**TITLE VI COMPLIANCE REVIEW**

**OF THE**

**Nashville Metropolitan Transit Authority**

**(Nashville MTA)**

**Nashville, TN**

**Final Report**

**June 2011**

**Prepared For**

**U.S. DEPARTMENT OF TRANSPORATION**

**FEDERAL TRANSIT ADMINISTRATION**

**OFFICE OF CIVIL RIGHTS**

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GENERAL INFORMATION

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City/State: Nashville, TN

Grantee No: 1809

Executive Official: Mr. Paul Ballard

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Site Visit Dates: February 1- 3, 2011

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JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct civil rights compliance reviews. The Nashville Metropolitan Transit Authority (Nashville MTA) 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” (June 18, 1970, unless otherwise noted).
* Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987).
* Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted).
* DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997).
* DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005).
* Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

PURPOSE AND OBJECTIVES

#### Purpose

The Federal Transit Administration (FTA) Office of Civil Rights periodically conducts discretionary reviews of grant recipients and subrecipients 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 the Nashville Metropolitan Transit Authority (Nashville MTA) Title VI Program was necessary.

The Office of Civil Rights authorized the DMP Group to conduct the Title VI Compliance Review of Nashville MTA. The primary purpose of this Compliance Review was to determine the extent to which Nashville MTA has met its General Reporting and Program-Specific Requirements and Guidelines in accordance with FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients”. Members of the Compliance Review team also discussed with Nashville MTA the requirements of the DOT Guidance on Special Language Services to Limited English Proficient (LEP) Beneficiaries. 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 Nashville MTA.

#### Objectives

The objectives of FTA’s Title VI Program, as set forth in FTA Circular 4702.1A, dated May 13, 2007, “Title VI and Title VI-Dependent Guidelines For Federal Transit Administration Recipients” are to:

* Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
* Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
* Promote the full and fair participation of all affected populations in transportation decision making;
* Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
* Ensure meaningful access to programs and activities by persons with limited English proficiency. The objectives of Executive Order 13166 and the “DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries” are for FTA grantees to take reasonable steps to ensure “meaningful” access to transit services and programs for limited English proficient (LEP) persons.

IV. BACKGROUND INFORMATIOn

The Nashville Metropolitan Transit Authority (Nashville MTA) is a public transportation agency based in Nashville, Tennessee. The Metropolitan Government of Nashville purchased the Nashville Transit Company and created the Nashville MTA in 1973. Nashville MTA was formed for the purpose of stabilizing existing public transportation services and meeting other transportation needs of the citizens within Davidson County. Nashville MTA provides public transportation services, local and express routes, to citizens and visitors within the Metropolitan Nashville area and is a component unit of the Metropolitan Government of Nashville and Davidson County.

A five-member Board of Directors, appointed by the Mayor and approved by the City Council, governs the Nashville MTA. A management team, headed by a Chief Executive Officer (CEO), oversees the day-to day operations. Nashville MTA receives funding from federal, state and local governments.

The Nashville MTA bus system serves all of Nashville and Davidson County. While no bus service is directly provided to the autonomous Davidson County incorporated communities of Forest Hills or Lakewood, some service is provided to Belle Meade, Berry Hill, Goodlettsville and Oak Hill. Outside of Davidson County, Nashville MTA is contracted by the Regional Transportation Authority to provide express service to Lavergne, Smyrna, Murfreesboro as well as some connecting service with the Regional Transportation Authority (RTA) Music City Star Commuter train at Riverfront Station in downtown Nashville (linked by downtown shuttles), and Donelson and Hermitage stations within Nashville along the system’s East Corridor Line. RTA operates other express services to Brentwood, Franklin, Gallatin, Hendersonville and Spring Hill through a contract with Gray Line.

Nashville MTA operates a network of 39 bus routes throughout Metro-Davidson County and reached a milestone in ridership by providing 9.4 million rides in fiscal year 2008, representing nearly an 11 percent increase over the previous fiscal period and almost 1 million additional trips when compared to the previous year. Average rides per weekday are currently 28,000.

Service is provided weekdays from 5:15 a.m. to 12:15 a.m. Saturday service is operated from 6:00 a.m. to 11:15 p.m. Sunday service is operated from 6:00 a.m. to 9:15 p.m. Nashville MTA’s ADA paratransit service, known as AccessRide, operates during the same days and hours of service as the fixed routes. This service is supplemented by taxi cab companies to ensure there are no trip denials.

In early May 2010, the City of Nashville was flooded, which severely damaged Nashville MTA’s maintenance and administration facility on Nestor Street in Nashville, as well as destroying 102 of Nashville MTA’s fixed-route, paratransit and support vehicles, 62 of which were federally funded. A number of other transit systems were able to loan vehicles to assist Nashville MTA in restoring its services. Although Nashville MTA was able to restore its service to full schedule by May 24th, the damage to the Nestor Street facility was so extensive that Nashville MTA administrative staff was moved to offices owned by the City at 1417 Murfreesboro Road, known as the Metro Southeast office complex. Additional damage caused by the flood included Nashville MTA’s radio system and automatic vehicle locator (AVL) system. Nashville MTA’s current workforce is 508 employees.

Nashville MTA currently operates a fleet of 142 buses for fixed-route service. The current peak requirement is 118 vehicles, resulting in a 20 percent spare ratio. Nashville MTA also has a fleet of 62 vans, which are operated in its AccessRide paratransit service. The basic adult fare for bus service is $1.60 per trip. A reduced fare of 80¢ is offered to seniors and persons with disabilities during all service hours. The fare for ADA paratransit service is $3.20 per trip.

Nashville MTA has two transit centers – Music City Central and Clement Landport. Its services are oriented around downtown Nashville.

Construction of the Music City Central Transit Center was completed in Fall 2008. Projects that are ongoing include the following:

* Installation of 800 MHz radios and AVLs on all revenue equipment
* Continuing bus procurement for 60-foot buses and paratransit vehicles
* Bus Rapid Transit (BRT) implementation down Gallatin Road
* New circulator service through the downtown Central Business District
* Implementation of the Nashville MTA Strategic Transit Master Plan, which identified short, mid and long-term projects, as well as a process by which projects could be prioritized moving forward.

Over the next several years, Nashville MTA plans to examine new BRT corridors and possibly a streetcar service along a major corridor in Nashville. Also, Nashville MTA will move its administration and heavy maintenance facility to a new location.

Nashville MTA has one ARRA grant, TN-96-X012. This grant was originally awarded on July 28, 2009 and was subsequently amended on March 3, 2010. The ARRA grant originally included a project to renovate the Nestor Street facility. However, after the flood of May 2010, Nashville MTA decided to reduce the scope of this project and use other grant funds to relocate their administration and heavy maintenance functions to higher ground. Other projects in the ARRA grant include the purchase of hybrid vehicles and acquisition of equipment and infrastructure for Nashville MTA’s BRT project.

