

6. TITLE VI – ENHANCED REVIEW MODULE

PURPOSE OF THIS REVIEW AREA

The recipient must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance without regard to whether specific projects or services are federally funded. The recipient must ensure that all transit services and related benefits are distributed in an equitable manner.

USE OF THIS MODULE

This enhanced review module (ERM) questionnaire presents recommended questions for a Title VI enhanced review. Based on the scope of the approved ERM, all or a selection of the questions of this module will be conducted. The actual questions asked and the items sampled and observations made will be determined during the scoping meeting. The Federal Transit Administration (FTA) regional civil rights officer (RCRO) and/or headquarters may ask the reviewer to develop a unique scope of work for the ERM. Additional questions may be asked and additional sampling and observations may be performed as directed by FTA. The scope, questionnaire, sampling, and observations will be subject to final review and approval by the respective regional FTA office, Office of Civil Rights, and the Office of Transit Safety and Oversight.

QUESTIONS TO BE EXAMINED

1. Has the recipient implemented the corrective actions from the final report of the Title VI review?
2. Does the recipient provide meaningful access to Limited English Proficient (LEP) persons?
3. Does the recipient provide technical assistance to ensure that subrecipients are complying with Title VI regulations?
4. Did the recipient conduct an equity analysis for any transit facilities it constructed (or plans to construct in the current Federal fiscal year) since the last Title VI program submission?
5. Do the recipient's system-wide service standards and policies address the Title VI requirements?
6. Did the recipient collect and report demographic data?

INFORMATION NEEDED FROM RECIPIENT

Pre-site Visit Request

- Documentation of outreach to LEP communities
- Documentation of technical assistance provided to subrecipients
- A copy of the recipient's operational standards and operational performance reports
- A copy of the most recent customer survey

Recipient Follow-up

- Determined based upon initial response to pre-site visit request

TVIERM1. Has the recipient implemented the corrective actions from the final report of the Title VI review?

BASIC REQUIREMENT

At the discretion of FTA, specialized compliance reviews in addition to Triennial or State Management reviews can be conducted that may cover all or a portion of a recipient's compliance with Title VI.

APPLICABILITY

All recipients of FTA funds

DETAILED EXPLANATION FOR REVIEWER

As part of its project oversight functions, FTA periodically conducts Title VI reviews of selected recipients. If a review has been conducted, confer with the FTA regional office and the FTA headquarters Subject Matter Expert (SME) on what follow-up activities are appropriate during this ERM. The reviewer may be requested to validate the implementation of corrective actions for closed deficiencies, follow up on deficiencies that remain open, or a combination of both.

INDICATORS OF COMPLIANCE

- a. *List the Title VI review conducted and the date of the final report.*

Review Response

- b. *What is the status of any corrective actions from the final report of the Title VI review(s)?*

Review Response

Corrective Action	Status

INSTRUCTIONS FOR REVIEWER

Review OTrak and information from the FTA regional office for issued reports on Title VI reviews. Obtain direction from the RCRO as to the level of follow-up to be done as a part of this review. Once directed, request and review correspondence between FTA and the recipient related to its responses submitted to address corrective actions. Compare information obtained from the regional office to the recipient responses to the Comprehensive Review to determine if the corrective actions taken are still being implemented.

POTENTIAL DEFICIENCY DETERMINATION

If there were deficiencies in the Title VI reviews that relate to baseline review questions of the Comprehensive Review, the deficiencies will be made under the appropriate deficiency code of the Comprehensive Review. If there are outstanding or ongoing Title VI review deficiencies that are beyond the scope of the baseline Comprehensive Review, confer with the FTA regional office and the FTA Office of Civil Rights to make the following deficiency.

DEFICIENCY CODE TVIERM1-1: Outstanding Title VI specialty review deficiencies

SUGGESTED CORRECTIVE ACTION: The recipient must provide the FTA Office of Civil Rights with documentation to address outstanding or ongoing specialty review deficiencies along with evidence of implementation.

