

FTA

FEDERAL TRANSIT ADMINISTRATION

County of Fairfax, Virginia, Department of Transportation Title VI Compliance Review

Final Report
April 2016



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology – This report details the findings of a Compliance Review of the County of Fairfax, VA Department of Transportation (FCDOT) Title VI program implementation. The Compliance Review examined this agency’s Title VI program procedures, management structures, actions, and documentation. The review team collected documents and information from the Federal Transit Administration (FTA) and FCDOT. In addition, the following entities were interviewed as part of this review: FCDOT officials, the Alexandria Community Service Board, NAACP, Urban Institute’s Metropolitan Housing and Community Policy Center, ENDependence Center of Northern Virginia, Inc., and three minority members of the community. The three-day review included interviews, assessments of data collection systems, and review of program and contract documents.

FCDOT’s Title VI Program includes the following positive program elements –

Positive Program Elements

- **Inclusive Public Participation** – On a project-by-project basis, employs the most effective mix of outreach strategies recommended in FTA Circulars 4702.1B and 4703.1. Tailors outreach based on demographics and language assistance needs. Analyzes which outreach strategies are most effective by minority group and refines outreach accordingly.
- **Requirement to Provide Meaningful Access to LEP Persons** – Substantially met FTA Circular 4702.1B requirements and implemented DOT LEP Guidance best practices.
- **Notice to Beneficiaries of Protection under Title VI** – Title VI Notice contained all required elements; FCDOT disseminated its Notice as required; and FCDOT translated its Notice into 10 languages per its LEP Four-Factor Analysis.
- **Title VI Program Plan** – Contained all required elements.

The Program has the following administrative deficiencies -

Administrative Deficiencies

- **None**

The Program has the following substantive deficiencies –

Substantive Deficiencies

- **Requirement to Collect and Report Demographic Data** – Did not display demographic data in tabular format, develop a demographic map that highlights transit facilities that were recently replaced, improved, or scheduled for an update in the next five years, or complete and utilize the results of its 2013 on-board passenger survey.
- **Requirement to Set System-wide Service Standards and Policies** – Did not develop a quantifiable standard for service availability.
- **Requirement to Evaluate Service and Fare Changes** – Method for analyzing disparate impact and disproportionate burden did not compare the impacts of service and fare changes on minority versus non-minority populations.
- **Requirement to Monitor Transit Service** – Did not monitor the equitable distribution of bus shelters in relation to its system-wide transit amenity distribution service policy.

I. General Information

This chapter provides basic information concerning this Compliance Review of FCDOT. Information on FCDOT, the review team, and the dates of the review are presented below.

Grant Recipient:	County of Fairfax, VA
City/State:	Fairfax, VA
Grantee Number:	5349
Executive Official:	Tom Biesiadny, Director Tom.biesiadny@fairfaxcounty.gov
On-site Liaison:	Brent Riddle Michael.riddle@fairfaxcounty.gov
Report Prepared By:	The DMP Group, LLC
Dates of On-site Visit:	November 3-5, 2015
Compliance Review Team Members:	Donald Lucas, Lead Reviewer John Potts, Title VI Subject Matter Expert Khaliq Davis, Reviewer

2. Jurisdiction and Authorities

The Secretary of Transportation authorized the Federal Transit Administration (FTA) Office of Civil Rights to conduct civil rights compliance reviews. FCDOT is a recipient of FTA funding assistance and is therefore subject to the Title VI compliance conditions associated with the use of these funds pursuant to the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d)
- Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.)
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.)
- Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted)
- DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964”
- FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”
- FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients”
- DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons (December 14, 2005)
- [Executive Order 13166](#): “Improving Access to Services for Persons with Limited English Proficiency”
- Section 13 of FTA’s Master Agreement 21 (October 1, 2014)

3. Purpose and Objectives

3.1 Purpose

The Federal Transit Administration (FTA) Office of Civil Rights periodically conducts discretionary reviews of grant recipients and sub recipients to determine whether they are honoring their commitments, as represented by certification, to comply with the requirements of 49 U.S.C. 5332. In keeping with its regulations and guidelines, FTA determined that a Compliance Review of FCDOT's Title VI Program was necessary.

The Office of Civil Rights authorized the DMP Group, LLC to conduct the Title VI Compliance Review of FCDOT. The primary purpose of this Compliance Review was to determine the extent to which FCDOT has met its General Reporting and Program-Specific Requirements and Guidelines, in accordance with FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients." Members of the Compliance Review team also discussed with FCDOT the requirements of the DOT Guidance on Special Language Services to Limited English Proficient (LEP) Beneficiaries that is contained in Circular 4702.1B. The Compliance Review had a further purpose to provide technical assistance and to make recommendations regarding corrective actions, as deemed necessary and appropriate. The Compliance Review was not an investigation to determine the merit of any specific discrimination complaints filed against FCDOT.

3.2 Objectives

The objectives of FTA's Title VI Program, as set forth in FTA Circular 4702.1B, dated October 1, 2012, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" are to

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

4. Introduction to the County of Fairfax, VA Department of Transportation

FCDOT provides public transit services throughout Fairfax County, VA through its Fairfax Connector service, a fixed route bus system. Americans with Disabilities Act (ADA) complementary paratransit service in Fairfax County, VA is provided by the Washington Metropolitan Area Transit Authority (WMATA). Approximately 975,000 people live in the FCDOT service area, which covers approximately 410 square miles.

4.1 Introduction to FCDOT and Organizational Structure

FCDOT coordinates and oversees transportation-related planning and funding efforts and services and programs for the Fairfax County government, including operating a variety of multimodal programs, implementing transportation capital projects, and delivering public transportation services. The Department provides recommendations on transportation-related technical and policy issues to the Board of Supervisors and the County Executive and transportation legislation before the Virginia General Assembly and the U.S. Congress.

FCDOT consists of the Director's office and five primary divisions, including the Transportation Planning Division, the Capital Projects and Operations Division, the Transit Services Division, the Transportation Design Division, and the Coordination and Funding Division.

The Transportation Planning Division manages transportation matters related to development in the County, transportation planning and forecasting, transit systems evaluation and service planning, and prioritization of County transportation needs. The Capital Projects and Operations Division oversees the capital projects section, traffic operations section, and the pedestrian and bicycle programs. The Transit Services Division oversees the Fairfax Connector bus system and transportation marketing. The Transportation Design Division provides for design and project management of County-funded multimodal transportation improvements, including roadway, pedestrian, bicycle, bus stop, parking, transit transfer facilities, and commercial revitalization projects. The Coordination and Funding Division provides liaison activities between county, state, regional, and federal transportation agencies; boards; bodies; and commissions. This division also coordinates funding identification, allocation, and applications for the County's transportation projects and services, and collects and maintains technical data used to analyze existing transportation systems.

FCDOT's primary purpose is to provide a high-performing transportation system that addresses the lifestyle and mobility needs of the County of Fairfax community. To that end, FCDOT operates the Fairfax Connector, which provides approximately 55 percent of the bus service in the County and coordinates with WMATA to provide additional transportation services throughout the County. WMATA provides approximately 45 percent of the bus service in the County through the Metrobus system and operates the regional Metrorail system, including 14 Metrorail stations within the County, eight of which are part of the Silver Line Metrorail extension from West Falls Church to Dulles International Airport, scheduled for completion in late 2016/early 2017. WMATA also provides ADA complementary paratransit service in the County of Fairfax. FCDOT does not pass FTA funding to subrecipient transportation providers.

The Fairfax Connector bus system consists of 84 routes and annually operates over 650,000 revenue hours providing approximately 912,500 annual trips. Fairfax Connector has a fleet of

284 vehicles consisting of 30-, 35- and 40-foot heavy-duty transit buses, all of which FCDOT owns. FCDOT operates the service, including the hiring and training of drivers and the maintenance of vehicles, under contract with a private firm. Fairfax Connector buses operate within Fairfax County (including the Towns of Vienna and Herndon), and provide commuter service to and from Arlington County (Crystal City and Pentagon).

In addition to paying cash on buses, riders can purchase a regional fare card known as SmarTrip® for use on its buses. FCDOT also accepts paper transfers from other systems; however, an additional fare may apply when transferring between transit systems. FCDOT also accepts bus passes issued by regional bus systems, Virginal Railroad Express passes, Transit Link passes or MetroAccess ID cards as valid fare media. Transfers using a SmarTrip® card are valid for making an unlimited number of bus-to-bus transfers, including round trips, within two hours of the first boarding. Senior and disabled riders receive discounted fares. Customers are eligible for reduced fares if they are 65 or older and are a Medicare or Medicaid cardholder. Bus drivers may request a photo ID for proof of age. Also eligible for reduced fares are those persons 64 and younger with disabilities carrying a Metro Disability ID card.

Fairfax Connector fares were as follows:

Service Type	Customer Type	Fare Medium	Fare
Local Bus	Regular	SmarTrip®	\$1.75
Local Bus	Regular	Cash	\$1.75
Local Bus	Senior/Disabled	SmarTrip®	\$0.85
Local Bus	Senior/Disabled	Cash	\$0.85
Express Bus	Regular	SmarTrip®	\$4.00
Express Bus	Regular	Cash	\$4.00
Express Bus	Senior/Disabled	SmarTrip®	\$2.00
Express Bus	Senior/Disabled	Cash	\$2.00
Routes 595/597	Regular	SmarTrip®	\$7.50
Routes 595/597	Regular	Cash	\$7.50

The table below represents a demographic profile of the Fairfax County service area using data from the 2000 and the 2010 Censuses. The table shows the 2000 and 2010 populations by racial/ethnic group, the increase (or decrease) in populations from 2000 to 2010 and the percentage of the racial/ethnic group populations to the total population in both 2000 and 2010. The table also shows the 2000 and 2010 populations of individuals who speak English less than “very well” (Limited English Proficient).

From 2000 to 2010, the total population of the Fairfax service area increased by 11.5 percent. During this period, the White population increased by less than 1 percent, the Black population increased 19.4 percent, the Hispanic population increased 57.5 percent, the Asian population increased 50.5 percent, the American Indian/Alaskan Native population increased 51.7 percent, and the Hawaiian/Pacific Islander increased 25 percent.

In 2010, 62.7 percent of the total population was White, 9.2 percent was Black, 15.6 percent was Hispanic, 17.5 percent was Asian, 0.4 percent was American Indian/Alaskan Native, and 0.01 percent was Hawaiian/Pacific Islander.

According to the 2000 Census, 119,065 persons (12.3 percent) of the population were LEP. According to the 2010 Census, 151,152 persons (14 percent) of the population were LEP.

Racial/ Ethnic Group	Fairfax County 2000		Fairfax County 2010		Change in Service Area	
	Number	%	Number	%	Number	%
White	677,904	62.7	677,990	62.7	86	<1
Black	83,098	8.6	99,218	9.2	16,120	19.4
American Indian and Alaska Native	2,561	0.3	3,884	0.4	1,323	51.7
Asian	126,038	13	189,661	17.5	63,623	50.5
Hawaiian/Pacific Islander	691	0.1	864	0.1	173	25.0
Other Race	44,019	6.1	66,194	6.1	22,175	50.4
Two or More	35,438	3.7	43,915	4.1	8,477	23.9
Hispanic Origin ¹	106,958	11	168,482	15.6	61,524	57.5
Total Population	969,749	100%	1,081,726	100%	111,977	11.5%

Limited English Proficiency	119,065	12.3	151,152	14	32,087	27
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¹ Per the 2000 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories.

5. Scope and Methodology

5.1 Scope

The Title VI Compliance Review of FCDOT examined the following requirements and guidelines as specified in FTA Circular 4702.1B:

General Reporting Requirements and Guidelines – All applicants, recipients, and sub recipients shall maintain and submit the following:

- Annual Title VI Certification and Assurance
- Title VI Complaint Procedures
- Record of Title VI Investigations, Complaints, and Lawsuits
- Language Access to LEP Persons
- Notice to Beneficiaries of Protection under Title VI
- Monitoring subrecipients
- Submit Title VI Program
- Determination of Site or Facilities Location
- Minority Representation on Planning or Advisory Bodies
- Inclusive Public Participation

Requirements and Guidelines for Fixed Route Transit Providers – All providers of fixed route public transportation that receive Federal financial assistance shall also submit the following:

- System-wide Service Standards and Policies

Requirements and Guidelines for Fixed Route 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 -

- Demographic Data
- Evaluation of Service and Fare Changes
- Monitoring Transit Service

5.2 Methodology

The review team conducted Initial interviews with the FTA Headquarters Civil Rights staff and the FTA Region III Civil Rights Officer to discuss specific Title VI issues and concerns regarding FCDOT. FTA sent an agenda letter covering the Compliance Review to FCDOT advising it of the site visit and indicating additional information requests and issues to discuss. The review team focused on the General Reporting Requirements and Guidelines and the applicable Requirements and Guidelines for Fixed Route Transit Providers contained in FTA Title VI Circular 4702.1B that became effective on October 12, 2012. The General Reporting Requirements and Guidelines included implementation of the Limited English Proficiency (LEP) Executive Orders.