The second phase of the BRT was completed in August 2010. It created new service on the Gallatin Road corridor, designated as Route 56, which supplements the local service of Route 26. Covering 12 miles, this BRT service operates from Music City Central to the edge of Sumner County just north of the River Gate Mall. Passengers experience fewer stops and more frequent buses as they travel along one of Nashville's busiest corridors on all new 60-foot, articulated, fuel-efficient hybrid buses. BRT buses stop at designated stops/stations that are marked with green "BRT stop" signage. Each station also has more customer amenities and features such as new enhanced passenger waiting areas, with an information kiosk, real-time bus arrival information (to be activated Summer 2011), solar powered security lighting, trash receptacles, and bike racks.

Nashville MTA has formed several EasyRide transit partnerships with organizations which pay for their employees’ transit commute to and from work and school. Metro Government has recently joined other Nashville MTA EasyRide partners such as Vanderbilt University and Medical Center, Belmont University, the State of Tennessee, Bass, Berry & Sims, LP Building Products, and area hotels such as Holiday Inn Select Vanderbilt, Renaissance Hotel, Hilton Hotel and Hampton Inn.

A demographic profile of the Nashville Davidson Transit service area from the 2000 Census, as presented on the following table, shows that 65.9 percent of the population is White non-Hispanic, 26.8 percent is Black, 4.7 percent is Hispanic and 2.7 percent is Asian.

**Racial/ Ethnic Breakdown of the Nashville Metropolitan Transit Authority**

Source: 2000 U.S. Census

|  |  |  |
| --- | --- | --- |
| **Racial/ Ethnic Group** | Nashville-Davidson Tennessee | |
|  | **Number** | **Percent** |
| White | 359,581 | 65.9 |
| Black | 146,235 | 26.8 |
| American Indian and Alaska Native | 1,639 | 0.3 |
| Asian | 12,992 | 2.7 |
| Hawaiian/Pacific Islander | 400 | 0.1 |
| Other Race | 13,677 | 2.5 |
| Two or More | 11,000 | 2.0 |
| Hispanic Origin[[1]](#footnote-1) | 25,774 | 4.7 |
| Total Population | **545,524** | **100** |
|  |  |  |
| Limited English Proficiency | 38,936 | 7.1 |
| Low-Income | 69,247 | 13.3 |

1. SCOPE AND METHODOLOGY

#### Scope

The Title VI Compliance Review of Nashville MTA examined the following requirements as specified in FTA Circular 4702.1A:

1. General Reporting Requirements and Guidelines - All applicants, recipients and subrecipients shall maintain and submit the following:
2. A summary of public outreach and involvement activities undertaken to ensure that minority and low-income people had meaningful access to these activities.
3. A copy of the agency’s plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency’s alternative framework for providing language assistance.
4. A copy of the agency’s procedures for tracking and investigating Title VI complaints.
5. A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part.
6. A copy of the agency’s notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.
7. Program-Specific Requirements and Guidelines for Large Urban Areas - all applicants, recipients and subrecipients that provide public mass transit service in areas with populations over 200,000 shall also submit the following:
8. Demographic Data;
9. Systemwide Service Standards and Policies;
10. Evaluation of Service and Fare Changes; and
11. Procedures for Monitoring Transit Service.

#### Methodology

Initial interviews were conducted with the FTA Headquarters Civil Rights staff and the FTA Region IV Civil Rights Officer to discuss specific Title VI issues and concerns regarding Nashville MTA. Following these discussions, an agenda letter was sent to Nashville MTA advising it of the site visit and indicating additional information that would be needed and issues that would be discussed. The Title VI Review team focused on the compliance areas that are contained in FTA Title VI Circular 4702.1A that became effective on May 13, 2007. These compliance areas are: (1) General reporting requirements and guidelines, and (2) Program-specific requirements and guidelines for recipients serving large urbanized areas.

The general reporting requirements and guidelines now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders.

Nashville MTA was requested to provide the following documents in advance of the site visit:

* Description of Nashville MTA’s service area, including general population and other demographic information using the most recent Census data.
* Current description of Nashville MTA’s public transit service, including system maps, public timetables, transit service brochures, etc.
* Roster of current Nashville MTA’s revenue fleet, to include acquisition date, fuel type, seating configurations and other amenities.
* Description of transit amenities maintained by Nashville MTA for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
* Nashville MTA Organization Chart.
* Any studies or surveys conducted by Nashville MTA, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding ridership, service levels and amenities, passenger satisfaction, passenger demographics or fare issues for its public transit service during the past three years.
* Summary of Nashville MTA’s current efforts to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.
* A copy of Nashville MTA’s four factor analysis of the needs of persons with Limited English Proficiency.
* A copy of Nashville MTA’s plan for providing language assistance topersons with Limited English Proficiency that is based on the USDOT LEP Guidance.
* Nashville MTA’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.
* A list of any investigations, lawsuits, or complaints naming Nashville MTA that alleges discrimination on the basis of 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 Nashville MTA in response to the investigation, lawsuit, or complaint.
* Copy of Nashville MTA’s Notice to Beneficiaries of Protections Under Title VI.
* Documentation of efforts made by Nashville MTA to notify members of the public of the protections against discrimination afforded to them by Title VI.
* Copies of any environmental justice assessments conducted for construction projects during the past three years and, if needed, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities.
* Nashville MTA’s most recent Title VI Update that was submitted to FTA.
* A copy of Nashville MTA’s demographic analysis of its urban 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 Nashville MTA’s locally developed demographic analysis of its customer’s travel patterns.
* Quantitative system-wide service standards and qualitative system-wide service policies adopted by Nashville MTA to guard against discriminatory service design or operations decisions.
* Documentation of Nashville MTA’s methodology for evaluating significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact (Note: per Circular 4702.1A Chapter V part 4, this requirement applies to “major service changes” only and Nashville MTA should have established guidelines or thresholds for what it considers a “major” service change to be). If Nashville MTA has made significant service changes or fare changes in the past three years or is currently planning such changes, provide documentation of Nashville MTA’s Title VI evaluations of the service or fare changes.
* Documentation of periodic service monitoring activities undertaken by Nashville MTA, during the past three years, to compare the level and quality of service provided to predominantly minority and low-income areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. If Nashville MTA’s monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.

Nashville MTA assembled most of the documents prior to the site visit and provided them to the Compliance Review team for advance review. A detailed schedule for the three-day site visit was developed.

The site visit to Nashville MTA occurred February 1-3, 2011. The individuals participating in the Review are listed in Section VIII of this report. An Entrance Conference was conducted at the beginning of the Compliance Review with Nashville MTA senior management staff and the contractor Review team. The Review team showed the participants a video on Title VI during the Entrance Conference. Also, during the Entrance Conference, the Review team explained the goals of the Review and the needed cooperation of staff members. A detailed schedule for conducting the on-site visit was discussed.