GOVERNING DIRECTIVE

FTA Circular 4702.1B Chapter VIII 2. Compliance Procedures

“Title 49 CFR Section 21.11(a) requires FTA to conduct compliance reviews of its recipients. These reviews are separate from, may be in addition to a Triennial Review, State Management Review, or Planning Certification Review, and will be conducted as either a desk audit or as an on-site visit. The review may cover all or a portion of the recipient’s compliance with Title VI. Such reviews are conducted at the discretion of FTA, and the scope of a review is defined on a case-by-case basis.”

TVIERM2. Does the recipient provide meaningful access to LEP persons?

BASIC REQUIREMENT

The recipient must develop a language assistance plan sufficient to ensure meaningful access to the LEP population and to prevent the recipient from engaging in discriminatory practices based on national origin.

APPLICABILITY

All recipients of FTA funds

DETAILED EXPLANATION FOR REVIEWER

Recipients are required to ensure meaningful access to LEP persons. FTA recipients ensure meaningful access by developing and carrying out a language assistance plan (LAP) based upon the results of the Four Factor Analysis, which must include:

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

FTA recipients must use the result of the Four Factor Analysis to develop an LAP to ensure compliance with the requirement. Recipients have considerable flexibility in developing a plan, but at a minimum it must:

- Include the results of the Four Factor Analysis, with a description of the LEP population(s) served
- Describe how it provides language assistance services by language
- Describe how LEP persons are notified about the availability of language assistance
- Describe how it monitors, evaluates, and updates the LAP, and
- Describe how it trains employees to provide timely and reasonable language assistance.

The recipient’s LAP must be sufficient to ensure meaningful access and thus ensure that the recipient is not engaging in discrimination on the basis of national origin.

INDICATORS OF COMPLIANCE

- a. *Is the Four Factor Analysis completed by the recipient in accordance with the Title VI requirements?*

Review Response

- b. *Is the language assistance plan (LAP) adequately based on the Four Factor Analysis conducted and other factors?*

Review Response

- c. *What policies or procedures are in place to ensure the recipient's activities or services meet the needs of LEP persons?*

Review Response

INSTRUCTIONS FOR REVIEWER

Prior to the site visit, review the recipient's LAP, including the Four Factor Analysis, included in its Title VI Program in TrAMS. Determine if the Four Factor Analysis includes the required information for each of the four factors. Determine if the recipient used the results of the Four Factor Analysis, including the identified LEP communities, to develop appropriate language assistance services in the LAP. Review the recipient's public participation plan to determine if language assistance measures are included and adequate to ensure outreach to and participation of LEP communities. Obtain and review documentation of outreach to LEP communities, which may include translation of meeting announcements and public notices, direct outreach to organizations serving LEP communities, and procedures for providing language assistance at public meetings. Review the recipient's complaint log for any complaints based on national origin. Determine if the training procedures and frequency of training outlined in the LAP are sufficient to inform employees of the recipient's responsibilities and procedures related to providing meaningful access to LEP persons. Determine if the LAP is being implemented as detailed in the recipient's Title VI Program.

POTENTIAL DEFICIENCY DETERMINATION

The recipient is deficient if the LAP or its implementation does not adequately ensure meaningful access to LEP persons.

DEFICIENCY CODE TVI2-1: Language Assistance Plan deficiencies

SUGGESTED CORRECTIVE ACTION: The recipient must prepare and submit to the FTA RCRO a revised LAP based upon the Four Factor Analysis and DOT LEP guidance that addresses the needs of the LEP community and discourages discrimination based on national origin. When appropriate, direct the recipient to also provide a revised public participation plan and/or training plan that incorporates the language assistance measures from the LAP.

GOVERNING DIRECTIVES

FTA C. 4702.1B Chapter III.9.a Four Factor Analysis

"In order to ensure meaningful access to programs and activities, recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. A careful analysis can help a recipient determine if it communicates effectively with LEP persons and will inform language access planning. The Four Factor Analysis is an individualized assessment that balances the following four factors:

(1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. This population will be program-specific. In addition to the number or proportion of LEP persons served, the recipient's analysis should, at a minimum, identify:

- (a) How LEP persons interact with the recipient's agency;
- (b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;
- (c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and

(d) Whether LEP persons are underserved by the recipient due to language barriers.