FTA requested FCDOT to provide the following documents in advance of the site visit:

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- Description of the FCDOT service area, including general population and other demographic information using the most recent Census data.
 - Current description of FCDOT public transit service, including system maps, public timetables, transit service brochures, etc.
 - Roster of current FCDOT revenue fleet, to include acquisition date, fuel type, seating configurations, vehicle assignment, and other amenities.
 - Description of transit amenities maintained by FDOT for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
 - FCDOT Organization Chart.
 - A narrative that describing the individuals and resources dedicated to implementing the Title VI requirements, handling any Title VI inquiries, and educating the agency's staff on Title VI.
 - List of any subrecipients and when their Title VI program is due. This list should include how the primary recipient stores the submitted Title VI programs and a summary of the efforts undertaken to ensure sub recipients comply with their Title VI obligations.
 - Any studies or surveys conducted by FCDOT, its consultants, or other interested parties (colleges or universities, community groups, etc.) regarding information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns, and fare usage by fare type among minority users and low-income users during the past five years.
 - Summary of FCDOT's current efforts to engage the public, with special emphasis on the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.
 - Copy of FCDOT's four-factor analysis of the needs of persons with Limited English Proficiency.
 - Copy of FCDOT's Language Assistance Plan (LAP) for persons with limited English proficiency that FCDOT based on the USDOT LEP Guidance.
 - FCDOT's procedures for investigating and tracking Title VI complaints and documentation that the procedures for filing complaints are available to members of the public upon request.
 - List of any investigations, lawsuits, or complaints naming FCDOT that allege discrimination based on race, color, or national origin during the past three years. This list must include:
 - the date 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 FCDOT in response to the investigation, lawsuit, or complaint
 - Copy of FCDOT's Notice to Beneficiaries of Protections under Title VI.
 - Documentation of efforts made by FCDOT to notify members of the public of the protections against discrimination afforded to them by Title VI.
 - Documentation that shows the racial breakdown of minority representation on planning and advisory bodies. This documentation will include a table depicting the racial breakdown of the membership of each planning and advisory body, and a description of the efforts made to encourage the participation of minorities.
 - Copies of any Title VI equity analysis conducted for any siting or location of facilities projects during the past three years. Additionally, if certain projects normally evaluated

during the NEPA process do not undergo such an evaluation, FTA requires the conduct of a Title VI equity analysis.

- Copy of FCDOT's demographic analysis of its beneficiaries. This can include either demographic maps and charts prepared or a copy of any customer surveys conducted since the last Title VI submittal that contain demographic information on ridership, or FCDOT's locally developed demographic analysis of its customers' travel patterns.
- Quantitative system-wide service standards and qualitative system-wide service policies adopted by FCDOT to guard against discriminatory service design or operations decisions.
- Documentation of FCDOT's policies and procedures for evaluating any fare change and major service change (included with the policies and procedures is the related public outreach related to the development of said policies and procedures). If FCDOT has made a fare change or a major service change in the past three years or is currently planning such changes, provide FCDOT's service and fare equity analysis.
- Documentation of periodic service monitoring activities undertaken by FCDOT during the past three years to compare the level and quality of service provided. The monitoring analysis should compare minority to non-minority routes to ensure that the result of policies and decision-making is equitable service. If the transit agency determines that the system's ridership does not permit a minority to non-minority comparison, the transit agency must determine whether it is able to conduct an analysis that disaggregates the ridership into specific minority groups and make the appropriate comparison. If FCDOT's monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.

FCDOT assembled the documents prior to the site visit and provided them to the review team for advance review. A detailed schedule for the three-day site visit was developed.

The site visit to FCDOT occurred on November 3-5, 2015. Section 9 of this report lists the individuals participating in the Compliance Review. The contractor review team conducted an Entrance Conference at the beginning of the Compliance Review with FCDOT senior management, FCDOT staff, FTA Headquarters and Regional staff. During the Entrance Conference, the review team explained the goals of the Compliance Review and the needed cooperation of staff members. The review team also discussed a detailed schedule for conducting the on-site portion of the review.

Following the Entrance Conference, the review team met with FCDOT transportation planning other staff responsible for Title VI compliance. During this meeting, discussions focused on a detailed examination of documents submitted in advance of the site visit and documents provided at the site visit by FCDOT. The review team then met with FCDOT staff to discuss how FCDOT incorporated FTA Title VI requirements into its public transportation program.

With the assistance of FCDOT staff, the review team selected and toured two minority and two non-minority bus routes. During the tours, the review team compared ridership, vehicle assignment and condition, and distribution of transit amenities (shelters, benches, bike racks, kiosks, and trashcans) on minority and non-minority routes comparable in terms of route length. The review team compared the minority portions of Route 401/402 to the non-minority portions of the same route, and minority compared Route 161 to non-minority Route 640/632. The review team did not observe discrimination or disparate impact related to persons protected by Title VI in FCDOT's provision of transit service.

During the Compliance Review, the review team conducted interviews with six minority representatives of the community served by the Fairfax Connector. Two of the individuals interviewed were employees of outside agencies that provide training to foreign-born individuals, including training on how to use public transportation. These same two individuals were frequent Fairfax Connector riders. Five out of the six individuals interviewed indicated they were aware of FCDOT's efforts to engage minorities on planning matters, including service and fare changes. Although not presented as minority outreach specifically, interviewees stated they were aware of recent notices posted at stops and on vehicles regarding the expansion of the Silver Line and other recent service changes. One individual stated that representatives from Fairfax Connector held meetings at the local public schools. Another individual noted seeing information provided via a newsletter, and observed information and notices posted in Spanish. Interviewees were not aware of information circulated in minority newspapers or on minority radio stations. Interviewees did not experience or perceive there to be disparities between service in minority areas versus service in non-minority areas with respect to overcrowding on buses, service frequency, or the distribution of transit amenities. Five individuals were aware of procedures used to communicate with individuals who may not speak English well. None of the individuals interviewed reported any disputes or complaints with Fairfax Connector.

At the end of the site visit, the review team held an Exit Conference with FCDOT staff, Headquarters and Regional staff, and the contractor Review team. The review team discussed Initial findings and corrective actions with FCDOT at the Exit Conference.

6. Findings of General Reporting Requirements and Guidelines

6.1 Inclusive Public Participation

Requirement

FTA recipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

Discussion

During this compliance review, FTA found no deficiencies with this requirement. In its July 2014 Title VI Plan, FCDOT provided a comprehensive description of its plan to include minority, LEP, and low-income populations in its transportation planning process. In its inclusive public participation plan, FCDOT explicitly identified the following goals:

- *Ensure that minority, LEP, and low-income individuals are provided with meaningful and accessible opportunities to provide input into Fairfax County's transit decision-making process.*
- *Build relationships that facilitate open and frequent communication with key stakeholder groups representing and working with minority, LEP, and low-income communities.*
- *Obtain information and feedback that Fairfax Connector can use to inform the provision of transit service that meets the specific transportation needs of minority, LEP, and low-income populations.*

FCDOT's inclusive public participation plan is rooted in and inclusive of FTA best practices as detailed in FTA Circulars 4702.1B and 4703.1. These measures include

- Planning and implementing efforts to understand the needs and priorities of Title VI populations, including the use of online, paper, and in-person surveys;
- Using demographic maps to understand the distribution of minority and LEP populations throughout the service area in relation to transit initiatives;
- Analyzing which outreach methods are most effective for specific Title VI groups (i.e., Black, Asian, Hispanic, and LEP speakers).
- Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities;
- Employing different meeting sizes and formats;
- 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;
- Placing radio, television, or newspaper ads on stations and in publications that serve LEP populations and making audio programming available on podcasts for those populations;

- 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; and
- Providing sufficient notice through a variety of media including email blasts, social networking (Facebook and Twitter), and signs on transit vehicles and at stations frequented by Title VI populations.

With these goals and measures as its framework for public involvement, on a project-by-project basis, FCDOT tailored its outreach strategy based on project scope, geographic impact, lessons learned, and demography in an attempt to employ the most effective mix of outreach tactics. For example, in 2011, FCDOT implemented two service changes affecting minority riders related to the construction of the Wiehle-Reston East Metrorail Station (WREMS) parking garage and the Ft. Belvoir Base Realignment and Closure Process (BRAC). The impacts of both initiatives were relatively localized. Prior to finalizing its plans, FCDOT tailored its outreach efforts to include holding public meetings scheduled during different times of the day and at transit-accessible locations located near the affected areas (providing translation services as requested); posting notices for meetings on transit vehicles and at stations serving the affected areas; posting information and inviting feedback on its website; and handing out information meeting notices directly to passengers at bus stops and stations. Because the BRAC project affected a large Hispanic population, FCDOT translated other project information into Spanish.

In conjunction with the Washington Metropolitan Area Transit Authority's (WMATA) Silver Line project, FCDOT implemented a broader inclusive public participation strategy. The Silver Line is a 23.1-mile Metrorail extension that connects the Fairfax County communities of Tysons Corner, Reston, Herndon, and Dulles International Airport to the regional rail system. In addition to the measures employed for the WREMS and BRAC projects, FCDOT implemented the following strategies:

- Engaged community-based organizations (CBOs);
- Presented and received input at monthly meetings for local human services agencies;
- Sought and used Fairfax County Public Schools communication channels and resources to reach parents;
- Translated print materials in Spanish, Korean, Vietnamese, Mandarin Chinese, Cantonese Chinese, Amharic, Hindi, Arabic, Urdu, Farsi, and Tagalog, as appropriate, per the results of its LEP four-factor analysis, LAP, and demographic analysis;
- Issued public service announcements (PSAs) on Spanish-language media channels, including Univision, Telemundo, and Spanish-language radio stations. FCDOT reported that Spanish-language PSAs were effective in distributing information to Fairfax County's Hispanic community;
- Planned and implemented "Pop-Up" events, which include setting up information booths at places where Fairfax Connector riders and local residents were present in formats that allowed for one-on-one interaction. FCDOT held Pop-up events at transit centers and major transfer points, community centers, schools, senior centers, medical centers, churches, and County-owned and other multifamily residential complexes. When project resources allowed, FCDOT provided SmarTrip® cards or other small giveaway materials to increase public participation. At these pop-up events, translators and members of local CBOs accompanied FCDOT to facilitate relationship building and communication with the local community. Individuals had the opportunity to speak directly to FCDOT, thus increasing the agency's feedback from minority, low-income, and LEP populations.

Finally, in the development and implementation of its 2015 Fairfax County Comprehensive Transportation Plan and Transit Development Plan (TDP), FCDOT hired an outreach coordinator to develop a comprehensive outreach and public involvement campaign called *Connections 2015*. FCDOT implemented the campaign in two phases and incorporated all the measures employed in the previous examples, as well as including the following public events:

- **Phase One** – Eleven public events: four informal Pop-Up Events, six formal Public Workshops, and one *Ask Fairfax!* Virtual Town Hall (online chat forum).
- **Phase Two** – Thirteen public events: two informal flyer distribution sessions, four set-ups of information at County libraries, six formal Public Workshops, and one *Ask Fairfax!* Virtual Town Hall. FCDOT designed the variety of event formats, event activities, and event locations to attract a diverse set of participants including frequent riders, potential riders, and Title VI-protected populations.

During both phases of *Connections 2015*, FCDOT communicated public notices on public access television, and working groups were held with CBO representatives, seniors, persons with disabilities, minorities, and LEP speakers. During the review, FCDOT provided examples of translated documents it distributed at all events and meetings, as well as attendance reports, which, in some cases, identified the attendance of persons belonging to Title VI-protected classes. In one instance, FCDOT reported that at a Pop-Up event, held at the Seven Corners Transit Center, over 250 people provided planning feedback, “many of whom exclusively spoke Spanish.”

As recommended in FTA Circular 4703.1 *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*, FCDOT did evaluate the effectiveness of its outreach efforts by disaggregating the information it tracked and analyzing it by group. In its *Connections 2015* Phase One report, FCDOT reported on respondent data by ethnicity and input method, as shown in the table below:

Outreach Format	White	Black	Asian	Hispanic	Native American	Other
Workshops	57%	19%	7%	4%	2%	11%
Online	72%	8%	7%	6%	1%	7%
Pop-Up Events	36%	15%	9%	27%	0%	12%

This data shows that the outreach efforts reached minorities at a level that generally exceeded their representation in the population. The exception to this is that minorities did not benefit from online outreach.

Finding

As shown in the discussion, FCDOT developed and implemented a public participation plan in accordance with the FTA Circular 4702.1B requirements. Therefore, FCDOT is in compliance and there is no corrective action needed at this time.

6.2 Language Access to LEP Persons

Requirement

FTA recipients shall take responsible steps to ensure meaningful access to all benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP).²

Discussion

During this compliance review, FTA found no deficiencies with this requirement. FTA made an advisory comment, however, regarding this requirement. FCDOT effectively identified its LEP population, the frequency with which LEP speaking persons came into contact with its services, LEP rider needs and priorities related to FCDOT's service, and its commitment in terms of cost associated with its ongoing provision of language assistance. FCDOT also developed a comprehensive Language Assistance Plan (LAP), the elements of which were developed from the results of its LEP four-factor analysis. In its LAP, however, FCDOT indicated it was conducting an annual monitoring and evaluation process, the results of which informed its annual LAP update. During the site visit, the review team confirmed that FCDOT had not updated its LAP annually as stated in its LAP. FCDOT's most recent LAP, dated July 2014, included references to language assistance measures it planned to implement at that time. The review team confirmed that since July 2014, some of the measures that were at the time aspirational had been implemented. However, FCDOT did not update its LAP a year later in July 2015 to reflect FCDOT's progress. FCDOT explained that due to staff changes, it did not complete the update to its plan. FCDOT further explained that it had recently hired staff dedicated to the administration of its Title VI program whose first responsibility was to update FCDOT's LAP.