Following the Entrance Conference, the Compliance Review team conducted a detailed examination of documents submitted in advance of the site visit and documents provided at the site visit by Nashville MTA staff on behalf of the agency.

The Review team then met with various staff members from Nashville MTA to discuss how Nashville MTA incorporated the FTA Title VI requirements into its public transportation system. At the end of the site visit, an Exit Conference was held with Nashville MTA senior management staff and the contractor Review team. At the Exit Conference, initial findings and corrective actions were discussed with Nashville MTA.

**Site Visits**

With the assistance of Nashville MTA staff, the Review team identified three minority routes (one of these routes was Nashville MTA’s new BRT route) and one non-minority route. During the site visit, the Review team toured each of these routes in their entirety to observe ridership, vehicle assignment and condition, bus stops, and transit amenities. The following bus routes were toured:

* Route 12- Nolensville Pike
* Route 56- BRT line
* Route 26- Gallatin Road
* Route 3- West End

The Review team focused its amenities review on benches and shelters since these two amenities were consistent on all routes reviewed. Routes 12, 26, and 56 were minority routes.

Route 12 had twenty-three (23) inbound benches and six (6) outbound benches. It also had one (1) inbound shelter and one (1) outbound shelter. Route 26 had thirty-one (31) inbound benches and twenty-six (26) outbound benches. It also had two (2) inbound shelters and no outbound shelters were identified.

Route 56 had thirteen (13) inbound BRT shelters. It also had thirteen outbound (13) BRT shelters.

Route 3, the non-minority route, had fifty-four (54) inbound benches and twenty-nine (29) outbound benches. It also had five (5) inbound shelters and two (2) outbound shelters. Route 3 also contained a Park and Ride facility with benches and a large shelter.

The tour showed that the amenities on the non-minority route were significantly higher than the amenities on the minority routes. During the site visit, the Review team discussed this issue with Nashville MTA staff. Nashville MTA explained that it was aware of the issue and had discussed it with executive staff and City officials. Nashville MTA staff explained that many of the minority routes did not have sidewalks and that a cement slab was required to erect the benches. Staff had been advised by the Nashville Department of Works that sidewalk projects were scheduled for some of the streets that comprise the minority routes. Nashville MTA plans to install more benches on these routes once the City has completed the sidewalk projects. The Review team advised Nashville MTA to document the discussions with the City and the plans to address the issue in the updated Title VI Program submittal.

1. FINDINGS AND RECOMMENDATIONS

The Title VI Compliance Review focused on Nashville MTA's compliance with the General Reporting Requirements and Guidelines and the Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas. This section describes the requirements and guidance and findings at the time of the Compliance Review site visit. In summary, deficiencies were identified in five of the 12 requirements of the Title VI Circular applicable to recipients serving large urbanized areas:

* Inclusive Public Participation
* LEP Language Assistance Plan
* Prepare and Submit a Title VI Program
* System-wide Service Standards and Policies
* Evaluation of Fare and Service Changes

Following the issuance of the Draft Report, Nashville MTA submitted corrective actions adequate to close all of the deficiencies.

#### FINDINGS OF THE GENERAL REPORTING REQUIREMENTS

1. Inclusive Public Participation

**Guidance:** *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.*

**Finding:** During this Title VI Compliance Review of Nashville MTA, deficiencies were found regarding Nashville MTA’s compliance with FTA guidance for Inclusive Public Participation. Prior to the site visit, Nashville MTA submitted its *Title VI Program Plan*, updated September 2010. This plan included a description of the public participation methods used by Nashville MTA, as follows:

* Posting information about public hearings and system notices on the MTA website and at the Customer Service Center at Music City Central.
* Sending email blasts.
* Communicating directly with customers through the Nashville MTA Customer Care Department.
* Issuing press releases and other system notices to local media (newspapers, radio and television), including minority newspapers (Tennessee Tribune, La Campana and La Noticia).
* Placing notices on transit vehicles.
* Providing notices, announcements, survey forms and other outreach materials in English and Spanish.
* Maintaining a customer comment and inquiry database to track and respond to all comments, complaints, and suggestions. Prior to making changes to service, the Nashville MTA Planning Department reviews the customer comments database.
* Engaging two customer advisory committees – AccessRide Policy and Advisory Committee and Partners in Transit Committee.
* Scheduling public meetings downtown at a location on the fixed route system, often at multiple times throughout the day.
* Employing two Spanish speaking customer service staff and a language line service.

During the site visit, Nashville MTA was asked to provide a list of its recent outreach efforts. Nashville MTA stated that it would submit this list once it was compiled.

Nashville MTA stated that press releases were often used to disseminate information about public hearings; however, it did not provide examples of notices posted in local and/or minority newspapers. Nashville MTA explained that it did not use paid advertising to communicate information about public outreach activities in minority newspapers and the minority newspapers did not guarantee the publishing of press releases. Further, after issuing a press release, Nashville MTA did not follow-up to confirm that press releases actually appeared in the minority newspapers.

Following the issuance of the Draft Report, Nashville MTA clarified its use of paid advertising, as follows:

*Nashville MTA has always used paid advertising for public meetings in local newspapers, per the Public Hearing Requirements for Transit Services established in 2004. In addition, staff follow-up with local newspapers to confirm when press releases appear. After undergoing the Title VI Review, Nashville MTA now uses paid advertising for public meetings in minority newspapers as well.*

MTA provided examples of public hearing notices, announcements, and customer survey forms in English and Spanish.

When asked about Nashville MTA’s involvement with the two customer advisory committees, Nashville MTA indicated that the AccessRide Policy and Advisory Committee focused on ADA concerns and did not advise on matters related to Title VI. Nashville MTA stated that it was uncertain about the status of the Partners in Transit Committee, but the Committee had not advised Nashville MTA recently.

While Nashville MTA did a good job of creating tools to receive and record customer comment, it did not demonstrate that it continuously engaged in proactive outreach that promoted early and continuous participation in the planning process from minority and low-income communities. The Review team advised that FTA Circular 4702.1A, IV provides the following effective practices for meeting this requirement:

* + 1. *Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.*
    2. *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.*
    3. *Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.*
    4. *Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that comxmunications are tailored to the particular community or population.*
    5. *Implementing DOT’s policy guidance concerning recipients’ responsibilities to LEP persons to overcome barriers to public participation.*

In response, Nashville MTA indicated that, while it did not have any recent interaction with the Partners in Transit Committee, it would inquire about the Committee’s status and attempt to re-engage the Committee as a resource for giving and receiving information on matters of planning. It was recommended that Nashville MTA also identify and seek out individuals and community organizations that represent or advocate on behalf of the minority and low-income communities and engage them in the planning process.