(2) **The frequency with which LEP persons come into contact with the program.** Recipients should survey key program areas and assess major points of contact with the public, such as:

(a) Use of bus and rail service;

(b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;

(c) Participation in public meetings;

(d) Customer service interactions;

(e) Ridership surveys;

(f) Operator surveys.

(3) **The nature and importance of the program, activity, or service provided by the program to people's lives.** Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. The provision of public transportation is a vital service, especially for people without access to personal vehicles. An MPO's regional planning activities will impact every person in a region. Development of a coordinated plan to meet the specific transportation needs of seniors and people with disabilities will often also meet the needs of LEP persons. A person who is LEP may have a disability that prevents the person from using fixed route service, thus making the person eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

(4) **The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.** Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance."

FTA C. 4702.1B Chapter III.9.b Developing a Language Assistance Plan

"After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves. The DOT LEP Guidance recognizes that certain recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written plan. However, FTA has determined it is necessary to require its recipients to develop an assistance plan in order to ensure compliance. A recipient may formally request an exemption from this requirement if it believes it fits within the exception described.

Recipients have considerable flexibility in developing a Language Assistance Plan, or LAP Plan. An LAP Plan shall, at a minimum:

(a) Include the results of the Four Factor Analysis, including a description of the LEP population(s) served;

(b) Describe how the recipient provides language assistance services by language;

(c) Describe how the recipient provides notice to LEP persons about the availability of language assistance;

(d) Describe how the recipient monitors, evaluates and updates the Language Assistance Plan; and

(e) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

FTA will solely determine, at the time the recipient submits its Title VI Program or subsequent to a complaint investigation or compliance review, whether a recipient's plan is sufficient to ensure meaningful access and thus ensure the recipient is not engaging in discrimination on the basis of national origin."

TVIERM3. Does the recipient provide assistance to ensure that subrecipients are complying with Title VI regulations?

BASIC REQUIREMENT

Primary recipients are responsible for providing information, forms, and data to assist subrecipients with compliance of DOT's Title VI regulations.

APPLICABILITY

All recipients of FTA funds

DETAILED EXPLANATION FOR REVIEWER

The recipient is responsible for ensuring that all subrecipients comply with the Title VI requirements. If the subrecipients are not in compliance with all Title VI requirements, then the primary recipient is not in compliance with Title VI. Recipients are required to provide assistance to subrecipients as necessary and appropriate to meet their Title VI obligations. Recipients must communicate Title VI responsibilities to subrecipients and provide Title VI technical assistance upon request. Primary recipients should also provide information to subrecipients such as:

- Title VI related-forms including samples of the Title VI Notice to Beneficiaries and a complaint form
- Sample information and policies such as compliant procedures, a public participation plan, and language assistance procedures
- Census data on minority, Limited English Proficiency, and low-income populations
- Recipient-generated survey data, maps, or studies
- Title VI plan template

Title VI documents and information available to subrecipients should be kept in a central repository which is available to all subrecipients.

INDICATORS OF COMPLIANCE

a. *Does the recipient communicate Title VI responsibilities to its subrecipients?*

Review Response

b. *Does the recipient assist subrecipients in the development of their Title VI program?*

Review Response

c. *Does the recipient provide Title VI-specific technical assistance to help subrecipients comply with Title VI?*

Review Response

INSTRUCTIONS FOR REVIEWER

Review the recipient's Title VI Program in TrAMS for subrecipient assistance procedures and Title VI documents provided to subrecipients. Prior to the site visit, request and review the list of subrecipients. Request and review the recipient's monitoring results on subrecipient compliance to determine if any subrecipients have Title VI compliance issues or have not submitted a Title VI plan to the recipient.

Contact a sample of subrecipients to determine if the recipient has communicated Title VI responsibilities to subrecipients. Discuss with subrecipients the type of Title VI assistance that has been received from the recipient. On site, review a sample of subrecipient records to determine if Title VI information from the recipient is incorporated into subrecipient Title VI plans. Request and review the recipient's documentation of technical assistance provided to subrecipients. Determine if the recipient is following its described processes for providing subrecipient assistance to ensure compliance with Title VI.

