

## **Santa Clara Valley Transportation Authority (VTA) and Title VI Requirements**

VTA is an independent special district that is responsible for providing bus, light rail, and paratransit service throughout Santa Clara County, California. VTA also has the distinction of being the county's Congestion Management Agency (CMA) and is responsible for providing oversight on specific highway projects and countywide transportation planning.

Title VI (codified at 42 U.S.C §2000d et seq.) was enacted as part of the landmark Civil Rights Act of 1964, signed by President Lyndon B. Johnson. Title VI prohibits discrimination on the basis of race, color, and national origin by programs and activities receiving federal financial assistance. As a recipient of funding from the federal government, VTA must remain in strict compliance with these Title VI requirements.

In 2012, the Federal Transit Administration (FTA) released Circular 4702.1B in order to provide specific guidance for funding recipients on maintaining compliance with the requirements of Title VI. In accordance with the Title VI Circular, VTA is required to submit a Title VI Program triennially to the FTA. This Title VI Program is a compilation of documents, plans, maps, policies and standards which demonstrate VTA's continued compliance with the mandatory requirements of Title VI. Guidance provided by Circular 4702.1B requires that VTA's Title VI Program be submitted for approval by its Board of Directors before it is sent to the FTA.

Once the program has been received by the FTA, it will be reviewed and the FTA will issue either a letter approving the program or a notice of deficiencies with a date for compliance. There will be a subsequent review by the FTA to determine if these deficiencies have been remedied. If the recipient is found to be noncompliant with the mandatory requirements of Title VI, the FTA may take remedial action including but not limited to a denial of federal financial assistance.

### **VTA's Title VI Program**

In Circular 4702.1B, the FTA has indicated several mandatory documents which must be included as part of the recipient's Title VI Program. In drafting the Title VI program, VTA compiles various documents in accordance with these requirements. These documents are as follows:

#### **General Requirements**

- Title VI Notice to the Public
- Title VI Complaint Procedure and Forms
- List of Title VI Complaints, Lawsuits, and Investigations
- Public Participation Plan
- Limited English Proficiency (LEP) Plan
- Demographic Information of Non-Elected Committees and Councils
- Subrecipient Title VI Program and Monitoring
- Board Approval of the Title VI Program

## Requirements of Transit Providers

- Service Standards and Policies
- Demographic and Service Maps
- Demographic Ridership and Travel Patterns
- Monitoring Report of Service Standards and Policies
- Public Engagement Process for Recipient's Title VI Policies
- Results of Service and/or Fare Equity Analyses

These documents contain detailed information regarding VTA's standards, policies, and procedures which are in strict compliance with Title VI regulations. VTA has consistently maintained a strong commitment to serving all members of the public in an equal and fair manner. Equity of service and inclusion of the community in the internal decision-making process have provided a foundation for the organization to ensure that it is meeting the needs of the diverse constituents within its service area.

Outlined below are brief summaries of each element of VTA's 2016 Title VI Program.

### I. General Requirements

#### **Title VI Notice to the Public**

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

VTA has created a Title VI Notice to the Public, translated it into 21 languages, and posted it on its website, various transit stops, and VTA vehicles throughout its service area. Per the DOT's Safe Harbor Provision, the VTA webpage, light rail platforms, and bus stop shelters have this notice posted in all safe harbor languages. A language meets the safe harbor requirement when it is represented by 5% or 1,000 individuals, whichever is less, who are limited English proficient in a transit agency's service area. The Title VI Notice to the Public contains information such as how this federal law relates to the community, in addition to contact information so that violations can be reported and investigated by VTA's Office of Civil Rights. There are also instructions regarding the filing of complaints with other government agencies, which conduct their own separate investigations of Title VI complaints.

## **Title VI Complaint Procedure and 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 shall make their procedures for filing a complaint available to members of the public. The FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for the FTA to determine compliance with DOT's Title VI regulations.

VTA's complaint process and form are professionally translated into the safe harbor languages for VTA's service area. Customers who wish to file complaints are able to click on their language identifier on the VTA webpage to read information in their primary language.

### **List of Title VI Complaints, Lawsuits, and Investigations**

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

VTA has not had any Title VI lawsuits since the submission of its last Title VI Program. The list of complaints and investigations conducted by VTA since the submission of its last Title VI Program is available in the full Title VI Program.

### **Public Participation Plan**

The content and considerations of Title VI, the Executive Order 13166 (which covers improving access for LEP populations), and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan, which describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures (such as placing notices at all transit stations, stops, and vehicles) as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process.

Santa Clara Valley Transportation Authority's (VTA) Public Participation Plan serves as a guide for the organization's public outreach, in order to ensure that the public is both informed and able to give meaningful levels of input on VTA programs and activities. The plan also emphasizes the importance of reaching out to traditionally underrepresented groups such as low income, minority, and limited English proficient populations so that they are given the opportunity to participate in this process.