Nashville MTA also indicated that it maintained a customer comment and inquiry database to track and respond to all comments, complaints, and suggestions. Prior to making changes to service, the Nashville MTA Planning Department reviewed the customer comments database. Nashville MTA’s *Bi-annual Service Review* process steps were as follows:

1. *Funding*
2. *Master Plan*
3. *Data Analysis*
4. *Customer Comments*
5. *Service Proposal*
6. *Public Input*
7. *Apply Changes*
8. *Ongoing Evaluation*

This process of reviewing customer comments prior to establishing the actual service proposal was encouraged and was consistent with the letter and spirit of the Title VI Inclusive Public Participation requirement. Nashville MTA was encouraged to seek out and involve the public even earlier in the process, i.e., during the development of the Master Plan. The Review team pointed out that waiting to receive customer comment at public hearings can be helpful, but at that point, comments are being sought on a proposal that has already been developed. FTA Circular 4702.1A calls for Nashville MTA to engage in activities that promote the participation of minority and low-income persons in the planning and development of the proposal itself.

Following the issuance of the Draft Report, Nashville MTA submitted the following updates to its Inclusive Public Participation procedures:

* A statement that *“it is establishing a relationship with the Black Chamber of Commerce and the Hispanic Chamber of Commerce. MTA will use these groups throughout the service change process to gather input. MTA is also actively involved on the Nashville Food Policy Council, whose mission is to increase the availability of and access to healthy and affordable food to low-income individuals whose neighborhoods are considered “food deserts.”*
* A list of individuals, institutions and organizations used to engage minority and low-income communities:

|  |  |  |
| --- | --- | --- |
| Name | Minority | Low-Income |
| Organized Neighbors of Edgehill (ONE) Food Now Transportation Committee | X | X |
| John Henry Hale Homes Community Center |  | X |
| Martha O’Bryan Center |  | X |
| Cumberland View Towers |  | X |
| JC Napier Housing Residents |  | X |
| Bethlehem Center |  | X |
| Project Homeless | X | X |
| Gernet Apartments Residents | X | X |
| Refugee Immigration Service | X | X |
| Kroger – Nashboro Village | X |  |
| Kroger – Mt. View Road | X |  |
| Antioch Community Meeting | X |  |
| Antioch Easter Egg Hunt | X |  |
| Vanderbilt Coalition for Healthy Aging | X | X |
| Transit Week Farmers Market |  | X |
| HUGGS, Inc. Awards Banquet |  | X |
| Nashville Food Policy Council |  | X |

These corrective actions are adequate to close the deficiency in this area.

1. Language Access to LEP Persons

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

**Finding:** During this Title VI Compliance Review of Nashville MTA, deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for Language Access to LEP persons. Prior to the site visit, Nashville MTA submitted its plan for providing language access to LEP persons. This document included Nashville MTA’s four-factor assessment but did not include a Language Assistance Plan (LAP). Nashville MTA’s efforts did not fully comply with FTA Circular 4702.1A, IV, 4.a and DOT Policy Guidance, as illustrated in the following table:

| **Elements Required for LEP Assessment and Language Access Plan**  **(Per FTA C. 4702.1A, IV, 4. a. and DOT Policy Guidance)** | | |
| --- | --- | --- |
|  | **Included in Nashville MTA’s**  **Plan** | **Notes/Comments** |
| **Part A – Four-Factor Assessment** | | |
| 1. Demography –The number or proportion of LEP persons eligible to be served or likely to be encountered | Yes | Nashville MTA should consider using methods in addition to Census 2000 data. Specifically, Nashville MTA should consider using American Community Survey data, data from state and local government agencies (i.e., school districts), and information from community organizations that serve LEP persons. |
| 1. Frequency of Contact - the frequency with which LEP individuals come in contact with the program and/or activities | Yes | Nashville MTA provides local and express public transit services for the Davidson County area and door-to-door AccessRide paratransit services. Discussions with Customer Care Representatives indicate the most contact that LEP persons have to Nashville MTA is with local fixed route service. This service provides the most work trips and also is less expensive and more available. The transit stops in the LEP concentrated areas and needed destinations have made Nashville MTA a viable transportation option for LEP persons.  Per discussions with Customer Care staff and Transit Operators, LEP persons come into contact with Nashville MTA programs, activities or services each week per the following:   * Customer Care phone services – an average of 5 LEP persons per week * Ticket Booth – an average of 15 LEP persons per week * Fixed route transit services – an average of 30 persons per week * AccessRide paratransit – 7 regular non-english speaking persons ride on regular basis. |
| 1. Importance - the nature and importance of the program, activity, or service to people's lives; | No | Nashville MTA referenced its inclusive public participation procedures. This did not conform to DOT LEP Guidance. The Review team suggested that Nashville MTA use the results of its Rider Survey, included in its most recent Title VI Plan, to better determine not only frequency, but to determine the importance of its service to LEP individuals. |
| 1. Resources - the resources available and costs | Yes | Nashville MTA includes language assistance funding in its annual budget. |
| Part B - Develop Language Assistance Plan | | |
| 1. Identification of LEP Persons | No | No LAP Plan |
| 1. Language Assistance Measures | No | No LAP Plan |
| 1. Training of Staff | No | No LAP Plan |
| 1. Provide Notice to LEP Persons | No | No LAP Plan |
| 1. Monitor and Update the LAP | No | No LAP Plan |

Following the issuance of the Draft Report, Nashville MTA incorporated outreach to schools throughout its service area to better quantify LEP persons and to better understand the frequency with which LEP persons come into contact with its services and programs. Nashville MTA also utilized Customer Care Surveys to identify routes most heavily used by LEP persons and to also determine what LEP persons are using the transit service for. Survey results indicated that the majority of LEP persons use the service for work trips. The Survey also revealed that 70% of the LEP respondents did not have a vehicle at home and were transit dependent.

Nashville MTA also developed a Language Assistance Plan (LAP) as required by FTA Circular 4702.1A and DOT LEP Guidance. The LAP Plan contained all required elements.

The deficiency in this area is now closed.

1. Title VI Complaint Procedures

**Requirement:** *FTA 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.*

**Finding:** During this Title VI Compliance Review of Nashville MTA, no deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for Title VI Complaint Procedures. Prior to the site visit, Nashville MTA submitted two different documents in its Title VI Program Plan, “*Title VI Complaint Procedures,*” which appeared to be Title VI complaint procedures for Nashville MTA, and “*Title VI Complaint Process,*” which appeared to be Title VI complaint procedures for the Tennessee Department of Transportation (TDOT). These documents contained inconsistent and sometimes conflicting procedures.