The FCDOT was responsive to the requirements and recommended best practices detailed in FTA Circular 4702.1B and the USDOT LEP Guidance. For *Factor 1: The number or proportion of Limited English Proficiency persons eligible to be served or likely to be encountered by the recipient*, FCDOT analyzed data from the U.S. Census American Community Survey, Fairfax County Public Schools Home Language Survey, and Fairfax Connector Bus Rider Survey. FCDOT's analysis confirmed 10 languages spoken by LEP populations throughout the county. Listed in order of most to least number of speakers, they are Spanish (63,100), Korean (19,355), Vietnamese (13,946), Chinese (10,274), Hindi (5,927), African languages (5,050), Arabic (3,725), Urdu (3,629), Farsi (3,606), and Tagalog (2,967).

For *Factor 2: The frequency with which Limited English Proficiency persons come into contact with the program*, and *Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives*, FCDOT conducted surveys of its bus operators and focus groups with seven County government educational, social service, and healthcare service providers that serve LEP populations across Fairfax County. The surveys and focus groups confirmed frequent daily encounters with LEP speaking persons consistent with the results in Factor 1. In addition, FCDOT was able to identify language assistance needs along different routes and in different parts of its service area. For example, FCDOT bus operators and supervisors identified the following language assistance needs along the following routes:

Language	Route
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² Language access to LEP persons is not limited to only fixed route services, but will also include paratransit service and any other demand response services the grantee makes available to the public.

Language	Route
Spanish	171, 401, 402, 950, RIBS 1, 2, and 3
Vietnamese	401, 402
Korean	RIBS 5
African languages	927, 950
Arabic	505
Amharic	927, 955, 950, 981, all RIBS routes

To complement its methodology for Factor 1 of its LEP analysis, FCDOT also developed demographic maps of the distribution of Fairfax County households with no vehicles and households with only one vehicle. FCDOT did not provide a map showing the relationship between households with one or no vehicles and LEP speaking persons, but it stated, “The concentrations of Census tracts in Fairfax County with high percentages of households without cars, or only one car correspond roughly with census tracts that have high percentages of linguistically isolated communities.” Although FCDOT was advised to produce such a map to support its statement, it nonetheless attempted to correlate vehicle ownership (or lack thereof) with LEP ridership to better understand where and how much contact it might have with LEP speaking persons relative to other areas in the County. FCDOT made the reasonable assumption that households with no or only one vehicle are more likely to be dependent on public transit.

Focus group discussions with Fairfax Connector Bus Operators and Supervisors, Neighborhood and Community Services – Region 3, Office of Human Rights and Equity Programs, Fairfax County Public Schools – Office of Language Acquisition and Title I, Neighborhood and Community Services – Region 1, Neighborhood and Community Services – Region 4, and the Fairfax Connector Store helped to better understand the frequency and importance of FCDOT’s Fairfax Connector service. Most LEP speaking persons use the service as their primary mode of transportation to get to work, school, medical appointments, and for general shopping. In addition, through the focus groups, FCDOT was able to identify language assistance measures that were unavailable or were insufficient. Specifically, several of the focus groups identified a need for more translated route information and maps, operator training and resources designed to help operators better assist LEP riders (e.g., “tear sheets”), and LEP travel training.

For *Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach*, FCDOT analyzed the results of Factors 1, 2, and 3 and identified strategies it would employ to continue and accordingly improve the provision of language assistance to its LEP speaking riders based on its resources. In its plan, it identified the following measures already in place or planned for implementation, with budgets for each measure:

- *Leveraging internal staff capacity for translation of certain documents.*
- *Developing community partnerships to provide translation services at events.*
- *Modifying Fairfax Connector bus rider surveys to collect data to better serve LEP populations.*
- *Creating highly visual area maps for bus operators to use with low-literacy and LEP passengers.*
- *Expanding an existing “travel training” program that can be modified for LEP populations.*

- *Expanding Fairfax County's existing language line contract to include FCDOT, which would allow LEP populations to speak to a telephone operator in their native language with FCDOT office staff about Fairfax Connector services. The language line will give FCDOT access to real-time translation over the telephone for more than 200 languages. FCDOT staff, including bus supervisors, call center staff, and Connector Store staff will be able to access the language line as needed.*

All elements of FCDOT's LAP were responsive to its LEP four-factor analysis and provided a comprehensive and well-thought out plan to include methods for identifying the LEP populations it serves; developing existing and future language assistance provisions, procedures for notifying its LEP ridership of said provisions, and training; and evaluating and updating its plan. In its LAP, FCDOT provided a list of LAP measures it provided, including a reference to translating documents, it considered vital, however, it did not clearly identify which documents it considered vital. FCDOT should more clearly identify its vital documents, to include important safety and security information.

In response to the Draft report, on March 4, 2016, FCDOT identified the following documents as vital and translated for language assistance purposes.

- *Fairfax Connector Schedules (English, other languages upon request)*
- *Fairfax Connector Fares and Policies Brochure (Spanish and English, other languages upon request)*
- *Title VI Notice and Complaint Forms (Top 10 languages spoken in Fairfax County)*
- *Title VI Notice Bus Cards (English and Spanish, with instructions to receive information in nine languages)*
- *Fairfax Connector Service Update Information Flyers (Spanish and English, other languages upon request)*
- *Student Pass Program Materials and Surveys (Spanish and English)*

In addition, FCDOT stated,

In accordance with the County's Title VI program, FCDOT has been working to update the Language Access Plan (LAP). FCDOT has begun compiling data (i.e., number of public meetings, translators required, website hits) and is developing a staff survey, which will be used to evaluate how effectively FCDOT is using language assistance resources to reach LEP populations. FCDOT also has begun mapping distinct demographic service areas, in order to better inform public outreach efforts.

FCDOT is encouraged to follow through on these efforts to monitor and update its LAP. However, FCDOT's response did not address completing its LAP monitoring and updating processes on an annual basis as it stated it would do in its plan. According to its plan, FCDOT should have updated its LAP by July 2015. According to FCDOT's response to the Draft report, as of March 30, 2016, FCDOT is just beginning to compile data and develop evaluation criteria (including a staff survey) it will use to update its plan. FTA advises FCDOT to update its LAP on an annual basis as indicated in its plan, or change the frequency with which it commits to updating its LAP. As discussed during the site visit, FCDOT is not required to update its LAP annually. For example, if the dynamics of FCDOT's demographics, along with data compilation and survey processing time are such that a triennial update is reasonable and sufficient,

perhaps FCDOT should consider changing its LAP update frequency to once every three years. FTA will evaluate FCDOT's compliance with FTA Title VI requirements and with the provisions included in its plan.

Finding

FCDOT's LEP Four-Factor Analysis and Language Assistance Plan substantially met FTA Circular 4702.1B requirements; however, FTA advised FCDOT to make minor improvements as summarized in the following table.

LEP Four-Factor Analysis and Language Assistance Plan

Elements Required (per FTA Circular 4702.1B)	Included in Plan	Notes/Comments
Part A – Four-Factor Analysis		
Demography – Number or proportion of LEP persons eligible to be served or likely to be encountered	Yes	American Community Survey, Fairfax County Public Schools Home Language Survey, Fairfax Connector Bus Rider Survey
Frequency of contact – Frequency with which LEP individuals come into contact with program and/or activities	Yes	Frequent
Importance – Nature and importance of program, activity, or service to people's lives	Yes	Work, school, medical, shopping.
Resources – Resources available and costs	Yes	Multiple. Cost analysis conducted.
Part B – Develop Language Assistance Plan		
Identification of LEP persons	Yes	American Community Survey, Fairfax County Public Schools Home Language Survey, Fairfax Connector Bus Rider Survey
Language assistance measures	Yes	Multiple. Enumerated in plan
Training of staff	Yes	CBO travel training, Pop-Up event training, community meeting training, staff training
Identify Vital Documents/Prioritization of Vital Documents	Yes	Title VI Notice and Complaint Forms, Title VI Notice Bus Cards, Fairfax Connector Schedules, Fairfax Connector Fares and Policies Brochure, Fairfax Connector Service Update Information Flyers, and Student Pass Program Materials and Surveys.
Provide notice to LEP persons	Yes	Title VI notice, website

Monitor and update LAP	Yes	Annually. Advised to update LAP annually or reduce the frequency with which FCDOT provides LAP updates.
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Corrective Actions and Schedules

FTA advised FCDOT to establish a LAP update frequency in its plan that gives FCDOT enough time between updates to complete its language assistance monitoring and evaluation processes while remaining responsive to service area language assistance needs.

6.3 Title VI Complaint Procedures

Requirement

FTA recipients and sub 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 upon request.

Discussion

During this compliance review, FTA found no deficiencies with this requirement. FTA made an advisory comment, however, regarding this requirement. FCDOT's complaint procedures included procedures for receiving complaints, documenting complaints using a readily available complaint form [including at administrative offices, transit stores, and the Fairfax County Office of Human Rights and Equity Programs (OHREP) office and online], determining the nature and legitimacy of complaints, and timeframes for investigation and determination. OHREP investigated all complaints. Once OHREP staff completed an investigation, it submitted a report and recommendation to the OHREP Executive Director, who reviewed the report and accompanying documentation and made a final determination.

OHREP documentation concerning the public's ability to appeal a decision stated, "OHREP's findings fall under the purview of the Equity Programs Division and there is no right of appeal."

Although FCDOT's Title VI complaint procedures met FTA Circular 4702.1B requirements, FCDOT did not provide a process for hearing appeals that allowed FCDOT to resolve complaints within the agency. FTA advised FCDOT to update its complaint procedures to allow FCDOT to make the initial complaint determination at one level within the agency, and appeal determinations to be made at a higher level of the agency, allowing for the resolution of complaints at the lowest level possible.

In response to the Draft report, on March 4, 2016, FCDOT stated it had begun discussions with OHREP to address this advisement; however, it had not yet made changes to its complaint procedure.

Finding

Although FCDOT's Title VI complaint procedures substantially met FTA Circular 4702.1B requirements, FTA advised FCDOT to make minor improvements.

Corrective Actions and Schedules

FTA advised FCDOT to update its complaint procedures to include an internal appeals process.

6.4 Record of Title VI Investigations, Complaints, and Lawsuits

Requirement

FTA recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipients that allege discrimination based on race, color, or national origin. 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 to the investigation, lawsuit, or complaint.

Discussion

During this compliance review, FTA found no deficiencies with this requirement. In its 2014 Title VI Plan, FCDOT reported it did not receive any Title VI complaints from 2011 through 2013. During the site visit, FCDOT confirmed it had not received any Title VI complaints since the submission of the 2014 Title VI Plan. The review team reviewed the requirements for reporting Title VI complaints with FCDOT during the site visit to confirm its understanding should it receive complaints in the future.

Finding

As reported in the discussion, FCDOT had not received, and therefore, did not have Title VI investigations, complaints, or lawsuits to report. FCDOT confirmed its understanding of FTA Circular 4702.1B requirements in this area. Therefore, FCDOT is in compliance and there is no corrective action needed at this time.

6.5 Notice to Beneficiaries of Protection under Title VI

Requirement

FTA recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients shall disseminate this information to the public through measures that can include but shall not be limited to a posting on its Web site. Furthermore, notices will detail a recipient's Title VI obligations into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's LAP.

Discussion

During this compliance review, FTA found no deficiencies with this requirement. FCDOT's Title VI Notice contained all required elements as indicated in the table below; it was available on its website, at administrative offices, and posted on transit vehicles; and FCDOT translated its Notice into the 10 languages identified in its LAP. FCDOT's Title VI Notice was as follows:

The Fairfax County Department of Transportation and Fairfax Connector operate 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 Fairfax County Office of Human Rights and Equity Programs within 180 days of the date of the alleged discrimination. The Office of Human Rights and Equity Programs is located at 12000 Government Center Parkway, Fairfax, Virginia 22035. This office can also be reached by calling 703-324-2953, TTY 711, or Fax: 703-324-3570.

For more information on the Fairfax County Department of Transportation and Fairfax Connector civil rights program and the procedures to file a complaint, please contact: 703-339-7200 (703-339-1608 TTY), email fairfaxconnector@fairfaxcounty.gov; or visit the department's administrative office at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033. Information on the procedures to file a complaint or to file a complaint contact: 703-324-2953 (TTY 711) or <http://www.fairfaxcounty.gov/ohrep/epd/>. Complaints can be mailed to: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Finding

As reported in the discussion and indicated in the table below, FCDOT developed and distributed a Title VI Notice to Beneficiaries in accordance with the FTA Circular 4702.1B requirements. Therefore, FCDOT is in compliance and there is no corrective action needed at this time.

FCDOT Notice to Beneficiaries of Protection under Title VI

Elements Required (per FTA Circular 4702.1B)	Included in Draft Policy
Statement that agency operates programs without regard to race, color, and national origin.	Yes
Description of procedures that members of the public should follow to request additional information on recipient's nondiscrimination obligations.	Yes
Description of procedures that members of the public should follow to file a discrimination complaint against recipient.	Yes
Notice translated into languages other than English	Yes

6.6 Annual Title VI Certification and Assurance

Requirement

FTA recipients shall submit their annual Title VI certification and assurance as part of its Annual Certifications and Assurances submission to FTA in the FTA Web-based Transportation Electronic Award Management (TEAM) grants management system.

Discussion

During this compliance review, FTA found no deficiencies with this requirement. FCDOT filed the required Title VI Certification and Assurance in TEAM on December 2, 2014.

Finding

As reported in the discussion, FCDOT filed its Title VI Certifications and Assurances timely and in accordance with FTA Circular 4702.1B requirements. Therefore, FCDOT is in compliance and there is no corrective action needed at this time.