Public participation allows member of the community to provide input to VTA so that their concerns, desires, and values are considered as part of the organization's decision-making process. By following these guidelines, it is possible that these individuals are able to have a direct influence and potentially affect this process, thus allowing VTA to better serve the needs of the community.

### **Limited English Proficiency Plan**

Title VI of the Civil Rights Act of 1964, the Department of Transportation's (DOT) implementing regulations, and Executive Order 13166 all require that recipients incorporate protections and services for those with limited English proficiency. In accordance with these requirements, recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient (LEP). The recipient shall develop an assistance plan that is tailored to meet the needs of the LEP population(s) it serves.

The DOT has provided guidance for recipients in the form of a four-factor analysis designed to assess the needs of LEP communities and determine how the recipient can meet those needs. The four-factor analysis included in the 2016 LEP Plan Update identifies appropriate language assistance measures needed to improve access to VTA services and benefits by LEP individuals. The four-factor analysis is also used to ensure that information on VTA's customers who are LEP has been validated amongst several data sources. It further establishes that the needs and concerns of individuals who are LEP and use VTA are taken into account for future projects in order to both maintain and improve their access to services.

VTA supports the goal of the DOT's LEP Guidance to provide meaningful access to its services for LEP persons. The Limited English Proficiency Plan Update, contained within VTA's 2016 Title VI Program, reflects LEP compliance by VTA and its continuous efforts to comply fully with the USDOT/FTA guidelines.

The LEP Plan Update contains the following data and analysis of the four factors:

The first factor requires the recipient to identify the number and proportion of people who are LEP that are served or encountered in the service area. VTA utilized U.S. Census data from the 2010 – 2014 American Community Survey to determine the top languages spoken by LEP populations within its service area. In addition, VTA also used data from its language line, which is an interpretation service provided to people who call VTA's call center. American Community Survey data indicated that 21.29% of people in VTA's service area are LEP. The top five languages spoken by LEP populations that VTA encounters are: Spanish (7.92%), Vietnamese (4.21%), Chinese (3.76%), Tagalog (1.14%), and Korean (0.70%). These percentages are based on the total population of Santa Clara County, including people who are proficient in English.

The second factor requires the recipient to determine the frequency with which individuals who are LEP come into contact with programs, activities, and services. VTA staff utilized several methods to conduct a survey to determine which services were most utilized and valued by its customers. In addition, staff also used this opportunity to gain general feedback given by survey

participants. As a member of the Refugee and Immigrant Forum, VTA was able to connect with several diverse community-based organizations (CBOs) and survey their clients. In order to make the survey accessible to the largest number of individuals, it was made available in 13 different languages. Staff also surveyed at the VTA Downtown Customer Service Center for two days in August, obtaining more than one hundred responses. Finally, the survey was also posted to VTA's public website, where members of the public could participate online. Overall, staff collected a total of 185 surveys throughout this process.

Those surveyed indicated that they use both bus and light rail services, although they tend to use bus more frequently (89.7%) than light rail (49.1%). General feedback included requests for increased frequency of bus services, increased coverage area, more bus shelters, and more real-time information displays at transit stops. Feedback also revealed that customers often get information from bus operators and VTA's downtown customer service center.

The third factor asks the recipient to determine the importance of its programs, activities, and services to LEP populations. The survey showed that customers highly value both bus and light rail services, although a greater amount considered bus service to be very important. The data showed that 90.2% of those surveyed considered bus service to be very important, while 68.1% considered light rail service to be very important. A large portion of individuals rely upon VTA's transit services to get to medical appointments (48.6%). Many also rely on these services to get to important destinations such as work (45.9%) and school (29.7%). Due to the fact that over half of participants indicated they had no vehicles in their household, it can be presumed that they may rely upon VTA transit services as their only means of accessing these destinations. Some participants indicated that they experience language barriers in using and accessing some VTA services. This underscores the importance of not only providing language assistance services, but ensuring customers are aware of their availability.

The fourth factor requires an assessment of the resources available to the recipient, and an analysis of the costs associated with providing language assistance. VTA conducted an inventory of all currently available language assistance services including the language line service, bilingual VTA staff, contracted vendors to assist with translation services, and the VTA public website which contains links for translations into various languages. VTA had also previously developed a Vital Documents Plan in order to ensure that translations are completed for any documents which are considered vital to using VTA's services and in making customers aware of their rights under applicable federal laws. VTA spent a total of \$88,558.04 during 2014 and \$133,151.51 in 2015 for language assistance services, with translation expenses more than doubling between those two years. These numbers are a strong indicator of VTA's continued commitment to ensuring that all necessary documents are translated for the benefit of the public, regardless of their native language. In terms of improving access, staff noted that 42.1% of individuals surveyed were not aware of VTA's free language assistance services, thus indicating the importance of increasing awareness of the variety of free language services offered to the public.