During the site visit, Nashville MTA explained that the TDOT procedures were not used and would be removed from future Title VI Program Plan submissions. A review of Nashville MTA’s Title VI complaint procedures resulted in the following:

* Nashville MTA referred complainants to the FHWA as an outside agency to which Title VI complaints can be filed. Nashville MTA must remove all references to FHWA and refer complainants to the FTA.
* Nashville MTA said that complainants must file a complaint within 180 days. Nashville MTA should change this to read, “complainants should file a complaint within 180 days.”

Prior to the conclusion of the site visit, Nashville MTA updated its Title VI complaint procedures to comply with FTA Circular 4702.1A, IV.2.

1. 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 on the basis of 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.*

**Finding:** During this Title VI Compliance Review of Nashville MTA, no deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits. Prior to the site visit, Nashville MTA submitted its *Title VI Complaint Log*. Per FTA Circular 4702.1A, IV.3, the log contained all required elements, with the exception of “Complaint Status” and “Actions Taken by the Recipient.”

Prior to the conclusion of the site visit, Nashville MTA updated its Title VI Complaint Log to include the missing elements.

1. 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.*

**Finding:** During this Title VI Compliance Review of Nashville MTA, no deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for Notice to Beneficiaries of Protection Under Title VI. Nashville MTA submitted its information dissemination procedures that included all of the three elements required in FTA Circular 4702.1A, IV.5 as shown on the following table:

|  |  |
| --- | --- |
| **Elements Required in Title VI Notification**  **(Per FTA Circular 4702.1A Chapter IV Section 5.a)** | **Included in Nashville MTA Draft Policy?** |
| A statement that the agency operates programs without regard to race, color, and national origin | Yes |
| A description of the procedures that members of the public should follow in order to request additional information on the recipient’s nondiscrimination obligations | Yes |
| A description of the procedures that members of the public should follow in order to file a discrimination complaint against the recipient. | Yes |

The Review team confirmed that Nashville MTA distributed its Notice in English and Spanish on its website and at the Music City Central Transfer Center.

1. Annual Title VI Certification and Assurance

**Requirement:** *FTA**recipients shall submit its 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.*

**Findings:** During this Title VI Compliance Review of Nashville MTA, no deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for Annual Title VI Certification and Assurance. The FTA Civil Rights Assurance is incorporated in the Annual Certifications and Assurances submitted annually to FTA through the Transportation Electronic Award and Management (TEAM) system. Nashville MTA executed its FY 2010 Annual Certifications and Assurances in TEAM on January 5, 2011. Nashville MTA checked as applicable, 01. Certifications and Assurances required of all applicants. This is the category where the nondiscrimination assurance is located.

1. Environmental Justice Analysis of Construction Projects

**Guidance:** *FTA**recipients should integrate an environmental justice analysis into its National Environmental Policy Act (NEPA) documentation of construction projects. (Recipients are not required to conduct environmental justice analyses of projects where NEPA documentation is not required.). In preparing documentation for a categorical exclusion (CE), recipients can meet this requirement by completing and submitting FTA’s standard CE checklist, which includes a section on community disruption and environmental justice.*

**Findings:** During this Title VI Compliance Review of Nashville MTA, no deficiencies were found regarding Nashville MTA’s compliance with FTA guidance for Environmental Justice (EJ) Analyses of Construction Projects. Nashville MTA submitted documented categorical exclusions for the Nashville MTA *Purchase of Former Peterbilt Facility* and the *MTA Maintenance Facility Renovation*, and an environmental assessment (EA) for the *Nashville MTA Central Station*. Both projects for which categorical exclusions were prepared included all elements required by FTA Circular 4702.1A, IV.8. The Environmental Assessment (EA) for the Nashville MTA Central Station was prepared in 2006, prior to the current Circular, and did not meet the current Circular’s requirements. For the future, the Review team advised Nashville MTA to include the six elements required for Environment Justice Analysis of Construction Projects in the current Circular, as follows:

* 1. A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population (e.g., analysis of Census data, minority business directories, direct observation, or a public involvement process).
  2. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population.
  3. A discussion of all positive effects that would affect the identified minority and low-income population, such as an improvement in transit service, mobility, or accessibility.
  4. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project.
  5. A discussion of the remaining effects, if any, and why further mitigation is not proposed.
  6. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas. Recipients and subrecipients that determine there is no basis for such a comparison should describe why that is so.

1. Submit Title VI Program.

**Requirement:** *FTA recipients serving large urbanized areas are required to document their compliance with the general reporting requirements by submitting a Title VI Program to FTA’s Regional Civil Rights Officer once every three years.*

**Findings:** During this Title VI Compliance Review of Nashville MTA, deficiencies were found regarding Nashville MTA’s compliance with FTA requirements to Submit Title VI Program. Prior to the site visit, Nashville MTA submitted its *Title VI Program*, updated September 2010. The following table summarizes Nashville MTA’s Title VI Program submittal with respect to the current FTA Circular 4702.1A, IV.7:

| **ELEMENTS REQUIRED FOR TITLE VI PROGRAM** | |
| --- | --- |
| **GENERAL REQUIREMENTS**  **(Per FTA C. 4702.1A, IV, 7. a. (1) – (5))** | **In Nashville MTA’s Title VI Program Submittal?** |
| * A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities. | No |
| * A copy of the agency’s plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency’s alternative framework for providing language assistance. | Partial  (incomplete four-factor analysis, no Language Assistance Plan) |
| * A copy of the agency procedures for tracking and investigating Title VI complaints. | Yes |
| * A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part. | Yes |
| * A copy of the agency’s notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint. | Yes |
| **Program-specific requirements**  **(Per FTA C. 4702.1A, V, 6. a. (1) – (4))** |  |
| * A copy of the agency’s demographic analysis of its beneficiaries. This should include either any demographic maps and charts prepared or a copy of any customer surveys conducted since the last report that contain demographic information on ridership, or the agency’s locally developed demographic analysis of its customer’s travel patterns. | Yes |
| * Copies of system-wide service standards and system-wide service policies adopted by the agency since the last submission. | Yes |
| * A copy of the equity evaluation of any significant service changes and fare changes implemented since the last report submission. | Yes |
| * A copy of the results of either the level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally developed monitoring procedures conducted since the last submission. | Yes |

Following the issuance of the Draft Report, Nashville MTA provided a list of individuals, institutions and organizations that it coordinates with as part of its outreach to minority and low-income communities. In addition, Nashville MTA provided a list of monthly meetings held by the Nashville Food Policy Council that it attended. Since the Title VI Compliance Review site visit, Nashville has attended meetings held by this organization regularly.

These areas will be included in Nashville MTA’s 2013 update. The deficiency in this area is now closed.