6.7 Monitoring Subrecipients

Requirement

Primary recipients must monitor their sub recipients for compliance with the regulations. Importantly, if a subrecipient does not comply with Title VI requirements, then the primary recipient is also not in compliance.

Discussion

At the time of this compliance review, FCDOT did not have subrecipients of FTA funding therefore no monitoring was required.

Finding

As reported in the discussion, FCDOT did not have subrecipients. Therefore, FCDOT is in compliance and there is no corrective action needed at this time.

6.8 Minority Representation on Planning or Advisory Bodies

Requirement

FTA recipients shall not deny an individual based on race, color, or national origin the opportunity to participate as a member of a transit-related, non-elected planning, advisory, committee, or similar body. FTA recipients shall provide a table depicting the racial breakdown of the membership of those bodies, and a description of the efforts made to encourage the participation of minorities on such committees.

Discussion

During this compliance review, FTA found no deficiencies with this requirement. FTA made an advisory comment, however, regarding this requirement. In its FY2014 Title VI Plan, FCDOT identified four non-elected advisory bodies: the Transportation Advisory Commission, the Commission on Aging, the Fairfax Area Disability Service Board, and the Mobility and Transportation Committee. The racial make-up of these organizations and the overall county population is as follows:

Advisory Body	Race/Ethnicity				
	Caucasian	Hispanic	African American	Asian American	Native American
<i>Fairfax County Population (2010 Census)</i>	63%	16%	9%	18%	0.2%
Transportation Advisory Commission	100%	0%	0%	0%	0%
Fairfax Area Commission on Aging	82%	0%	9%	9%	0%
Fairfax Area Disability Services Board	93%	0%	0%	0%	7%

Mobility & Transportation Committee (Disability Services and Long Term Care)	75%	0%	10%	15%	0%
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All minority representation on FCDOT's advisory boards was below the County population averages, with the exception of African American on two and Native Americans on one. Only one of the boards, the Commission on Aging (COA), had documentation that encouraged minority participation. FCDOT described the COA membership in the following way:

Twelve (12) members - (9) one representative from each District; one (1) at-large representative; and one (1) representative from Fairfax City; and (1) one representative from Falls Church. The Fairfax Area COA shall be made up of more than 50 percent older persons including minority individuals; representative of older persons; representative of health care provider organizations, supportive services provider organizations; persons with leadership experience in the private and voluntary sectors, local elected officials, and the general public.

The Fairfax Area COA worked to increase awareness of problems affecting Fairfax's aging population and organized activities to improve the well-being of the County's senior population.

The Fairfax Area Disability Services Board provided the Fairfax County government with input, assistance, and advice on the service needs of persons with physical and sensory disabilities. The Mobility and Transportation Committee aimed to create a multimodal transportation system in Fairfax County that afforded personal independence, choice, and full participation by all individuals regardless of age, disability, or economic status in a safe, accessible, affordable, reliable, timely, and sustainable manner. The Committee promoted funding for transit studies, advocated for improved transportation access, and encouraged government and CBOs to use best practices in mobility management.

The Transportation Advisory Commission (TAC) advised the Board of Supervisors (elected officials who appoint members to the TAC) on major transportation issues, including, but not limited to, transit service. TAC comprised 11 members who each serve two-year terms. It included one member from each magisterial district (9), one at-large, and one Disability Services representative. The Board of Supervisors appointed all TAC members.

During the site visit, the review team raised concern regarding the lack of minority representation on FCDOT's non-elected advisory committees, given the ethnic diversity of Fairfax County. FCDOT stated in its 2014 Title VI Plan that it was working with its Board of Supervisors "to ensure that they are aware of non-Caucasian individuals who may have an interest in serving on the TAC and the importance of having a TAC that is representative of Fairfax County's diverse population." During the site visit, FCDOT explained that since the submission of its 2014 Title VI Plan there had been little progress, but that it would continue to work with the Board of Supervisors, several of whom residents of the county elected as recently as November 4, 2015.

In addition, FCDOT indicated it had been working on the formation of a new non-elected advisory committee called the Fairfax Connector Riders Advisory Committee (RAC). According to its draft bylaws, the RAC's mission was to

...actively elicit and provide input from a broad range of riders on operational, and service planning issues that affect the Fairfax Connector Bus Service (CONNECTOR); provide input from riders and organizations with an expressed interest in public transit; advise the Fairfax County Board of Supervisors on ways to resolve such issues in order to improve the CONNECTOR service; increase Fairfax County Department of Transportation (FCDOT) responsiveness to riders; and recommend service improvements to the Board and staff, based on public input, so that FCDOT can more effectively address the diverse concerns of the riding public.

FCDOT described RAC membership in RAC's draft bylaws as follows:

- a. *Each member will serve a 2-year term*
- b. *Composition*
 - i. *Membership shall reflect a broad array of ages, genders, races, disabilities;*
 - ii. *Membership will reflect the demographic composition of Fairfax County and be consistent with the recommendations of the County's adopted Title VI Plan;*
 - iii. *The commission shall include thirteen (13) members comprised of Fairfax County residents who currently ride the Fairfax Connector bus system appointed by the Board of Supervisors as follows: ten (10) Fairfax County residents, one (1) from each of the nine (9) magisterial districts appointed by his or her respective Supervisor and one (1) at-large member appointed by the Board Chairman; one (1) member appointed by the Fairfax Area Disabilities Service Board (FA-DSB); one (1) at-large member will be recommended by the Tysons Partnership ;(1) at-large member will be recommended by the Southeast Fairfax Development Corporation (SFDC)and approved by the Board to fill gaps in representation regarding geographic, demographic or bus ridership.*

Although FCDOT could not specify exactly when RAC would begin operations, it did communicate that it thought final approval and implementation of the RAC would be soon.

FCDOT is encouraged to take steps to increase minority representation on planning or advisory bodies as it stated it would during the site visit.

In response to the Draft report, on March 4, 2016, FCDOT stated,

FCDOT recognizes that minority representation on planning or advisory bodies is important for the effective delivery of transit services countywide. FCDOT continues to make progress on the development of the Riders Advisory Committee (RAC). The proposed bylaws are under internal review, in anticipation of Board of Supervisors review in spring 2016. In addition, as stated in the Title VI Program, FCDOT continues to encourage Board of Supervisor members to appoint representatives to the Transportation Advisory Commission (TAC) that reflect the County's incredible diversity.

Finding

FCDOT's submittal on minority representation on planning or advisory bodies substantially met FTA Circular 4702.1B requirements. However, FTA advised FCDOT to improve in this area by

taking specific steps to increase minority representation on non-elected committees or other bodies.

Corrective Actions and Schedules

FTA advised FCDOT to continue working with Fairfax County's Board of Supervisors to appoint a Transportation Advisory Commission that is representative of Fairfax County demographics. FTA further advised FCDOT to finalize plans for the implementation of the Fairfax Connector Riders Advisory Committee, obtain final approval for its formation, and begin appointing members in substantial accordance with the draft bylaws presented during the site visit, particularly as follows:

Membership will reflect the demographic composition of Fairfax County and be consistent with the recommendations of the County's adopted Title VI Plan.

6.9 Determination of Site or Location of Facilities

Requirement

FTA recipients shall complete a Title VI equity analysis during the planning stage with regard to race, color, or national origin. A recipient shall also engage in outreach to persons potentially impacted by the siting of facilities. The analysis shall compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site. This requirement will mostly focus on certain facilities, due to the National Environmental Policy Act (NEPA) process evaluating the other types of projects. If however the project did not trigger the NEPA process, the normally exempted projects will undergo a Title VI equity analysis.

Discussion

During this compliance review, FTA found no deficiencies with this requirement. FTA made an advisory comment, however, regarding this requirement. FTA Circular 4702.1B states the following (emphasis added):

*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 its 2014 Title VI Plan, FCDOT stated it had not constructed any facilities as defined by FTA Circular 4702.1B that required land acquisition and the displacement of persons from their residences and businesses during the reporting period of 2010 through 2013. During the site visit, FCDOT again stated that based on its interpretation of the FTA Circular requirement, it did not have to conduct an equity analysis for the same reasons it referenced in its 2014 Title VI Plan. According to FCDOT, because the expansion of the West Ox Bus Facility occurred on land already owned by Fairfax County, was located directly adjacent to existing County facilities, and did not require the acquisition of land or the displacement of persons from their residences or businesses, the FTA requirement did not apply.

It was the interpretation of the Review team that while related by inclusion in this part, the condition expressed by the first highlighted sentence in the quotation above and the definition established by the second highlighted sentence were mutually exclusive. In the case of the expansion of the West Ox Bus Facility, because it met the definition of a maintenance/operations facility, the requirement to conduct a Title VI equity analysis applied.

In addition, FTA advised FCDOT that it must conduct equity analyses during the planning stages of construction projects. In its annual Transit Development Plan update letters (FY 2011 – FY 2014) to the Virginia Department of Rail and Public Transportation, FCDOT reported on the planning and progress of Phase 2 of the West Ox bus facility. It was during the planning of the West Ox bus facility project that FCDOT should have conducted the equity analysis.

During field observations, the review team visited the West Ox Bus Facility and observed that its location did not appear to have a disparate impact on Title VI-protected classes. In fact, the facility was located in a commercial area and did not appear to be visible from the nearest residence. FCDOT built the facility on land within an existing municipal operations complex, the cumulative effects of which were insignificant given its location and distant proximity to surrounding residences and businesses.

Finding

FCDOT substantially met FTA Circular 4702.1B requirements for the determination of site or location of facilities. However, FTA advised FCDOT to take future action to ensure compliance in this area. Specifically, FTA advised that for all future storage facility, maintenance facility, or operations center construction projects, FCDOT contact the FTA Region 3 Civil Rights Officer during the planning stages to confirm whether a Title VI equity analysis would be required, and to proceed accordingly.

In response to the Draft report, on March 4, 2016, FCDOT stated,

In the future, in accordance with FTA Circular 4702.1B and 49 CFR part 21, Appendix C, Section (3)(iv), FCDOT intends to conduct Title VI equity analyses and public outreach on the siting and purchase of facilities, as described in this section. Accordingly, FCDOT will complete Title VI equity analyses during the planning stage for any future maintenance or storage facilities, operations centers, or similar facilities not covered by a NEPA review.

FTA advises FCDOT that maintenance facilities, storage facilities, and operations centers might also be subject to the NEPA process, and that not all NEPA processes include the required Title VI equity analysis. FCDOT should not assume that the NEPA process associated with the

construction of maintenance or storage facilities, operations centers, or similar facilities includes the required Title VI equity analysis, but should review the NEPA process to confirm compliance with FTA Circular 4702.1B. If a NEPA process was not fully responsive to FTA requirements, FTA advises FCDOT to take additional steps to comply.

Corrective Actions and Schedules

FTA advises FCDOT to ensure that it conducts the required Title VI equity analysis for all future maintenance or storage facilities, operations centers, or similar facilities.

6.10 Submit Title VI Program

Requirement

All direct and primary recipients must 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. All recipients (including sub recipients), the Title VI program must be approved by the recipient's board of directors or appropriate governing entity or officials responsible for policy decisions prior to submission.

Discussion

During this compliance review, FTA found no deficiencies with this requirement. According to FTA's TEAM-web, FCDOT submitted its most recent Title VI Program Plan on November 19, 2014 and expires on November 30, 2017. The FCDOT 2014 Title VI Plan contained all required elements as indicated in the table below.

Finding

As reported in the discussion and indicated in the table below, FCDOT submitted its most recent Title VI Program plan in accordance with the FTA Circular 4702.1B requirements. Therefore, FCDOT is in compliance and there is no corrective action needed at this time.

Title VI Program Reporting Requirements and Guidelines

General Reporting Requirements/Guidelines (per FTA Circular 4702.1B)	Included in Program Submittal
Summary of public outreach and involvement activities undertaken since last submission and description of steps taken to ensure that minority and low-income people had meaningful access to these activities.	Yes
Copy of agency's plan for providing language assistance for persons with limited English proficiency based on DOT LEP Guidance or copy of agency's alternative framework for providing language assistance.	Yes
Copy of agency procedures for tracking and investigating Title VI complaints.	Yes
List of any Title VI investigations, complaints, or lawsuits filed with agency since time of last submission. Should include only those investigations, complaints, or lawsuits that pertain to agency submitting report, not necessarily larger agency or department of which entity is a part.	Yes (none received)
List of any subrecipients and when their Title VI program is due. Also included is how the primary recipient stores the submitted Title VI programs, and a summary of the efforts undertaken to ensure subrecipients comply with their Title VI obligations.	Not applicable
Copy of agency's notice to public that it complies with Title VI and instructions to public on how to file discrimination complaint.	Yes
Copy of the agency's table depicting the racial breakdown of the planning and advisory bodies and the efforts made to encourage the participation of minorities on such committees.	Yes
Copy of any conducted Title VI equity analyses related to the siting or location of facilities.	No (see discussion in Section 6.9)
Program-Specific Requirements/Guidelines (per FTA Circular 4702.1B)	
Copy of the agency's demographic analysis of its beneficiaries. Should include either any demographic maps and charts prepared or copy of any customer surveys conducted since last report that contain demographic information on ridership, or agency's locally developed demographic analysis of its customer travel patterns.	Yes
Copies of system-wide service standards and system-wide service policies adopted by agency since last programmatic submission.	Yes
Copy of equity evaluation of any fare change and major service change implemented since last programmatic submission.	Yes
Copy of results of either level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally developed monitoring procedures conducted since last submission.	Yes

7. Findings of 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

7.1 Demographic Data

Requirement

FTA recipients that provide fixed route transit, operate 50 or more 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 to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.