POTENTIAL DEFICIENCY DETERMINATION

The recipient is deficient if it does not provide adequate assistance to ensure that subrecipients comply with applicable Title VI requirements.

DEFICIENCY CODE TVIERM3-1: Insufficient oversight of Title VI

SUGGESTED CORRECTIVE ACTION: The recipient must provide the FTA RCRO with a document that describes its procedures to assist subrecipients in maintaining compliance with applicable Title VI requirements. When appropriate, direct the recipient to also provide evidence of assistance such as providing subrecipients: (1) a sample Title VI notice, Title VI complaint procedures, and complaint form; (2) sample procedures for tracking and investigating Title VI complaints filed with a subrecipient; (3) demographic data on the race and English proficiency of residents served by the subrecipient; and (4) any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI.

GOVERNING DIRECTIVES

FTA Circular 4702.1B Chapter III 11. Providing Assistance to Subrecipients

"Title 49 CFR Section 21.9(b) states that if "a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part." See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT's Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient. Primary recipients should provide the following information to subrecipients; such information, forms, and data may be kept in a central repository and available for all subrecipients:

- a. Sample notices to the public informing beneficiaries of their rights under DOT's Title VI regulations, procedures on how to file a Title VI complaint, and the recipient's Title VI complaint form.
- b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when the primary recipient expects the subrecipient to notify the primary recipient of complaints received by the subrecipient.
- c. Demographic information on the race and English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.
- d. Any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI."

TVIERM4. Did the recipient conduct an equity analysis for any transit facilities it constructed (or plans to construct in the current Federal fiscal year) since the last Title VI program submission?

BASIC REQUIREMENT

A recipient is required to complete a Title VI equity analysis during the planning stages with regard to where a project is sited to ensure the location is selected without regard to race, color, or national origin. The equity analysis must include outreach and public involvement of persons potentially impacted by the siting or location decision.

APPLICABILITY

All recipients of FTA funds

DETAILED EXPLANATION FOR REVIEWER

A recipient must complete an equity analysis to ensure the nondiscriminatory siting of facilities. Applicable facilities include, but are not limited to: storage facilities, maintenance facilities, operations centers, etc. The recipient should have a process for determining the site or location of facilities and procedures for determining the necessity of performing an equity analysis. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site. The recipient's equity analysis should:

- be implemented at the planning stages of the potential project;
- require outreach to persons potentially impacted by the siting of facilities;
- allow for analyzing the impact of the facility by census tract or block group;
- describe how the recipient will determine what represents a disparate impact on the basis of race; color or national origin;
- describe how the recipient will obtain and document a justification where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin; and
- allow for assessing its effectiveness.

The procedures for evaluating potential facility locations should include an analysis of other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result.

If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and that there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both elements are met. In order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

INDICATORS OF COMPLIANCE

- a. *For any applicable sited or located facility, did the recipient conduct public outreach during the planning stage?*

Review Response

- b. *Did the evaluation of locations consider the cumulative adverse impacts of other similar facilities?*

Review Response

- c. *If the equity analysis resulted in a disparate impact based on race, color, or national origin, did the recipient have a substantial, legitimate justification for locating the project there? Were there no other alternatives with a less disparate impact?*

Review Response

INSTRUCTIONS FOR REVIEWER

Review the recipient's Title VI Program in TrAMS to determine if the recipient's equity analysis procedures met the Title VI requirements. Review the equity analysis for the facility siting, documentation of public participation, location evaluation, and other documents related to siting decisions. If there is more than one facility to which this requirement applies, review each facility. If the equity analysis resulted in a disparate impact on the basis of race, color, or national origin, determine if the recipient considered other alternatives

to mitigate the impact. If no alternatives existed that would have a less disparate impact, determine if the recipient provided a substantial legitimate justification for selecting the site.