1. Demographic Data

**Requirement:** *FTA recipients serving large urbanized areas shall collect and analyze racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.*

**Findings:** During this Title VI Compliance Review of Nashville MTA, no deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for Demographic Data. Using the options presented in FTA C. 4702.1A, V, 1.a., Nashville MTA provided some of the information in Option A: Demographic and Service Profile Maps and Charts. This Option requires the following items:

|  |  |
| --- | --- |
| **Elements Required for Demographic Data**  **(Per FTA C. 4702.1A, V, 1. a.)** | **Included in Nashville MTA’s**  **Title VI Submittals?** |
| A base map of the agency’s service area that includes each census tract or traffic analysis zone (TAZ), major streets, etc., fixed transit facilities and major activity centers. The map should also highlight those transit facilities that were recently modernized or are scheduled for modernization in the next five years. | Yes |
| A demographic map that plots the above information and also shades those Census tracts or TAZ where the percentage of the total minority and low-income population residing in these areas exceeds the average minority and low-income population for the service area as a whole. | Yes |
| A chart for each Census tract or TAZ that shows the actual numbers and percentages for each minority group within the zone or tract. | No |

In its most recent FTA Title VI Program submittal, updated September 2010, Nashville MTA provided the following maps:

* Minority Block Groups Davidson County, TN
* Low Income Block Groups Davidson County, TN
* Minority/Low Income Block Groups Davidson County, TN

The maps contained major streets, Nashville MTA fixed transit facilities, bus routes, and shadings for the minority and low-income census block groups. The maps did not contain each census tract or traffic analysis zone (TAZ) and major activity centers. Nashville MTA did not provide the chart for each Census tract or TAZ that shows the actual numbers and percentages for each minority group within the zone or tract.

During the site visit, Nashville MTA provided a map containing each census block group and major activity centers. Nashville MTA opted to use census block groups rather than census tracts or TAZ’s for greater accuracy. Nashville MTA also provided a chart for each census block group per FTA Circular 4702.1A.V.1.

1. System-wide Service Standards and Policies

**Requirement:**  *FTA recipients serving large urbanized areas shall adopt quantitative system-wide service standards necessary to guard against discriminatory service design or operations decisions. Recipients serving large urbanized areas shall adopt system-wide service policies necessary to guard against discriminatory service design or operations decisions. Service standards differ from service policies in that they are not based necessarily on a quantitative threshold.*

**Findings:** During this Title VI Compliance Review of Nashville MTA, deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for System-wide Service Standards and Policies. FTA Circular 4702.1A describes effective practices to fulfill the service standard requirements. FTA recommends that recipients set standards for the following indicators, giving transit agencies latitude to set standards for different/or additional indicators at their discretion:

|  |  |
| --- | --- |
| Service Standards | Service Policies |
| * Vehicle Load | * Vehicle Assignment |
| * Distribution of Transit Amenities | * Transit Security |
| * Vehicle Headway |  |
| * Service Availability |  |
| * On-time Performance |  |

Nashville MTA did not have quantifiable service standards for the distribution of its bus bench and bus shelter transit amenities. During the site visit, Nashville MTA provided documentation that it currently had 573 bus benches and 122 bus shelters throughout its service area. In its most recent Title VI Program submittal to FTA, updated September 2010, Nashville MTA provided several system-wide performance measures, including:

* Miles Between Road Calls
* Miles Between Preventable Accidents
* On-time Performance for Bus
* Passengers Carried per Complaint
* Percent of Phone Calls Answered
* Passengers Per Hour

Nashville MTA indicated that it used its *On-time Performance for Bus* and *Passengers Per Hour* measures to monitor transit service for compliance with Title VI and not the others listed above. Nashville MTA was advised to not list service performance measures (standards) in the Title VI Program submittal that it does not utilize for Title VI. Nashville MTA had a performance measure (standard) for Vehicle Headway and, in fact, used vehicle headway (service frequency) to monitor compliance with Title VI. Nashville MTA was advised to include its Service Frequency performance measure as part of its Title VI service standards.

Following the issuance of the Draft Report, Nashville MTA provided updated System-wide Service Standards and Policies to include quantifiable standards for the distribution of transit amenities. With respect to bus shelters and bus benches, bus stops with 40 or more passenger boardings per day are priority candidates for new shelters and benches.

Nashville MTA was advised to monitor its vehicle assignment service standard for its potential to result in having an unintended disparate impact. In response, Nashville MTA included the following statement in its system-wide service standards:

*To ensure that the Vehicle Assignment policy is truly a random process, MTA periodically monitors bus assignments to ensure that it is equitable across all routes. Quarterly, staff analyze a sample of daily bus assignments to ensure the process in not having unintended disparate consequences.*

MTA was further advised that the emphasis of its vehicle assignment service standard should not be on ensuring that the process is random; rather, emphasis should be on making its vehicle assignment process is equitable.

The deficiency in this area is now closed.

1. Evaluation of Service and Fare Changes

**Requirement:** *FTA recipients shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. For service changes, this requirement applies to “major service changes” only. Recipients should have established guidelines or thresholds for what it considers a “major” change.*

**Findings:** During this Title VI Compliance Review of Nashville MTA, deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for Evaluation of Service and Fare Changes. During the site visit, Nashville MTA did not provide documentation that it was evaluating system-wide service and fare changes as required by FTA Circular 4702.1A. For its recent service changes to be implemented in March 2011, Nashville MTA provided a map that contained all of its fixed routes in one color and the changed sections of the routes in another color, overlaid on a demographic map of the entire Nashville MTA service area. The map was not sufficient to specifically identify the service changes and the demographics around the routes being changed. Nashville MTA did not provide a comparative analysis of the impact of the service changes on the minority and low-income riders versus non-minority and non-low income riders. The following are the elements required for evaluation of service and fare changes:

| **ELEMENTS REQUIRED FOR EVALUATION OF SERVICE AND FARE CHANGES (PER FTA C. 4702.1A, V, 4.A.)** |
| --- |
| 1. ASSESS THE EFFECTS OF THE PROPOSED FARE OR SERVICE CHANGE ON MINORITY AND LOW-INCOME POPULATIONS. |
| *Route changes – produce maps of service changes overlaid on a demographic map of the service area* |
| *Span of service – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted* |
| *Fare changes – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted* |
| 1. ASSESS THE ALTERNATIVES AVAILABLE FOR PEOPLE AFFECTED BY THE FARE INCREASE OF MAJOR SERVICE CHANGE. |
| *Service changes – Analyze what, if any, modes of transit are available for people affected by the service expansion or reduction. Analysis should compare travel time and costs to the rider of the alternatives.* |
| *Fare changes – Analyze what, if any, alternative transit modes, fare payment types or fare payment media are available for people affected by the fare change. Analysis should compare fares paid under the change with fares that would be paid through available alternatives.* |
| 1. DESCRIBE ACTIONS THE AGENCY PROPOSES TO MINIMIZE, MITIGATE, OR OFFSET ANY ADVERSE EFFECTS OF CHANGES ON MINORITY AND LOW-INCOME POPULATIONS. |
| 1. DETERMINE ANY DISPROPORTIONATELY HIGH AND ADVERSE EFFECTS ON MINORITY AND LOW-INCOME RIDERS. IF ANY, DESCRIBE THAT ALTERNATIVES WOULD HAVE MORE SEVERE ADVERSE EFFECTS THAN THE PREFERRED ALTERNATIVE |