Discussion

During this compliance review, FTA found deficiencies with this requirement. FTA also made advisory comments regarding this requirement. FCDOT included a description of its Title VI demographic data in its 2014 Title VI Plan, which included two demographic maps that plotted Fairfax Connector bus service, WMATA Metrobus service, WMATA Metrorail stations, bus garages, and County-owned park-and-ride locations. Each map included an overlay that plotted the distribution of the aggregate minority population throughout Fairfax County and the distribution of low-income persons throughout the County. In addition, FCDOT provided the results of its 2008 on-board customer survey conducted in conjunction with the development of its *2009 Fairfax County Transit Development Plan*. FCDOT administered the on-board survey to collect information on demographic ridership and travel patterns and captured related information on minority, LEP, and low-income persons, as required by FTA Circular 4702.1B.

FCDOT's presentation of its demographic data was deficient in that the data were not in chart or tabular format as required in the Circular. During the site visit, FCDOT stated that it believed the required demographic data chart existed, and if not, it could quickly produce it; however, its demographer was unavailable to provide the required demographic chart. At the time of the draft report, FCDOT had not yet provided the requested demographic chart.

In addition, FCDOT's most recent on-board survey provided at the time of the site visit was from 2008. In its 2014 Title VI Plan, FCDOT stated it "began administering a new customer survey in 2013 and will review the results of this survey closely to identify changes in system demographics and travel behavior patterns." However, at the time of the site visit, FCDOT had not provided the results of the 2013 survey. FTA Circular 4702.1B, IV, 5.b states that demographic ridership and travel pattern data "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."

FCDOT's demographic maps meet FTA Circular 4702.1B requirements. However, given the diversity of its service area (9.2 percent Black, 15.6 percent Hispanic, 17.5 percent Asian) and FCDOT's ability to produce more useful maps, FTA advised FCDOT to enhance its demographic profile maps in the following ways:

- Produce demographic maps that disaggregate minority groups. This level of specification will potentially improve the tailoring of outreach initiatives. For example, per its *Connections 2015* public outreach analysis, FCDOT could use maps plotting concentrations of a particular minority group to determine the use of “Pop-Up events” rather than workshops in areas of the County more heavily populated by Hispanics. FCDOT could use these same maps to plan for the provision of language assistance when engaging Hispanic, Asian, and other communities where FCDOT will likely encounter LEP speaking people.
- Produce a demographic map that highlights transit facilities that were recently replaced, improved, or are scheduled (projects identified in planning documents) for an update in the next five years. FCDOT reported this information in its FY2015 – FY2021 FCDOT TDP Capital Plan, but it did not plot the projects on a map for demographic analysis purposes as required by FTA Circular 4702.1B.
- Produce maps that plot more trip generators (e.g., colleges or universities, hospitals, major shopping areas).

In response to the Draft report, on March 4, 2016, FCDOT submitted demographic data displayed in tabular format; the results of its 2013 on-board passenger survey; and a demographic map that highlights transit facilities recently replaced, improved, or scheduled for improvement in the next five years. These submissions correct the deficiencies associated with the FTA Circular 4702.1B Demographic Data requirement and address one of the advisory comments communicated in the Draft report. FCDOT also stated in its response that, as advised,

FCDOT is in the process of enhancing demographic service area profile maps to a more granular level. The revised maps will be utilized for service planning as well as assisting with public outreach.

Finding

FTA advises FCDOT to complete the enhancement its demographic service area profile maps. The table below highlights the agency’s demographic data practices.

FCDOT Demographic Data Practices

Elements Required for Demographic Data (per FTA Circular 4702.1B)	Included in Submittals?
Base map of agency’s service area that includes each Census tract or traffic analysis zone (TAZ), major streets, etc., fixed transit facilities, and major activity centers or transit trip generators, and major streets and highways. This map shall overlay Census tract, block or block group data depicting minority populations with fixed transit facilities.	Yes
A map that highlights those transit facilities that recently replaced, improved, or are scheduled (projects identified in planning documents) for an update in the next five years.	Yes

Demographic map that plots above information and shades those Census tracts or TAZ where percentage of total minority and low-income population residing in these areas exceeds average minority and low-income population for service area as a whole.	Yes
Chart for each Census tract or TAZ that shows actual numbers and percentages for each minority group within zone or tract.	Yes
Information on the race, color, national, origin, English proficiency, language spoken at home, household income, travel patterns, and fare usage by fare types for riders via a survey.	Yes

Corrective Actions and Schedules

FTA advises FCDOT to create demographic maps that disaggregate minority groups and plot more trip generators as recommended by FTA Circular 4702.1B.

7.2 Systemwide Service Standards and Policies

Requirement

FTA recipients that provide fixed route service 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 a recipient distributes its service across the transit system, and must ensure that the manner of the distribution affords users access to these assets.

Discussion

During this compliance review, FTA found deficiencies with this requirement. In its 2014 Title VI Plan, FCDOT provided the following system-wide service standards:

Vehicle Load

Vehicle Type	Seated Capacity	Optimal Standing Capacity	Maximum Achievable Capacity	Maximum Load Factor	Quantifiable
40-Foot Bus	39	9	48	1.23	Yes
35-Foot Bus	30	7	37	1.23	Yes
30-Foot Bus	28	7	35	1.25	Yes

Service Frequency

Type of Service	Span of Service	Quantifiable
Commuter/express	When possible, service should be provided Monday through Friday during morning and evening peak periods – early enough to connect to the first Metrorail train inbound to the District, and to the last train operated at frequent (six minute or otherwise) headways outbound from the District in the afternoon	Yes
Cross-County routes	Service should begin, when possible, within the first hour of Metrorail service to last train outbound	Yes
All other routes	Service should begin, when possible, within the first hour of Metrorail service to within two hours of the last train	Yes
For other ridership generators/attractors	Service should be as appropriate to serve demand	—

Headways

Timing of Headways	Type of Headway	Quantifiable
During peak periods on weekdays (5:30 – 9:00 AM and 3:30 – 7:00 PM)	Demand headways: not less than the rail headway and not more than twice the rail headway Policy headways: to the extent possible, not more than 30 minutes To the extent possible, clock-face headways will be operated	Yes
During all other periods on weekdays and all day on Saturdays, Sundays, and holidays.	Demand headways: not less than twice the rail headway and not more than three times the rail headway Policy headways: to the extent possible, not more than 60 minutes	Yes
To the extent possible	Clock-face headways will be operated	—

On-Time Performance

Standard	Quantifiable
On-time performance is defined as vehicle arrivals no more than one minute early or no more than five minutes late measured at the first and last time point on a route.	Yes

Service Availability

Standard	Quantifiable
Service availability indicates whether a person resides within 1/4 mile of a bus route, on either Fairfax Connector, Metrobus, or both. This is measured as an aggregate of how many people in the County have bus service available to them.	No

At the time of the site visit, FCDOT did not have a quantifiable standard for service availability. After the site visit and before the issuance of the draft report, FCDOT requested guidance from the Review team on the following proposed change to its service availability standard:

Service Availability

Fairfax Connector's service standard is to provide fixed-route bus services within one quarter mile of a minimum of 53% of all residents within the County's service area.

In the future, if the County begins to offer service through other modes (e.g., Demand Responsive), we will create service standards for those modes, per FTA Title VI regulations.

FCDOT's proposed changes to its service availability standard were determined to be acceptable as of the issuance of the draft report. However, FCDOT must implement said changes as a corrective action.

In response to the Draft report, on March 4, 2016, FCDOT submitted the same proposed changes to its Service Availability standard as it submitted prior to the Draft report. These proposed changes were acceptable to the FTA at the time of the Draft report. However, FCDOT did not submit documentation confirming implementation of its updated standard, as required by FTA to correct the deficiency in this area.

In its 2014 Title VI Plan, FCDOT provided system-wide service policies for the following:

- Bus stop site selection and improvement prioritization;
- Bus stop spacing;
- Transit amenities (shelters, benches, loading pad, signs, customer information displays, lighting, and bus bays); and
- Vehicle assignment.

FCDOT's system-wide vehicle standards were responsive to FTA Circular 4702.1B requirements.

Finding

FCDOT did not have a quantifiable standard for service availability, as required by FTA Circular 4702.1B.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, FCDOT must submit to the FTA Office of Civil Rights, documentation confirming the implementation of a quantifiable standard for service availability.

7.3 Evaluation of Service and Fare Changes

Requirement

FTA recipients that provide fixed route transit service, operate 50 vehicles or more during peak service, and operate within a UZA of 200,000 persons shall evaluate any fare change and all major service changes at the planning and programming stages to determine whether those changes have a discriminatory impact. Recipients shall have established policies and procedures that specify how an agency will undertake the analysis associated with fare and major service changes.³

Discussion

During this compliance review, FTA found deficiencies with this requirement. In its 2014 Title VI Plan, FCDOT included a detailed description of its major service and fare change policies and procedures, related public outreach efforts, and a list of the service and fare changes implemented between FY 2011 and FY 2014. In that time, FCDOT implemented a 24 route changes that met FCDOT's definition of a major service change. FCDOT met all the requirements for the evaluation of service and fare changes as described in FTA Circular 4702.1B, with the exception of its policy for determining the occurrence of disparate impact and disproportionate burden.

FCDOT defined a major service change as either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both, for the individual route modified. FCDOT considered the Title VI policies, including major service change thresholds, implemented by peer transit agencies primarily in the Washington, D.C. metropolitan area in determining its major service change policy. Specifically, FCDOT considered Arlington Transit, Montgomery County Ride-On, Potomac and Rappahannock Transportation Commission (PRTC), and WMATA. Among these agencies, Fairfax Connector service was most similar to that provided by Ride-On and PRTC in terms of fleet size, revenue miles and hours, and passenger trips, as reported by FCDOT in the following table.

Transit System	# of Vehicles	Annual Revenue Miles	Annual Revenue Hours	Annual Unlinked Trips
FCDOT	263	9,515,092	619,656	10,650,401
Ride-On	337	12,322,456	971,060	26,603,229
PRTC	153	3,218,369	165,947	3,287,183

Source: NTD 2013 Database Agency Profiles

³ Transit providers that have implemented or will implement a New Start, Small Start, or other new fixed guide way 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. The service equity analysis shall include a comparative analysis of service levels pre-and post- the New Starts/Small Starts/new fixed guide way capital project. 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.

FCDOT further reported that both PRTC and Ride-On utilized the 25 percent major service change threshold at the time of developing its Title VI program. In 2013, as documented in its Title VI Plan, PRTC's major service change policy defined a major service change as any change in service on any individual route that would add or eliminate more than 25% of the route revenue miles or 25 percent of the route revenue hours. Montgomery County's Ride-On also defined a "Major Service Change" as any new route, or a reduction or increase in a route's revenue vehicle hours greater than 25 percent of the prior schedule's revenue vehicle hours.

Since the approval of the Title VI policy, four service changes have taken place, which include 2014 service changes related to Phase One of the Metrorail Silver Line, and three service changes in 2015 (January, May, and December). FCDOT determined the following information with respect to its 25 percent major service change threshold established in its 2014 Title VI Plan:

Silver Line Phase-One Service Changes

	2014	January 2015	May 2015	December 2015
Proposed route changes	50	14	20	12
Routes triggering a major service change	44	3	11	2
Percent of routes triggering a major service change	88%	21%	55%	17%

With a major service change threshold of 25 percent, FCDOT determined that 88 percent of all proposed routes related to Phase-One of the Metrorail Silver Line qualified as major service changes in 2014. In comparison, relatively lower percentages of routes qualified as major service change in 2015. According to FCDOT, this is because the majority of changes made in 2015 were to improve on-time performance and to enhance connectivity between routes and with Metrorail and Virginia Railway Express through minor schedule adjustments.

FCDOT's major service change policy reflects the availability of daily revenue service miles and service hour data, and consideration of the types of service provided by FCDOT. Some of FCDOT's routes run for short periods over long distances, while other routes run for many hours in revenue service but operate over a small geographic area. FCDOT stated during the compliance review that by considering both revenue service miles and hours in its major service change policy, it was better able to monitor Title VI equity related to services changes vis a vis its major service change policy. By monitoring changes in revenue service miles and service hours, FCDOT could more effectively track the impact of its service change decisions on both peak period long distance express routes and local area routes with all day service.

FCDOT determined disparate impact to have occurred when the difference between the system-wide percentage of minority riders and the percentage of minority riders affected by a proposed service change or fare change is 10 percent or greater. Similarly, disproportionate burden occurred when the difference between the system-wide percentage of low-income riders and the percentage of low-income riders affected by a proposed service change or fare change is 10 percent or greater. In determining disparate impact and disproportionate burden, FCDOT compared the impact on minority riders affected by the project with the percentage of minority riders system-wide. If the percentage difference exceeded 10 per cent, then FCDOT determined

disparate impact or disproportionate burden had occurred. This approach to determining disparate impact or burden failed to compare the impact of proposed projects on minority versus non-minority riders or low-income versus non-low-income riders, as required by FTA Circular 4702.1B. Of the 24 major service changes implemented between FY 2011 and FY 2104, FCDOT reported nine to have met its threshold for disparate impact. In each case, FCDOT conducted an equity evaluation and determined that the service changes had either no adverse impact or a positive impact on Title VI protected classes.