POTENTIAL DEFICIENCY DETERMINATION

The recipient is deficient if an equity analysis was not performed or was performed but all the determination requirements have not been met. The recipient is deficient if public outreach was not conducted during the planning stage. The recipient is deficient if a disparate impact was determined as a result of the analysis and an inadequate justification was provided for the site location.

DEFICIENCY CODE TVIERM41: Failure to comply with Title VI determination of site or location of facilities requirements

SUGGESTED CORRECTIVE ACTION: For facilities that were sited after October 1, 2012 and the analysis was not completed or is determined to be inadequate based upon the criteria, consult the FTA RCRO to discuss the corrective action.

GOVERNING DIRECTIVES

FTA Circular 4702.1B Chapter III 13. Determination of Site or Location of Facilities

“Title 49 CFR Section 21.9(b)(3) states, “In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.” Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.”

TVIERM5. Do the recipient’s system-wide service standards and policies address the Title VI requirements?

BASIC REQUIREMENT

A fixed-route public transportation recipient must adopt systemwide service standards and policies to ensure that service design, service distribution, and operations practices do not result in discrimination

based on race, color, or national origin.

APPLICABILITY

All recipients of FTA funds that operate fixed-route public transportation

DETAILED EXPLANATION FOR REVIEWER

Nondiscriminatory qualitative standards must be set for each fixed-route mode of operation and must apply agency-wide rather than industry-wide. A recipient’s standards must not be different for purposes of the Title VI plan submission from the overall standards typically set by the operations staff. Because of this, coordination with the operations unit is important in standards development. Qualitative standards for each mode must be set for:

- Vehicle load
- Vehicle headway
- On-time performance
- Service availability

Recipients that operate fixed-route must also develop nondiscriminatory policies for service indicators for each mode including:

- Distribution of transit amenities
- Vehicle assignment

Recipients may develop additional service standards and policies as applicable or appropriate to the type of service they provide.

INDICATORS OF COMPLIANCE

- a. *Are the systemwide service standards provided for the Title VI plan the same as the overall standards set by the recipient’s operations department?*

Review Response

- b. *Does the methodology used to develop the system-wide service standards and policies ensure nondiscrimination of minority and LEP communities?*

Review Response

INSTRUCTIONS FOR REVIEWER

Review information from the recipient’s transit operations to verify that standards in the Title VI plan do not differ from the recipient’s overall operational standards. Interview operations personnel and review the recipient’s operational performance reports. Review the recipient’s methodology for setting systemwide standards and policies to determine if any are discriminatory on the basis of race, color, or national origin.

POTENTIAL DEFICIENCY DETERMINATION

The recipient is deficient if its Title VI systemwide service standards and policies differ from its operational standards and policies. The recipient is deficient if the system-wide service standards and policies do not adequately ensure nondiscrimination of minority and LEP communities in the provision of services and amenities.

DEFICIENCY CODE TVIERM5-1: Title VI service standards and/or policies lacking

SUGGESTED CORRECTIVE ACTION: The recipient must submit documentation to the FTA RCRO that the systemwide service standards and policies are the same as the operational standards and policies and that the standards and policies do not discriminate against minorities and LEP communities.

GOVERNING DIRECTIVES

FTA Circular 4702.1B Chapter IV 4. Requirement to Set System-Wide Service Standards and Policies

“Appendix C to 49 CFR part 21 provides in Section (3)(iii) that [no] person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.”

All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide. Fixed route modes of service include but are not limited to, local bus, express bus, commuter bus, bus rapid transit, light rail, subway, commuter rail, passenger ferry, etc. These standards and policies must address how service is distributed across the transit system, and must ensure that the manner of the distribution affords users access to these assets.

These system-wide service standards differ from any standards set by the APTA Standards Development Program and other standards development organizations (SDOs), in that they will be set by individual transit providers and will apply agency-wide rather than industry-wide.

Providers of fixed route public transportation shall also adopt system-wide service policies to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Service policies differ from service standards in that they are not necessarily based on a quantitative threshold.”

TVIERM6. Did the recipient collect and report demographic data?