Nashville MTA did provide a definition of a fare or major service change in a document entitled *Nashville Metropolitan Transit Authority Public Hearing Requirements for Transit Services*, dated 4/22/2004, as follows:

* + - * 1. *There is a change in any fare or fare media related to our core services of fixed route and AccessRide.*
        2. *There is any change in service of twenty-five percent (25%) or more of the number of a transit route’s revenue service miles computed on a daily basis for the day of the week for which the change is made.*
        3. *A new transit route is established.*
        4. *Service frequency (headway adjustments) of over 5 minutes during peak hour service or over 15 minutes during no- peak hour service will require a public hearing meeting.*

1. *In an emergency situation, a service change may be implemented immediately without a public hearing being held. A public hearing must be held if the change is in effect over 180 days. Examples of emergency service changes include but are not limited to those made because of the inaccessibility of a bridge over which a bus route passes, major road construction, or inadequate supply of fuel.*
2. *Experimental service changes may be instituted for 180 days or less without a public hearing being held. A public hearing will be required if the experimental service change exceeds 180 days.*

In its Title VI Program submittal to FTA updated September 2010, Nashville MTA did discuss its 2008 service changes and provided an analysis of the impact the potential cuts would have on the minority communities in general. In the same submittal, Nashville MTA discussed two fare increases instituted in 2008. The submittal did not contain a comparative analysis of the impact of the fare and service changes on the minority and low-income riders versus non-minority and non-low income riders.

Following the issuance of the Draft Report, Nashville MTA provided procedures for evaluating fare and service changes per FTA Circular 4702.1A, V.4, which included a process for comparative analyses of proposed service and fare changes and maps of affected routes. Nashville MTA also provided its Title VI evaluation of the addition of the Antioch Buslink, which serves a predominantly minority, low-income area. Nashville MTA concluded that it did not have another on-demand service to compare the Antioch Buslink to, and since it was adding service that serves minorities and low-income persons, the service change had no disparate impact on those communities.

These corrective actions are adequate to close the deficiency in this area.

1. Monitoring Transit Service

**Requirement:** FTA *recipients shall monitor the transit service provided throughout its service area. Periodic service monitoring activities shall be undertaken to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. Monitoring shall be conducted 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.*

**Findings:** During this Title VI Compliance Review of the Nashville MTA, no deficiencies were found regarding Nashville MTA’s compliance with FTA requirements for Monitoring Transit Service. Prior to the site visit, Nashville MTA submitted its *Title VI Program*, updated September 2010. The submittal included a description of Nashville MTA’s Title VI monitoring process. With respect to FTA Circular 4702.1A, Nashville MTA conducted Level of Service monitoring in accordance with the following table:

|  |
| --- |
| **Elements Required for Monitoring – Option A: Level of Service Methodology**  **(Per FTA C. 4702.1A, V, 5. a.)** |
| Select a sample of bus routes and fixed guideway routes that provide service to a demographic cross-section of the recipient’s population. A portion of the routes in the sample should be those routes that provide service to a predominantly minority and low-income areas. |
| Assess the performance of each route in the sample for each of the recipient’s service standards and policies. |
| Compare the transit service observed in the assessment to the established service policies and standards. |
| In cases in which observed service does not meet the stated service policy or standard, recipients should determine why the discrepancy exists and take corrective action to correct the discrepancy. |

MTA monitored its transit service at the route level by first categorizing each route as a commuter, corridor, or neighborhood route (all routes are included in the monitoring effort). The following route performance standards or measures were applied to each route category:

* Service Frequency (SF)
* Daily Revenue Hours (DRH)

Using the SF and DRH measure standards, Nashville MTA compared the average performance of all routes to the performance of minority, low-income, non-minority and non-low-income routes to determine if a discriminatory or disparate impact exists. At the time of Nashville MTA’s latest Title VI Program submittal, it determined the following (see charts below):

**Neighborhood Routes (13)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Service Frequency** | **Revenue Hours Days of the Week** | | |
|  |  | **M-F** | **Sat** | **Sun/Hol** |
| **Average for all routes** | 30 | 25 | 12 | 11 |
| **Average low-income** | 30 | 25 | 12 | 11 |
| **Average minority** | 30 | 25 | 12 | 11 |
| **Average non-low income** | 0 | 0 | 0 | 0 |
| **Average non-minority** | 0 | 0 | 0 | 0 |

All 13 routes were minority and low-income. No comparison to non-minority and non-low-income routes was possible.

**Commuter Routes (7)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Service Frequency** | **Revenue Hours Days of the Week** | | |
|  |  | **M-F** | **Sat** | **Sun/Hol** |
| **Average for all routes** | 42 | 10 | 2 | 2 |
| **Average low-income** | 46 | 10 | 4 | 4 |
| **Average minority** | 44 | 10 | 3 | 3 |
| **Average non-low income** | 38 | 10 | 0 | 0 |
| **Average non-minority** | 33 | 11 | 0 | 0 |

The average SF for all routes was 42 minutes. Minority and low-income routes had a SF of 44 and 46 minutes, respectively. Non-minority and non-low-income routes were reported to run more frequently at 33 and 38 minutes, respectively. Nashville MTA responded to the disparity in the following way:

*“MTA has determined that for longer distance commuter services, which travel primarily on interstates, involve relatively fewer stops, have fewer trips, and provide direct service to downtown, that differences in average frequencies of plus or minus 10 minutes is within the range of the goal and does not require modification.”*

Nashville MTA also noted that weekend and holiday service was provided on the minority and low-income routes and not on the non-minority and non-low-income routes.

**Corridor Routes (10)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Service Frequency** | **Revenue Hours Days of the Week** | | |
|  |  | **M-F** | **Sat** | **Sun/Hol** |
| **Average for all routes** | 20 | 54 | 25 | 20 |
| **Average low-income** | 20 | 53 | 27 | 23 |
| **Average minority** | 20 | 52 | 25 | 21 |
| **Average non-low income** | 19 | 55 | 14 | 8 |
| **Average non-minority** | 20 | 58 | 21 | 15 |

Nashville MTA determined that no significant difference in SF existed. Weekday revenue hours for minority routes were 52 (less than the average for all routes - 54) vs. 58 for non-minority routes. Revenue hours for low-income routes were 53 vs. 55 for non-low-income routes. MTA addressed this disparity by highlighting the fact that significantly more weekend and holiday service was available on the minority and low-income routes.