After the site visit and before the issuance of the draft report, FCDOT requested guidance from the review team on the following proposed change to its disparate impact and disproportionate burden methodology:

The County's current Disparate Impact/Disproportionate Burden policies appear to evaluate only the impact of proposed service or fare changes on minorities versus the system-wide average of minorities. In fact, that is what the current policy states. However, it is important to note that the percentage of minority riders versus non-minority riders is approximately 50/50. This means that we can easily discern the impact of proposed fare or service changes on minority riders versus non-minority riders. As you stated, we simply need to look at the other half of the equation. Through the methodology the County employs for these analyses (derived from FTA examples), the County is able to evaluate the impact of proposed service or fare changes on minorities versus non-minorities - it is generally a matter of including and showing the additional data in our analyses as we did in the Fare Equity analyses that were completed.

Regarding the County's policy, our current definition is as follows:

A disparate impact occurs when the difference between the system-wide percentage of minority riders and the percentage of minority riders affected by a proposed service change or fare change is 10 percent or greater.

Disproportionate Burden

A disproportionate burden occurs when the difference between the system-wide percentage of low-income riders and the percentage of low-income riders affected by a proposed service change or fare change is 10 percent or greater.

The County proposes altering the current definition to the following:

Disparate Impact

A disparate impact occurs when the difference between minority riders and non-minority riders affected by a proposed fare or service change is 10 percent or greater.

Disproportionate Burden

A disproportionate burden occurs when the difference between low-income riders and non-low-income riders affected by a proposed fare or service change is 10 percent or greater.

FCDOT's proposed changes to its evaluation of service and fare change policy (in particular its method for determining disparate impact and disproportionate burden) were determined to be acceptable, with the following exceptions:

- FCDOT must provide an explanation for its use of 10 percent as a measure of disparate impact and disparate burden; and
- FCDOT must implement its proposed changes to its disparate impact and disproportionate burden policies, as corrective action.

In response to the Draft report, on March 4, 2016, FCDOT submitted the same proposed changes to its Disparate Impact and Disproportionate Burden policies as it submitted prior to the Draft report. These proposed changes were acceptable to the FTA at the time of the Draft report, with the two exceptions explained in the previous paragraph. In addition to the proposed changes, FCDOT submitted the following explanation for its use of 10 percent as a threshold triggering a Title VI equity analysis.

A variety of informational items and data were used in the determination of these policies, including:

- *Policies in place at peer transit agencies in the greater Washington, D.C. metropolitan area and across the United States.*
- *Data availability and ease of application to determine when a major service change has occurred.*
- *Census data analysis on the demographic and socio-economic composition of the population living within a ¼ mile radius of a Fairfax Connector route.*

The disparate impact policy was developed using a comparative analysis of the proportion of the population that is minority at the route-level for the entire Fairfax Connector system. This was done through an analysis of 2010 Decennial Census data in geographic information system software that extracted the raw minority population and the total population living within a quarter mile of each Fairfax Connector route. The data for each route and the system was then examined to determine a threshold level that would likely result in meeting the Title VI Circular's intent of establishing policies that are not so high that they would never identify impacts and not so low that they would always identify an impact. The disproportionate burden policy was developed through a comparative analysis of the proportion of households that are low-income in the Census tracts that are served by Fairfax Connector. Census tracts are the lowest level of Census geography where income data is available. This was done through an analysis of the U.S. Census American Community

Survey, 2007-2011 data for household income. The definition for low-income households used for this analysis was all households below 50 percent of the area median income, or all households with an income of \$53,650 or less. This is the same definition used by the Fairfax County Department of Housing and Community Development.

Census tracts with a median household income at or below 50 percent area median income were identified as low-income census tracts. The proportion of households that live within a one quarter mile radius of each Fairfax Connector route for low income Census tracts that intersect with each Fairfax Connector route was determined through the use of geographic information system software. The data for each route and the system was then examined to determine a threshold level that would likely result in meeting the Title VI Circular's intent of establishing policies that are not so high that they would never identify impacts and not so low that they would always identify an impact.

FCDOT's explanation identified the data sources it used to determine its 10 percent threshold. However, FCDOT did not explain how the data supported 10 percent as a reasonable threshold that would likely result in meeting the Title VI Circular's intent of establishing policies that are not so high that they would never identify impacts and not so low that they would always identify an impact. It is unclear, based on FCDOT's explanation, how FCDOT evaluated the data or how FCDOT drew conclusions from its evaluation. FCDOT must provide a more detailed explanation that supports its use of 10 percent as a threshold for triggering disparate impact and disproportionate burden equity analyses.

Finding

FCDOT did not assess the level of adverse effects borne by minority populations compared to non-minority populations to determine the occurrence of disparate impact or the level of adverse effects borne by low-income populations compared to non-low income populations to determine the occurrence of disproportionate burden, as required by FTA Circular 4702.1B.

Evaluation of Service and Fare Changes

Elements Required (per FTA Circular 4702.1B) ⁴	FCDOT Compliance
1. Assess effects of proposed fare or service change on minority and low-income populations.	Yes
a. A transit provider will undertake an analysis for any type of fare change. As for service changes, an agency must first determine whether the identified service change triggers the major service change policy the agency developed.	Yes
b. The transit provider shall describe the dataset(s) used in the equity analysis and the techniques/technology involved in collecting the data.	Yes

⁴ This formatting is followed when conducting a disproportionate burden analysis on low-income populations related to any fare change and major service change. The difference is that a transit provider will apply the disproportionate burden policy, instead of the disparate impact policy, apply the low-income population threshold, and if there is a disproportionate burden, will take steps to avoid, minimize, or mitigate impacts where practicable.

c. The transit provider shall define and analyze adverse effects related to the fare change or the major service change. Transit providers shall consider the degree of adverse effects, and analyze those effects, when planning their service changes.	Yes
d. The transit provider will assess the level of adverse effects borne by minority populations compared to non-minority populations and determine whether the difference is statistically significant and exceeds the disparate impact policy threshold the agency previously developed. The difference is calculated on an absolute change, as well as the percent change.	No
e. The transit provider shall engage the public to discuss the proposed changes and listen to the opinions expressed on the proposed changes.	Yes
f. If no disparate impact found, then the analysis concludes.	Yes
2. Assess alternatives available for people affected by fare increase or major service change, if a disparate impact is found.	
a. If a potential disparate impact is found, the transit provider will analyze alternatives in order to avoid, minimize, or mitigate potential disparate impacts. The alternatives will be analyzed to determine whether the modifications remove the potential disparate impacts of the changes.	Yes
b. If a transit provider chooses not to alter the proposed service changes, 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 <i>only</i> if: <ul style="list-style-type: none"> i. the transit provider has a substantial legitimate justification for the proposed service change, and ii. 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. 	Yes

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, FCDOT must submit to the FTA Office of Civil Rights a detailed explanation of its use of 10 percent as a trigger for conducting disparate impact and disproportionate burden equity analyses and obtain approval for said threshold. FCDOT must submit documentation confirming the implementation of its updated and approved disparate impact and disproportionate burden policies.

7.4 Monitoring Transit Service

Requirement

FTA recipients shall monitor the transit service provided throughout their service areas. Recipients shall undertake periodic service monitoring activities to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the result of policies and decision-making is equitable service. Recipients shall conduct monitoring at minimum once every three years. If recipient monitoring determines that prior decisions have resulted in disparate impacts, it shall take corrective action to remedy the disparities.

Discussion

During this compliance review, FTA found deficiencies with this requirement. In its 2014 Title VI Plan, FCDOT included a detailed description of its Title VI monitoring procedures and stated that it:

evaluates the performance of Fairfax Connector according to the service standards and policies set forth in Fairfax County's Title VI Program to ensure both transit service and transit amenities are equitably distributed across the service area, regardless of whether a route primarily serves minority or non-minority neighborhoods.

In monitoring its Title VI Program, FCDOT first defined and identified its minority routes. FCDOT defined a minority bus route as one where one third or more of the route's revenue miles fall within a minority Census Block, consistent with FTA Circular 4702.1B. After identifying its minority and non-minority routes, FCDOT evaluated both route types in terms of its system-wide service standards and policies to determine if disparities existed. The following tables show the results of FCDOT's Title VI monitoring as reported by FCDOT.

Service Standard	Basis for Evaluation	Title VI Monitoring Result
Vehicle Load	<i>The vehicle load metric is used to determine if a bus is overcrowded. A vehicle load is the average maximum number of people seated and standing during the peak one-hour in the peak direction. Vehicle passenger load is measured by the average load and the ratio of average load to seated capacity (load/seat ratio) during weekday am peak, midday, and pm peak periods. Data for this measure was taken from ridechecks conducted in Fall 2013, when available; when 2013 data was not available, 2008 ridecheck data was used in its place.</i>	<i>Non-minority routes are slightly more crowded than minority routes for all time periods evaluated, however the average maximum loads for both route classifications are well below the number of seats available on the bus</i>
Service Headways	<i>Route-level headway information was summarized by the time period and</i>	<i>During the weekday peak period, minority routes are served by headways that are more frequent</i>

Service Standard	Basis for Evaluation	Title VI Monitoring Result
	<i>averaged across all minority and non-minority routes.</i>	<i>than non-minority routes. The average weekday off-peak headway for minority routes is also more frequent than non-minority routes. Saturday service headways are more frequent for non-minority routes when compared to minority routes. Finally, Sunday service has more frequent headways for minority routes as compared to non-minority routes. Overall, there is not a significant difference in service frequency between minority and non-minority routes.</i>
On-time Performance	<i>The on-time performance of a route is an indicator of service reliability. Fairfax Connector's on-time performance data is derived from dispatch radio logs by bus garage as reported throughout the day for each bus route. Bus supervisors monitor trip delays for each route and Fairfax Connector staff summarize the percentage of trips observed that arrive on-time each month.</i>	<i>Non-minority routes experience slightly better on-time performance than minority routes (97% versus 95%).</i>
Service Availability	<i>Service availability measures the percentage of the population within the County that is served by either Fairfax County Connector, Metrobus, or by the combination of both Connector and Metrobus.</i>	<i>Overall the percentage of minorities within walking distance to transit services is higher than the percentage of the non-minority population.</i>

Service Policy	Basis for Measurement	Title VI Monitoring Result
Vehicle Assignment	<i>Fairfax Connector generally assigns vehicles to routes from three operating divisions as follows: North County service area (Reston-Herndon Division), Central service area (West Ox Division), and South County service area (Huntington Division). Specific bus types and sizes from each operating division are assigned to routes based on</i>	<i>Buses serving non-minority routes from the Herndon/Reston division are on average two years newer than buses serving minority routes. Note: In 2015, all 2002 high floor buses located at the Reston-Herndon division will be replaced with new buses, further reducing the average fleet age and that of the buses assigned to minority routes from this division. <i>There is no difference in average</i></i>

Service Policy	Basis for Measurement	Title VI Monitoring Result
	<i>the capacity needed for each route and road or service area geometry.</i>	<i>vehicle age for buses serving minority and non-minority routes from the Huntington and West Ox divisions. Buses housed at the West Ox division are on average three years newer than buses at the Huntington division due to the current limitations of the Huntington garage noted above.</i>
Transit Amenities	<i>The map [Figure 13 in the 2014 Title VI Plan] shows the location of Fairfax Connector's amenities, including park-and-ride facilities, connections to Metrorail and Virginia Railway Express (VRE) stations, and bus shelters and bus garages, relative to locations of minority and non-minority populations. The map also illustrates where community facilities such as hospitals and schools are relative to Fairfax Connector bus routes and Metrobus routes, as a way of indicating ease of access by bus to these critical destinations.</i>	<i>The map [Figure 12 in the 2014 Title VI Plan] clearly illustrates that transit amenities are equitably dispersed throughout the Fairfax Connector service area. Areas with high concentrations of minority populations generally have comfortable and safe access to a variety of transit options, including Fairfax Connector, Metrobus, Metrorail, and VRE, which provide convenient access to schools, hospitals, and government and employment centers.</i>

As represented in the tables above, FCDOT based its evaluation on its established quantifiable service standards and on its rationale for its vehicle assignment service policy. However, it did not follow the same procedure for its evaluation of the distribution of transit amenities, specifically the distribution of bus shelters. FCDOT established the following criteria for the placement of bus shelters:

Shelters may be installed if any one of the conditions below is met:

- a. *Stop is at transit center OR at park-and-ride lot*
- b. *Stop is at major activity center (boardings ≥ 100 per day) AND sufficient right-of-way for shelter is available*
- c. *Stop is on arterial street/major collector road (boardings ≥ 100 per day) AND sufficient right-of-way for shelter is available*
- d. *Stop is on arterial street/major collector road (boardings < 100 per day) AND stop is in high-density area AND no shelter exists on route within 0.5 mile AND sufficient right-of-way for shelter is available*
- e. *Stop is on minor collector road (boardings ≥ 100 per day) AND sufficient right-of-way for shelter is available*

- f. Stop is on minor collector road (boardings <100 per day) AND stop is in high-density area AND no shelter exists on route within 0.5 mile AND sufficient right-of-way for shelter is available
- g. Stop is on residential street (boardings \geq 50 per day) AND sufficient right-of-way for shelter is available
- h. Stop is on residential street (boardings <50 per day) AND stop is in high-density area AND no shelter exists on route within 0.5 mile AND sufficient right-of-way for shelter is available
- i. Stop is on residential street (boardings <50 per day) AND stop is in residential area AND no shelter exists on route within 1.0 mile AND sufficient right-of-way for shelter is available
- j. Stop is on rural road (boardings \geq 25 per day) AND sufficient right-of-way for shelter is available
- k. Stop is on rural road (boardings <25 per day) AND stop is in rural area AND no shelter exists on route within 1.0 mile AND sufficient right-of-way for shelter is available

FCDOT evaluated the equitable placement of shelters on minority and non-minority routes by plotting the shelters on a map and visually assessing where shelters were located along routes serving minority and non-minority Census Blocks. Unlike its other Title VI performance monitoring measures, FCDOT did not use its corresponding shelter placement policy as a basis for evaluation.