## **Demographic Information of Non-Elected Committees and Councils**

In accordance with Title 49 CFR Section 21.5(b)(1)(vii), 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.” There are requirements for recipients when they choose the membership for certain groups within their organization such as transit-related, non-elected planning boards, advisory councils or committees, or similar committees. These requirements include providing a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

The Citizens Advisory Committee (CAC) and the Committee for Transit Accessibility (CTA) are two VTA advisory committees that are comprised of non-elected members who are selected internally by VTA. VTA does not have any other committees where members are non-elected and selected by VTA. A list of the survey questions used to query members about their racial identity and/or ethnicity, a table depicting the racial breakdown of the committees, and efforts to encourage participation of minorities on those committees is contained within the full Title VI Program. Responses to the survey show that, at present, approximately two-thirds of the CTA’s and CAC’s members identify as belonging to a minority group.

When filling vacant committee positions, VTA actively seeks and encourages the participation of traditionally underrepresented groups on its non-elected committees. VTA makes concerted efforts to provide the opportunity for qualified individuals from underrepresented ethnic groups to join its advisory committees so that these bodies accurately represent the ethnic, gender, and geographic diversity of Santa Clara County. In order to accomplish this, VTA utilizes a number of targeted outreach strategies including: both paid and free notices within local media, translating notices into various languages, posting vacancies on VTA’s website, outreach to various multicultural organizations, and the use of both electronic notifications and informational signs throughout transit stops and other facilities.

## **Subrecipient Title VI Program and Monitoring**

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

VTA monitors its subrecipient by ensuring that the entity meets all of the criteria outlined in Chapter III of Title VI Circular 4702.1B. VTA has collected and reviewed the subrecipient’s Title VI Program, which was approved by its governing board.

## **Board Approval of the Title VI Program**

VTA's Title VI Program was approved by its Board of Directors on November 3, 2016.

### II. Requirements of Transit Providers

#### **Service Standards and Policies**

This requirement applies to all fixed route providers of public transportation service. Appendix C to 49 CFR part 21 provides in Section (3)(iii) that “[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.” Service standards must include the following for each mode of transportation: vehicle load, vehicle headway (minimum possible distance or time between vehicles without a reduction in their speed), on-time performance, and service availability. Any significant service deficiencies that are identified must be evaluated in order to determine the extent to which they impact minority populations. If minorities are negatively impacted at a disproportionately higher rate than non-minorities, additional steps may be necessary to remedy this discrepancy.

The FTA requires fixed route transit providers to develop a policy for each mode of transportation relating to distribution of transit amenities and vehicle assignment. Transit providers may also set policies for additional indicators as appropriate. VTA has designed its policies to ensure that its vehicle assignment and passenger amenity distribution practices do not result in discrimination on the basis of race, color, or national origin.

#### **Demographic and Service Maps**

Title 49 CFR 21.9(b) states that recipients “should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.” The FTA requires transit providers to prepare the following maps and charts, all of which VTA has included in its 2016 Title VI Program:

A base map of the service area that overlays Census tract, Census block or block groups, traffic analysis zones (TAZs), or other locally available geographic data with transit facilities including transit routes, fixed guideway alignments, and transit stops, amongst others.

A demographic map that plots the information listed in the base map and also shades geographic regions 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.

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 regions where

the percentage of the total low-income populations residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.

Although it was not a requirement, VTA also created a map for limited English proficient populations similar to the maps of the minority and low-income populations.

### **Demographic Ridership and Travel Patterns**

FTA Circular 4702.1B requires that fixed route providers 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. 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.

VTA completed its last On-Board Survey (OBS) in November 2013. Since that time, VTA has used the data from that survey to build a demographic profile of its customer base that includes, but is not limited to, race, ethnicity, income, and primary languages spoken. Data is also collected on ridership travel patterns, types of fares used, and quality of service provided by VTA.

Collection methods included a survey document (questionnaire) printed in English, Spanish, Vietnamese, and Chinese for distribution aboard buses and light rail vehicles. Surveyors were instructed to provide limited assistance to passengers upon request. Additionally, surveyors carried post-card sized information written in English, Spanish, Vietnamese, and Chinese instructing passengers to contact the survey contractor's language line (Corey, Canapary & Galanis) to hear the survey administered in other languages.