Nashville MTA also monitored service equity using the on-time performance standard, as follows:

**Minority Stop Locations**

|  |  |  |  |
| --- | --- | --- | --- |
| **Route** | **Timepoint Location** | **Percentage On-time** | **Meets Goal** |
| 19 Herman | 44th Ave. & Albion St. | 98.91% | Yes |
| 12 Nolensville | Nolensville & State Fairgrounds | 93.48% | No (see note) |
| 22 Bordeaux | Clarksville Highway & 23rd Ave. | 98.91% | Yes |
| 4 Shelby | Porter Rd. & Greenwood Ave. | 100% | Yes |

\*Note: This route crosses a heavily used CSX railroad line and delays occur as a result of trains blocking the roadway. MTA has adjusted this schedule to provide for the buses to get back on schedule when a blockage occurs, however, with the unpredictability of train traffic, this route does experience more than average delays.

**Low-Income Stop Locations**

|  |  |  |  |
| --- | --- | --- | --- |
| **Route** | **Timepoint Location** | **Percentage On-time** | **Meets Goal** |
| 10 Charlotte | American Rd. & Premier Dr. | 100% | Yes |
| 9 Metrocenter | Dominican & French Landing | 99.21% | Yes |
| 23 Dickerson | Knoll Crest Apartments | 100% | Yes |

**Non-Low-Income, Non-Minority Stop Locations**

|  |  |  |  |
| --- | --- | --- | --- |
| **Route** | **Timepoint Location** | **Percentage On-time** | **Meets Goal** |
| 3 West End | Bellevue Center Mall | 96.23% | Yes |
| 6 Lebanon | Donelson Train Station | 100% | Yes |
| 2 Belmont | David Lipscomb University | 97.73% | Yes |

From this monitoring effort, Nashville MTA determined the following with respect to on-time performance:

*It has a high level of on-time performance and no pattern exists for poor performance in any particular area vs. another. The Route 12 Nolensville does experience delays beyond MTA’s control due to train traffic blocking the roadway, however, MTA has responded by putting more resources onto this route and allowing for time at the end of the line for the bus to get back on schedule. The result is a high level of on-time performance at 93%.*

*In addition to the timepoint/stop analysis, Nashville MTA examined entire routes for discrepancies of five or more minutes between scheduled and actual running time from start to end. Routes selected for analysis are meant to represent the diversity of the city and its transit ridership. On-time performance is tracked in both directions of a route. Routes 3, 7, 28, and 15 had performance measures that fell below the goal of 96%. Although these did fall below the goal, they are all above 90% which is within a reasonable threshold and therefore no immediate corrective action was taken as a result of this analysis. However, as a result of this analysis and through our standard monitoring policies, a detailed review of performance was conducted for these routes through supervisor observations to validate the performance. In cases where the performance was confirmed, additional resources were applied to the routes and/or route timings were adjusted as needed.*

The Review team advised Nashville MTA to include an analysis of bus shelter and bench transit amenities and utilize its standards, including “passengers per hour” when conducting its next monitoring effort.

VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS

| **Title VI Requirements For Recipients Serving Large Urbanized Areas** | | **Site Review Finding** | **Description of Deficiencies** | **Corrective Action(s)** | **Response Days/Date** | | **Date Closed** | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **GENERAL REQUIREMENTS** | | | | | | | | |
| 1. Inclusive Public Participation | | D | No documentation confirming Nashville MTA’s efforts to facilitate and seek out inclusive public participation from minority and low-income populations. Greater effort to include participation from Hispanic populations is required. | Nashville MTA must submit to the FTA Equal Opportunity Specialist in FTA’s Headquarters Office of Civil Rights documentation confirming efforts to include minority and low-income populations in their planning and decision-making process, as required by FTA Circular 4702.1A. | 90 Days | | 6/24/11 | |
| 1. LEP Language Assistance Plan | | D | No four-factor assessment. No language assistance plan. | Nashville MTA must submit to the FTA Equal Opportunity Specialist in FTA’s Headquarters Office of Civil Rights documentation that it has conducted a LEP four factor assessment and developed a language assistance plan, as required by FTA Circular 4702.1A. | 90 Days | | 6/24/11 | |
| 1. Title VI Complaint Procedures | | ND |  |  |  | |  | |
| 1. List of Title VI Investigations, Complaints, and Lawsuits | | ND |  |  |  | |  | |
| 1. Notice to Beneficiaries of Protection Under Title VI | | ND |  |  |  | |  | |
| 1. Annual Title VI Certification and Assurance | | ND |  |  |  | |  | |
| 1. Environmental Justice Analyses of Construction Projects | | ND |  |  |  | |  | |
| 1. Prepare and Submit a Title VI Program | | D | Most recent Title VI update was not prepared in accordance with the current guidance, FTA Circular 4702.1A, dated May 13, 2007. | Nashville MTA must submit to the FTA Equal Opportunity Specialist in FTA’s Headquarters Office of Civil Rights an updated Title VI Program update that includes a summary of public outreach and involvement activities and its LAP plan, including its complete four-factor assessment. | 90 Days | | 6/24/11 | |
| **PROGRAM SPECIFIC REQUIREMENTS FOR LARGE URBANIZED AREAS** | | | | | | | | |
| 1. Demographic Data | ND | |  | . | |  | |  |
| 1. System-wide Service Standards and Policies | D | | No service standards for bus benches and bus shelters | Nashville MTA must submit to the FTA Headquarters Office of Civil Rights documentation that it has developed system-wide service standards for the distribution of its bus bench and bus shelter transit amenities. | | 90 Days | | 6/24/11 |
| 1. Evaluation of Fare and Service Changes | D | | Impact of fare and/or service changes not adequately examined | Nashville MTA must submit to the FTA Headquarters Office of Civil Rights the following:   * A Title VI evaluation of its most recent service changes per FTA Circular 4702.1A, V.4, and * Documentation that it has developed procedures for evaluating fare and service changes per FTA Circular 4702.1A, V.4, including a process for comparative analyses of proposed service and fare changes and maps of affected routes. | | 90 Days | | 6/24/11 |
| 1. Monitoring Transit Service | ND | |  |  | |  | |  |

ND = No Deficiencies; D = Deficiency; NA = Not Applicable; NR = Not Reviewed; AC = Advisory Comment

1. ATTENDEES

|  | **Title** | **Phone**  **Number** | **Email** |
| --- | --- | --- | --- |
| ***Nashville MTA*** | | | |
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| ***Federal Transit Administration (FTA)*** | | | |
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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. [↑](#footnote-ref-1)