After the site visit and before the issuance of the draft report, FCDOT submitted the following:

System Monitoring

The primary deficiency with regard to system monitoring, according to the Compliance Review, was the distribution of transit amenities (i.e., bus shelters). The County asserted in the Title VI Plan that transit shelters were distributed equitably throughout the County. To support this claim, the County produced a map for the Title VI Program document showing the location of various amenities. However, no additional data was provided to bolster this assertion. FCDOT staff, using the County's transit shelter database overlapped on a transit system map, can now further demonstrate that transit shelters are indeed distributed equitably. See the table below.

	Number of Bus Shelters	Percent of Total
Minority Census Tract (>45.6%)	207	48.4%
Non-Minority Census Tract (\leq 45.6%)	190	44.4%
Outside Fairfax County (Metro or local jurisdictions)	31	7.2%
Total	428	100.0%

In addition to this analysis, FCDOT staff wanted to notify you of some additional information. We have recently hired a bus stop coordinator, who will fill a vacant

position. The new bus stop coordinator will be overseeing an audit of all of the County's bus stop locations as we update and expand the existing database in Bus Stop Manager (BSM). In addition to bus stop locations, the database now will include additional information such as age of shelter, type of shelter, etc. Once the County completes the installation of AVL on Connector buses, we also will be better able to record shelter usage.

The County's existing Title VI program describes the decision making criteria for implementing new transit shelters. Going forward, FCDOT will utilize that same approach when deciding whether or not to replace a shelter that has reached the end of its lifecycle or one that has been damaged but is not covered by insurance. Hopefully, by implementing these and other measures, the County's Title VI System Monitoring will meet FTA's approval.

In response to the Draft report, on March 4, 2016, FCDOT submitted documentation confirming the absence of inequitable distribution of transit amenities. Although FCDOT appears to have distributed its transit amenities equitably, it did not periodically monitor the equitable distribution of transit amenities as required by FTA Circular 4702.1B. FCDOT's responses prior to and after the Draft report did not demonstrate its use of its bus shelter transit amenity service policy as a basis for monitoring and determining the equitable distribution of bus shelters. FCDOT must monitor the equitable distribution of bus shelters and other amenities against its established policies.

Finding

FCDOT did not monitor bus shelter distribution against its established bus shelter service policy.

Monitoring

Elements Required (per FTA Circular 4702.1B.)	Included in Monitoring Procedures
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. 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.	Yes
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.	Yes, except the distribution of transit amenities (i.e., shelters)
c. Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.	Yes, except the distribution of transit amenities (i.e., shelters)
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.	Yes
e. Transit providers shall evaluate their transit amenities policy to ensure they are distributing amenities throughout the transit system in an equitable manner.	Yes, except the distribution of transit amenities (i.e., shelters)
f. Transit providers shall develop a policy or procedure to determine whether disparate impacts exists based on race, color, or national origin, and apply that policy or procedure to the results of the monitoring activities.	Yes

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, FCDOT must submit to the FTA Office of Civil Rights, documentation confirming it monitors its distribution of bus shelters according to its established bus shelter placement policy.

8. Summary of Findings/Corrective Actions

Item	Title VI Requirements	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
1.	Inclusive Public Participation	FCDOT's inclusive public participation plan met FTA Circular 4702.1B requirements.	ND	No action required.	
2.	LEP Language Assistance Plan	FCDOT's LEP Four-Factor Analysis and LAP substantially met FTA Circular 4702.1B requirement. However, FTA advised FCDOT to make minor improvements.	AC	FTA advised FCDOT to establish a LAP update frequency in its plan that gives FCDOT enough time between updates to complete its language assistance monitoring and evaluation processes while remaining responsive to service area language assistance needs.	
3.	Title VI Complaint Procedures	FCDOT's Title VI complaint procedures substantially met FTA Circular 4702.1B requirements; however, FTA advised FCDOT to make minor improvements.	AC	FTA advised FCDOT to update its complaint procedures to include an internal appeals process.	
4	List of Title VI Investigations, Complaints, and Lawsuits	FCDOT's record of Title VI investigation, complaints, and lawsuits met FTA Circular 4702.1B requirements.	ND	No action required.	
5.	Notice to Beneficiaries of Protection under Title VI	FCDOT's Title VI Notice to Beneficiaries met FTA Circular 4702.1B requirements.	ND	No action required.	
6.	Annual Title VI Certification	FCDOT filed its Title VI	ND	No action required.	

Item	Title VI Requirements	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
	and Assurance	Certifications and Assurances according to FTA Circular 4702.1B.			
7.	Determination of Site or Location of Facilities	FCDOT's process for the determination of site or location of facilities substantially met FTA Circular 4702.1B requirements. However, FTA advised FCDOT to take future action to ensure compliance in this area.	AC	FTA advised FCDOT to ensure that it conducts the required Title VI equity analysis for all future maintenance or storage facilities, operations centers, or similar facilities.	
8.	Minority Representation on Planning or Advisory Bodies	FCDOT's minority representation on planning or advisory bodies substantially met FTA Circular 4702.1B requirements. However, FTA advised FCDOT to continue improving in this area by taking specific steps.	AC	FTA advised FCDOT to continue working with Fairfax County's Board of Supervisors to appoint a Transportation Advisory Commission that clearly reflects Fairfax County demographics. FTA further advised FCDOT to finalize plans for the implementation of the Fairfax Connector Riders Advisory Committee, obtain final approval for its formation, and begin appointing members in substantial accordance with the draft bylaws presented during the site visit.	
9.	Monitoring Sub recipients	FCDOT did not have subrecipients.	ND	No action required.	
10	Prepare and Submit a Title VI	FCDOT's Title VI Program	ND	No action required.	

Item	Title VI Requirements	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
	Program	met FTA Circular 4702.1B requirements.			

Fixed Route Transit Provider Requirements

Item	Title VI Requirements	Site Review Finding	Deficiencies	Corrective Action(s)	Responses Days/Date
11.	Demographic Data	FCDOT did not provide demographic service area charts and tables. FCDOT's on-board passenger survey is out of date. FTA advised FCDOT to enhance its demographic service area profile maps.	D	FTA advises FCDOT to create demographic maps that disaggregate minority groups and plot more trip generators as recommended by FTA Circular 4702.1B.	60 Days from the date of the Final Transmittal
12.	Systemwide Service Standards/Policies	FCDOT did not have a quantifiable standard for service availability, as required by FTA Circular 4702.1B.	D	FCDOT must submit to the FTA Office of Civil Rights documentation confirming the implementation of a quantifiable standard for service availability.	60 Days from the date of the Final Transmittal
13.	Evaluation of Fare/Service Changes	FCDOT did not assess the level of adverse effects borne by minority populations compared to non-minority populations to determine the occurrence of disparate impact or disproportionate burden, as required by FTA Circular 4702.1B.	D	Within 60 days of the issuance of the final report, FCDOT must submit to the FTA Office of Civil Rights a detailed explanation of its use of 10 percent as a trigger for conducting disparate impact and disproportionate burden equity analyses and obtain approval for said threshold. FCDOT must submit documentation confirming the implementation of its updated	60 Days from the date of the Final Transmittal

Item	Title VI Requirements	Site Review Finding	Deficiencies	Corrective Action(s)	Responses Days/Date
				and approved disparate impact and disproportionate burden policies.	
14.	Monitoring Transit System	FCDOT used maps to confirm the equitable distribution of bus shelters rather than its established bus shelter service policy.	D	FCDOT must submit to the FTA Office of Civil Rights documentation confirming it monitors its distribution of bus shelters according to its established bus shelter placement policy.	60 Days from the date of the Final Transmittal

Note: AC = advisory comment; D = deficiency; ND = no deficiency.

9. Compliance Review Attendee List

Agency - County of Fairfax

Name	Organization/Title	E-Mail Address
Tom Biesiadny	Director	tom.biesiadny@fairfaxcounty.gov
Todd Wigglesworth	Acting Division Chief	todd.wigglesworth@fairfaxcounty.gov
Brent Riddle	Transportation Planner II	michael.riddle@fairfaxcounty.gov
Nick Perfili	Transportation Planner V	nicholas.perfili@fairfaxcounty.gov
Stuart Boggs	Transportation Planner IV	stuart.boggs@fairfaxcounty.gov
Randall White	Transportation Planner III	randall.white@fairfaxcounty.gov
Hejun Kang	Transportation Planner II	hejun.kang@fairfaxcounty.gov
Ben Atsem	Transportation Planner II	benjamin.atsem@fairfaxcounty.gov
Vala Quinton	CS III	vala.quinton@fairfaxcounty.gov

Federal Transit Administration

Name	Organization/Title	E-Mail Address
Anita Heard	Equal Opportunity Specialist, FTA Office of Civil Rights	anita.heard@dot.gov
Jonathan Ocana	Equal Opportunity Specialist, FTA Office of Civil Rights	jonathan.ocana@dot.gov

Review-Team – The DMP Group, LLC

Name	Organization/Title	E-Mail Address
Donald Lucas	Lead Reviewer	donald.lucas@thedmpgroup.com
John Potts	Title VI Subject Matter Expert	johnpotts@thedmpgroup.com
Khalique Davis	Reviewer	khalique.davis@thedmpgroup.com



U.S. Department
Of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor, TCR
1200 New Jersey Ave., SE
Washington, D.C. 20590

July 23, 2015

Mr. Tom Biesiadny
Department of Transportation Director
County of Fairfax
4050 Legato Road, Suite 400
Fairfax, VA 22033

Dear Mr. Biesiadny:

The Federal Transit Administration (FTA) Office of Civil Rights is responsible for ensuring compliance with 49 CFR Part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (DOT)—Effectuation of Title VI of the Civil Rights Act of 1964 (Title VI)” by its grant recipients and subrecipients. As part of its ongoing oversight efforts, the FTA Office of Civil Rights conducts a number of on-site Title VI compliance reviews of these grant recipients. For this reason, the County of Fairfax has been selected for a review of its overall Title VI program to take place on November 3-5, 2015.

The purpose of this review will be to determine whether the County of Fairfax is honoring its commitment, as represented by certification to FTA, to comply with the all applicable provisions of 49 CFR Part 21 and FTA Title VI Circular 4702.1B.

The review process includes data collection before the on-site visit, an opening conference, an on-site review of Title VI program implementation (including, but not limited, to discussions to clarify items and matters previously reviewed, and interviews with staff), interviews with external interested parties, and an exit conference. FTA has engaged the services of The DMP Group, LLC (DMP) to conduct this compliance review. The DMP team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request your attendance at an opening conference scheduled for November 3, 2015 at 9:00 a.m. to introduce the DMP team and FTA representatives to the County of Fairfax staff. Attendees should include you and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend considerable time on site during the week, please provide them with temporary identification and a workspace within or near your offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as a point of contact for the review team and to coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in Enclosure 1, which consists of items that the review team must receive within 21 days of the date of this letter. Please forward these materials, via email, to the following contact person:

Donald Lucas
The DMP Group, LLC
2233 Wisconsin Avenue, NW Suite 405
(202) 726-2630
Donald.Lucas@thedmpgroup.com

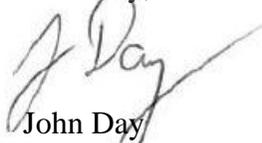
We request the exit conference be scheduled for November 5, 2015 at 4:00 p.m. to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide a Draft Report. You will have an opportunity to correct any factual inconsistencies before FTA finalizes the report. The Draft and Final Reports, when issued to the County of Fairfax, will be considered public documents subject to release under the Freedom of Information Act, upon request.

The County of Fairfax representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns before the opening conference, please contact Brian Whitehead, Program Manager for this compliance review, at 202-366-3051 or via e-mail at brian.whitehead@dot.gov.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with your staff.

Sincerely,



John Day
Program Manager for Policy & Technical Assistance

cc: Terry Garcia-Crews, FTA Region III Administrator
Dr. Stacie Parkins, FTA Region III Civil Rights Officer
Brent Riddle, Senior Transportation Planner, County of Fairfax
John Potts, Lead Reviewer, The DMP Group, LLC

County of Fairfax, VA
Title VI Program Compliance Review

Enclosure 1

You must submit the following information to the DMP Group contact person within 21 calendar days from the date of this letter.

1. Description of the County of Fairfax's public transit service area, including general population and other demographic information using the most recent Census data.
2. Current description of the County of Fairfax's public transit service, including system maps, public timetables, transit service brochures, etc.
3. Roster of the County of Fairfax's current revenue fleet, to include acquisition date, fuel type, seating configurations, vehicle assignment, and other amenities.
4. Description of transit amenities maintained by the County of Fairfax for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
5. The County of Fairfax's Organization Chart, including public transit staff.
6. A narrative that describes the individuals and resources dedicated to implementing the Title VI requirements, handling any Title VI inquiries, and educating the agency's staff on Title VI.
7. List of any subrecipients, how they are monitored to ensure Title VI compliance, and when their Title VI program were collected by the County of Fairfax, if applicable.
8. Any studies or surveys conducted by the County of Fairfax, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns, and fare usage by fare type amongst minority users and low-income users, during the past five years.
9. Current Title VI Program.
10. A list of any siting, locating, and/or constructing of facilities, and any associated Title VI equity analyses within the last three (3) years.
11. The County of Fairfax's procedures for investigating and tracking Title VI complaints and documentation that the procedures for filing complaints are available to members of the public upon request.
12. List of any investigations, lawsuits, or complaints naming the County of Fairfax that alleges discrimination on the basis of race, color, or national origin during the past three years.
13. Summary of the County of Fairfax's current efforts to engage the public, with special

County of Fairfax, VA
Title VI Program Compliance Review

emphasis on the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.