Results of the survey showed that the majority of those surveyed (79%) were satisfied with VTA service quality, with the average score being 4.08 on a five point scale. To complete their trip, a majority of participants indicated that they walked both to their transit station (51%) and final destination after alighting (58%). Three-fourths of participants indicated they use the system heavily – with 33% using VTA 6 or more days a week, and another 42% using VTA 4 to 5 days per week. The average VTA rider, according to survey responses, lives in a household of 3 to 4 people, with the household earning an average of \$42,802 per year. Additional demographic data showed that nearly three-fourths (74%) of those surveyed were non-white, 23% were white (only), and 4% are mixed white/non-white.

VTA is currently working with another contractor to prepare for the administration of its next OBS, which is expected to begin in January 2017.

### **Monitoring Report of Service Standards and Policies**

In order to ensure compliance with DOT's Title VI regulations, the FTA requires transit agencies to monitor the performance of their transit system relative to their system-wide service standards and service policies no less than every three years. Agencies shall submit the results of the monitoring program as well as documentation to verify the Board's consideration, awareness,

and approval of the monitoring results to the FTA every three years as part of the Title VI Program.

There are two components of the Title VI monitoring program: the System-Wide Service Standards and the System-Wide Service Policies. The System-Wide Service Standards are used to compare the performance of VTA bus and light rail lines that are primarily used by minority passengers (“minority routes”) with lines that serve a greater proportion of non-minority passengers (“non-minority routes”). The System-Wide Service Policies are designed to monitor vehicle assignment procedures and the distribution of transit amenities to ensure that such practices are not conducted in a discriminatory manner.

As outlined in the full report, which is included in the 2016 Title VI Program, VTA performs exceptionally well in terms of the amount and quality of service it provides to minority populations. Due to the high ridership levels on bus and light rail lines serving minority areas, minority passengers generally enjoy shorter average headways, longer service spans, and additional vehicle capacity. Moreover, VTA’s vehicle assignment and transit amenity distribution practices, which are also ridership-based, ensure that minority areas benefit from the equitable allocation of transit resources.

### **Public Engagement Process for Recipient’s Title VI Policies**

The FTA requires that the recipient shall engage the public in the decision-making process to develop major service change, disparate impact, and disproportionate burden policies. VTA obtained input from the public for the development of policies that will guide how we define and analyze the impacts of major service changes and fare changes on low-income and minority customers. VTA sent proposed major service change, disparate impact and disproportionate burden policies to approximately 30 representatives from community-based organizations (CBOs) and transit advocates for their review and comment. Staff also gave presentations and teleconferenced with members of several organizations as well. The feedback included a request to modify the major service change definition so that it is more inclusive in its qualification of major service changes. Feedback also contained a request to revise the disparate impact and disproportionate burden policies to clarify which data sources are used for equity analyses.

### **Results of Service and Fare Equity Analyses**

Transit agencies are required by the FTA to conduct equity analyses for major service changes and fare changes to ensure those changes do not result in disparate impacts to minority riders or a disproportionate burden on low-income riders. Transit agencies shall submit the results of any major service change and/or fare equity analyses conducted since the submission of its last Title VI Program. Agencies shall also submit documentation with the Title VI Program as evidence of the board, governing entity, or official’s consideration, awareness, and approval of the analysis.

There were several major service changes made to VTA’s transit routes, and they have been summarized in their entirety within the FY 2016 – FY 2017 Transit Service Plan, which is contained within the 2016 Title VI Program. Examples of these changes include various improvements on certain lines, such as: line extensions, improvement of mobility and access,

more direct service to some major destinations, shorter passenger wait times, less crowded buses, and more convenient transfers. There were also new service lines added, in addition to routing changes and reduction of service on some routes due to low ridership.

VTA staff conducted a Service Equity Analysis on the revised major service changes included in the final FY 2016 - FY 2017 Transit Service Plan. Based on this analysis, it was determined that the proposed changes are not anticipated to create a disparate impact on minority passengers nor a disproportionate burden on low-income riders.

Staff at VTA also conducted equity analyses for fare changes which became effective in 2015 and 2016. The equity analyses for all fare changes revealed that there were no anticipated disparate impacts to minority riders or disproportionate burdens to low-income riders.

The fare changes for 2016 consisted of: making Day Pass fares available only through Clipper; providing a \$0.50 credit for inter-operator transfers (only for Adult fares when using Clipper); and establishing a new type of fare for Special Event Express Bus Service. Fare changes for 2015 involved expanding eligibility for Youth discount fares to include 18-year olds and permanently reducing pricing for Adult and Youth Day Pass tokens to 50% of the price of Adult and Youth Day Passes.

### **Conclusion**

VTA's 2016 Title VI Program represents the agency's continued efforts to maintain strict compliance with all Title VI regulations. Furthermore, this program also shows VTA's continued commitments to serving the diverse population within its service area. This agency strives to ensure individuals of all backgrounds have equal access to programs, services and activities. By doing so, it allows everyone the opportunity to participate in the transportation planning process and enjoy the benefits VTA provides the public.