BASIC REQUIREMENT

A recipient meeting the peak vehicle and population thresholds shall collect and analyze racial and ethnic data as described below in order to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.

APPLICABILITY

All recipients of FTA funds that operate fixed-route public transportation meeting the vehicles in peak service and UZA threshold

DETAILED EXPLANATION FOR REVIEWER

The recipient should have a process in place to guide the regular collection and analysis of data. Demographic maps and charts should be updated at a minimum after each decennial census. American Community Survey (ACS) data can be used between decennial censuses. Demographic maps and charts should be updated prior to proposed service reductions or eliminations. The process used should describe the type and frequency of the data collected and the types of charts and maps the recipient will produce. The procedures should include a base map of the transit provider’s service area that overlays Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities—including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings—as well as major activity centers or transit trip generators, and major streets and highways.

The demographic maps should indicate areas where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole. Demographic maps shall also depict those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.

Recipients are required to have a standard process in place to collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Surveys should be completed in regular intervals or in accordance with the recipient’s processes, such as prior to a service change. Recipients shall use this information to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders.

INDICATORS OF COMPLIANCE

- a. *Did the recipient document its process used to collect, analyze, and prepare demographic and service profile maps and charts?*

Review Response

- b. *Do the maps clearly indicate areas where the percentage of the total minority population exceeds the average minority population for the services as a whole?*

Review Response

- c. *Do the maps clearly indicate areas where the percentage of the total low-income population exceeds the average low-income population for the services as a whole?*

Review Response

- d. *Did the recipient complete surveys in regular intervals or in accordance with its processes, such as prior to a service change?*

Review Response

INSTRUCTIONS FOR REVIEWER

Review the recipient's Title VI Program, including documentation on service changes, to determine if the recipient has collected and analyzed demographic information. Determine if the recipient has prepared updated service profile maps and charts showing minority and low-income populations prior to proposed service reductions or service eliminations. Review the recipient's most recent customer survey to determine if it was conducted in the past five years and if the survey collected information on race, color, national origin, English proficiency, language spoken at home, household income, and travel patterns.

POTENTIAL DEFICIENCY DETERMINATION

The recipient is deficient if has not prepared or updated demographic and service profile maps and charts showing minority and low-income populations since the decennial census or prior to proposed service reductions or eliminations. The recipient is deficient if it has not conducted a customer survey that collects demographic information on ridership and travel patterns within five years.

DEFICIENCY CODE TVIERM6-1: Collection and reporting of demographic data lacking

SUGGESTED CORRECTIVE ACTION: The recipient must submit documentation to the FTA RCRO that it has a process to collect and analyze demographic data and that it has prepared service profile maps indicating the percentages of minority and low-income populations.

GOVERNING DIRECTIVES

FTA Circular 4702.1B Chapter IV 5. Requirement to Collect and Report Demographic Data

"In order to comply with the reporting requirements in 49 CFR Section 21.9(b), transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall collect and analyze racial and ethnic data as described below in order to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.

- a. **Demographic and Service Profile Maps and Charts.** Transit providers shall prepare demographic and service profile maps and charts after each decennial census and prior to proposed service reductions or eliminations. Transit providers may use decennial census data to develop maps and charts until the next decennial census or they may use American Community Survey (ACS) data between decennial censuses. These maps and charts will help the transit provider determine whether and to what extent transit service is available to minority populations within the transit provider's service area. These maps may be prepared using Geographic Information System (GIS) technology, although transit providers without access to GIS technology may prepare the maps in alternative formats."

- b. Demographic Ridership and Travel Patterns. Fixed route providers of public transportation that meet the threshold in the Introduction section of this chapter shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders. Demographic information shall also be collected on fare usage by fare type amongst minority users and low-income users, in order to assist with fare equity analyses. The demographic information shall be displayed in tabular format.

The information required in this subparagraph may be integrated into passenger surveys employed by transit providers on a schedule determined by the transit provider but no less than every five years and may be collected at the time that such surveys are routinely performed, such as customer satisfaction surveys and origin and destination surveys used to update travel demand models.”