14. Copy of the County of Fairfax four factor analysis of the needs of persons with Limited English Proficiency.
15. Copy of the County of Fairfax's Language Assistance Plan (LAP) for persons with limited English proficiency that is based on the USDOT LEP Guidance.
16. Copy of the County of Fairfax's Notice to Beneficiaries of Protections under Title VI.
17. Documentation of efforts made by the County of Fairfax to notify members of the public of the protections against discrimination afforded to them by Title VI.
18. Documentation that shows the racial breakdown of minority representation on planning and advisory bodies.
19. Copy of the County of Fairfax's demographic analysis of its beneficiaries, including demographic maps and charts, customer surveys conducted since the last Title VI submittal that contain demographic information on ridership, or the County of Fairfax's locally developed demographic analysis of its customer's travel patterns, as applicable.
20. Quantitative system-wide service standards and qualitative system-wide service policies adopted by the County of Fairfax to guard against discriminatory service design or operations decisions.
21. A list of any service and any fare changes conducted in the last three (3) years.
22. Documentation of the County of Fairfax's policies and procedures for evaluating any fare change and major service change (included with the policies and procedures is the related public outreach related to the development of said policies and procedures). If the County of Fairfax has made a fare change or a major service change in the past three years or is currently planning such changes, provide the County of Fairfax's service and fare equity analyses for the changes.
23. Documentation of periodic service monitoring activities undertaken by the County of Fairfax, during the past three years, to compare the level and quality of service provided. If the County of Fairfax's monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.
24. Names, titles, telephone numbers, and email addresses of interested parties (external organizations) with which the County of Fairfax has interacted on Title VI issues.
25. Other pertinent information determined by County of Fairfax staff to be pertinent and demonstrative of its Title VI compliance efforts, as applicable.



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

March 4, 2016

Ms. Anita Heard
Equal Opportunity Specialist
Internal EEO Program Coordinator
Federal Transit Administration
Office of Civil Rights, TCR
1200 New Jersey Avenue, S.E.
E54-420, East Bldg.
Washington, DC 20590

Re: Fairfax County Department of Transportation Title VI Program Compliance Review by the Federal Transit Administration, February 2016

Dear Ms. Heard:

On February 25, 2016, Fairfax County Department of Transportation (FCDOT) received FTA's draft report of the *Title VI Compliance Review*, which was conducted November 3-5, 2015. As FCDOT continually works to improve our Title VI Program, we welcome FTA's feedback. Since the review, FCDOT has worked to address the deficiencies outlined during the exit interview. Consequently, many of the deficiency findings detailed in the draft report have been addressed. FCDOT's responses to the deficiencies are detailed below:

11) Demographic Data – FCDOT did not provide demographic service area charts and tables. FCDOT's on-board passenger survey is out of date. FCDOT is advised to enhance its demographic service area profile maps.

FCDOT is now submitting the following to FTA's Office of Civil Rights:

- Demographic data displayed in tabular format – See the attached file, *Fairfax County – Race and Ethnicity by Census Tract 2010*.
- A Demographic map that highlights transit facilities that were recently replaced, improved, or are scheduled (projects identified in planning documents) for an update in the next five years is attached.
- The results of FCDOT's 2013 on-board passenger survey. See the attached file, *Technical Memorandum #5*.

FCDOT is in the process of enhancing demographic service area profile maps to a more granular level. The revised maps will be utilized for service planning as well as assisting with public outreach.

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



12) System-wide Service Standards/Policies - FCDOT did not have a quantifiable standard for service availability, as required by FTA Circular 4702.1B.

FCDOT's current service availability language is as follows:

“Service availability indicates whether a person resides within 1/4 mile of a bus route, either Fairfax Connector, Metrobus, or both. This is measured as an aggregate of how many people in the County have bus service available to them.”

FCDOT proposes the following replacement language for the current Title VI Plan:

“Fairfax Connector's service standard is to provide fixed-route bus services within one quarter mile of a minimum of 53% of all residents within the County's service area.”

In the future, if the County begins to offer service through other modes (e.g., Demand Responsive), service standards for those modes will be created per FTA Title VI regulations.

13) Evaluation of Fare/Service Changes – FCDOT did not assess the level of adverse effects borne by minority populations compared to non-minority populations to determine the occurrence of disparate impact or disproportionate burden, as required by FTA Circular 4702.1B.

The County's current Disparate Impact/Disproportionate Burden policies appear to evaluate only the impact of proposed service or fare changes on minorities versus the system-wide average of minorities. However, it is important to note that the percentage of minority riders versus non-minority riders in Fairfax County is approximately 50/50. Therefore, through the methodology the County employs for these analyses (derived from FTA examples), the County also is able to evaluate the impact of proposed service or fare changes on minorities versus non-minorities. It is generally a matter of including and showing the additional data in the analyses as was done in the Fare Equity analyses.

The County proposes to revise the definitions for Disparate Impact and Disproportionate Burden, in accordance with the Title VI Circular. The County's current definitions are as follows:

Disparate Impact

“A disparate impact occurs when the difference between the system-wide percentage of minority riders and the percentage of minority riders affected by a proposed service change or fare change is 10 percent or greater.”

Disproportionate Burden

“A disproportionate burden occurs when the difference between the system-wide percentage of low-income riders and the percentage of low-income riders affected by a proposed service change or fare change is 10 percent or greater.”

The County proposes revised definitions as follows:

Disparate Impact

“A disparate impact occurs when the difference between minority riders and non-minority riders affected by a proposed fare or service change is 10 percent or greater.”

Disproportionate Burden

“A disproportionate burden occurs when the difference between low-income riders and non-low-income riders affected by a proposed fare or service change is 10 percent or greater.”

A variety of informational items and data were used in the determination of these policies, including:

- Policies in place at peer transit agencies in the greater Washington, D.C. metropolitan area and across the United States.
- Data availability and ease of application to determine when a major service change has occurred.
- Census data analysis on the demographic and socio-economic composition of the population living within a ¼ mile radius of a Fairfax Connector route.

The disparate impact policy was developed using a comparative analysis of the proportion of the population that is minority at the route-level for the entire Fairfax Connector system. This was done through an analysis of 2010 Decennial Census data in geographic information system software that extracted the raw minority population and the total population living within a quarter mile of each Fairfax Connector route. The data for each route and the system was then examined to determine a threshold level that would likely result in meeting the Title VI Circular’s intent of establishing policies that are not so high that they would never identify impacts and not so low that they would always identify an impact.

The disproportionate burden policy was developed through a comparative analysis of the proportion of households that are low-income in the Census tracts that are served by Fairfax Connector. Census tracts are the lowest level of Census geography where income data is available. This was done through an analysis of the U.S. Census American Community

Survey, 2007-2011 data for household income. The definition for low-income households used for this analysis was all households below 50 percent of the area median income, or all households with an income of \$53,650 or less. This is the same definition used by the Fairfax County Department of Housing and Community Development.

Census tracts with a median household income at or below 50 percent area median income were identified as low-income census tracts. The proportion of households that live within a one quarter mile radius of each Fairfax Connector route for low income Census tracts that intersect with each Fairfax Connector route was determined through the use of geographic information system software. The data for each route and the system was then examined to determine a threshold level that would likely result in meeting the Title VI Circular's intent of establishing policies that are not so high that they would never identify impacts and not so low that they would always identify an impact.

If FTA concurs with these proposed definition revisions, FCDOT will officially adopt them.

14) Monitoring Transit System – FCDOT used maps to confirm bus shelter location equity rather than its established bus shelter service policy.

The County asserted in the Title VI Plan that transit shelters were distributed equitably throughout the County, in accordance with our established bus shelter service policy. To support this claim, the County produced a map for the Title VI Program document showing the location of various amenities, e.g., park and ride lots and shelters. However, as noted, no additional data was provided to bolster this assertion.

When overlaying the Distribution of Transit Amenities map (Fairfax County Title VI Program, pg. 73) on census tract data, FCDOT can further demonstrate that transit shelters are indeed distributed equitably. See the table below.

	Number of Bus Shelters	Percent of Total
Minority Census Tract (>45.6%)	207	48.4%
Non-Minority Census Tract (<=45.6%)	190	44.4%
Census Tracts in Other Local Jurisdictions	31	7.2%
Total	428	100.0%

The County's existing Title VI program describes the decision-making criteria for implementing new transit shelters. Going forward, FCDOT also will utilize that same approach when deciding whether or not to replace a shelter that has reached the end of its lifecycle or one that has been damaged but is not covered by insurance.

In addition, FCDOT has recently hired a bus stop coordinator, a position which at the time of the compliance review site visit was vacant. One of the bus stop coordinator's primary roles will be to ensure that all shelters are sited in accordance with the County's existing policy. To accomplish this task, staff will oversee an audit of all of the County's bus stop locations as the existing database is updated and expanded in Bus Stop Manager (BSM). In addition to bus stop locations, the database will include additional information such as age of shelter, type of shelter, etc. Once the County completes the installation of Automatic Vehicle Location (AVL) software on Connector buses, the County also will be better able to record shelter usage.

Advisory Comments

2) LEP Language Assistance Plan – FCDOT's LEP Four-Factor Analysis and LAP substantially met FTA Circular 4702.1B requirements; however, FCDOT is advised to make minor improvements.

In accordance with the County's Title VI program, FCDOT has been working to update the Language Access Plan (LAP). FCDOT has begun compiling data (i.e., number of public meetings, translators required, website hits) and is developing a staff survey, which will be used to evaluate how effectively FCDOT is using language assistance resources to reach LEP populations. FCDOT also has begun mapping distinct demographic service areas, in order to better inform public outreach efforts.

FCDOT's vital documents that are translated for purposes of the LAP are as follows:

- Fairfax Connector Schedules (English, other languages upon request)
- Fairfax Connector Fares and Policies Brochure (Spanish and English, other languages upon request)
- Title VI Notice and Complaint Forms (Top 10 languages spoken in Fairfax County)
- Title VI Notice Bus Cards (English and Spanish, with instructions to receive information in nine languages)
- Fairfax Connector Service Update Information Flyers (Spanish and English, other languages upon request)
- Student Pass Program Materials and Surveys (Spanish and English)

3) Title VI Complaint Procedures – FCDOT's Title VI complaint procedures substantially met FTA Circular 4702.1B requirements; however, FCDOT was advised to make minor improvements.

FCDOT contacted the Office of Human Rights and Equity Programs (OHREP), the county agency responsible for developing and implementing Title VI Complaint procedures, to discuss FTA's recommendation to include an appeals procedure at the local level for Title VI complaints. As yet, a specific approach to addressing this recommendation has been decided upon.

7) Determination of Site or Location of Facilities - FCDOT's process for the determination of site or location of facilities substantially met FTA Circular 4702.1B requirements. However, FCDOT is advised to take future action to ensure compliance in this area.

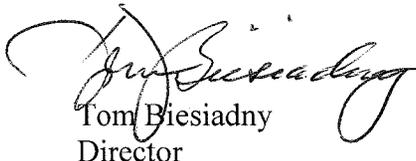
In the future, in accordance with FTA Circular 4702.1B and 49 CFR part 21, Appendix C, Section (3)(iv), FCDOT intends to conduct Title VI equity analyses and public outreach on the siting and purchase of facilities, as described in this section. Accordingly, FCDOT will complete Title VI equity analyses during the planning stage for any future maintenance or storage facilities, operations centers, or similar facilities not covered by a NEPA review.

8) Minority Representation on Planning or Advisory Bodies – FCDOT's minority representation on planning or advisory bodies substantially met FTA Circular 4702.1B requirements; However FCDOT is advised to continue improving in this area by taking specific steps.

FCDOT recognizes that minority representation on planning or advisory bodies is important for the effective delivery of transit services countywide. FCDOT continues to make progress on the development of the Riders Advisory Committee (RAC). The proposed bylaws are under internal review, in anticipation of Board of Supervisors review in spring 2016. In addition, as stated in the Title VI Program, FCDOT continues to encourage Board of Supervisor members to appoint representatives to the Transportation Advisory Commission (TAC) that reflect the County's incredible diversity.

If you have any questions or require additional information, please contact Brent Riddle at michael.riddle@fairfaxcounty.gov or (703) 877-5659.

Sincerely,



Tom Biesiadny
Director

cc: Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
Kenneth Saunders, Director, Office of Human Rights and Equity Programs (OHREP)
Justin Wharton, Equity Programs Manager, OHREP
Stuart Boggs, Transportation Planner, Transit Services Division, FCDOT
Nick Perfili, Section Chief, Transit Services Division, FCDOT
Randy White, Regional Transportation Planner, FCDOT
Beth Francis, Section Chief, Transportation Marketing Division, FCDOT
Kala Quintana, Communication Specialist III, Transportation Marketing, FCDOT
Anna Nissinen, Public Information Officer, FCDOT

Ms. Anita Heard
March 4, 2016
Page 7 of 7

Brent Riddle, Senior Transportation Planner, FCDOT
Benjamin Atsem, Transportation Planner II, FCDOT

Enclosures: a/s