. Further, the City will notify the public of protections against discrimination afforded them by Title VI Regulations and will take preventive corrective and disciplinary action necessary to stem behavior that violates the rights and privileges the regulations are designed to protect. The City will post this information on its website and will ensure that it reflects up to date information consistent with the requirements of Title VI.

### **Availability of Title VI Plans and Procedures**

The City's LEP Plan and the Title VI Procedures are included in the City of Cerritos' website at [cerritos.gov](http://cerritos.gov). Any person or agency with internet access will be able to access and download the plan from the City's website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person at Cerritos City Hall, and shall be provided a copy of the plan at no cost.

Questions or comments regarding the LEP Plan may be submitted to:

City of Cerritos  
Department of Community Development  
18125 Bloomfield Avenue  
Cerritos, CA 90703  
Phone: (562) 916-1201  
Fax: (562) 916-1371

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# **ATTACHMENT G**

City of Cerritos System-Wide Standards  
and Policies

**CITY OF CERRITOS  
SYSTEM-WIDE SERVICE STANDARDS AND POLICIES  
FIXED-ROUTE SYSTEM – CERRITOS ON WHEELS**

**May 2025**

**Background**

The Federal Transit Administration (FTA) requires all fixed-route transit operators to develop quantitative standards and service policies for all fixed route modes of operation for the indicators identified below. Additionally, operators of public transportation may set additional standards as appropriate or applicable to the type of service provided. Below are the definitions for each category and the City’s system-wide service standards and policies. While the City will be transitioning its fixed-route service, such standards are applicable at the time of this Title VI Program update.

**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 forty-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately twelve (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.

During FY 2023-2024, the average number of Cerritos On Wheels (COW) passengers per vehicle revenue service mile was a minimum of 0.21 passengers per vehicle revenue service mile. Additionally, the average number of passengers per vehicle service hour was 2.76 passengers per vehicle service hour.

**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., buses per hour). Headways and frequency of service are general indications of the level of service provided along a route.

1. The Cerritos On Wheels vehicle headways are sixty (60) minutes Monday through Saturday and no service is provided on Sundays.
2. The Cerritos On Wheels service operates four (4) buses during the day per hour.

**On-Time Performance**

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 0-5 minutes late in comparison to the established schedule. Below are the service standards for the COW approved by the City Council:

1. Schedule Reliability: A minimum of ninety percent (90%) of bus departures will be within 0-5 minutes after the scheduled departure time as indicated by published timetables.
2. Missed Run: Less than one percent (1%) of scheduled departures at the beginning of each trip will be missed runs. A missed run occurs when a scheduled departure is canceled, or when a bus departs more than fifteen (15) minutes after the published departure time.
3. Early Departure: No bus shall depart a designated time point early.
4. Bus Stops: No bus shall fail to stop for a passenger waiting at a designated COW bus stop.

### **Service Availability**

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.

The COW bus route operates two (2) bi-directional loops traveling along all major commercial centers, school and public facilities. There are approximately 180 COW bus stops in Cerritos (8.9 square mile city) that serve the transit community and are placed along major arterials, secondary arterials and local streets. Due to the high number of bus stops along the COW routes, the average distance between stops is approximately one-half mile.

### **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.

The Cerritos Community Design Element of the Cerritos 2004 General Plan states that the City should provide a well-designed, comfortable bus stop at all MTA, COW or other transportation stops in the City, including waste containers and benches, etc.

The City of Cerritos has transit amenities located throughout each COW route. These amenities include bus benches, trash receptacles, and bus stop shelters. Below is a summary of transit amenities located along the two (2) COW routes:

1. Bus stops with bus bench and trash receptacle: 118
2. Bus stops with trash receptacles only: 39
3. Bus stops with bus benches only: 6
4. Bus stops with shelters only: 3

## **Vehicle Assignment**

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.

In Cerritos, vehicles for the COW service are selected randomly and placed into service. No vehicle is assigned to a geographic area, no vehicle is assigned to a segment of a route due to the condition of the vehicle, and no vehicle is assigned to a specific bus stop to accommodate higher ridership at a specific bus stop. The fleet of COW vehicles in service are all the same in size and capacity.